

CONSTITUTION OF KENYA REVIEW COMMISSION

(CKRC)

VERBATIM REPORT OF

**PUBLIC HEARINGS FUNYULA CONSTITUENCY HELD AT
MOODY AWORI PRIMARY**

ON

31ST JULY 2002

Present

1. Com Prof. Wanjiku Kabira
2. Com. Alice Yano

Secretariat in attendance

1. Millicent Achieng' - Program Officer
2. Elisha Ongoya - Assistant Program Officer
3. Regina Obara - Verbatim Recorder
4. Timothy Wesonga - District Coordinator

The meeting was called to order at 10. a.m with Alice Yano in the chair.

Sr. Agnes Maulo: *Let us bow down and pray.* In the name of the Father and of the Son and of the Holy Spirit Amen.

Father we thank you for this moment, we thank you for our visitors, for the laws of Kenya, we thank you for all those who have come here with different ideas to give, and views to bring forth; for the benefit and betterment of our country Kenya. Lord we pray that all this views may be recorded down and, all this views may enable our country to look ahead and better the economic status especially of this country. We make this prayer in the name of Jesus Christ our Lord, Amen.

Timothy Wesonga: Tutulie, ninafikiria kwa sababu leo ni siku yenu mimi nimekuwa hapa mara mingi na nimeongea, nitapeana microphone kwa Commissioners directly, ndio tuendeleo kwa haraka kidogo; kwa sababu tuko nyuma na ninajua watu wa Funyula wako tayari. Commissioner Yano tafadhali.

Com Yano: Hamjamboni nyote? Leo ni siku kuu yetu na haswa kwa watu wa upande huu wa Funyula, kwa sababu leo ni siku ya kupatiana maoni yenu kwa wana Tume wa kurekebisha Katiba. Muheshimiwa Moody Awori, Bwana D.O, viongozi wetu wote, mabibi na mabwana na vijana wetu, leo ningetaka kuwambieni ni siku yenu, na sio siku yetu. Siku yetu ni kuchukua maoni yenu. Ningetaka kuwajulisha wale wenye tumekuja nao kuchukua maoni yenu, tuko na Professor Wanjiku Kabira, na pia tungekuwa na Professor Okoth Ogendo lakini kulitokea maneno kidogo kule Nairobi na jana akaitwa akashugulikie hayo maneno ya Tume. Mimi mwenyewe ninaitwa Bi Alice Yano, pia mimi ni mwana tume. Tuko na wale wenye tunasaidiana na hawa kazi hii, tuko na Program Officer wetu, Millicent Achieng', tuko na Assistant Program Officer, Elisha Ongoya, na pia tuko na Verbatim Recorder wetu Regina Obara. Pengine pia ningetaka bwana coordinator awajulishe wale wenye wamefanya kazi na hawa, wale wenye tumetuma hapa kutoka Tume ili waje wafanye kazi ya kuwajulisheni wananchi ni nini mungetakikana kupatiana, ama ni maneno gani mungetakikana mpatie Tume, ili kurekebisha Katiba. Tafadhali bwana coordinator.

Timothy Wesonga: Asante sana madam Commissioner. Vile mnavyojua tumekuwana na kamati na CEPs. Tafadhali ningependa tu kwa sababu ya wakati nianze na Civic Education Providers kwa kusimama tu; so that we recognize the presence of civic education providers in Funyula Constituency. Tafadhali tusimame. Asante sana kwa sababu ya wakati tuta... if we get more

time tutafanya introduction baadaye. Ningependa kuenda kwa Constituency Committee, tafadhali tusimame. Ninajua tutakuwa na wakati lakini nitaanza kwanza . Nikianza mkono wa kulia, Mr. Okoda Machio is a CCC member for Funyula, na kuna madam Salome Wamalwa, ni mama wetu hapa ametusaidia sana. Madam Irene Bandera, Chairman wa Funyula County Council ambaye alikuwa pia member wa CCC ametusaidia sana, we have been using his office here Mr. Magonda has been helpful to us. Then I will go to my extreme left, secretary wa kamati hiyo, madam and representative of the Youth Mrs. Judy Odenda. Then I have intentionally left behind the chairman Mr. Justice Achoka, he has been helpful, ametusaidia sana hapa na nafikiria tumeendelea vizuri. Kwa sababu ya wakati na fikiria sitaongea mengi na, I was forgetting an important CCC member. Mheshimiwa is part of that committee na vizuri I must mention, he has helped us in various ways even in lending us with a P.A system kufanya announcements Commissioners wakikuja. Sasa kwa sababu ya wakati tafadhali nichukue huu muda nirudishie Commissioner Yano.

Com Yano: Asante sana bwana coordinator na imeonekana roles za Mheshimiwa ni nyingi sana, na bado ningetaka pia kukupatia nafasi hii ili kwa sababu leo tuko kwako utukaribishe halafu tuendelee na program yetu. Mheshimiwa karibu.

Hon Moody Awori: Commissioners Yano na Professor Kabira, wanakamati wa CCC, Wananchi wote kwa jumla hamjambo. Mimi nachukua tu nafasi hii fupi kukaribisha wageni wetu ambao wamekuja kusikiliza maoni yetu, na ningetaka wajisikie wako nyumbani, nitajaribu kufanya kazi yao iwe rahisi kwa kuendesha mambo haraka haraka kwa sababu wengi wetu tuna haja sana kazi yao imalizike, ili Mungu akipenda tukienda kwa uchaguzi unaokuja tuende kwa uchaguzi tukiwa na Katiba mpya. Sasa kwa hayo machache ninawakaribisha wageni wetu.

Com Yano: Asante sana Mheshimiwa. Sasa ninaendelea kwa kusema ya kuwa hiki ni kikao cha Tume, kikao rasmi cha Tume cha kurekebisha Katiba. Kuna masharti ama taratibu tutakazofuata wakati tutakapo chukua maoni yenu.

Ya kwanza ni ya kuwa hakikisha umejiandikisha. Hii ni jambo la historia na tungetaka kila mtu mwenye ako hapa leo ajiandikishe, kama unapatiana maoni ama kama hupatiani maoni.

Ya pili ni lugha ile utakalo tumia ukipatia sisi maoni yenu. Tuko na lugha ya Kimombo ama Kingereza, tuko na lugha ya Kiswahili na pia unakubaliwa kutumia lugha lile wewe mwenyewe unalo elewa. Tutapata watu wakutafsiri ili watuambie ni nini wewe ungetaka kutupatia kama maoni yako. Na pia ukipatiwa nafasi ya kupatiana maoni, kuna mara tatu yenye unaweza kutumia. Ya kwanza ni kama uko na memorandum ama nakili, ukiwa na memorandum waweza kuchagua kutupa hiyo memorandum yako ama hiyo nakili yako bila kuongea, utatupatia na ujiandikishe. Ya pili, waweza kuwa na hiyo memorandum ama hiyo nakili yako lakini ungetaka kuyaguzia pengine maneno yenye wewe mwenyewe kwa roho yako unafikiria ungetaka sisi tuyasikie hapa hapa. Hiyo tutakupatia dakika tano na pia tunaelewa ya kuwa kuna wale wenzetu hawajaandika maneno hayo kwa karatasi ama kitabu, waweza kutuambia hayo maneno na tutakupatia dakika kumi ama kutoka dakika tano mpaka kumi utuelezee hayo maneno yote. Pia kazi yetu hii tunayofanya ni kazi ya maana sana na kwa hivyo Sheria yetu inatuelezea ya kuwa

lazima tuwaambieni hakuna hofu yeyote ukipatiana maoni yako. Hapana ogopa bwana chifu eti ukishaongea bwana chifu atakasirika na wewe ama bwana DO ama MP wako, uko na uhuru kusema hayo maneno yote yenye iko ubongoni mwako ama rohoni mwako; ila tu ili tuzuie uzozano ama chuki kama uko na jambo lolote la kuhusu tuseme nikiwapatia mfano pengine ofisi ya chifu, ningependelea sana kama ungesema kwa mfano, tungetaka chifu apigiwe kura lakini si kusema chifu wangu Wanjala ningetaka aondolewe hiyo hatuwezi kukubali, hiyo italeta mzozo isio mzuri. Ongea maneno ya ofisi lakini sio ya watu binafsi. Pia tuna wahakikishia ya kuwa tutachukua maoni yenu, tutaketi hapa mpaka yule wa mwisho akishatupatia maoni yake ndio tutafunga kazi yetu na kuelekea.

Pia tuko na list ama orodha ambayo tutafuata, nafikiria wenye mumejiandikisha mliandika na mka-sign, tutafuata hiyo list very strictly hakuna rigging. Nafikiria maneno ya kutengeneza Katiba jambo la kwanza ni kuhakikisha ya kuwa rigging imeondolewa na kutupiliwa mbali, ila tu pengine tukiwa na watoto wa shule wangetaka kutupatia maoni yao warudi madarasani nafikiria nyinyi nyote mtaelewa hayo. Waalimu, madaktari na pengine pia Mheshimiwa akitaka kupatiana maoni yake ili aende akashugulikie maneno mengine.

Ukipatiwa nafasi ya kupatiana maoni yako, si vile utakuja kuketi hapa na utuambie shida kwa shida, tuko na shida hii, tuko na shida hii. Ukipatiana useme tuko na shida ya elimu, lazima utupatie jawabu, tiba iko kwako, tumeelewana hapo? ukisema hatuna elimu ya kutosha ama elimu iko ghali sana wewe mwenyewe ndio utatuambia ni nini ungetaka ifanyike kwa hiyo kazi ya elimu, pengine ungetaka elimu iwe free. Sasa tiba iko kwenu, mtatuambia hii ni shida na hii ni tiba. Halafu pia nilianza kusema leo ni siku ya uhuru kwa kila mtu, you are entitled to your own views. Ukija hapa ukipatiana maoni yako hakuna mtu anaye ruhusiwa kukupigia kelele ama kuleta mzozo wowote. Uko na uhuru wa kupatiana maoni yako, na kama mwenyewe umeketi huko na unasikia unapinga hayo maoni ya mwenzako tafadhali mpe muda wake, ikifika wakati wako uje hapa ulete pingamizi zako na useme maneno yako, tumeelewana hapo. Hiyo inamaanisha ya kuwa we have to respect each others views.

Ya mwisho ni ya kuwa makelele, tunafanya recording nimewaambiwa tuko na recorder wetu hapa, na ninafikiria mumeona chombo cha ku-record hapa na ninafikiria mumeiona hapo hivi. Ukipiga kelele nafikiria wengine wenu mnaelewa ya kuwa ukipiga kelele pia recorder inachukua hiyo kelele. Ikifika wakati sisi sasa tumekaa kwa tume tunataka kusikia maneno yenu, Funyula itakuwa tu kelele, na kelele haitatengeneza Katiba, so tafadhali mnatulia. Kama kuna jambo mwenzako amesema na umependa piga makofi na utulie, ili aendelee na hayo maneno yake. Ukipatiwa nafasi, keti hapa uanzie na jina lako, tumeelewana hapo nimeambia nyinyi hii ni jambo la historia na tungetaka kama unaitwa Samson Wanjala unakuja hapa na kusema mimi ni Samson Wanjala halafu unaendelea kutupatia maoni yenu. Na kama tumeelewana kwa hayo masharti yote, nafikiria tungeanza sasa kuchukua maoni yenu. Kuna swali yoyote? Asanteni sana. Na vile niliwaambia hakuna rigging nitaanza na Gilbert Ogoma Owiya. Gilbert Karibu.

Gilbert Ogoma Owiya: My name is Gilbert Ogomo Owiya. This is an individual memorandum, which is for the Commission. My first point is Judiciary, during colonial times. We had African courts which were catering for traditional matters. After

independence these courts were abolished and replaced by district magistrates courts headed by lay magistrates. It is from there that some cases were avoided such as payment of dowry, eloping, and other domestic matters. Now we have residents magistrates courts, headed by professional magistrates which are not entertaining some of these cases. Therefore there is need for a court to deal with such traditional matters.

Another chapter is culture, ethics and regional diversity and communal rights that is page 19 on the red book. Western civilization has affected our culture very much. We as Africans must live according to our culture dropping bad ones and retaining good ones according to the development of our country. In this country we have 40 tribes with different cultures and traditions. Only Muslims were lucky to maintain their Kadhi's court which has maintained their traditions.

Marriages; marriage system in these country is not good. in the past the most important thing was to get consent from the parents. The boy and the girl used to meet and agree on proposal for marriage and involved the parents and then pay dowry according to traditions. This used to vary from tribe to tribe, this is not the case now, I therefore recommend that when the marriages take place the parties concerned must be fully involved. After the parties have agreed, they should seek consent of marriage from the courts after convincing the court that everything is in order, the court can issue a consent and write to the church minister of the party's choice. On receipt of the consent the church minister will act accordingly. We have heard occasions where weddings have been conducted secretly without the knowledge of the people concerned. Marriages officiated by district Commissioners and registrars must be abolished.

Parents are protected by the bible, that is the fifth commandment, but some children are not helping their parents even if they are in a position to. If I have a court of that nature, the parents can seek redress from them. Things like eloping is just too common nowadays, but there is no law that can handle such cases and if it is there it is dormant.

AIDS; AIDS is a killer and whoever infects the other should be taken to court. The current civil courts are basically dealing with debts, compensations yet they are very busy. If we can have a court dealing with traditional matters at district level, then many people will have access to the court and settle their trivial disputes amicably. Chokoraas are increasing because of eloping, premature separation and some carelessness among the boys and girls. Parents are forced to look after children born out of wedlock with their major income. Thank you very much.

Com Yano: Thank you very much, kindly now go there are register yourself. Sister Agnes Maulo. Sister karibu.

Sr. Agnes Maulo: My names are Sister Agnes Maulo from Nangina Girls Primary School. I have a memorandum in three sections, I am presenting the head teachers memorandum for Funyula, there is a teacher with me who will present the teachers views and I have children with me who are presenting the children's views. So I will begin off with mine.

I have two points to make, that is on free education in Kenya at primary level. Now if we have to meet education for all; then the above statement must be implemented. The government must be given their role to play in education sector and the parents their roles too. It should, education should not be termed free without proper budgeting and proper looking at how we are going to meet the academic requirements in our schools. The government should work out specifically what is required, the needs of each school and see how to get the cash required before talking about free education, because teachers cannot teach without proper physical facilities and learning resources. We feel a girls government school like that of Starehe to be set up, to cater for the needy girl child education.

Bursaries and scholarship; these should be given to all the needy children both at primary level and secondary level. A panel be set up to identify the needy cases only. The orphaned children especially those orphaned due to AIDS, be offered bursaries to further their education. Seminars be mounted from village level to school level to curb these greatest hazard in our country. AIDS patients be looked after through AIDS donations from NGOs and government sectors or donors. Any AIDS patients who tries to spread the AIDS intentionally, and is proved guilty must be charged of murder. Bursaries must be mandatory to all orphaned, poor and those from arid areas. Children born of out of wedlock must be cared for by both their parents, any who may neglect to do so, should be charged for being irresponsible.

Children's rights be clearly stated in the Constitution and be taught to all our children, since non of us chooses where to be born, all must try to help no matter how poor she or he may be. A law be set up about street children and all these street children be taken to schools.

Elections; the president should not necessarily be an MP, for he represents the nation and not allocation where he is elected.

Ministerial posts be debated upon and people be elected according to their academic and professional qualification. Administrative posts like the PC, the DC, the Chiefs, the Sub Chiefs and even elders be advertised and an interview conducted to avoid giving to friends or tribesmen. All sections be given basing on ones academic and professional standards and not how much you know one.

The incoming president be a married woman or man to keep sober always. See the case of Clinton where his wife saved him from embarrassing case on the rape for where behind a successful man there is always a woman. Then we should avoid public announcements that may not be practical. Thank you.

Com Yano: Sister, there is a question please wait.

Com Prof. Kabira: Sister thank you very much. I want to take the opportunity since I have not had many religious women presenting, to ask you whether you have thought about women's rights within the church.

Sr. Agnes Maulo: I have thought about it although I have not written it and I can say what I think about it now. The women's rights in the church, you said. I felt that the women should be given their rights just like the men are, and I think like in the Catholic church, the women are given their rights because we are a recognized group, since we help the clergy to execute their Christianity amongst the race of the Christians we serve.

Com Prof. Kabira: What about sisters becoming priests?

Sr. Agnes Maulo: I feel that should not be in the right position because, we have our own roles to play as ladies and the priests also have their own roles to play as the priest in the church. Now it will be wrong for us to think about in the Catholic church basically to think about women becoming priests. Maybe we will have to go back to the bible and what it states. From the bible we get Jesus choosing the apostles, the twelve apostles and all of them were men. So we are basing on that and we are saying let the apostles be men and the helpers be women.

Com Prof. Kabira: Thank you, what about general women leadership, participation of women in leadership positions in the secular world not in the church.

Sr. Agnes Maulo: I feel all jobs should be given equally, and I think my children have a lot to say on that so I thought I leave it as that. Maybe if you listen to them you will get it.

Com. Yano: Thank you very much Sr. Agnes we appreciate your views. Mr. Munyolo Ndombi. Ndombi, karibu.

Munyolo Ndombi: I am Mr. Munyolo Ndombi from Nangina Girls Boarding Primary. With me I have the proposals of teachers. I am going to talk about the type of governance I would like to have in our present Kenya. Now we are proposing that in the new Constitution we have a unitary type of government headed by the president. The president should be subject to the laws of the land, so we should not have a president who is above the law. The president should not be a member of parliament and in case one vies for the presidency and loses he should not vie to be a member of parliament. Once he vies for president and loses, he goes to rest in his home.

The president should be given Constitutional rights to appoint the following:-

- (1) The cabinet
- (2) The ambassadors
- (3) The parastatals heads
- (4) Other personnel.

The above appointees should be subjected to parliamentary scrutiny and vetting for approval. So we don't want to have a case where someone appoints and then that is all.

The new Constitution should ensure that the president of this country is:-

- (1) A mature married person, just as sister has said, not leaving in separation with his wife. One could be married but they are leaving in separation.
- (2) Literate enough.
- (3) The president of this country should be one who is not imposed on people, but people should have a right to choose.
- (4) A nationalist and not a tribalist.

The provincial Administration:- We propose that it should be retained as it is now in the new Constitution, but these officers to be appointed must have undergone administrative training and they should be married. The village elders should be recognized in the new Constitution and also be paid a salary.

In the new Constitution the Chief Justice and Judges should be appointed by the parliament and not the president. In addition the government of the day should not at any cost interfere with the judiciary arm.

In the new Constitution the parliament should not at any given time try to amend a section of the law without or before consulting the citizens.

In the new Constitution if the government of the day is unable to control or provide:-

- (1) Economic depression and poverty
- (2) Education to it's citizens
- (3) Diseases
- (4) Unemployment

Then the electorate should be given power to sack the government through opinion poll. In the new Constitution the parliament should be given more powers above those of the president i.e. in matters concerning or related to:-

- (1) Security of the nation.
- (2) Economic problems affecting the country,
- (3) Corruption
- (4) National allocation of resources

The new Constitution should enable all citizens to get a copy of the Constitution, unlike today we are talking of what we have never seen, because may be they feel the government fails if their citizens are aware of what governs them, they might not govern them well or properly. The Constitution of Kenya should be taught in Kenya as a subject in schools so that every child, every citizen is a ware so that they are not charged of ignorance.

That the face of the founder president of this nation Mzee Jomo Kenyatta be used on our monetary units since it will carry more sense.

On education sector we have the following, the new Constitution should ensure that any person appointed to be a minister of education must be a trained teacher by profession; and should have taught at least for ten years in any learning institution. This will address educational matters wisely unlike people being appointed who are supposed to may be to head a Defense Ministry being brought to education. The educational sector should be independent from the political leaders and the government. This should be run by professionals and academicians. This will help to minimize: -

- (1) Uncalled for curriculum changes
- (2) Political interference
- (3) Uncalled for policies that cannot be easily be implemented.

In the new Constitution the system of education in Kenya we propose should be 7 years in primary, 4 years from form one to form four, then we propose to bring back the form five and six and then three years in university, instead of four to help overloading the learners. The government should train, employ and post teachers to public schools. The government should not abscond its duties to BOGs or district education boards to encourage corruption.

Com Yano: Your time is up please wind up.

Munyolo Ndombi: I am just finishing. Thank you very much for listening I hope the rest I have written you will read. Thank you very much.

Com Yano: Thank you very much, once you have a memorandum we assure you that we are going to read everything that it is in that memorandum, Osiako, karibu.

John Osiako Mtichiro: My names are John Osiako Mutichiro. I am going to present my individual views. Actually I have written a memorandum and I would, in our Constitution to have a preamble. In the preamble we expect the following:-

- (1) We should have a national vision to improve the living standards of Kenyans
- (2) Improve the economy of the country.
- (3) Improve the education standards by offering free education.
- (4) Create job opportunities for the jobless.
- (5) Stop any kind of crime e.g. tribal clashes, robbery with violence, corruption and no military coups.
- (6) We should also have common experiences as Kenyans in the preamble.
 - (a) To maintain our culture, this one should be done by having an active ministry of Culture and Social Services and

not something like a ministry of Culture and Social Services.

- (b) All the tribes in Kenya should be treated equally, no minority no majority. Kenyans should be the first to be considered for any kind of jobs, like the jobs, that is present we expected one of the professors to take it.
- (c) The government should reduce the cost of fees in tertiary institutions which is very expensive. No appointments of jobs on tribal lines, the army should have equal number of tribes in Kenya during recruitments; this applies to all forces. N/B no tribe should give more than a quarter of the armed forces.

We go to Constitutional Supremacy; for the parliament to amend any part of the Constitution it must have 90% of the majority in the house. The part of the Constitution beyond the parliament to be brought down to the people and a referendum be exercised, not them just slipping in things to favour themselves. Then the third part, the republic will be involved in the referendum when we have a stalemate in the parliament, sensitive issues like the one we have at hand. So the Electoral Commission of Kenya should be used to conduct a referendum.

Citizenship: parents and children born in Kenya, those who have Kenyan clan backgrounds, should automatically become citizens. Spouses of Kenyan citizens should be entitled to automatic citizenship the moment marriage certificate is obtained, that is from the government. No dual citizenship whereby one is a Kenyan citizen and an American citizen. Kenyans to carry the following documents, as evidence of citizenship, and this one is a passport. We want Kenyans to own passports and not ID cards. The ID card was introduced by the colonials because they new they will finish us with that.

For one to go to Uganda you must go to Kisumu to obtain a passport, and to get a passport so many things must prevail. We want it to be brought to the divisional level. The chief knows me, the assistant chief knows me, so I will get it easily other than going to the Nairobi.

Defense and National Security; this ones should be established by the Constitution. They should be disciplined by the law court if they mess, be suspended and interdicted. President must be the Commander in Chief of the Armed Forces. The executive should have the powers to declare war, but through the Kenyan parliament. The police should go for a training of one year and not six months, and those in service to attend refresher courses organized by the government to:-

- (1) Identify handling of criminals and their rights.
- (2) A person should not take 24 hours in the police cells, and I say 24 hours because of the weekend.
- (3) The Police stations should not be used as courts to solve cases.

Political Parties; they should promote unity, they should be free and be three parties only. The three parties should be with the majority seats in the parliament, must be financed by the government. We register unnecessary parties especially parties of individuals.

Structure and system of government, presidential system is the best. No ceremonial president, all; affairs should be controlled by the government. Provincial administrators should be elected by people or replaced by local authority.

Legislature:

Com Yano: Wind up please.

John Osiako Mtichiro: I wind up? Fine you will read other things but I must wind up with the following. The executive whereby; -the powers of the president must be reduced. The president should not be allowed to appoint anybody for anything alone, this should be done in parliament.

The Electoral Commission should conduct election always and the parliament is above the law not the president. Thank you.

Com Yano: Thank you very much. Now can we have the pupils presenting.

Winnie Nangila: I am Winnie Nangila from St. Catherine Nangina Girls. I am 13 and I am in class seven. I am going to talk about pregnancy. In case of any pregnancy when the girl is still at school, the following should take place; the girl should be sent home for delivery and then allowed to go back to school, as the baby is being taken care of. The girl should also be given a harsh punishment so that she cannot repeat the same. In case a teacher is responsible with the consent or not, should be charged in court of law and his salary attached to be given to the girl for the baby's up keep. The above teacher should be jailed for one year and nine months, once it has been found that he did the act. Thank you.

Com Yano: Thank you very much. There is a question for you.

Com Prof. Kabira: Thank you very much Nangila Winnie for your views. What about if the father of the child is not a teacher?

Winnie Nangila: If he works he is supposed to go to prison then he comes out of prison his salary is supposed to be taken to the mother of the child for the raising of the baby.

Com Yano: Thank you very much. Can you give us your full names and your school and the standard you are in and your age.

Lydia Oyaro: I am Lydia Oyaro from Nangina Girls Primary School. I am 12 years in class seven. I would like to talk about rape. Women first of all should dress in a decent manner, not dresses or skirts that arouse ones feelings. In case any female does that and she is raped, she should be charged in a court of law and pay a fine or jail term of not more than one year or both. In case of one raping but he is not spreading STDs, the following should be done:- if tested and not found to have STDs but established to have done the same should be jailed for five years both men and female with 15 strokes of the cane and compensate the affected person.

For those raping with an intention of spreading STDs or HIV/AIDS should be treated as murderers and once evidence is proved beyond doubt in a court of law the victim should be hanged.

The reproductive organ should be chopped off. The rapist should be beaten in public.

Abortion; Abortion is not and should not be allowed under normal circumstances. May be legalized in case you have incest and conceived or have been raped. In case of an abortion the girl and anybody who might have assisted her should be charged in a court of law and if it is established beyond doubt, both should be hanged. Any doctor found doing that should be sacked. In case he has a clinic he should release the license. He should be later on charged in the court of law. Thank you.

Com Yano: A moment Lydia, thank you, there is a question for you.

Com Prof. Wanjiku: Lydia, you are saying a woman who is raped because she was wearing dresses which are indecent should also be taken to court and jailed, are you not punishing her twice?

Com Yano: Thank you very much Lydia, respond to that.

Lydia Oyaro: Because she is the one who aroused the man to rape her.

Com Yano: Lydia we wish you the best we hope that one-day you become a judge. Thank you.

Pauline Osogo: My name is Pauline Osogo from St. Catherine Nangina Girls, I am 12 years in class six. I would like to about gender balance. Both boys and girls should be taken to school. Take care of parents in future and avoid depending on others, example wives depending on husbands. Educate all for fairness and competent in jobs so that they can get equal chances according to their abilities.

Bursaries; bursaries should also be extended to the needy people in primary schools and not only secondary. A parent who is able and the child is awarded a bursary should be fined a sum of two hundred thousand shillings and a jail term of two years for stealing from the government. The head teacher of the same school should be charged for the sum of two hundred thousand and sacked to serve as an example to the rest of the similar characters. The names of the pupils awarded bursaries should be made public. Uses of bursaries in primary schools. Cater for the orphans school fees, buy uniform for both orphans and the poor. Organize for lunch schemes in schools, especially to the poor who cannot afford to have all the meals. Purchase learning resources such as books, pens, pencils, rulers, sets and any others needed by the teachers.

Scholarships; it is our wish that if the government receives some scholarships, they should be given to various provinces in the country such that the student who have led in various provinces should have a chance. Not only the big fishes in the country.

Thank you.

Com Yano: Thank you very much. Kindly register yourself Pauline. The next one.

Lucy Taka: I am Lucy Taka from Nangina Girls Boarding Primary School; I am 13 years old in standard seven. I will start off with girl child education. All parents should be able to offer equal opportunities for both girls and boys. In case of paying school fees, the parents salaries should be attached if he is a working class, if not should be able to do as expected. There should be free education to all the children so as to cater for the girls who are left out because of lack of funds.

Corporal punishment; Corporal punishment should be reviewed in our schools for maintenance of discipline, but the teachers should make the pupil understand why she/he is being punished. A pupil should choose the appropriate part of the body for the punishment to be administered. In case a pupil does not show any positive change, suspension should be administered for not less than two weeks to serve as an example. Thank you.

Com Prof. Wanjiku: What do you think are the appropriate parts of the body that the teacher should use for disciplining the girl and the boy?

Lucy Taka: For both boys and girls it should be the buttocks.

Com Yano: Thank you very much Lucy Taka. Are we through with the student and the pupils, anybody else? You are through? Thank you very much and I will take this opportunity to welcome honourable....oh! Karibu. Tell us your school and the class your are in your age.

Obukwa Mercy: My names Obukwa Mercy, I am in standard seven and I am ten years. My first point is about education; it should be free and compulsory. Girls should be protected against all forms of abuse. University education should be free and equal opportunities should be given to both boys and girls.

Penalty; parents failing to take their children to school should be attached to their salaries or jailed for a period of three months.

Child labour; children should not be forced to work in factories and on plantations. Children labour should be abolished.

Penalty; people employing children should be fined up to 50,000 thousand shillings, or jailed for six months.

Children's rights; the new Constitution should protect the children against all forms of abuse.

Pregnancy; girls should not be punished for being pregnant; they should be given another chance in school. Those impregnating

schoolgirls should be sacked or imprisoned.

Rape; all rapist should be jailed for 14 years or castrated.

Corporal punishment in schools; the wrong doers should be punished but with care, suspension, expelling or caining.

Leaders; they should be people at least with some level of education. councillors or MPs should have at least form four education. The president should have at least a university degree. Poor children should be given a bursary to enable them continue with education. The government should offer free medical services to all Kenyan children. Thank you all for listening to me.

Com Prof. Kabira: What do you mean by girls and boys should have equal opportunities, can you explain a little?

Mercy Obukwa: Because sometimes girls are looked down upon because some of the chances, boys are given to go to school and girls to remain at home.

Com. Prof. Kabira: You said that those who employ, child labour should be abolished. What about if the parents themselves are poor.

Mercy Obukwa: If they are poor, they can find a way of taking them to school for example they can work for somebody else like going to the shamba. They can do every job just like fetching water, not just carrying heavy bottles of water.

Com Yano: Thank you very much that was a very good presentation Mercy. Any other student? Please come in. Give us your full names, your class and the school.

Erick Oweri Mudeny: I am Mudeny Erick from Moody Awori Primary school I am 12 years and in standard seven. My first point is about education; education should be free and compulsory to all men and children. Anybody who fails to take children to school(i) working parents their salaries should be attached. (ii) Jail term of three months. University education should be free.

Child labour; all children under going education should not be employed.

Penalty for those employing children (i) Fine over 30 thousand (ii) jail term of six months.

Children should be protected from every form of abuse. Those found violating the children rights should be punished. Punishment is according to the nature of abuse.

Girl Children pregnancy; any person impregnating a schoolgirl should be punished. (i) Teachers impregnating schoolgirl should be sacked after he has been proved guilty. Others e.g. policemen, civil servants should be sacked, fined or jailed whichever is appropriate. Rape, rapist should be given severe punishment e.g. 14 years in jail or castrated.

Leaders; all leaders in public offices must be people of integrity and morally upright. They should have some level of education, e.g. councillors, MPs. At least they should have form four education. President should have at least a university degree. Thank you.

Com Prof. Kabira: Thank you for your presentation and I want to ask you, can you tell me what are two of the rights of the children. You said the rights of the children should be protected. What are those rights, give an example maybe one or two.

Erick Oweri Mudeny: They should be going to school always and they should not be taken as maids.

Com Yano: Thank you very much for those presentations. Kuna watoto wa shule wengine, teachers because I want to finish with you so that I can give to Mheshimiwa halafu tuendelee na tafadhalini mje haraka.

Karanja Lucy: My names are Karanja Lucy from Nangina Girls High School in form three at the age of 17. I want to talk about gender equality, gender equality should be observed by parents, e.g. women or we girls should be given an opportunity of inheriting land in that you find in most families they consider boys more than girls, taking even at school you find that boys, if in a family of three children you find that the parents will consider the boys first going to school then you will be the next one if the fees is not there you will have to stay at home.

Free formal education should be granted to children thus avoiding idleness and crowding of children in streets. Charitable services should be offered to those unable to provide for themselves, thus avoiding crimes such as theft. You find in a center or a town, in that town you at least find 5% or 10% of thieves that they go on robbing people's property and leaving them to be poor. Thank you.

Com Prof. Kabira: Karanja, on the issue of inheritance of property by girls, what do you think about the girls who get married? Should they inherit from both their father and their husbands?

Karanja Lucy: This is normal because we also girls, yes we go to get married but after getting married, let us say for example a parent gets a problem coming to call the girl, the girl is married yes, and then she is in the family, the parents will call upon the husband to offer at least a cow to slaughter a cow for the ceremony to be taken. So we also need to inherit this land so that in future when they come they also get something from us.

Brenda Khahima: My names are Khahima Brenda I am in form three, I am 17 years old from Moi Girls High School Nangina. My first point, carnal education; adults who make love affairs to girls should stop because the girls get engaged in such affairs and they forget about school and then when they come to school they just think about their sugar daddies instead of learning.

The government should consider gradaunds from universities. You find that in some offices, you find a man or a lady who is not married and has got no qualities to secure a certain job in an office and then a graduand is busy outside selling bananas or something of the sort and yet they went to school so that they can be able to get better jobs.

Career subjects; students entering in secondary schools should be allowed to choose subjects according to their careers, so that they can create a better environment and be able to know more about their careers, instead of choosing subjects which will not help them in future.

Roads; I will ask the government to consider also in rural areas so that the roads in rural areas can be constructed as it is in urban areas.

Free education; free education should be given to children so that they can stop roaming around. Examples are the street children. In case in this country there could be free education, there could be no street children in the country and also these things of thuggery, there could be no thugs in the country because the thugs could have gone to school and then they could have got a better education and then got jobs. That is all.

Com Prof. Kabira: At the begining you said that the adults who sleep with young girls should stop. Is it enough to say they should stop? What should be done to them if they do not stop?

Brenda Khahima: Adults who want to make love affairs to girls should stop in that in case you are found you should be jailed and charged because you are molesting that girl, and yet she is supposed to be in school.

Com Yano: Thank you Brenda, kindly register yourself. Now waalimu karibuni.

Mrs. Asumpta Nyakundi: My names are Mrs. Asumpta Nyakundi I am the principal of Moi girls Nangina. These are my views.

The rights of a child; all children should be given the right to education and especially the girl child. In the new Constitution the girl child should also be given a right to education, we should not have a situation where priority is given to the boy child where a parent has less money. If our chiefs go around and find these children at home, I think the parent should be taken to court and

charged for not taking the girl to school.

Secondly; because these children don't know their rights, I feel in the new Constitution we should introduce in the curriculum the rights of a child; so that as we teach them we also teach them their rights so that even then they are in a position to defend themselves the way we are doing with AIDs; we are incorporating it in the curriculum today.

Another point is the rights of women, women should be given the right to inherit land and just like their male counterparts, and they should also be given a right to actually choose the fate of their lives, for example when it comes to wife inheritance. Women should not be dictated just to be inherited by a man after the husband has died. They should be given the right to choose their life after losing a spouse. This wife inheritance should completely stop.

My other point is on education, general education of a child; every child has a right to education. I feel this should not just be theory, it should be practice. In our new Constitution we should set up a system where every child literally goes to school not just to say. We normally say and these children stay at home and the success of the country is actually education of these children because they are the future leaders .So somewhere our Constitution should be such that all children goes to school and in that connection education should be completely free for primary and in secondary. The government has to subsidies on bursary. It has to increase the vote head it is giving for education so that the needy children can have a chance to go to school.

Another point is on marriages; the girl child should not be forced to marry just because the father wants dowry or the mother. This child should be given a chance to choose a spouse.

Job opportunities; there should be equal rights for men and women as far as jobs are concerned. Women should not be discriminated for some jobs especially like high administrative posts; even women should be given that. I strongly recommend to the committee that if the president to come will be a man, then the vice president should be a woman or vice verse.

We should not have a Constitution where certain jobs are just put aside for women looking at women as the weaker sex. For example being a secretary is not just meant for a woman even men should be secretaries in the office. Bar attendants, nurses, this should not be jobs left for women.

Child labour should be completely be abolished, they should only employ those children who are of age even house helps.

Rape case should be dealt with severely, and in case we have these case in court, I recommend that the magistrate and the judges be women where a woman has been raped and more so where a minor has been defiled then even this victim to be murdered.

Lastly, I strongly recommend that polygamy should be abolished to make men more responsible.

We used to have grants for schools, so I strongly recommend that this grants for schools be reintroduced to lift up this poor situations, economic status in our institution to enable the needy children to go through their education. Thank you very much.

Com Yano: Thank you very much mwalimu kindly register yourself. Na tafadhali nafikiria kuwa tulikuwa tumesikizana hapo mbeleni ya kuwa kama hukubaliani na jambo unyamaze usikapige kelele ili ikifika wakati wako, kama ni maneno ya polygamy ukuje useme mimi nitaoa ishirini. Tumeelewana?

Fred Sawenja: I am Mr. Sawenja Fred I am a teacher at Nangina girls high school, I have an individual presentation. Issue number one is land and property rights. We fought for independence and the main issue is that we needed land. Today we have many Kenyans who are still squatters, they are landless and at the same time we have few Kenyans who have too much land, there must be a ceiling. It must be provided in the new Constitution that a Kenyan can only hold a given piece of land and not too much when others are having nothing. At the same time women should also be allowed to own land especially when it comes to inheritance. They should be allowed to inherit land from their parents not just men.

If a parent happens to die at the moment, it becomes very rigorous for the people he has left behind to inherit the land and you have to go to court and many other things. Can it be made a bit cheaper for people to inherit land, which belongs to them and not going to court and so on.

Electoral processes

The eligibility; it is not just enough for a Kenyan to speak and write English or Kiswahili to be a Councillor or an MP or a president. At least some level of education must be conditioned and I suggest the following. For the president, he must be a grandaunt and must be morally upright. For MPs they must have attained at least form four level of education and a diploma if not a graduate and not just form four, it is not enough.

For councillors let us have people who have demonstrated as civil servants in the past life of theirs. At the same time, the candidature of presidency at the moment stands at 35 years. Can it be stepped down a bit because at the moment we are moving to dot com generation where we need a president even at the age of 30. So can it be brought down a bit and not just a question of 40 is being looked at too young to lead a country.

Parliamentary accountability; we employ MPs but they are not accountable to us the voters. We want them to be more accountable. We want the new Constitution to provide for a case where MPs will stop being errant, we want them to be answerable to us. if an MP is not performing, we shall recall him. We want him to come and explain to us why he is sleeping in parliament and not doing what we took him there to do. So we want to have a case where MPs are more accountable to us and not accountable to those who never elected him. Thank you so much.

Com Yano: Thank you very much. The next one.

Com. Prof. Kabira: Sorry, how do you implement the right of recall, what will be the procedures for recalling an MP.

Fred Sawenja: We should have Constituency-monitoring bodies consisting of the electorate and an MP will be required to answer to the monitoring bodies occasionally, so that when he is not performing he will have nothing to explain to us. And in that case we shall mass the members of the Constituency and declare a vote of no confidence in him.

Com Yano: Thank you very much. The next, do we still have mwalamu? Karibu.

Benjamin Ogale: My names are Benjamin Ogale, I am also a teacher at Moi Girls High School Nangina. I want to talk about the political parties and their set up. At the moment we seem to have so many political parties in Kenya, they are almost outnumbering the citizens. I would like to recommend that we have at least major political parties that should demonstrate through a register that they have at least four million members for them to operate as political parties not just tribal entities.

Another issue is on parliament, legislature; I want to say that parliament should be seen to be Supreme as the Constitution says such that decrees, presidential decrees should not become law. Laws should be enacted in parliament and decrees should not be seen to be laws. Parliament should be in charge of approval of senior appointments made by the executive that is the president.

On education; at the moment the education act does not seem to be consistent with the current times. I recommend that the education system should be reviewed radically so that it goes along with the current times. For example the education system, the education act defines a school as just a group of few, as few as ten kids undergoing continuous instruction and yet the government cannot allocate teachers for such small groups. Teachers have become fewer and fewer; so let the Act be clear. Similarly the PTAs, Parents Teachers Associations seem to be operating strong on the ground yet the Education Act is silent about them. They seem to be bodies that can be even challenged in court.

Finally I want to talk about some distinct groups of people in the society, professionals like doctors, teachers, lawyers. I believe the Constitution should come up with some laws to stipulate how terms and conditions of services for these groups as well as salaries how they should be reviewed and after which period in order to avoid embarrassment where teachers who should be role models are seen to be kind of beggars, demonstrating you know, students are seeing, pupils are seeing you violent on the roads and the purpose of doing that is that you are agitating for salary increases. I think it is embarrassing and then it is not a good example to the kids who are under the teachers. Thank you very much.

Com Yano: Thank you very much, we are grateful for those views.

Everlyne Ogengo: My names are Ogengo Everlyne from Nangina girls Boarding Primary. I will first of all like to talk about the union especially so the KNUT. As much as it struggles, the teachers will (inaudible) but then you realize that the government has not included them in any of their sittings. So we would like it to be that the representative of KNUT is also representing the teachers in parliament such that he represents the teachers' views and problems in parliament.

Then I will also like to talk about elections. In the new Constitution the Electoral Commission should be appointed by the parliament and not the president or a given body. It should also have the power to call for elections not a particular person or a group of persons to call for elections. Let that body run the elections on it's own, let there be no interference.

Then we would like that in the new Constitution the presidential elections should be different from the parliamentary and civic elections, such that the parliamentary and civic elections are held at a different time and the presidential elections be held twice such that all the people who wish to vie for the same seats that is the presidential seat should all be voted for, then we take the best two depending on the votes. Those ones with the majority votes the two are re-elected again then whoever wins becomes the president.

To discourage defection from one party to another it has just become like dresses, today you put on this one, tomorrow another one. We should at least have some sort of penalty that is given to these people who are fond of defecting. In case one defects from a given party and wishes to contest in a another party, that particular person should be responsible for the cost of the by elections. Thank you.

Com Yano: Thank you very much mwalimu. I thought we are through, I hope you are the last one.

Godwin Bwire: I am Mr. Godwin Bwire from Namboto Boys Primary School. My address specifically is going to be about basic human rights.

I will highlight on police torture. We agree that our police force is one of the most brutal forces in the region; so to curb these, whenever police come to arrest any suspect, they must be accompanied by the local administration leaders especially the *liguru* must accompany those police men wherever they are arresting the suspect from his home or from anywhere. And in case of police torture in our cells we agree that there is a lot of torture in our police cells and many suspects have died in the cells before they are tried. To curb this the in mates must be allowed to give evidence about any police officer who tortured a suspect. The family of the suspect can take up the case in court and the in mates who were with the victims who were tortured should be allowed to give evidence and explain how the police office tortured the suspect.

I will also advocate that the Local Liquor Act should be amended so that the local brews, traditional brews should be allowed

to be consumed, but there must be specifications. The public health officers must educate the public about the dangers over imbibing the stuff. Let us have a system where by anybody who has prepared this stuff should contact the local public health officer, should come to ascertain the toxicity, if it is toxic or not then he should not recommend it. We should agree that our economy is very poor, most of the local communities depend on brewing this stuff for their little income. But then you find an old mama in the village has prepared this stuffs, he has sold it and maybe she is just having 600 hundred shillings in the house. When police officers come, they don't look at the condition of these mama. The mama will be tortured, will be slapped, the little shillings she has saved for her children she is going to bribe the officers to buy her freedom. So I should advocate that this stuff be allowed, any type of traditional stuff be allowed all over Kenya.

Concerning education; there is something called the schemes of work; the schemes of work must be prepared by the Kenya Institute of Education and be circulated to schools, not torturing the poor teacher, writing up to midnight preparing the schemes. So that one should be done. Thank you.

Com Prof Kabira: Mwalimu, what are you recommending about the police. You said they are the most brutal group.

Godwin Bwire: I am saying that an officer who has been proved to be very brutal and has tortured suspects must be arraigned in court and be sacked and be jailed for five years.

Com Yano: Thank you very much. Are you also a teacher?

Sylvester Olale: Yes. My names are Sylvester Olale, I am the Head Teacher of this institution. More so I welcome you here. I will be very brief simply because some of my colleagues have mentioned something I wanted to talk about, and that is free education. This was an Act which has been taking place some times back, some years ago, it has come back again. I will just like to mention one clear thing, the policy makers. The policy makers, the policy is not one person's recommendation, it is a collective of ideas from the people. But here comes a time when a person who is very much respected comes up with a free education. Later on this one is being declared in an open place that there is free education. I think this is a mess which has caused a lot of dropouts, child abuse, child labour as some of my colleagues have said. I would like us in the coming Constitution of Kenya, let us respect the policy and those people who are implementing it should also implement it when they know what they are doing. I am saying so just recently there has been free education but sometimes back again they told us there was free education. But I wonder, me as a head of this institution, how do I maintain such an institution if there is free education, where do I get this money to maintain such a school like this one. I would also like to hesitate that in the policy, many of our leaders, they just come in the platform and they follow what one person has said. It is shameful when such a person comes up again and declares that there is free education again and yet some of our leaders come in the platform saying they sing the same song. What will happen again? So my main advice is that we should make a Constitution and stick strictly to the policy so that no one should come as an individual to declare the policy non-existence. Thank you very much.

Com Yano: Thank you very much mwalimu we are very grateful. I think we are through with the schools, watoto wetu na pia na waalimu wetu. I am now going to welcome honourable Moody Awori to give us his views. Karibu Mheshimiwa.

Hon Moody Awori: My name is Moody Awori, I represent all these people here. Commissioners Yano and Kabira, I have got no memorandum, I have got notes, so I will use these notes and I hope you will give me a little more time. I can assure you it is not going to be too long.

Com Yano: I think I can start by giving you ten minutes.

Hon Moody Awori : Ten minutes is what I am used to in Bunge, but I am used to more than ten minutes when I am out here; so I hope you will allow me. Thank you. But I will do the best I can.

I am going to try very hard not to repeat what has been stated, so that I can move a little faster. The only two points that I am going to mention which have been also mentioned is to elaborate on them. The first one is citizenship. It is extremely important that citizenship is clearly spelt out in the Constitution. What we need to do is like other developed countries do; if a person is born in a country and can prove that that person is born in that country, then automatically that child has got a right to be a citizen. This is extremely important. There are many ways in which we can do this; the first thing is to make it absolutely compulsory, and have the means of implementing the issue of birth certificates. Every child must be recorded, so that when the child reaches maturity age, then with that piece of paper automatically she or he is given citizenship.

The people from borders like ourselves here, like the Maasai in Namanga, like the Kuria in Kahancha, like the Somalis in the North Eastern have a hell of a lot of problems getting identity cards; and this is simply because we have not spelt out properly in the Constitution who should get the citizenship. If this is spelt out, if a child from Samia is working in Mombasa, his parents are working in Mombasa, and the child reaches maturity age, she needs only to take that birth certificate to the registration officer in Mombasa and get an identity card. At the moment, there are a lot of problems in Nairobi, in Mombasa everywhere, these children are sent back here and there are a lot of problems. I think it must be fully spelt out, so that border communities are enjoying the same rights like anyone else.

The other point is land. I think it is absolutely essential again that indeed Constitution it is spelt out who can own land. I want to state quite clearly that no non-citizen should ever own land in our country. A person who is not a citizen of Kenya should not own land. There are exceptions; if such a person is running an organization, a company and that company needs to build a factory then that company can own land; because we know that that company is going to employ citizens, is going to pay taxes to the country, and therefore on those considerations they can own land. A big organization, a non-citizen wanting agricultural land for instance they can lease the land. But the title must be never be in a person who is not a citizen. We need also I think to

have a ceiling somewhere, but this ceiling should only be applied where land is not being utilized. If someone has got a half a million acres and that half million acres is fully put into use then there is no problem. But we want to reject completely people who have got one million acres and it is not being utilized at all, and there are squatters.

The land use in urban areas, we need to ensure first of all that there is public land, public land for public utilities, for recreation, for pleasure, for sports, for infrastructure; this are road reserves and open spaces. At the moment because we have not had a Constitution that is spelt out properly, a lot of land and road reserves have been encroached upon. A very simple example is if you go to Nairobi today, the main artery is the Waiyaki Way and you find that it is being squeezed and people are getting land. This should not be allowed at all; and no individual should have the right to give out land that should be used for infrastructure, this we need to spell out.

Similarly land for conservation, wildlife is our heritage. We are properly the last of the various countries that have got wildlife. We must protect it, we protect it because we found it here, we inherited and we have got no right to destroy it, we are destroying it by encroaching on the land that was ever left for the wildlife and it is not just a heritage, it is one of the reasons for the tourists coming here. And we know that tourism is responsible for something like, I think it is the second highest earner of foreign exchange, and we need to protect the land so that it is conserved for them. Where land is concerned there is the question of environment, our environment has been raped, really raped and this again is because we haven't gotten anything in the Constitution that really spells it out. Perhaps I may say this, that the Constitution is a document, it can only be meaningful if the people understand it. And if people do not allow the authorities in place not to follow the Constitution. As of now we have not got the political good will, in fact to implement and to see that our Constitution works for us.

The Constitution even as it stands today there is absolutely nothing wrong with it. What it requires is to be modified here and there; but much more important is that the people, the citizens must not allow us leaders to mess up the Constitution. They must not allow us to ignore the Constitution. This it doesn't matter how good the Constitution is. If we are very passive and this has been the problem with our country, the citizens are very passive and they allow themselves to be misused, we want actually that this should not be the case.

Where again land is concerned, the repealian, the land between the beach and what you can use. At the moment we find that land has been allocated, it has been , the beach land has been given to the people. Land closer to the lake has been given to the people and this people have used it to construct houses, to do all sorts of things and therefore to refuse the vegetation that will go along the waterways; in order to continue to keep the water supply. We want again the Constitution to spell out that completely.

The hills and mountains; the hills in some areas have been given away for cultivation and we know what has happened. We keep saying the climate has changed, the climate is not what it used to be; and we wonder why. And yet we have got all the evidence a head of us. If you look in Samia here itself, we used to have constant rains. But look at the hills it is this hills that

used to attract the moisture, it is this hills that used to attract the rain, and it is not just here, there is Mt. Kenya, the Aberderes, Mt. Elgon, they have been messed, they have been, messed up by individuals, by authorities not seeing that this is maintained. We want in our Constitution to spell out that the mountains, that the hills are not interfered with in any way and the water.

We would like our water in our lakes to be protected, we would like the fish in the water, in the lakes to be protected, we want to have something in the Constitution that says, no foreigner can come and carry out research in our waters without our permission. Because this is what happened some 50 years ago when a marine researcher came into the lake and introduced a fish called mbuta, Nile perch. And Nile perch has killed all the good fishes that we used as children, the 'ningu' and the various and this is simply because we allowed a foreigner to come and carryout research in our waters. We want to say that this should not be so. We want in fact our waters, our own scientists, our own research people to use it in order to revive the species that has disappeared. We want it in the Constitution, this species that has disappeared if it can be re-introduced to be protected. So that even during the fishing let us be like other countries; let us be like Sweden, lets be like Norway, let's be like Canada which says you can only remove so many tones of such and such a species from the lake, because that way them you maintain them, you maintain the livelihood of that people the live along the lake.

Water is people's heritage, it is our heritage and international treaties if they were negotiated before our independence, we want them renegotiated, because any international treaty that violates the national interest is totally unacceptable. We know that because of the changes of the climate, we never have enough rain yet we have a lot of water here, water that we can use for irrigation. At the moment we are talking of dealing with or reducing poverty. We can reduce poverty if we have a sustained agriculture, we cannot have agriculture along these areas where we are under a rain shadow because it never rains. If you go round now, the maize that was planted very diligently is fizzling away, it is going to be a problem again yet we have water here, yet we cannot use this water because the other people are protected because of the international treatise that were organized long before us. We want to now writs we must have it in our Constitution that our waters is our own, that anyone else who has got to use water has got to take a second priority so that our lake water can be used for irrigation, it can be used beyond just the lake region if this water is plumped all the way to Timboroa it will be used by Siaya, it will used by the whole of Western, it will be used by Rift Valley. We will have less problems that we are having now. It is important that our economy which depends on agriculture is revived through the usage of this water.

Commissioners, I just want to turn now to the question of the type of government. Again I don't want to repeat what a lot of people have said. But I want to say this, that 30 million people living in 450 000sq kilometers with 42 tribes, this is too small. The country is small, the population is small it has to be a unitary government; it must be a unitary government. That is the only government that can help. I know there have been a lot of complaints and there have been recommendations about majimboism and all that and this has only come about because we allowed leaders not to be true to the Constitution. We allowed leaders to look at areas they come from; so that other areas were never developed. As a result every area feels that let them go their way in order to develop it. But I do not think that there is a single area that can go it alone, because there are certain areas that will

be so strong, they will be so strong their economies are strong, the way their land is such, the infrastructure is good there when the colonialist came they developed there, the other areas will never be developed. If you brought a majimbo system and then what happens in North Eastern for example. Not Eastern up to now it has not got a single tarmac road. It has not got any of the electricity that we require, it hasn't got any of the communications that we require. You give it a region, then you condemn it to poverty. I want to suggest that we stick to the unitary system. What we need is a good political goodwill. We need good leaders, leaders that will look at a nation as one, not looking at areas where they come from. We want a system that will unify our people. A system that will bring about a nation so that wherever you go, you are proud of being a member of that nation. We want a very strong central government. There must be a strong central government that we have got to have devolution to local authorities.

I remember, I am old enough to remember, even before the independence, during the colonial time, the local authorities were very strong. They had a bad name, they were given the local native council, but never the less they worked. There were schools that were run by the local authorities, there were dispensaries that were run under the local authorities, all the networks, the road networks, they were run by this local authorities. But they worked, the only reason why things failed to work in the local authorities is they gave the whole powers back to the minister; and then they denied the people down there. All is required is to spell out that this is the separation between the local authorities and the central government and this is what the local authorities should do; and if you do that you have no problem by running a unitary system which allows people in the various local authorities to run their smaller affairs. For instance, when you have a unitary system with a strong local authority, the ministry of education, education system will be done. It will be under the local authorities. Things like dispensaries will be under the local authorities; this is what we require to do.

The provincial administration has served us well, it has served us extremely well, but we need now to modernize it, we need to move with the times. We would like a timetable set, where there would be a gradual amalgamation of provincial administration and local authorities; so that if you give a timetable of say ten years, at the end of ten years, you will have what is now known as a district or as a location, it will be councils may be a county council, may be a bara and that sort of thing. This means that leadership should always be by the consent of the people, and to have leadership of the consent of the people you must have a unit with people there who will say, yes. We want that to be the chairman, yes we want that to be such and such, and this is the only way we can do. So I am urging that the provincial administration which has served us very well, we need now to put it in the Constitution that we will start working the question of marrying them together. Then we should have a country that we want.

We want a strong base of administrators at the central government level, we want a strong base of administrators at the local authorities. In many countries that are developed, sometimes governments change almost every year. If you take France, if you take Israel. When people feel that the elected people are not carrying out the mandate that they were given, they are thrown out. But what happens, the country continues to function because they have got a strong base of administrators. So we would

like in the Constitution is spelt out that we do have a strong base of administrators. There is the question of hierarchy again in our country. The hierarchy where you find the service commanders, you find a general, you find a PC, you find a DC, you find a Police Commissioner taking precedence over a Councillor, that should not be because that is an appointee, the general has just been appointed by somebody. A DC has just been appointed by somebody, a Police Commissioner has just been appointed by somebody but a Councillor was elected by people. A member of parliament has been elected by people. So people who are elected must take precedence over everybody else and that is what happens in many countries.

I want to try and shorten my presentation. There is the question of the system again there is the structure. I mentioned that the system, we want a unitary system. Coming to the structure I believe very strongly, that we should now have a very strong parliamentary government. We want to have a very strong parliamentary government that is headed by a Prime Minister as the head of the government. But we must have never the less a strong presidency because it is the president who will appoint the Prime Minister. And we want their roles totally separated because whenever there is gray areas is where there are problems. We want their roles to be clearly defined so that their roles can be supplementary. The president will have to be the head of state as it has been stated by one presenter here, it might be a good thing if the president is directly elected without having to stand in his or in her Constituency as a member of parliament. That way the president is accountable to the whole nation and also it is in his own interest. Take a president being first of all a member of parliament representing a Constituency, then he is looking after the whole nation. Every area people want him, the chances are if he is very diligent he could even neglect his own Constituency and what we want is, let his Constituency be the nation so that he is directly elected by the people to represent them and wherever he is coming from let there be a member of parliament in that area to represent.

In appointing a Prime Minister, obviously the president will make consultations with the party that has won the elections, the party that is going to form the government, that he will make also consultations which may not necessarily be binding, but he should make consultations with people like religious leaders. This country has survived a great deal, because of its belief, its Christian belief, its Muslim belief and that sort of thing. The religious leaders are a big Constituency, they are people who can advise the president as to who should be among those elected who should be the Prime Minister. But then the Prime Minister himself must be subjected to approval by the parliament. I think it is necessary. But above all, then the Prime Minister has got to...the Prime Minister does not have to be subjected to approval by parliament.

When the Prime Minister appoints his ministers, it is those ministers that must be subjected to parliamentary approval. I say this, a Prime Minister is appointed from the party that has won the elections, therefore he cannot be subjected to the approval by party that has been thrown out. It is just as simple as that. So it is really the ministers; and these ministers the reason why they have to be subjected to parliamentary approval is to ensure that out of the many able people in parliament, we have the right people. At the moment this has not been the case. We want it to be the case in the future. We want it in the Constitution entrenched clearly the number of ministries, they are far too many right now. I think they should be between a minimum of 12 ministries, to a maximum of 15, 15 is more than we need. We can have different departments in the various ministries but let us

have just 12 ministries. I say we can go up to 15 in order to increase the number of ministries. The Prime Minister must submit his arguments to parliament. He must give reasons why he needs that extra ministry and if he can argue successfully then the ministry will be added. You take a country like United States with 280 million people. They have 12 ministries and even now that argument has just been put both to the two houses of congress. That is after 240 years, they are asking to add one extra ministry. So I suggest that we should do exactly the same.

Then where ministers are concerned, I suggest that this position of assistant ministers must be abolished, they have to be abolished, because really they serve very little purpose. What you need is Deputy Ministers; you need a Deputy Minister who will deputize for his minister when he is minister or her minister there. So I suggest that we do create deputy ministers or junior ministers as the British say.

The position of the Attorney General, I want to suggest that it is restructured. As of now it is too an amorphous. What we require is a Minister of Justice who is elected by the people, and who is subject to the people. At the moment the Attorney General who has got security of tenure; he can do whatever he likes and there is nothing you can do about it. He is not accountable to anybody. We want a minister of Justice who is accountable to the electorate, then we can have an Attorney General who is doing one thing, prosecuting, and you can have a solicitor general on the other side. But where Constitutional matters are concerned in parliament, we want someone who has been elected by the people.

I go to the disadvantaged. The disadvantaged are very close to my heart, the ones who deal with the disabled I will jump the rest so that I can allow people to air their views. The disabled people up to now the Constitution does not protect them. At the moment it does not protect them at all, and I think it is necessary that the disabled people should be integrated in the system so that they are not second class citizens but first class citizens like everybody else; and we want to start with education. It is necessary that education of the disabled must be fully integrated so that there is no question of special schools for the disabled. We started that way because we had to start somewhere but now we are coming closer together. We want the education to be for all, both for the able and the disabled and that means that the facilities at all schools must be disabled friendly. We want the teachers for the disabled must be properly trained. In fact in the teacher training school there must be within the curriculum a subject where every teacher who is being trained must be trained how to deal with the handicapped. And there must be concessionary fees for the disabled that is absolutely essential. The teachers who are disabled, many of them cannot go to write on the black board, they should be given administrative positions. There has been a teacher in one of the schools here where I have tried over the last seven years to get her out of teaching, because she cannot write on a blackboard into an administrative position. But because there is nothing in the Constitution that one can recourse on, there is nothing. We just hope that someone will be kind enough and we will do that, we want actually spelt out so that, that teacher can call on a Constitutional court to say that I am being discriminated against.

Where employment is concerned, we want that the government within the government service at least 4 % of employees must

be disabled. Where private sector is concerned, because private sector are always led by profit, we can say 2% and there must be no discrimination of any kind. I think if we talk of 2% of employees in factories and this has been achieved in a lot of countries, I think we will be doing something. When we have three million people being discriminated against in the country, then we are not free. Someone said if one person in a country is not free then you yourself is also not free.

We want to empower the disabled people economically, and it is necessary that the fund not the one which is there at the whim of people, the fund for disabled. We want a proper fund that can supply capital to small businesses to allow the disabled people to run their affairs. When that fund will also give them it is not a grant, it is a loan but the loan will be under concessionary interest.

Access; access where disabled people are concerned in this country, they are at a disadvantage. We would like streets in urban areas. They must be constructed in such a way that those on wheel chairs do not have any problems. We want ramps constructed between one street and another so that when you are pushing a wheel chair you don't have to bend it up and what note, you want to push it so that there is proper access for the wheel chairs. In the urban areas where some disabled have got vehicles, we would like special parking places for the disabled. The disabled have a lot of problems, and with the streets we want pathways, there must be pathways for these very disabled.

Public buildings ; we want public buildings there must be a law and so long as it is in the Constitution it must be obeyed that ramps along steps must be created. I think you came into this school and you saw what has been done and we thought we were trying to give an example of what should be done. This we did without any comparison but we would like in fact there to be inspection so that all buildings where the public are going, they must have access for the disabled and any building that is more than three stories high must have a lift, absolutely essential.

We want to start with parliament, my own parliament, until recently, until we had one of us disabled there were no ramps to allow a disabled with a wheel chair to get into parliament. This we want to say that in parliament that must be so. We want in parliament for standing orders to be prepared with Braille so that a disabled person does not need an aid. We want in parliament people to be provided, people of hard of hearing to be provided with sign language services so that if a person of hard of hearing is able to be nominated to go to parliament because of his or her skills; then they can make contributions in parliament. We want again in public places, at airports and various places, I have seen where you have a disabled person wanting to go to the bathroom and the doors are narrow, you can not push. We want all those doors and these must be spelt out in our Constitution, so that a person going to a place like that and you cannot get entry can take that institution to court.

House development; in house development we would like those who are building houses, mass houses they must be disabled friendly. In other words if you are a person with money and you want to build a big estate, an estate of about 100 houses, all we are asking is 1% of those houses must be disabled friendly, because today they are disabled or are in a position to buy

houses. The houses as they are at the moment, is no use for a disabled person buying a house that he finds difficult to move in.

Transport for the disabled; we want buses carrying over 26 passengers, must have a place for at least one if not two disabled, it is absolutely essential. We want that bus to be able, there must be rules to tell the conductor or whatever, to be able to carry a wheel chair at the carrier and back again for the disabled to get in and utilize that bus. Similarly on the railways, we want that to happen. Railway is probably the worst offender because it is very difficult, in any of these railway stations for a wheel chair to move in. The ferries are exactly the same, and above all the air transport. Many times I have been at both Nairobi airport and Kisumu airport, and I have seen the difficulties of a wheel chair person getting in there. There must be bridges, we must build bridges so that a wheel chair passenger who does not need any other assistant can wheel himself or herself in there. Then there is the equipment, the equipment that is required for the rehabilitation of the disabled. We want this equipment, most of which is imported to be duty free. It must be duty free. At the moment there is so much bureaucracy that a lot of disabled people are discouraged in bringing in the equipment that is required.

We want also the.....(Inaudible) there are kind people who donate money to charity non-organizations. These people they do not have any benefit from the government. We would like that the money that such people are donating to charity and particularly to the disabled to be tax-free, they must get tax relief.

On civic, we want all like parliament we want in local all of them, they must have the implements or the way of helping the blind councillor, a disabled councillor to participate in the goings on of that institution. During elections, access to the ballot paper, to the ballot box, I think there must be certain central places in every Constituency where the disabled can go without difficulties to vote for whoever they like.

Commissioners I am almost through. We would like nomination; there must be a clause somewhere in the Constitution, that if by any chance there have not been any person of hard of hearing, or hard of seeing otherwise the blind, that there will be nominations, there must be nominated a disabled person who cannot see to represent those who cannot hear to represent those, and who is physically disabled to represent the people. I want to suggest very seriously that it should be criminal for the use of abusive language when you are referring to the disabled. For instance, *kipofu*, *kiwete*, *mtu hawezi kuwa kama kiti*, why do we call a blind man *kipovu*. I want to say it should be criminal for someone to call a blind person *kipofu* because *si kitu*. *Vipovu*, *ni viti ndio vingi*. *Watu hawawezi kuwa viti*. I want to suggest that *kiziwi*, these are things which because of the old culture where people believe that if you have got any disability or any deformity that it is a curse so they used the abusive words. We have emancipated from there, we want now to use the correct words. Even a person mentally handicapped, *kichaa*, these are abusive words and we are not helping. I want to suggest that we put in the Constitution and if someone is referring to a mentally handicapped child as a *kichaa*, that child can take that person to court.

Almost finally, we know that even the disabled occasionally also break the laws and they are also taken to the police station,

they are taken to the police station, they are also taken to the police station, they are taken to court and they are taken to jail. I think we want to ensure that police stations are also disabled friendly. They must have the facilities that will allow a disabled person in a remand home.

I want to say finally that there must be a separate ministry for the disabled. These are 3 million people, 3 million people you cannot attach them to a ministry of sports, you cannot attach them to the ministry of culture, this is an insult. We want the ministry; for there to be a ministry of the disabled and this ministry of the disabled should be able to be headed by a disabled person. Thank you.

Com Yano: Thank you Mheshimiwa there are questions for you. If I knew that you are going to talk that long I would have made you the last person. Thank you.

Com. Prof. Kabira: Thank you very much. I have maybe a few questions for you. Not really questions but maybe ask you to give some additional thought after such an elaborate presentation it might look like there is nothing more to add, but I will ask and I think you have a lot of information you can add.

One of them is the question of the custodians of the land in urban areas, beach land, hills and forests. We are talking about protection, distribution, grabbing and so on. Where should we invest in this land, in other words, who should be responsible for that land? Because I think you have some issues raised on that. The other one is on issues related to... if we have a central government, the revenue collection by local authorities, how do you want us to deal with it. There are historical experiences that have led people to think about majimbo as an alternative, how do we ensure that those historical experiences and emotional response, you know the central government and therefore the request for majimbo. How do we ensure that their needs are taken into consideration.

The question of the vice president, should we have a vice president and so on, and then maybe the last one; having had such an elaborate presentation, and I did not hear women and having come all the way to Funyula I would like to hear some thoughts on what you

think about women issues. Thank you.

Hon Moody Awori: Thank you very much. Of course professor as I mentioned earlier, I said earlier that I was going to try and confine myself to points that had not been raised. But let me start almost with the very last point. I am a very strong believer of women. In fact they are the people who take me to Bunge time and time. Without women I would bably not be a member of parliament. That does not mean that I am underrating the men at all. It is just that the women are the people who cook for men, give them very nice chakula for them to come to my meetings, and what have you, so you can see they play a major role. I do believe entirely that women should be given equal rights. I have never been a believer in affirmative action for the very simple reason that our system of education has worked wonders, and has brought about women very highly, and qualified women.

Perhaps at this stage in parliament there are not many women, but sometimes women do not offer themselves for certain positions. This is something that we cannot forget, I think women have got a much more balanced way of looking at certain things, and no one should be discriminated either in employment, in election or in anything, because they are women. So although I may not have mentioned it in my presentation, I am a very strong believer that they must have equal rights.

I didn't mention, this was just an oversight. In the system of government the president should have in fact a vice president, they must have and this is more or less like I have mentioned about ministers and deputy ministers. When a president is not around the vice president must stand in for him, and therefore I strongly suggest that a president should have a vice president. And during the election I would like to suggest that they run as a pair, so that the vice president is not subjected to his president, he must have also been elected along his president. That way then there is no problem that maybe he could be sacked at the whim of a person and what have you.

Also when I mentioned the Prime Minister, I think the Prime Minister needs to have two deputies, I think it is necessary that the Prime Minister should have two deputies.

When we come to majimbo, the question of majimbo came in very emotionally because of certain areas having be an neglected. But this is because of the leadership, if we have a good Constitution, a good Constitution that will allow us to have a good, a strong and a fair president, a good and a strong government, a government that will look at every issue on a national basis; so that if it is a question of making available funds for infrastructure, it is going to make a plan for the whole country, not to look at areas where he comes from. If they are looking at funds for communication, it is going to place for the whole nation, not from where they come from. This failed in the past and because of that, areas were neglected; and because areas were neglected they said no, let us have our own little jimbo we will take care, we will collect our funds and we would look after our affairs. That is a deficit way of looking at things, I want to believe that we have in this country people who can be elected and who can look at this country on a national basis and if we do that, and we have as I mentioned a devolution of powers to local authorities, we should not have any problem; and that brings us to your point of the finance between the central government and the local authorities.

There are certain amounts, we do have the income tax, the income tax collects money centrally, customs collects money centrally we have got roads cess, it collects money centrally, that money goes into the consolidated pool, that money can then be sent out to do national things; and as I mentioned the local authorities will take care of certain things. There are rates that have to be collected, there are various other ways that the local authorities will collect funds that will be utilized in there, and then the money from the consolidated fund will be disbursed according to the population, according to the areas of the various places.

Finally it is the question of who is to be the custodian of land. We have examples everywhere, state land must be state land and

if necessary we want to ensure because at the moment it is under the ministry of lands. But because of not having a proper system, not having strong honest people within the government, land is just going left right and center. I think if it is spelt out in the Constitution that all XYZ land belongs to the state. There is no way which the minister of lands can just give away land, there is no way in which the Commissioner of lands can just give away land. Land that belongs to the state, if it has to be excised so that it can be used for something else, must go back to parliament. Anything that deals with the Constitution must go back to parliament. I think those are the points you have to get.

Com Yano: Thank you very much Mheshimiwa, we are very grateful for the views you have given us. The next one is Gideon Nyende.

Gideon Nyende: My name is Gideon Nyende, I want to present two issues that is the preamble and defense and national security. I will just sum up, some of them I have already written, I will just present to you. I find it is necessary for our beloved country to have a preamble but I will just get through the preamble only. I have suggested the following and I will read, “ we the people of Republic of Kenya do here under, determine the Constitution that contains the freedoms of all citizens, the sanctity of human life, and security of national borders, liberty and property”. Therefore our national vision should be to save succeeding generations from the bad governance that is politically, socially and economically. Re-affirm faith in fundamental human rights and in the dignity of human person in the equal rights of men, women and children of all Kenyans. To establish conditions under which justice and respect for the human life can be maintained. Promote social progress and better standards of life in larger freedom and the citizens taught the pilgrims guide, the pilot’s compass, the soldiers sword and the religious charter. Here in Kenya’s glory is restored. Citizen’s opportunities are opened, and all ills affecting the Kenyan nation is closed. Therefore for this aims we must practice tolerance to live together with one another as good neighbours, just as our national anthem teaches us. Unite our strength to maintain national peace and security for all, ensure by the acceptance of principals, institutions of methods and national precepts that bind us all. Harness national machinery for the promotion of the economic and social advancement to all citizens. Achieve national cooperation in solving national problems pertaining to economic, social, cultural or humanitarian character for all without distinction to sex, race, language or religion and be a source of harmonizing the action for individuals or groups, that is in communities in the attainment of this common goals.

Therefore, we resolve to combine our efforts to accomplish this visions and values and do declare that we Kenyans should never ever invoke memories of past colonial wars, tribal wars or clashes that caused untold suffering and great loss of our lives and destruction of properties. To free ourselves from that yoke of oppression. That was my suggestion for preamble.

I have suggested various organs that form security and defense, that is the defense, army, air force and navy, the national security intelligence service. I suggest that they deal with espionage sabotage and total corruption. I have also mentioned the police force, which is regular police; general service unit, CID and administration police, and I have suggested that either they be disbanded or be merged to form a very strong police force under one Commissioner. I have also said that the national

security intelligence service should come directly under the legislature and not the office of the president. Similarly the police should not come under the office of the president, but ministry of Home Affairs. Prisons should also come under Home Affairs, but I have suggested that the inmates who are already serving should be allowed to meet their spouses once a month, to avoid that kind of AIDs spread wherever they are and sodomy.

There was a question in that red paper, which said, should the president be commander in chief, I say yes because all over the world, if the president is harmless then we are done. The president should be commander in chief. Also I have mentioned that since war is a consumer of human being and destroyer of properties, I suggest before the declaration of war is done, the president should consult the defense council and the national security intelligence council. And then there after he should convene the parliament within 24-48 hours for the purposes of functioning continuation or discontinuation of such wars. Thank you very much.

There is legislators being the citizens representatives, it is prudent that they are involved in all matters pertaining to emergency and war situations. It is parliament that shall allocate resources to maintain such emergencies or wars. The cabinet through the ministry of defense will implement those situations. Thank you very much for listening.

Com Yano: Thank you very much, kindly register yourself. Mama uko na maoni yako?

Jessica Auma: Jina langu ni Jessica Auma Echom, kutoka Otiato location. Mimi ni mlemavu lakini shida zetu za walemavu wale tunakaa mashambani ni nyingi na mumetusahau sana. Kwa sababu tukipewa wheel chair kwa mwaka moja, na tuitembelee; hakuna office yoyote ambapo inafuatilia kuangalia hii wheel chair tunajisaidia nayo namna gani. Hii wheel chair, tyre ikiisha hauna vile utanunulia hiyo tyre kwa hiyo wheel chair. Tuko wengine na watoto, kupeleka kwa shule ni ngumu kwa sisi walemavu, na tunasikia ati bursary ya kusaidia watoto kutoka jamii maskini, hiyo bursary hatuoni hata kidogo. Tukiangaika huku na kule tupeleke watoto wetu mashule, akimaliza shule kazi hakuna. Sisi walemavu tunaendelea kulemewa hadi siku ya mwisho, tuko na shida sana.

Com Yano: Ungetaka hii bursary ifanye nini na watu maskini, umesema kuna bursary lakini haiwasaidii, shida ni kwako tuambie ni nini ungetaka ifanyike.

Jessica Auma: Hii bursary inatakikana irudi kwa office vile ilikuwa zamani, itoke kwa mkono ya waalimu, kwa ma headmaster irudi kwa office ya DC, vile ilikuwa zamani na itoke kwa education kwa sababu hatuoni. Umesikia hapo?

Sisi walemavu tunataka haki yetu pia tupate mlemavu aingie bunge. Kwa sababu mnatupoteza, mnachukua mifuko zetu mnapatia wale wa mguu ambapo msaada zetu zikiingia hawa wa miguu wanakimbia nazo mbio, na sisi tumebaki hapa hapa. Kama saa hii nyoka ikiingia hapa, nyinyi mtakimbia mimi nitabaki hapa. Hiyo kweli kama ni Katiba yetu mpya ambayo inakuja

msikie sisi walemavu. Kwa sababu tanaangaika, ukienda kwa ofisi ya DC anakuambia nitakufanya nini. Ukienda kwa education anakuambia nitafanya nini, ikiwa na shida hatuna pahali tunaenda. Watoto wetu wanafukuzwa kwa shule hasa kama mimi, nimezaa watoto kumi na moja, na hata mmoja hakuna mwenye ako na kazi. Hiyo ni kilio kubwa kwangu mini mwenyewe. Nimejipiga huku na kule, sasa nikiingia kwa ofisi yetu ya walemavu nipewe msaada, hakuna. Nikaanza kujiingiza kwa kazi ya wale watu wana miguu nitafute loan nifanye biashara, watoto wangu wasome, kusoma kumaliza kazi hakuna. Sasa Katiba yetu tunaenda wapi?

Com Yano: Eleza sasa ungetaka ifanyike nini juu ya maneno ya kazi, ungetaka pengine ifaa vitengwe vya walemavu ama isemekane hivi na hivi, nielezee.

Jessica Auma: Mimi ningependa hivi, watoto wetu wa sisi walemavu wakue mstari wa mbele, kwa sababu mimi ninaendelea kuangaika, watoto wanaangaika, kwa shule wanafukuzwa, huna pahali ya kuenda, sasa sisi walemavu tutaenda wapi na Mungu ametupea tuko na macho, hakuna chochote yenye tunafanya. Mimi ningependa Katiba yetu iangalie kwanza sisi walemavu bure, tunakufa. Watoto wangu hakuna hata mmoja mwenye ako kazi, wasichana form four wawili, vijana form four wawili, hakuna kazi. Sasa sisi walemavu tunafanya kazi gani ndipo tunaomba ikiwa walemavu watapata nafasi ya kuongea pia, sauti zetu sisikike na halafu waanze kutusaidia vizuri tutafurahi kwa sababu tunaangaika na watoto huku na kule, tunaomba sisi walemavu mmoja wetu aende Bunge. Na ninaomba sisi wale tumebaki nyuma tusaidiwe, hatutaki tupewe ati wheel chair, wheel chair, na wewe mtu akikupea hiyo chupa bila hiyo glass maji utakunyua wapi. Sisi tunaangaika lakini nyinyi Nairobi hamjui.

Com Yano: Umemaliza?

Jessica Auma: Nimemaliza lakini ninahuzunika. Naomba Bunge itusikie.

Com Yano: Asante sana Jessica. Nafikiria kitu cha kwanza nitakuhakikishia ya kuwa in our Act, kwa, tuko na Act yetu ya Paliament yenye imetunga hii tume; na jambo la kwanza lenye imetuambia tuangalie ni jambo ama maneno kuhusu wale walemavu, ni vipi wataweza kusaidiwa kwa sababu ile Katiba yenye tuko nayo saa hizi haina maneno ya walemavu lakini sasa tumeambiwa mkitengeza ama mkichukua maoni ya watu, pia muangalie maneno ya walemavu. Na tumeshukuru sana Mheshimiwa alichukua muda yake kutupatia yale maneno yote kuhusu walemavu. Tumelewa? Asante sana. Tuendele. Kuna pengine mlemavu mwingine ange... karibu basi.

Edward Nakholi: *Esie nisie mutachekha da bulere chi nga mwamanya akange elira bananga Edward Ambunga Nakholi ilio lita lilio njikhale Odiado Primary school*

Translator: *Jina langu ni Edward Nakholi, anakaa Odido primary School.*

Edward Nakholi: *Esie nisie mulema owakamayo*

Translator: Mimi ni mlemavu wa mwisho kabisa.

Edward Nakholi: *Khulwakhuba ngofule*

Translator: Nimezeeka.

Edward Nakholi: *Khandi ndanyola murimo kwosi kwosi*

Translator: Na sijapata kazi

Edward Nakholi: *Nabaana ndebula chungu*

Translator: Na nimezaa watoto chungu mzima

Edward Nakholi: *Baberi bola mwaka 63 no bulwaye bwechere bwa ukimwi budira.*

Translator: Watoto walipofika mwaka wa sitini na tatu, na ugonjwa wa ukimwi ukawapata.

Edward Nakholi: *Manu balondanenge buli mwosi buli mwosi.*

Translator: Walikuwa wanakufa kila mwezi kila mwezi

Edward Nakholi: *Manu ndadonga nende khana khalala*

Translator: Nimebaki na mtoto mmoja peke yake

Edward Nakholi: *Ne khauma nende elimu iyera khalano esie mwene ndikho nende elimu*

Translator: Na sina elimu ya kutosha. Lakini mimi mwenyewe niko na elimu kidogo.

Edward Nakholi: *Olusungu lwakhaba lwo ndaludira lwosi pe.*

Translator: Ile kizungu nilikuwa naongea nilisikia yote

Edward Nakholi: *Kata ka Moody Awori yakhabolanga.*

Translator: Hata Moody Awori alisema.

Edward Nakholi: *Khandi siesi kasangalire sikera abolanga bulafu khandi mbulire bulayi sana.*

Translator: Mpaka nikafurahia maana alikuwa anaongea Kiingereza nimesikia vizuri sana.

Edward Nakholi: *Lakini Katiba khwenyere mutokhonye.*

Translator: Lakini Katiba nataka mtusaidie.

Edward Nakholi: *Khulwakhubera khumakho owa khwakhachira khaba.*

Translator: Hakuna mahali pa kuenda.

Edward Nakholi: *Musino muno khulache Nairobi.*

Translator: Hapa shambani tutaenda wapi, tutaenda Nairobi.

Edward Nakholi: *Khulwakhubera.*

Translator: Kwa kuwa.

Edward Nakholi: *Khubulakho bunyali bwakhola khaba.*

Translator: Hatuna uwezo wowote.

Edward Nakholi: *Mutoka noli nayo kwhingira.*

Translator: Ukiwa na gari njiani, ukibeba mkono.

Edward Nakholi: *Nokinga omukhono oti bakhwanyakho machi khandi notamanya bakhusen.*

Translator: Wanakumwagilia maji hata usipochunga watakukanyaga.

Edward Nakholi: *Nobukhobolera careless yawo.*

Translator: Na watasema ati wewe mwenyewe ndio hujui.

Edward Nakholi: *Khulweso.*

Translator: Kwa hivyo

Edward Nakholi: *Sindalikho na mangi muno khaba.*

Translator: Sitakuwa na mengi sana.

Edward Nakholi: *Nga muhayira mbu sikhonyola mushahara.*

Translator: Mtuangalie hata kama hamtaki sisi tupate mshahara yoyote.

Edward Nakholi: *Mutwire mubunge khwikhale khubisaala bikhongo.*

Translator: Mtupeleke Bungeni tukae kwa viti vikubwa na mshahara tutakula

Edward Nakholi: *Nomusara kwaoko khulia nikhufa ne omwana wange yengirao.*

Translator: Tukifa, mtoto wangu lazima awe pale

Edward Nakholi: *Iba kodi pension yange awo mbolere obubi.*

Translator: Itakuwa kama pension yangu, hapo nimesema vibaya?

Edward Nakholi: *Amangi sindabole khaba.*

Translator: Sitasema mengi.

Edward Nakholi: *Mbere ndarikho bwe nokhulisiri okhukhaba obwami bakhataberehe omusara mudidi khu kholekho biashara elfu imia ndala ni yakhaera.*

Translator: Kama nilikuwa nataka vile tulikuwa tunatafuta ukubwa, tungepewa pesa kidogo ya kufanyia biashara kama walemavu, elfu mia moja kama inatosha.

Edward Nakholi: *Amukhami kadamu khasi kaera sindu kange kabwerao.*

Translator: Eflu hamsini haitoshi kitu. Yangu imekuishia hapo.

Com Yano: Asante sana Edward, tumeshukuru kwa hayo maoni yako. Anayefuata Edward, ni James Ndanda.

James Khamisi Ndanda: Mimi ni mlemavu na ninashukuru sana kwa maneno yote ambayo nimepata mkondo wa kwanza, katika maneno yote ambayo Mheshimiwa Moody Awori amesema.

Mengi ya maneno ambayo ningesema ya mechambuliwa ingawaje itanibidi ni sisitize kwa maana ni jambo ambalo wanataka liwekwe katika Katiba.

Walemavu; tumekuwa kana kwamba tunaangaliwa kama hatupo nchi hii, na tupo. Hata ukielimika kiasi gani, na ifike wakati mnaenda katika interview hawatakuangalia kwa maana wanasema, yeye amelemaa unaona hana namna ya kutembea; na kazi atafanya kwa njia gani? Wakati umejiuliza swali kama hilo, kwa nini huwezi kujiuliza ya kwamba na shule alienda namna gani? Hiyo ni point ambayo nataka isisitizwe na waingalie kwa undani, kwa maana mtu akieleleka ameeleleka. Fees tulikuwa tunalipa sawa, na nafasi ya elimu pia ya kazi, tafadhali tupewe. Hilo ni ombi nimeomba, kwa maana hata mheshimiwa alikuwa ameongea juu yake.

Point ya pili, national fund for the disabled, msaada za walemavu. Tunayo ofisi ya national fund for the disabled katika wilaya, shida ilioko ni kwamba ukitoka hapa ukienda huku, hautapata kwamba hii ni huduma ambayo imepewa na walemavu kamili. Tunaona ya kwamba katika bibilia imeandika kwamba, give Ceasar what belongs to Ceasar and give God what belongs to God. What belongs to the disabled should be given to the disabled and not a physically capable person. It is a request, I am not commanding.

Secondly, medical bills; walemavu tuko na hiyo shida, tukienda hospitali, some people presume that this person is probably an AIDS victim, that is why he has been brought here probably anahara bila kujua ya kwamba unaweza kuwa affected na this normal diseases za typhoid and so on. Bills zinakuwa juu, ukienda wakati wa kulipa inakuwa shida. Disability is just as a disease as AIDS; if at all the government can request for grants from overseas countries that we need grants to enable us care for those affected with AIDS. Why can't the government subdivide that same same fund to govern the health of the disabled because with AIDS victims there are people you are caring for but you are very much sure that they are going to die. A disabled person is somebody who is just physically sick but not mentally that he is not going to be able to contribute at all towards the national development. Somebody who is going to be productive should also be given a priority. We are not exempting them because they are victims, no. But we want the government to recognize disability as a disease that ought to be looked into.

Terms of giving grants; when you happen to go to the offices, watu wamejua kwamba huyu mtu ni mlemavu, amekuja leo wamemuagiza come tomorrow, ukienda come tomorrow, and you know that this person is disabled. Why do you take this

chance of kumutumia kumutumia, he spends the little that he has had in the pocket, at long run he is not getting the necessary grants, that he is supposed to get from the office. In turn this grants are attached to allowances hence put in individual accounts of staff members. I am not pleased with this, and it is happening and I am ready to address it.

Businesses being run by disabled people; we are being sponsored by well-wishers. This people they give us, and they are not there to be giving frequently, they are there to give us and we get support from the government and other people to make us keep going on instead of developing being beggars. We find that later on, we are attached to taxes, it is my request that the present Constitution to provide that the business being manned by disabled person to be free from tax, I will appreciate if it will be effected.

His honorable MP had talked of facilities imported for use by this disabled, I also endorse that please make those facilities be free from tax, to make their cost to be at least favourable for somebody to acquire one.

Just to continue, I am not going to say much because the MP had talked much of them...(Inaudible).

Com Yano: Your time is over by the way, but I am giving you one more minute.

James Khamisi Ndanda: Kindly I will appreciate, thank you. Just to rush on, the issue of transport; we don't want to favour ourselves because we are disabled. This is technical, there are some of us who will make it a hobby, that I want to go to such and such a place, I simply get to the bus station and go a way because there is a free seat there. There is an excuse that the owners of the vehicle are going to lay, if it is from Sio Port and I want to get to Busia and I am at the bus stop at the terminus, they are going to tell me that we have already had one and yet there is nobody they are carrying there of disability. Therefore I will request that, that is just an amendment of what the MP said, I feel the automatic cost should be subdivided in between and say a disabled travelling a given distance should pay a half money of the real cost, to make this others also have something that will make the vehicle keep going.

Just to summarize a few issues here and there; I had also to talk on local government, we are having local government very close to us, and they are serving us, they are elected by we individuals. Their salary scale I feel that it should be included in the central government, so that the revenues collected at the market centers should be definitely said for the development of those given areas, instead of this salary being again used as this revenues being used as salaries. I will pray that if the Constitution will be transparent enough, their salaries should be adjusted from what they are getting, which I don't want to quote to something similar to a quarter or so of the minister.

Com Yano: Thank you very much I think you are through.

James Khamisi Ndanda: Allow me to talk about judiciary, kindly.

Com Yano: Wind up please.

James Khamisi Ndanda: Talking about judiciary, time cases are taking in court is showing out that the judges are not learned enough, because a case is taking over three years in court; and is being handled by an educated person over the matter. I feel there should be duration set specifically if anything, something to do with three or four months for a case to undergo judgment. Then penalty cases laid upon criminals. We have somebody who has stabbed somebody to death, then there is somebody who has just been held on a petty case like changaa or whatever. When he goes to court he is being given a very ambiguous penalty of imprisonment or fine. I want this one also to be streamlined within the Constitution, so that we know that the kind of offence should go parallel with the penalty code laid upon it. I had much but now time.

Com Yano: Thank you Mr. Ndanda we are very grateful for those views. Now can I have Mr. Rakuomi. Mr. Rakuomi karibu. Tafadhali narudia tena, kama hujajiandikisha tafadhali jandikishe.

Richard Rakuomi: My name as you have rightly said is Richard Rakuomi, a proud citizen of Kenya. As Mr. Ndanda said, I want to emphasize, to put some emphasis on some points although they have already been mentioned. First is presidential elections, it has been said here that a presidential candidate should be a graduate and I also endorse that one.

Com Yano: (inaudible)

Secondly under presidential elections, the presidential candidate should not contest for Constituency, he being a symbol of unity for the nation.

He should have a running mate for vice presidency. We have had cases, where by some VPs have been appointed by the road side, if he is accountable to the electorate I don't think such a thing will occur.

A presidential candidate or whoever wins should have 50% of the national vote and should also have 25% in five provinces to make him a popular president.

For the president, we also need to have an independent candidate for the presidency. Some people could be very eligible and they are denied by their political parties hence making them not vie for the presidency. So if we have independent candidates for the same I think wananchi will choose appropriately.

Another point is on governance; we know we have so many complaints from wananchi, but for fear of wananchi going to report this complains to the police or the provincial administration, they shy away from going there because they are subjected to a lot

of questioning. So I will suggest, or propose that we have an office of ombudsman where by raia watakuwa wanaenda huko kutoa maoni yao, if there is abuse of office bila kuwa subjected to a lot of questions.

The other issue is education; I would propose that we have free and compulsory primary school education. It happened in Uganda, why not here. Let it also be entrenched in the Constitution. We have had of chokora, I would propose that the affiliation Act which was there before should be re-introduced, because we have some people who will call themselves village bulls, they go impregnating people's daughters anyhowly. Na hawa wasichana wanapo zaa the kids are not taken care of, these fellows abandon them and maybe the mothers may not be able to take care of them. So I will suggest that we have the Affiliation Act introduced, so that those ones who go around impregnating people's girls take care of the children.

Another issue is on the appointments of the officials of Commissions and Constitutional offices, and also senior public servants. I think this office holders or those ones who have applied for these offices should be subjected to parliamentary vetting and approval for subsequent appointment by the head of state, the president. That is what I had Commissioners I think I have saved your time.

Com Yano: Thank you very much. I think you were really on time, and that is why we like dealing with administration, they are always good with time. Richard Pamba. Halafu Richard atafuatiwa na Samuel Muolo, jitayarishe.

Richard Pamba: Majina yangu ninaitwa Richard Pamba kutoka Odialo location. Maoni yangu juu ya Katiba ni kwamba, Katiba ni muhimu kuunganisha nchi na ni kitu ambacho ni cha maana zaidi. The foundation of the nation. Kwa hivyo ambayo ina-bind wananchi, Bunge na wale wanaofanya kazi, kwa hivyo ni jambo ambalo si la kuchezeva ili kwamba future ya Constitution, amendments nina propose kwamba Lower House iweze kupitisha Katiba ama ku-amend kwa kupitisha 75%. Itakapokwenda katika upper house, iwe ni 80% halafu baadaye wananchi wapate ruhusa ya kuipitisha, yaani national referendum. Tumeona jambo hili kwamba Bunge la sasa haliaminiki, wamekuwa wakibadilisha Katiba vile wanavyoona. For the last 39 years wameibadilisha nasikia around 38 times. Kwa hivyo Bunge has never taken this matter seriously na ndio sababu nchi yetu imezoroteka.

Now, juu ya "motto", I am suggesting kwamba whatever form of government, iwe ni majimbo, iwe ni unitary government, motto iwe ni diverse cultures, one nation, one Kenya. Kwamba lolote tunalofanya tufanye kama wa Kenya. Nimeguzia juu ya, ni jambo gani linaenda kasoro katika Constitution yetu, pia nimezungumzia juu ya weaknesses katika current Constitution, na pia ninaguzia juu ya qualities of a good Constitution . Hii ingelifaa Commissioners watakapokuwa wanatayarisha Katiba wajaribu kuangalia. Recommendations zangu ni kwamba the president, yaani katika executive the president awe ni ceremonial head of state without executive powers. Tumeona executive powers vile zimefanya harm katika hii nchi yetu, the first regime na second regime. Bunge limepitisha jambo hili lakini bwana mkubwa anesema wacha hiyo. Sasa tunashindwa, is the parliament Supreme ama ni the Head of State. Ni lazima parliamentt iweze kupewa nguvu zinazohitajika. Na tukiwa na ceremonial head of state,

hatutakuwa na problems kama hizi za education, ya free education, mara si free education, wazazi na school committees sasa inakuwa ni vita. Hawajui watafuata la nani.

Juu ya Prime Minister, ninapendekeza ya kwamba the president lazima a-contest presidential elections with a running mate ku-avoid ile situation ya announcement katika barabara; baada ya 14 months hatuna Vice President. The president pia asiwe above the law, ikiwa strong state kama USA, president hayupo juu ya Sheria, kwa nini a small country kama Kenya the president awe above the law. Nina propose kwamba na pia president akiwa katika ofisi, he should be impeached while still in the office, he should answer for his deeds akiwa katika ofisi, if the parliament desires.

Ninapendekeza kwamba the president should be a person of good conduct, with exemplary family and social standing. Money ndio kielelezo kwa taifa. Akizungumza juu ya family watu wanamuangalia, je family yake ikoaje. Na pendekaza kwamba tuwe na Prime Minister na cabinet na hii cabinet; nina different ideas kwamba kutokana na vile ambapo tumeona, a soldier is appointed minister for Health na wengine so forth. I am proposing kwamba tuwe na professionals, specialists ambao watakuwa ni non members of parliament kama United States, ili tuwe na watu ambao wanaweza kupangilia mambo sawa sawa.

Com Yano: Wind up your time is up.

Richard Pamba: Thank you Commissioner. Cabinet ministers, MPs na local authorities wawe ikiwa wamefanya mambo ya criminal cases, they should resign within seven days ama parliament ichukue hatua na cabinet ministers na public servants ambao wana commit economic crimes, corruption, mismanagement pia wachukuliwe hatua, badala ya kuenda free. The legislature with no field inaelekeza kwa mtu wowote, napendekeza kwamba mtu akiwa katika Bunge for 20 years he should retire. Ninapendekeza hivyo kwa sababu enzi ya sasa, we are now in dot com era. Mawazo ya watu yamebadilika .

Katika Constitution tuwe na fixed dates za presidential, parliamentary, na civic elections.

Com Yano: Pamba I can see you have a very good well-detailed memorandum, can you just leave it with us we will read it. So thank you very much we are grateful for your views. Give a chance to read the rest.

Richard Pamba: I just want to wind up, we may come up with a very good Constitution, but shall it be implemented. Because hata Constitution ya sasa ni nzuri, lakini vile inavyo fanya kazi is a question mark? Thank you very much Commissioners.

Com Yano: Thank you very much, na tafadhali nikikupatia muda, nikianza kupiga kengele ya mdomo, nikuambie wakati imetoshwa, waweza tu kumalizia ili ujiandikishe tupatie wenzenu. Kwa wakati huu tuko na watu themanini na ningetaka, na ningefurahia sana kama kila mmoja wenu angeweza kuongea. Singefurahi eti ikifika jioni tuone ya kuwa pengine wengi wenu watakatanzwa ama hawatapata muda wa kuongea. So tafadhali tuchunge muda sana. Asanteni. Tuendeleo.

Samuel Muolo: Kwa majina naitwa Samuel Muolo kutoka Nangosa location. Mimi kusema kwangu juu ya Kenya yetu vile ilivyo, ninaona utawala urudi katika majimbo. Kwa sababu lile neno linaleta mimi niseme namna hiyo sisi tumerudi nyuma sana, sisi watu wa Western hasa sisi kama Samia and Bunyala kama unaenda huko chini. Tuko bure kwa serikali ya Kenya, vile imejitawala kwa miaka hiyo, tumebakia nyuma, hakuna barabara, hakuna kitu mzuri hapa kwa sisi, hakuna kiwanda ya kusaidia watoto wetu, na tulikuwa walimaji wa pamba mbeleni, tukaona hiyo pamba haitusaidii tukaiwacha. Huko juu walianza miwa, wakaanza kulima miwa, hata saa ingine sasa wamechoka wanataka kuwacha kwa shauri hakuna ma factory, wanafanya kazi ya bure tu.

Mheshimiwa wetu amejaribu kama ameingia ndani ya parliamnt kuweka hii barabara yetu lami, aka-survey mara mbili wakamnyima pesa ikabakia namna hiyo. Sasa hiyo barabara haikufanyika kitu chochote. Kama mvua inanyesha sisi hapa tunaangaika tunaona tuko kwa serikali, tuko kwa watu gani?

Tukirudi upande wa polisi, nimechukua polisi ina uwezo mingi sana wa kushika sisi kwa barabara, kwa maboma zetu na hii pombe ndio... tulizaliwa kwa pombe siku za zamani. Wazee wetu walikuwa na pombe ya *muriya*, na hii pombe ya *muriya* ndio walikuwa wanazungumzia maneno yao, hiyo wanapiga marufuku, hawataki pombe; na serikali ya Waingereza ilileta pombe ikawacha ikawepo na ndio wazee wanakaa kama wanafanya kazi yao wanapigia maneno yao kwa hiyo pombe ya *muriya*. Sasa hiyo yote wameichukua, kama polisi wanakukuta wanakungoa na hiyo mtungi yako yote. Sasa unachukua utawala mingi wanampa polisi. Kwa hivyo mimi nalia serikali irudishe hiyo amri, iangalie sana. Hapa Uganda, sisi tuko pamoja na Waganda, wanakula pombe tu, hata anatembea na pombe tu. Na sasa sisi tuko kwa serikali gani inatupa sisi umasikini? Serikali hii inatupa sisi umasikini namna gani? Pesa yote ikitoka nje kwa msaada wanagawana tu, wa Kikuyu wanagawana, wa Nandi wanagawana, sisi tunabakia tunaona tu namna hii. Sasa hiyo ki serikali gani? Sasa utawala huu, Kenyatta si yeye alileta utawala peke yake, hata Elija Masinde katika Western alilia tu na watu.....(Inaudible).

Com Yano: Tafadhali kelele, tutulie. Niliwaambia tangu awali tuna-record haya maneno, na sasa kelele inashikana na hayo maneno hatutaweza kuitatua tukirudi Nairobi. Tafadhali tumpatie muda aongee. Ongea mzee.

Samuel Muolo: Elijah Masinde ali lilia hii serikali sana. Kama maneno haitakuja siku ile walienda kwa Lancaster House wakakosa utawala, yeye alimuambia utawala utakuja na utawala huu utakuja, mtawala wa kwanza hatakuwa Mluya, mtawala wa pili hatakuwa Mluya, lakini hata wafanye namna gani wa tatu atakuwa Mluya.

Sasa tena wanataka kurudisha Mkikuyu ule alitawala tena atawale mara ingine. Sasa huyo Mkikuyu atakuwa kama anamaliza kutawala, tena atarudishia mtoto wa Moi, tena ndio atawala tena. Sisi tunaona tu namna hiyo, sasa hii ni nini hii? Hii ni utawala yao ya kugawana? Kwa hivyo mimi nasema na vile vile watu wa Kenya wa jinga wale wenye kusoma wanasema ati wako na degree, wajinga wa namba one. Wanasoma vyama vingine vya kupinga KANU na tena wanakuwa wengi, sijui vyama arubaini na kitu. Mtaweza KANU namna gani? Si mtungeneze chama moja halafu mnaweka mtu mmoja halafu munamtuma anaenda

kuminyana na wale watu. Sasa nyinyi watu wa Kenya bure tu. Kwa hivyo hayo ni maneno yangu ambayo nimesema.

Com Yano: Asante sana Mzee Muolo kwa hayo maoni. Tafadhali tutulie, unafurahia kidogo halafu tuendelee na kazi, otherwise tutapoteza muda wote tukifurahia hapa. mwenye anaye fuata sasa ni ex-assistant minister Arthur Ochwanda.

Arthur Ochwanda: Mimi kwa jina naitwa Arthur Ochwada, mzee wa hapa Samia kutoka Nangosia location. Yangu hayatakuwa mengi sana, madam Commissioner, yangu ni juu ya akina mama. Nina wapenda sana, lakini saa zingine wao huenda zaidi ya kiasi. Hatuwazui kwa jambo lolote, hatuwapingi kwa jambo lolote; lakini yale niliyoyasikia ya kisemwa ya kwamba uridhi wa shamba, uwe free. Ikiwa mimi nina mtoto wangu kama vile ninavyo, ameolewa, ameenda siku nyingine ataamua arudi au afanye mpango na bwana yake, kwa sababu kuna ma bwana wengine kama sisi wajeuri sana. Tunaweza kufanya mpango niwe na shamba hapa kwangu na tena niende kwa mkwe wangu nipate shamba. Lazima tuangalie sana jambo hilo Commissioners. Kwa sababu hatutaki kuwa na society ambayo utaoa leo, kesho una-divorce kwa sababu bibi anataka shamba kwao au amepata shamba kwao. Utaoa leo, kesho unamfukuza kwa sababu ninataka aende achukue shamba kwao iwe lako. Hilo ni jambo lazima tuangalie sana.

Upande wa land; hili jambo ndilo lilifanya tukapigana na Mzungu na hata tukashinda kwa sababu ya land. Land ownership kwa wakati huu na wakati uliopita ilikuwa ingine ya central government, ingine ya customary land. Customary land hii tukiacha free pengine wakati mwingine itakuwa unaweza kuambiwa hapa nimeshanunua, ondoka na ushindwe alinunua na nani. Kwa hivyo hii jambo ya customary land wana Commissioners mkienda, msije mkanisahau tunataka hiyo iwekwe. Land hata ikiwa ni ya serikali upande ule mwingine, lakini ile yetu ya huku risafuni mtuwachie iwe chini ya either local government, au local authorities wenyewe watu wenyewe.

Legislature; nimesikiliza hapa, hata nimemkumbusha Mheshimiwa labda ulisahau. Kwa sasa tuna mkogoro mwingi hapa Kenya, tunao wengine wanaitwa sijui dot com generation, kuna wengine ambao wanajiita Eh! Kama ingewezekana Commissioners mfikirie, kwa sababu hatutaki kuwazuia wale vijana wasiingie katika uongozi; lakini tuwe na bi cameral legislature. Ile nyumba ya juu iwe ya wazee ya kuchunga mambo. Tusaidiane na president kuchunga mambo; kwa sababu nimesikia kunatakiwa kuwa na president na kuwa na Prime Minister so hawa vijana tuwawache wacheze na Prime Minister yao hapa chini. Wapigane hata wafanye nini, kwa sababu juzi juzi tu, si zamani si walianza kupigana. Wapigane na Prime Minister wao hapa chini, lakini ikija jambo juu lipitishwe hapa chini tuone ya kwamba hapana, hii ni mchezo wanataka kuleta mchezo kwa nchi yetu. Nyumba ya juu ya senate iseme hapana au ikubaliane nayo.

Haya mengine yote nafikiri yamesemwa sitarudia kwa hivyo nitawachia hapo.

Com Yano: Asante sana, ngoja kidogo kuna swali.

Prof. Kabira: Hon. Ochwada, who will form the senate, we don't have it now. So how do we form it?

Arthur Ochwanda: Formation ya senate, hiyo madam ni kama tuseme zamani tulikuwa hapa na senate, tunaweza kwa sababu sitaki kufanya sasa nataka kuiachia ile, mkikubali ya kwamba iwekwe senate, tuwe na serikali ambao itaamua senate itakuwa nani na nani. Lakini kama kwa sasa hata kama tungenesema tuwe na member mmoja au wawili kutoka katika kila district, wawe elected by the people from that district, wawe elected kama members of parliament, wawe elected na people from that district, waende ku-represent hiyo district katika senate. Kwa sababu hawezi kuwa nominated by somebody, lazima iwe a senate ya representatives of people; vile inavyofanywa United States and so on and so forth.

Com Yano: Okay asante sana. Tumeshukuru sana, jiandikishe. Boaz Ojiambo karibu, halafu tutapata mlemavu mmoja afuate Boaz.

Boaz Ojiambo: My names are Boaz Ochieng Ojiambo, I come from Nyakholi sublocation Namboto location. Nataka kupeana mawazo yangu kwa two points; local government and then natural resources.

Local Government; ni mapendekezo yangu ya kwamba mayors na council chairmen be elected directly by the people, so that they can be accounted for by the people.

The current two-year term for mayors, council chairmen, is not adequate, they should serve for five years. Councils should continue under central government, but the chief officers be employed by the council, and salaries be paid by the central government. Minimum qualifications for councillors should be a form four certificate, but senior retired civil servants be exempted from this condition.

The requirement of a language test when vying for a local authority seat is sufficient in addition to form four level of education. There should be moral and ethical qualifications for local authorities seat, and in addition there should be a certificate of good conduct.

People should not have the right to recall their councillors until after five years when new elections are called.

We should retain nominated councilors, but consideration should go to vulnerable groups based on parties and wards. The rules that should govern the conduct of councillors in a multiparty state are:-

- (1) The Constitution should stipulate their conditions of service and code of conduct.
- (2) Drunkenness, violence, absenteeism, and party desertions should be avoided, thus local government Act cap 265 be amended.
- (3) Enumeration of the councillors should come from the central government. Local government, Service Commission be formed by parliament to deal with day to day matters of the local government.

The president or the Minister in charge of the local government should not have the powers to dissolve councils; the powers to dissolve councils, local government should be from the parliament and in consultation with local government Service Commission.

Natural resources; we have our lake Victoria, we have our rivers filling the Lake Victoria, but when it comes to fishing, the people of Kenya are told not to fish in Ugandan waters yet, this fish huwa wanazalishwa kwa mito zetu. So the fishing in Lake Victoria should be left free for all.

The colonial contract with Egypt that bars Kenya to use lake Victoria water should be revoked and Kenyans be allowed to use the water for irrigation. If not we be compensated.

There is oil in our village, in our hills, we have Agenga, Odiado and so on hills be mined and the factories for the same be established in the various areas.

Pension; the pensioners salaries should also be increased alongside with the existing workers increments.

Com Yano: Your time is up.

Boaz Ojiambo: Thank you very much, that is what I have.

Com Yano: Thank you very much, I think this time I was dealing with a real gentleman. There is this gentlemen at then back the he will be followed by David Muchama.

Nicholas Okumu: My names are Nicholas Juma Okumu, I am from Nangina, above all I am a Kenyan citizen. First of all I wish to sincerely thank our MP in his absence for having explained further about this point of the disabled people, beyond what I expected and of course I will just have to second that for the coming Constitution, we should have a ministry set aside for this disabled children.

Another point is about youth; actually it has come to my notice that as much as the number of youth is increasing in Kenya, somebody somewhere is just saying that hawa watu wajiunge na Jua Kali sector. Of course Jua Kali sector is there, but youth, vijana wherever they are, the number is increasing yes; but how are they going to obtain capital to start this Jua Kali sector? Also on youths we have some areas in Kenya, particularly here in Funyula, Youths here in Funyula, Busia district, we don't have things to do with recreation facilities and in the coming Constitution, I will wish that this recreation facilities should be created to enable youths feel that they are also citizens.

Another point is land; the idea of land succession, I think we should do away with this land succession because as I believe we Kenyans we fought for our independence and we really won and got the land; so I don't think that we people again, we citizens of Kenya we again go ahead using money going some where seeking for documents that you want to obtain the land and yet even God knows that the land belongs to you, why again to do this things of land succession? I think for the coming Constitution, we should do away with this idea of land succession.

Another thing I will talk about is education; people have talked about education yes, but I will still give my proposal. On the idea of education, I will wish that from Primary education it will just be free and then secondary it should be cost sharing, and colleges and universities should be free. Also on the side of health, I do understand and I do believe that life is very vital to a human being so I therefore wish to say that in the coming Constitution we should have free health facilities for the citizens.

Com Yano: Your time is up.

Nicholas Okumu: Thank you, I have just completed.

David Muchama: Kwa majina ninaitwa David Muchama, na nitaongea upande wa elimu kidogo. Ningefurahia Katiba itengeneze upande wa elimu; wapatie shule za msingi wasome bure, kwa sababu unapata kuna wazazi wengine hawana pesa ya kulipia watoto wao, sasa wanakosa kabisa na upande wa shule ya secondary wajaribu kurudisha karo chini kidogo.

Jambo lingine la pili ni mambo ya polisi wanasumbua raia sana. Wako na koti katika station na tena huwa wanazurura wakienda kwa mashambani kule kwa maboma wakisumbua akina mama na wazee. Jambo lingine la tatu ningependa serikali ikubalie ile pombe ya murija, lakini sio ile ya changaa; kwa sababu hata kuna watu wengine wakinywa changaa wanaenda kusumbua watu huko nyumbani tena. Jambo lingine ningependa kuingea kwa maneno ya assistant chief na ma chiefs. Pia hao wanasumbua watu kwa upande wa shamba. Mtu akitaka kununua shamba hawajui hili shamba ni la nani, wanasema tu wewe nunua halafu baadaye wanaandika makaratasi ingine ya kukoroga koroga maneno, halafu hiyo mambo inaleta watu kuenda koti kila mara kwamara. Sisi hatutaki mambo kama hayo, hiyo ni ufisadi ya kuiba pesa, ambapo anajua tu anapata mshahara, bado ana demand pesa ingine, hatutaki mambo hiyo.

Com Yano: Malizia.

Muchama: Jambo lingine ningesema upande ya wa Bunge, hii Katiba iangalie sana, mtu akiwa anataka kusimama ubunge, asiwe anachukua jukumu la kuenda kutukana mwenzake yule ako Mbunge wakati huo. Ati yeye sijui ako namna gani, anasema mambo mengi juu ya huyo mwezanke. Yeye akitaka kusimama ajitokeze tu, nataka ubunge muniapatie kura, sio kuenda kutukana mwenzako, hiyo ni mbaya sana.

Com Yano: Asante sana. John Ngira. Na tafadhali nikikuita, ninikuambia ujitayarishe uje hapa mbele karibu, ili tusikapoteze muda ukitembea ukikuja mbele. John Ngira atafuatiwa na Charles Pamba.

John Ngira: Kwa majina naitwa John Ngira. Nitaongea kwa Katiba hii mpya ambayo serikali yetu tukufu itakayoundwa. Mimi ningemba pombe ihalalishwe, yaani vilabu vya kienyeji vile vya zamani, vile vya kuuza busaa vifunguliwe. Hii vilabu ilikuwa inasaidia sana watu wengine ambao walikuwa hawana kazi, wanasaidia kina mama kufanya kazi ile. Asikari wanafaidika na hi Sheria ati kulima pombe ni haramu, haitakikani Kenya. sasa wakizunguka huku mitaani na vijijini na wanapata akina mama na pombe kidogo ama chupa moja, polisi huyo anadai Shilingi elfu tatu kwa mama, ama elfu mbili. Sasa inaonekana kama hawa polisi ndio wanafaidika sana, na Sheria hiyo ya kwamba pombe ni haramu Kenya.

Sisi tuko majirani na Uganda hapa, pombe huko imehalalishwa kila aina, hata bangi hata nini. Uganda huwezi kupata mtu mmoja mabusu ati alishikwa kwa ulevi, hakuna. Lakini Kenya hii jela zote zimejaa watu walevi, kwa nini? Jela bandia hapa Busia kuna jela ndogo, halafu uende Bungoma mpaka Kitale mpaka Nairobi. Wengi wa mabusu hawa ni walevi, na polisi wanapotembea mitaani na vijijini hawatafuti makosa ya jinai, wanatafuta speedy case za walevi. Hiyo ndio njia moja ya mkato ambayo wao walipata, wakipata mimi na glass moja pengine glass kama hii ya changaa wananidai shilingi elfu tatu. Mzee kama hauna elfu tatu twende. Na mtu yeyote ambaye anatoa fine kwa polisi pale bomani wanakuwacha.

Com Yano: Umemaliza wakati wako.

John Ngira: Sawa mama. Nataka pombe hailalishwe.

Com Yano: Anayefuata nilikuwa nimesema ni Charles Pamba. Charles atafuatiwa na Brenda Okochi.

Charles Pamba: Kwa majina ninaitwa Charles Pamba kutokan Nyakhulu Sublocation Namuhutu location and the village being Mukonjo.

Audience: Sauti!!

Charles Pamba: Niko na maumivu ya koo kidogo sasa mtaniwa radhi.

I just want to talk about infrastructure, agriculture and a bit of education. Infrastructure; I will very much emphasize on roads, ama generally the road conditions in Kenya. I had a feeling, instead of quarreling with a member of parliament and councillors about poor conditions of the roads, which was one of their first responsibilities, I suggest or I recommend if we had field entrepreneurs or financially muscled individuals in Kenya here who could be contracted to be tarmacking this poor roads and commercialize them and charge fairly, profitably, that the previous system whereby we have the toll taxing, a lot of money have

been taxed from the motorists to maintain the condition of the road. Where that money disappears to is beyond somebody's expectation. That is why I suggest that financially muscled individuals in Kenya should be allowed to maintain, tarmac and maintain this roads successfully.

Agriculture; you find here in Samia as it was mentioned, we don't have any commercial crops simply because the cotton we had, which we were planting was not covered by a Constitution such that it was made compulsory. Like in Kikuyu you cannot just plant coffee and then just up root it anyhow, you will face the law. So I think the Constitutional making should also enshrine cotton as a cash crop such that it promotes our living standards as a cash crop. That is I am asking the government to promote the production and marketing of cotton, instead of we just beggars to other provinces. We will find that in due course the statistics say that the poorest provinces are Nyanza and Western, as opposed to the richest Nairobi and Central, simply because strategically they are well positioned and agriculturally they have got channels for marketing their products unlike we in Samia. I would rather say when it comes to that, I think to tribute our resources evenly, you may realize that we have got some of our facilities administrative facilities you find in one place which is Nairobi. Had it be that there have been decentralized maybe you have got a ministry of education say in Busia whereby you have got PS and all that there, at least some of the resources will be coming from me because or Eastern to Busia here because when my retired uncle wants to follow his benefits, he will be forced maybe to expose some few resources here, takes the money to Nairobi and leaves there because they will say they find(Inaudible). So we shall be taking our resource to one place instead of distributing all over.

Com Yano: Pamba your time is up.

Charles Pamba: Okay, thank you.

Com Yano: Thank you very much, we are grateful for the views you have given. Kindly register yourself. Brenda Okochi, karibu.

Brenda Okochi: This is for ACK Nambutu women, they tackled four pages from that book of yours. Ya kwanza ilikuwa kuhusu basic rights. Nitakuwa nachukua few points. The Constitution provisions for fundamental rights are not adequate. Women should be given equal opportunities e.g. meetings, employment, family affairs, education, in marriage and freedom in movement, to be given passports freely as Kenya citizens.

Death penalty should be there but left for court judgment without consultation from president or Attorney General, even God passed this in the book of exodus 21: 12. The Constitution should provide compulsory free education from form one to form four and then university to be cost sharing.

Kenyans should have the right access information in the possession of an other agency. It is because the state does not give correct information from opposition parties and private sector and their charges are too costly for an ordinary man.

The rights of vulnerable groups; women interests are not fully granted in the Constitution. They should be given loans, ownership, full rights in their family affairs, left to choose whom to marry and when, after husband's death. The Constitution should protect the right of children by increasing orphanage homes, building more rehabilitation centers, old age groups and widows should be given assistance e.g. free medical care, shelter and food. Those without pensions to be given little allowances.

Land and property rights; the government should have powers to acquire private land for their use. They should negotiate with the owner and buy it, separate it from the families clan and give it a title deed. Issues concerning transfer of land and succession rights should be addressed in the Constitution. Women to have a right to own land title deeds together with her husband. Succession should be done by sub chiefs, chiefs, village elders should divide land to the family not take to both committees. There should be restriction on ownership of land by non Kenyans. There should be a ceiling on land owned by an individual. One person should not have more than 20 acres, Kenyans should own land anywhere in the country. The Constitution should guarantee access.....(Inaudible).

Com Yano: Please wind up.

Brenda Okochi: Let me wind up. This will be the last one.

The culture and(Inaudible) derived from a collective experiences that should be captured in the Constitution are: -

- (1) Women's inheritance to be abolished
- (2) Women circumcision to be abolished
- (3) Women should have a right of sharing her husband's land equally, and her name to appear on a title deed.
- (4) Girls and boys to be given equal education. Women to hold big posts in different sectors e.g. chairperson on board of governor in secondary school, chairperson on school committee.

Then lastly, please let us get the feedback from your office and this Constitution should be followed strictly. Thank you.

Com Yano: Thank you very much Brenda. Maybe if the feedback you are asking for is whether what you are telling us is going to be put in the Constitution or not. What we assure you is immediately after this we are going to make a report and then we will send that Constituency report, and we will send that report back to this Constituency. So it will be upon you to ensure that what you told us today is in that report. If it is not there, then you have the right to make lots of noise. Thank you.

Simon Peter, halafu Simon Peter atafuatiwa na Benjamin Wanyama.

Simon Peter: Kwa majina ninaitwa Simon Peter Madiani, kutoka Odiado location, mzee wa miaka themanini na tatu. Langu ni hili, katika neno langu la kwanza, nataka watawala wachaguliwe na raia, wazee wa sublocation na location; ni kwa maana hawa ndio wazee wanaojua watu hao watakuja kuwatawala.

Mambo ya mashule; wakati ule wa miaka ya nyuma tunasema wa koloni au Waingereza pamoja na makanisa ndio yalikuwa yanatengeneza mambo ya mashule. Mashule kama ya mission ilikuwa inalindwa na wa missionary wenyewe na yale ya DEB ndio ya serikali ilikuwa inalindwa na serikali. Na kwa haya ma shule, serikali ilikuwa ikitoa tu waalimu na mishahara. Lakini mambo yote ya administration ilikuwa kwa hizo mission kwa maana mission zililinda hizo mashule, watoto hawavuti bangi, hawanywi pombe, hawasomi magazeti na mambo kadhalika. Hata waalimu wenyewe walikuwa wanalindwa na mission namna hiyo, ndio corruption ya kuchoma mashule na mambo mengine, ku-rape, kuwapa wasichana mimba ilikuwa haipo, na kwahivyo katika mawazo yangu, naona consitution hii katika serikali ijayo mashule ya mission ilindwe na mission, na ya DEB ilindwe na serikali.

Mashamba; case za mashamba zinafaa zisikizwe na wazee wa mtaa, na wa sublocation na location, halafu iwepo korti kuu kama tribunal korti iwe ya mwisho kwa case za mashamba kwa maana zamani ilikuwako tribunal court, na hii court za wazee kutokea mwaka wa thelathini kufikia mwaka wa sitini ilikuwako tribunal court. Na watu wakishindwa case kwa sub location na location, ina kwenda kwa tribunal na tribunal inachukua hawa watu wawili wanao zozana kwa mashamba, wanakwenda kwa shamba lenyewe. Wanakwenda kuapishwa kwa hiyo shamba na yule anayesema uongo mwenyewe anachechemea hawezi kula kiapo kwa hilo shamba.

Com Yano: Mzee wangu malizia tafadhali muda wako umekwisha.

Simon Peter: Wasichana kupata shamba, kwa kimila ya Baluyia au Wasamia kwa uridhi wa mashamba, kwa maana msichana ana uridhi kwa bwana yake alipoolewa na akipewa shamba hapa kwao atakuja kuzaa watoto, na watoto hawa watakuja kuzaa na hawa wa wajomba zao hata heshima haitakuwapo na kadhalika.

Ubakaji; sisi Waluyia Wasamia mvulana akimbaka msichana kwa kimila alikuwa akilipishwa ng'ombe nne, ndama tatu na ndume moja.

tukitokea hapo, wakati wa mkoloni alikuwa mtu wa namna hii anafungwa miaka saba kwa jela, na walikuwa wanaogopa na kwa hivyo kurekebisha kwa serikali ya sasa ndio inampa mambo hii inaendelea kuwa mabaya zaidi.

Com Yano: Muda wako umekwisha.

Simon Peter: Asante.

Com Yano: Asante sana tafadhali jilandikishe, tumeshukuru kwa hayo maoni. Benjamin Wanyama.

Benjamin Wanyama: Jina langu ni Benjamin Wanyama Musyoka. Kutoka Nangosia.

Kitu cha kwanza nitaanza kujadili juu ya serikali ya wilaya. Serikali ya wilaya mimi ningependekeza itambue watu kutoka, viongozi kutoka mashambani, yaani wale wanaowatawala raia kama *Liguru*, sub chief na chief. Ningefurahia ikiwa mtapendekeza ama napendekeza kuwa *Liguru* awe mtu wa kwanza kutambulika kwa serikali. Hivi kwamba yeye anajua raia anayeishi na yeye karibu. Kwa hivyo ningependa kuwa *Liguru* ausishwe katika kupata mshahara kama chief, na huyu *Liguru* asiwe mjinga, awe mtu ambaye anajua kuandika.

Kwa mashamba; tafadhali ningependa kupendekeza kuwa mashamba ili kuweza kuwa na shamba lako lazima utalazimika kupata stakabathi ya kumiliki hilo shamba. Kwa hivyo garama ya kumiliki hili shamba kwa sasa mtu kama mimi siwezi hakika. Kwa hivyo ningependekeza kuwa ikiwezekana iondolewe, ama ipunguzwe ili mtu kama mimi asiyeona anaweza kuwa na shamba lake.

Serikali ya wilaya iwe na takrimu, record ya watu ambao wametosha kuwa na mashamba, ama watu ambao wana mashamba ili waweze kuwatambua kimpaka, wanapakana namna gani na hiyo mpaka iwe ya halali; wahakikishe kuwa ni ya halali tangu zamani, wahusiane na wazee walio survey hayo mashamba. Halafu kila mhusika apatiwe ramali ya kumiliki, ya kuhakikisha kuwa shamba lake lina nini, lina miti na lina mlima, lina termite hills, atakuwa na haki ya kufurahia kuishi kwake.

Wasio na wana aina mbili, kuna wale active na inactive. Wale ambao wako active wataweza kuelimishwa kirahisi kutokana na mazingira mazuri, na wanaweza saa zingine kupata kazi hata kuo. Na inactive mtu pengine alizaliwa hivyo ako gizani milele pengine ni kifo kitamtenganisha. Mtu kama huyo hataweza lolote hata akipata mwangaza namna gani, ako inactive. Kwa hivyo napendekeza hawa watu wasio na baadaye watengewe kitu kidogo cha kuwa saidia nacho kwa vile hawezi kupata kazi yoyote, haoni.

Ya mwisho nitapendekeza hivi; kiongozi wa utawala yaani president, ikiwa atakuwa mwanamke basi rais awe mume. Ikiwa mume atakuwa president basi vice awe mwanamke. Nafikiri nimemaliza.

Com Yano: Asante sana Wanyama, tumeshukuru kwa hayo maoni.

Nelson Odeda: Mimi Nelson Odeda. Yangu ni individual memorandum ambayo nitasoma kisha nitawachia Commission.

Executive; the presidential tenure should be fixed to two terms of five years each, totalling to ten years only. He will have his running mate who should be his vice president, both should not be members of parliament and be elected directly by wananchi.

This will make them less dictatorial and answerable to people.

Provincial administration; Provincial Commissioner, this is a high ranking position almost equal to the post of permanent secretary. Since they have got the post of a permanent Secretary in charge of provincial administration in the office of the president. The provincial Commissioners post should be abolished. This abolition will avoid the duplication of duties as well as conserve government expenditure in terms of salaries.

District Commissioner; this position may be retained though with different suitable title like secretary or coordinator, just to avoid colonial titles like district Commissioner.

District Commission will report to the permanent secretary, administration who has a number of deputy secretaries or sufficient staff to assist him coping with the volume of work.

District Officer; the retention of this position may be ideal, though the title may be changed just like the case of District Commissioner, ideal Assistant secretary.

Chiefs and assistant chiefs; both positions should be retained but elected by wananchi. This will avoid somebody manipulating them or interfering with their work.

Education; whereas the 8-4-4 system of education has its advantages and disadvantages, it is timely to replace the system with 8-4-2-4 that is eight years of primary education, four years of secondary education, two years in high school and then four years in university.

School committees; the committees should be empowered to handle discipline cases, interview new teachers, propose school levies. Plan and organize development projects, and handle many cases, many other issues on behalf of Teachers Service Commission. Such committees should be competent with the provision that the chairman and at least three members should be above K.C.P.E. levels for primary school. For secondary schools the committee should be having members of K.S.C.E and above. The committees are useful in relieving head teachers from many functions outside class. Above all primary and secondary education should be completely free and parents or guardians who can't take the children to school should be sued in a court of law. This will reduce child labour, early marriages and prostitution and street children.

Health care; majority of people especially rural areas cannot afford private clinics or medicine from chemists hence the following is recommended:-

- (1) Introduction of mobile clinics to reach every sub location at least once every month.
- (2) Doctors, Clinical Officers, Nurses, and all personnel of Ministry of Health should be barred from operating private clinics. This will help to curb lots of drugs from government hospitals.

General elections should not be held at the pleasure of the president and infact the president should not be the one to announce the date of election. The announcement of the election date should be done by the Speaker in consultation with the chairman of Electoral Commission. Every Kenyan aged 18 years and with national identification card should be allowed to vote. In the absence of an ID therefore there should be sufficient proof of citizenship such as driving license, birth certificate or any other certificate that can prove. The date for election should be announced 6 months before, and the date should be a weekday preferably a Monday.

Com Yano: Nelson thank you.

Nelson Odeda: Local government, mayors and the council chairmen should be elected directly by wananchi. They should serve five years term like councillors and not two years as it is the case now. This will avoid mayors and chairmen corrupting a few councillors after every two years. They should draw salaries from central government; most of the councils are broke. Thank you very much.

Com Yano: Thank you very much Nelson. I hope you will start to trust us, we are going to read everything in that memorandum. Abubakar.

Abubakar Bagoya: My names are Abubakar Bagoya. This are my proposals; as a Muslim and as a Kenyan citizen, first we want the Constitution to give Muslims the right to elect Chief Kadhi.

We want the Constitution to give Muslims office of Mufti. Nadhani Muft I ni yule ambaye atashugulika na kutatua masilahi ya wa-Isilamu kama mfano tumeona katika siku za kufunga tuna shida kwa sababu kuna wengine wanaweza kuanza leo, wengine wakaanza kesho kwa sababu mtu kama huyu, Muf atakuwa mwenye kutuongoza countrywide.

Chief Kadhi and Kadhi should be allowed to deal with all cases, sio ku-deal na kesi tatu peke yake, awe atashugulikia kesi za Waislamu wote mahala ambapo panahitajika.

Lazima Katiba itupatie sisi wananchi wa Kenya right nyingi kuliko wale ambao ni wageni; kwa sababu utakuta kwamba wale ambo wamekuja hapa wageni wanaheshimiwa zaidi na serikali kuliko wananchi, wakienda ma ofisini wanakuwa wenye kutumikiwa kwa haraka mno kuliko wale ambao ni wananchi ambao wana haki zaidi. Ingingine ni kwamba lazima Katiba iweze ku-define duties of the president. Isimuwache hivi hivi akifanya atakalo.

Lazima Katiba iweze kuinua maisha ya common raia, kama mtu hana kazi aweze kutengewa kifungu maalum ambalo litamuwezesha kuendeleza maisha yake ya kila siku.

The votes should be counted in the polling station, sio kwamba kura zikishapigwa zinabebwa zinapelekwa mahala pengine. Lazima zihesabiwe pale pale, mtu labda akitoka pale anajua kwamba mtu fulani ndio ambaye ameibuka mshindi. Ingingine ni kwamba, the new Constitution should protect African culture, kwa sababu kuna watu ambao wanaiga mienendo ambayo ni ya ki-western, ya umagaribi halafu wanadai kwamba ni maendeleo. Wana saha yale ambayo ni yao ya ki- Africa.

Lazima serikali ijaribu kupeana free education katika primary schools, cost sharing in secondary school and free colleges. Every one should have one job in the government, sio kwamba mtu anafanya hapa tena ni mkubwa mahala pengine.

Com Yano: Wind up.

Abubakar Bagoya: Ingingine ni kwamba mavazi; kwa sababu tunajua kwamba kwa hii dot com era, kuna watu ambao wamepotoka njia. Utakuta Wanaume wengine wanavaa mavazi ya kike, wengine wanaenda kushuka nywele ama kutoboa masikio; na wanawake pia ambao wameingilia mavazi ya kiume lazima Katiba iweze kuturekebisha, lazima iwe strict katika mavazi kama haya. Nafikiri nyingine mtasoma baadaye. Thank you.

Com Prof. Kabira: Asante sana Fredrick Omondi.

Fredrick Omondi Masiga: Kwa majina ninaitwa Fredrick Omondi Masiga kutoka Sagania Village. Kwanza kabisa nataka kusema machache mambo ambayo yananiudhi sana hata sikujua kama yangefanyika; lakini zamani yalikuwa ni mazuri kwangu sana. Hii inahusikana na vifaa vyangu vinapotoka nje kupitia kwa post office. Ninasomea nje na watu wa America na UK wananiletea vitabu na hizo vinakuja free matter for the blind. Sasa vilipokuja mara ya kwanza, vilipokwenda vile ninaenda kila siku, nikaambiwa leo utalipa 50 shillings na huku imeadikwa free matter for the blind. Nikashangaa sasa free matter for the blind ten huku nilipe ya nini. Nikaanza kukataa lakini kuna msamaria mwema aliyejitoa kunisaidia bwana Benjamini Otoo, akanitolea shilingi hamsini nikachukua hizo parcel hapo nikashukuru. Sasa mara ya pili zlipotoka tena America, nikaambiwa tena ulipe na umeandikwa free matter for the blind. Nikashangaa sasa hii vitu, serikali kuanzia zamani ilikuwa inatusaidia kwamba vitu vya wasio na vinapokuja vimeadikwa free matter for the blind na unapewa bure. Sasa sijui kwa nini zimegeuzwa nini. Sasa wakaniambi 67 shillings na sikuwa na pesa wakati huo. Nikasema sina pesa tafadhali unisamehee nichukue hizi vitu nivitumie kama masomo na niandike nirudishe wakasema hapana mpaka ulipe. Nikasema mimi sina pesa, wakakataa mpaka mara ya mwisho hizo vitu zikarudihwa, ziliporudishwea na nasoma nazo, sasa nashangaa itakuwaje. Hapo ninaomba serikali ya Kenya itusaidie, vitu vyetu vya free matter for the blind zisigeuzwe kuwa inalipiwa pesa. Sisi tunavitumwa, free matter for the blind, na kuanzia zamani serikali ya dunia nzima ilitoa amri ya kwanza vitu vya wasio na viletwe na wapewe bure.

Ya pili ninaomba utusaidie kutokana na mambo yetu ya kusaidiwa. Tusaidiwe kwa sababu kuna wengine wetu tunataabika sana kutokana na mambo yetu ya kuendeleza biashara zetu. Inafaa sisi kama wasio na tunapoanza biashara zetu tusilipe, kwa sababu

ninapoanza wengine wanasema mpaka wewe pia ulipe ndipo biashara hiyo iendelee. Hapo pia tunaomba mtusaidie ili tunapoanza kazi hata biashara tuwe tukifanya bure kwa sababu sisi kama wasio na hatuna pesa na tunapofanya hiyo biashara pengine tunasaidiwa na mtu ili tuanzishe hiyo biashara yetu, na tuendeleze maisha yetu ya kila siku.

Asanteni sana kunisikiliza.

Com Prof. Kabira: Asante sana bwana Fredrick Omondi. David Kanani.

David Kanani: Kwa majina ninaitwa Davis Kanani. Mengi yamesemwa sasa sina mengi ya kusema lakini nitawasomea tu moja hapa.

Kuhusu Electoral System and process; civic, parliamentary and presidential elections should not be held simultaneously, it should be done at a different times starting with the presidential election. There has been a lot of open corruption and bribery during the past election. We therefore wish to suggest that we have a limit on election expenditure by each candidate and that all be financed by state funds.

Presidential election should be conducted directly. Votes of all candidates should be counted at the polling stations and the winner be declared there before the voters.

Culture; in Kenya we have other communities that enjoy their culture but others are denied. For example we Samias from Busia district are denied our native beer, so let the Constitution legalize our local beer. The Constitution should legalize changaa and a factory be established to purify it to make it be Kenya waragi. Chang'aa will earn Kenya foreign exchange, it will create employment and time for drinking our native beer should be specified i.e. from 2.00 PM onwards. Thank you.

Com Prof Kabira: Thank you very much David. Boniface.

Boniface Machio: Thank you Madam Commissioner. My names are Boniface Machio, mimi ni executive officer wa KANU katika district hii. Sipendi kurudia yale ambayo yamesemwa, wale ambao wamesema walikuwa very emphatic, lakini nitasema tu maneno moja mawili, nitasoma tu kwa upesi ama mtataka clarification ndio labda nitaruidia.

Katika Kenya; system ya taxation inaonyesha ya kwamba indirect taxation kila mmoja wetu analipa tax. Na kama kila mmoja wetu analipa tax, lazima Constitution ifanye provision ya kwamba wale ambao wameelimika na wanafaa kupata kazi, ikiwa serikali haina kazi, fungu fulani liwekwe la pesa kulipa hawa watu welfare assistance.

Jambo la pili, nataka ku-emphasise ya kwamba watu wajitawale. Let people rule themselves na ile ruling ianze mashinani,

nataka kusisitiza sana umuhimu wa *Liguru* kuwa na watu wake wawili, watatu, wane, watano kumi vile Katiba itakavyosema na maneno mengi ambayo inasumbua watu, wanaenda kortini sijui wapi mpaka wapi ikomee hapo kwa Liguru. Katiba ya Kenya(Inaudible) katika preamble yake mimi nataka kupendekeza ya kwamba katiba ipendekeze na iweke provision ya kwamba, wa Kenya popote walipo lazima kuwe na equitable provision, I mean equitable distribution ya resources; kwa sababu kuna areas ambazo zinaendelea na zingine zinaendelea kutokomea, na wote ni wana Kenya, so the central government should be able to provide distribution of resources equitably; au kulingana na njia yoyote ambayo inaweza kuwa acceptable.

Langu la mwisho madam; kuna viongozi ambao wana misbehave sana, watu wamechaguliwa, yeye anaweza kuwa ni riguru, au anaweza kuwa ni councillor anaweza kuwa ni MP, lakini wanafanya vineno vya ovyo ambao vinaonyesha huyo mtu asitahili kuwa ni mtu ambaye alichaguliwa. Kukuta watu ambao ni wezi, mtu anajulikana aliiba, hata alifungwa na huyu mtu bado anachukuliwa yeye ni kiongozi. What I am driving at is that the Constitution should make a provision for a national code of conduct; ili mtu kama anapewa uongozi wowote, iwe anaweza ku-measure with that code of conduct at any level: ya kwamba huyu mtu yuko namna hii na yeye anatosha kuongoza in such and such an area, bila kuchukua every Tom, Dick and Harry wale ambao.... is terrible hata huko kwa parliament. Tunaona watu ambao hawasitahili kuwa huko, wewe mwenyewe unajua tu na kwa sababu hakuna code of conduct.... Watu wengine wako hapa sitaki kuwataja lakini ukiniuliza majina nitakuambia. Lakini there are people who should not be there, and yet they are already there because there is no code of conduct. In fact Electoral Commission, we read things that someone ambaye alifungwa au someone ambaye anajulikana socially ni mtu ambaye hasitahili, he is not allowed to stand, lakini haifuatwi. Can we have it. Thank you very much madam.

Baraza Elasonya: I present a paper on political parties. Political

Parties should play roles other than political mobilization to conduct development projects, help to build and sustain democracy, conduct civic education programmes, everywhere in parliament and government policies. The Constitution should regulate the formation, management and conduct of political parties. Any defecting MP must resign from his or her seat and seek fresh mandate from the electorate; and in case of any party members must be enforced in the Constitution and this should reflect a national outlook. The number of political parties should be limited, I suggested we have only three political parties one ruling party, one opposition party, one monitoring the ruling party and the opposing party. Political parties should be financed by the government and this should be only during election period. At any other times before election and after, parties should finance themselves. Political parties should be financed from public funds only during election times. Political parties should prepare budget proposals and present them to the Electoral Commission which forward them to parliament for approval.

Terms and conditions that should be imposed on financing political parties should be that finances of parties should be solicited from public funds and from the members and not from foreign countries. Of course we can remain watumwa tukipata foreign funding. Books of accounts of this parties should be audited by the government, party leaders who incite members of their own party or different parties to create insecurity should be charged. The state and political parties should relate to one another in the sense that the losing parties should accept defeat and work hand in hand with the ruling party. That would have formed the

government. Any party that forms the government should appoint officers to run government offices and departments based on merit but not on nepotism or to reward their political supporters.

As I said I am a retired person; pensioners should be considered for yearly increment and they should also be considered for appointment to various posts of governance or whatever parastatal boards. Any political party which breeds thuggerism, violence, during election time should be barred during that election time.

Why we choose to have three parties; to avoid formation of far too many parties which would be formed on tribal basis and yet we wanted a united Kenya. Thank you.

Com Prof. Kabira: Thank you very much. Alexandria Onyango.

Onyango Alex: Hamjamboni wote. Mimi ni Onyango lakini ninakaa Funyula. Hapa ndio makao yangu, lakini sina plot ya kukaa mimi ninakaa tu kwa boma ya mtu, sina udongo hata sina pahali pa kuzikwa nikifa. Mimi nataka serikali inisaidie pahali padogo mimi naweza kuzikwa nikifa. Na pia wanaisaidie pahali pa kujenga nyumba yangu, hata kama mimi nakufa nitazikwa hapa. Hayo ndio maoni yangu.

Com Prof. Kabira: Asante sana Mr.Onyango. Steve Ogale.

Stephen Achoka Ogale: Jina langu ni Stephen Achoka Ogale. Tunataka Katiba ile itawapa wananchi uwezo wa ku;kaa bila matatizo na wale watawala wawe chini ya wananchi wa Kenya. Viongozi watumikie wananchi na wananchi wawe juu ya viongozi. Wananchi wakidiri, in English the small person has suffered. Wananchi wakadiri, villagers wameumia sana na kama kweli na maoni tumetoa kutoka asubuhi mpaka saa hii itaandika ile tumesema, iangalie uhaki wa wananchi, watoto, wakina mama, wazee na vijana. Hii memorandum imeandikwa na Busia Center for Justice and Civic Education. Na hawa wengine wako Nairobi wengine wako Busia. Mimi nimechukua jukumu ya ku-present mbele yako. Hawa wa Nairobi na hapa Busia wamependekeza tuwe na Police Complaints Authority. Hii police complaints authority, itakuwa kuwa wananchi wakiona police ana-harass binadamu yeyote, wapeleke complain hapo na ziwe karibu na division kama Funyula, Sio Port na popote nchini.

Sasa Kenya mwana Kenya yeyote ameogopa akiona askari. Mara kwa mara hata mkinywa chai kama Jumapili ukiona tu askari wanakimbia wananawacha chai kwa sababu wanaogopa mwenendo ya askari na askari ni mwana Kenya, hawa ni wana Kenya. So the functions of a policeman and the functions of the provincial administration are so confusing kwa sababu hawa wote wanashika. Na nikisema kazi ya askari inakuwa mambo ya internal authority, trade inside the country they have left their responsibility and the policemen have gone to harass the ordinary mwananchi and we talk of the traffic, imekuwa kama toll station. Those of us who have been in a Matatu and any bus ikisimama shilingi hamsini, askari amechukua. The new Constitution must put mechanism and functions through this authority that a mwananchi can detect a police and take his number and report to

the nearest authority what the policeman is doing. It is more of a police state. Sisi Kenya tunatawaliwa na askari.

We are now saying the police should stop receiving orders from politicians, askari wanachukua amri kutoka kwa wana siasa, hawachukui kutoka kwa Commissioner of police.

Com Prof. Kabira: Can you go to the next point, but also clarify with the provincial administration and the police. You said their roles have been confused so what do you want to do about.

Stephen Achoka Ogale: We would like the new Constitution to state clearly the functions of police as part of the internal security, na I-state clearly the functions of provincial administration. Wanaanzia wapi na wanakwisha wapi. As it is now wananchi hawaelewi, DC if a DC anaweza anawacha Busia aende apeane wheelbarrows mbili Budalangi tunashtuka. PC anatoka Kakamega to go and we give one wheel chair. So we are now saying that should be stated clearly in the Constitution kazi ya PC, DC DO, chief assistant chief, haiko we don't know.

Training; I suggest the police should undergo a one year training na hii training iwe law, social, mobilization ya wananchi na haswa mambo ya human rights na paralegal plus civic education.

On succession and transfer of power; hawa wamependekeza we should have a transition authority within the new Constitution, this authority should be independent as it is today. We are now in multiparty today, we moved from one party era to multiparty era. It is so difficult for a government which has ruled for so long 40 years, to hand over power to a new successor, they will resist and this transition authority which is independent should be in charge of presidential elections and the general elections.

The vice president should be an elected vice president.

Com Prof. Kabira: Where does ECK go, the Electoral Commission.

Stephen Achoka Ogale: I am dissolving the Electoral Commission so that the transition authority will take over the work during the election period. If the president is in charge of the air force, the navy and the military and the top organs of the government it becomes very difficult for this people to resist the take over of the new government. We have seen it happen in Madagasca, we have seen it happen in Zambia and all over Africa. So to safeguard the country we need that transition with the power of changing and handing over the power and the president within 30 days, because the new president should be allowed to study the old ones who have time to hand over and pack his cartons within these days and then the new one to take over. It has happened the president is elected this morning in the afternoon he is being sworn in state house. Even if you have a court injunction they don't allow you to reach the courts. Thank you very much.

Com Prof. Kabira: Thank you very much Mr. Ogale. Do we have Raphael Onguso.

Raphael Onguso: My names are Raphael Onguso, this is a personal contribution. I come from Bukhulingu sublocation Nangosha location Funyula division. I am an ex-civil servant, retired. I am going to give my presentation on two issues only. The first one will be land and property rights and second one is going to be on culture.

Land is the basis of economic development in Kenya and should be owned and managed in the most sustainable way. I propose that the new Constitution should guarantee access to land by Kenya citizens. The foreigners can also acquire land for development only with permission of the parliament, that is putting up factories and so on.

The land acquired legally by the citizens or foreigners must be respected and guaranteed by the new Constitution.

I also propose that unlimited acquisition of land by greedy individuals must be checked. The new Constitution should put a ceiling to the amount of agricultural land an individual or a group of registered individuals can own. I therefore propose that the land be classified in three categories.

- (a) Agricultural land in rural areas privately owned by registered groups or individuals.
- (b) Private land owned by individuals or registered groups for commercial or industrial use only, mostly in towns, trading centers, etc.
- (c) State land owned by government or local authority or an institution for whatever reasons e.g. for research, education, etc.

In order to jump-start our economy, all privately owned agricultural land in group (a) above must be 80% utilized in any one given year. Any unutilized land must be taxed. This procedure or new law on land utilization will encourage the idle land to be utilized. Also the greedy people who speculate and hold land denying its usage and productivity to the landless should be forced to pay tax which will be used for the development of the country.

I propose that all land title deeds legally issued so far, must be honored and guaranteed by the Constitution; this will avoid up havals and so on. I also propose that Kenyans be free to own land anywhere, the Constitution must also indicate the right of the land usage. For example if there is mining farm somewhere, how far down do you own that land, or how far above do you own that land, the Constitution should be able to cater for that. I propose an individual should have the right of the land, 200 meters below the ground level and 200 meters above the ground level.

Basic rights; the Constitution guarantees civic and political rights and does not make any provision for social, economic or cultural rights. The new Constitution, must provide for cultural rights.

In most of our Africans, all the births, all marriages are celebrated in one way or another. All these celebrations or ceremonies have the use of things like songs, drum, family members, all neighbours and in most cases some alcohol is evident. In order to promote our African Kenya culture, I say African Kenya culture because we have several cultures here, Muslim culture we have got so many others. I propose that drinks such as Muratina, Mnazi, Lingerwa, Busaa, Chang'aa must be recognized as part of Kenyan cultural drinks. I am not a drinker myself but I have seen very bad things happening. The law enforcement officers should not interfere with such ceremonies. I further propose that no permit should be required for a law abiding citizen to exercise his cultural rights by celebrating the birth of his child, or the marriage of his kin or by drinking Muratina, Busaa, Chang'aa and singing and beating drums happily, or crying or doing anything in his own language like Luhya, Kikuyu, Luo, Kamba etc.

When a citizen breaks the law, the law enforcement officer must go about their work respecting both human and African culture. In Kenya respect is part of our African culture, particularly respect of parents. The police or any other law enforcement officer must not harass, beat, handicap, tie with ropes, a suspect in front of his children for a simple offence such as drinking chang'aa or refusing to bribe the police officer or protesting against mistreatment. It is dehumanizing to see such respected citizens being mistreated in front of their children, their in-laws, etc.

I propose the police should either serve this suspect with a notice to appear at the police station to record a statement or simply take the ID and ask them to report at the police station. The young police officer should be respecting the age of the suspects under their care. They should not beat, harass or slap people who are the same age as their parents. A suspect must be accorded all rights while in the police custody such as family contact, access to the advocates, or use of telephone and a right to receive information from family members, friends or relatives. Thank you very much.

Com Prof. Kabira: Thank you for your views. You are just reminding me of a book by *Chinua Achebe* called *Arrow of God*, you know where an elderly man was beaten in front of the children and which dehumanizes you. Thank you very much. We have Yusam Wesula.

Yusam Wesula: Majina yangu ni Yusam Wesula. Maoni yangu, tumepata uhuru miaka thelathini na tisa, maji bado kuenea katika sehemu zote, maji na umeme hakuna.

Mambo ya police, inatutesa sana. Police hana heshima kama mtoto wako anashika wewe hata kwa kitanda na kuchokora chokora, hiyo hatutaki kabisa. Kufunua kitanda kuangalia hata nguo za mama na kufunua. Hii ikome kabisa katika Katiba ijayo.

Serikali iangalie watu ambao waliangaika wakati wa uhuru. Hawana mshahara na ikiwa wamepatya pesnsion anapewa one third ya mshahara yake, hiyo haitoshi. Saaa hii ukitoka na Shilingi elfu moja ukienda sokono inakwisha; kwa hivyo serikali ya sasa iongeze. Serikali iangalie wazee wale wamekomaa miaka thamanini, sabini wawe wakipata mshahara kama ulaya. Wapewe

mshahara, wanakula, wanamlinda mpaka siku ya kufa. Akienda hospitali anatibiwa bure. Kwa hivyo nchi zingine zinafanya hivyo lakini serikali ya Kenya pesa inatoka nje na haifanyi.

Hongo; ile bribe, serikali zote za Kenya zinatumia hiyo, ukiangia unaambiwa nipe pesa ya kununua gazeti. Wale watoto wamefiliwa, baba zao wamekufa kwa ukimwi, hiyo waweke kambi ya kulinda wale watoto na kuwalea na kuingia ndani ya skuli na kuwalea wasome mpaka class ya nane. Huko serikali ichukue hatua kuwafundisha wapate elimu ya kutosha, na wazazi wao kama wamekwisha wawanunulie mashamba ya kuishi.

Neno lingine, nitarudia kwa sababu limechokesha watu sana. Ma chief wawe wakipewa transfer, kwa nini chief asipewe transfer naye. Election tumesikia wamesema wapige election, wafanye election, lakini wao pia wapewe transfer. Akiwa Samia apelekwe Marachi, akiwa Marachi apelekwe Butere. Kwa hivyo hakuna heshima, hata akiwa ni mwanamke awe ni chifu awe ni naji atafanya kazi na watu; na mtu ambaye anajua watu sana kama Liguru apewe heshima sana. Kwa sababu yeye ndiye anajua huyu ni Mganda, huyu ni mtu ametoka Tanganyika na ndio anakwenda kuambia sub chief, na akiwa anapenda hongo anapewa kidogo na anawacha mgeni wako anaketi. Kwa hivyo ndivyo nasema transfer iwe.

Mambo ya mashamba, watu wamezungumza sana na hiyo utajua watu wa Funyula mambo ya mashamba ndio wanayo kiti kibaya kama kindonda ndugu. Makesi imelala kabisa, ukienda kwa land control board inalala hivi, ukienda kwa registrar inalala, ukienda kwa survey pia kazi ni hiyo hiyo. Kwa hivyo Katiba hii ambayo tunatengeneza mpya iwe inarekebisha. Mambo ikitoka kwa chief moja kwa moja ni hivyo ukiangia kwa D.O unapewa title deed yako, huna haja ya kwenda kwa registrar. Hiyo ni kwenda kuhonga tu. Kwa hivyo mambo yangu mengi sitasema imekwisha. Asante sana.

Com Prof. Kabira: Asante sana Bwana Wesula kwa hiyo maoni. Domiano Okuku.

Domiano Okuku: Kwa majina ninaitwa Domiano Okuku kutoka huko Serekesi sub location, Nangosha location, Funyula division. Maoni yangu inaenda upande wa hawa watu wakubwa wakubwa tuseme ministers and prime ministers na nini na nini yaani upande wa mshahara. Mimi ningependekeza ya kwamba mshahara ya hawa watu iko juu sana. Mshahara hizi nataka zipunguzwe, ili hawa wananchi ambao wako na matatizo kama walemavu na nini na mashule, pesa hiyo ifanye hiyo kazi.

Jambo lingine ni ministries, offices za ministries ziwe mobilized maanake si kuwekwa pahali pamoja. Kwa mfano huko unaona ministry sijui wapi unaenda Nairobi. Tunataka ziwe mobilized ili sasa hata watu wa western wawe na ministry yao au ofisi yao iwe huo na kule Lodwar namna hiyo.

Jambo lingine ni hawa retirement; ministers tuseme Prime Minister na president, akimaliza mkondo wake atafanya retirement anataka ku-retire, hiyo pesa yake ni mingi sana. Kwa hivyo tunataka ikiwezekana pension yake iwe half ya mshahara wake au quarter, iwe chini sana. Na ikiwa ametoka na akiwa hakuna matatizo yoyote kuruhusu malalamishi ya labda ameingilia serikali

amefanya namna hiyo na ikiwa anatoka na matatizo pension hiyo itapotea.

La mwisho ninaangalia upande wa vile tulivyo hapa nyumbani. Vile tulielimishwa kutokana kwa kile chakula cha wazee ambacho kinaitwa uji. Uji ndio ile chakula cha wazee kile tuseme pombe ya kienyeji. Hii pombe ya kienyeji msiwachie tu hapa, pombe ya kienyeji hii iendelee ijapokuwa watu ambao wanatumia hii pombe wawe na umri, hawa watoto wa miaka kumi na nane au ishirini wanyimwe na wale wazee wenyewe, waendelee ndio mambo yaendelee vizuri. Asanteni ni hayo tu.

Com Yano: Asante sana. Anayefuata ni Nelson Wandera.

Nelson Wandera: *Khulita linage enangwa Nelson Wandera*

Translator: Majina yangu naitwa Nelson Wandera.

Nelson Wandera: *Esie ndula mulwa Agenge sublocation ne Agenga location.*

Translator: Natoka Agenga sublocation, Agenga Location.

Nelson Wandera: *Kosi kabolomaloma abasamia mbulire ebilayi muno*

Translator: Yote wameongea wa Samia nimesikia vizuri zaidi.

Nelson Wandera: *Ne etabu ya kholi nayo ni ndala.*

Translator: Taabu tunao ni moja.

Nelson Wandera: *Abundi batulanga mbu bacha okhola miremo na bakota ingira bakota bamala musino*

Translator: Watu wanatoka hapa wakienda kufanya kazi na wanapotea wanaenda msituni.

Nelson Wandera: *Efwe nga olwa khwonyola obukhuru khwabola mbu obukhuru bwa bandu bosu*

Translator: Sisi vile tulipata uhuru tulisema uhuru ni ya watu wote.

Nelson Wandera: *Khasi kwabola mbu ni obuhuru bwa obukolini khaba*

Translator: Sisi hatukusema ni ihuru wa ukoloni.

Nelson Wandera: *Khwabola mbu abandu bosu betuke*

Translator: Tulisema watu wote wajitawale.

Nelson Wandera: *Betawalira becha khula mayumba kabwa mpaka okhwola mu Nairobi*

Translator: Wajitawale kutoka kwa manyumba zao mpaka Nairobi.

Nelson Wandera: *Esindu si mbukisa muno mbwe nibatutangasira amukhawa kandi batangaza inyanga ino khandi muchuli balatangasa lindi bulano awo khuba khwemere ena*

Translator: Kitu ina nistajabisha kwamba wakitangaza leo uhuru, wanatangaza kitu ingine, na kesho wanatangaza tena mambo ingine. Hapo tumesimama wapi?

Nelson Wandera: *Khuli khwingira ama khule rwanyi*

Translator: Tuko njiani ama tuko nje.

Nelson Wandera: *Epointi yange yamberi abundu bakhulundu balidala*

Translator: Point yangu ya pili wakubwa wa maboma.

Nelson Wandera: *Bekhalanga kata nende abakhasi bwabwe*

Translator: Tulikuwa tunaketi pamoja na wanawake wetu

Nelson Wandera: *Nibolomaloma amukhuwa ko munyumba yabwe*

Translator: Tukiongea maneno ya nyumba yetu.

Nelson Wandera: *Ne khandi nibemeo nibatikha amukhuwa ko munyumba yabwoamo*

Translator: Tukitengeneza maneno ya nyumba mwetu

Nelson Wandera: *Khandi batulanga mbu nibache orwanyu ier bazee*

Translator: Tulikuwa tunatoka tena tunaenda nje tunaenda kwa wazee wengine

Nelson Wandera: *Nibaboola ati bazee efwe khuli nende ekhuwa fulani*

Translator: Na tunasema sisi wazee tuna maneno fulani

Nelson Wandera: *Ne niye khwabola kwele abundu khwenya khwetuke khulwo*

Translator: Na ndio tulisema watu wajitawale namna hiyo

Nelson Wandera: *Ne khandi nimbonenga mbu esiyano bandu bayengayenga nga amachi ka inyanza*

Translator: Sasa tukiona saa hii watu wanayumba yumba kama maji ya bahari

Nelson Wandera: *Bulano awo ngotorwe bwe abekho befwe mulatwirine mwasomakho ngwe.*

Translator: Sasa hatujui wale wenzetu wale mumeelimika mtatupeleka wapi

Nelson Wandera: *Khuli nende obujongi muno bazee badonga inyumeno*

Translator: Tuko na uchovu sana wale wazee wamebaki nyumbani

Nelson Wandera: *Murio muno*

Translator: Asante sana

Nelson Wandera: *Amukhawa kanomenome ako nyenyere mbu bandu basamia fesi nikhuba ikura khuba ikura andayi.*

Translator: Yale nimeongea, sisi tunataka Wasamia wote tukipiga kura tupige kura yote vizuri.

Nelson Wandera: *Mukhaye khuba ikura ya khuyenga khuyenga mbu khuichire yi khuichire yi ne khandi ikura eyo ni khuba khwenya khulobolekho omundu ewakhumanyire mbu olwa omukhulund olalomaloma kesikhulundu.*

Translator: Tusipige kura ya kuyumba yumba, kwenda huku na huku, na tukipiga hiyo kura tungependelea tupigie mtu mzima

ambaye anajua kuongea mambo ya uzima.

Nelson Wandera: *Hapana okhubola mbu khubukule abaana baraga ni bata khu ebisala*

Translator: Sio vizuri kujua watoto vijana ati tuweke kwa ukubwa.

Nelson Wandera: *Bulano omwana muyere natuka ngina.*

Translator: Mtoto mdogo akitawala mama yake

Nelson Wandera: *Ngina oyo bulano aba ali nende khulomakhulomalu mudala kweli.*

Translator: Unafikiri mama yake atakuwa na uwezo wa kuongea kwa boma kweli

Nelson Wandera: *Ata simwana alaba anza khulomakhuloma mudala liaye kweli*

Translator: Hata baba yake ataonge mbele ya huyo mtoto kweli

Nelson Wandera: *Bulani awo nisitukisha muno.*

Translator: Hiyo ndio inatushangaza sana

Nelson Wandera: *Efwe bazee lano khulingalire mbu khwenya khube nende omundu otulingala abulayia khumanya mbu abulayia khwemere ena.*

Translator: Sisi wazee tunataka tuangalie kwa waluhya nani anatuongoza tuende wapi.

Nelson Wandera: *Okhuba efwe khuli nended obujongi muno nikhubulira sa mbu bati bwe ebindu bikotire bichire yi.*

Translator: Sisi hatujui tunaenda wapi.

Nelson Wandera: *Awo niye maoni kange kabwene nende Katiba yefwe yomuboliranga mbu khwenya khukasie Katiba (interjection) bola oti sende tsiba nikhwenyere lano ngabolanga oti siwenya abaana lano wenye otie. Esie nyenya endi khulobebe mzee aba otitawala musialo muno.*

Translator: Sisi tupatiwe uwezo wa kuchagua mzee wa kututawala kwa hii nchi.

Nelson Wandera: *Nukhuba khulabukula mzee oyo natulinda niye olamanya mbu bazee baliena.*

Translator: Sisi tukichukua mzee kututawala ndio atajua wazee wengine wako wapi.

Nelson Wandera: *Khandi niye olomanya mbu obutiki buchena.*

Translator: Ndio atajua utawala unaelekea wapi.

Nelson Wandera: *Esie ako niko kambere nako mbe.*

Translator: Ndio hayo tu nimekuwa nayo.

Com Prof. Kabira: Ninauliza tu kama vile kwa sababu umezungumza na riddles, kwa hivyo vile nafikiri unasema ndio unasema?

Nelson Wandera: (Luyia dialect)

Com Prof. Kabira: Kwa hivyo vile nafikiri umesema ndio umesema.

Com Yano: Asante sana jilandikishe. Samouel Khadondi.

Samuel Khadondi: Commissioners, my names are Samuel Khadondi, I come from Naboto location. I have a written presentation on basic rights.

Our Constitution does not provide for basic rights so here we have some short falls. Firstly we want our Constitution to give fundamental rights. Fundamental rights are not adequate; other rights to be entrenched in the Constitution are social, economic, and cultural, medical and education rights.

When you go to social rights; as a social state, native liquor be legalized, sufficient regulation be put in place to facilitate it's orderly consumption. We normally shy off when it comes to this one especially those who are called saved. I am saved I don't drink. When you come to economic issues, every area has natural resources. The locals be involved in the total earnings of various resources.

Lake Victoria fish should not be sold to outsiders but to the locals. Cash crops in every given area, it promotes and appropriate

marketing system be granted to enhance local farmers progress. Cotton, agricultural and so forth.

When it comes to drinking, it is an economic issue, we simply ignore it here. The local Musamia doesn't have money to go to the bar and buy a bottle of beer, so we have our beer here which should be commercialized, we should process it in factories, build our areas, production be in order and consumed by Kenyans export it like any other distilled beer to earn the country foreign exchange. When it comes to cultural values, that are repugnant to our social be encouraged and legalized. The Constitution should allow the native brew, beer made of wheat and maize and *akobule* beer made out of maize and sorghum to be consumed legally for agricultural purposes. Settlement of disputes, settlement of quarrels in families, straightening marriages and enabling elders to seat and discuss the daily matters.

Cultural rights; unless you come to our local people. You know in our old days our people used to use local drinks for cultivation. You could drink you *rakobule*, your *ekwete* and ask your friend to come and dig for you; and this facilitates our farming very well. Nowadays we find it very difficult, we are not even digging big farms because we don't have the facilities. Now if we can legalize *ekwete* and some other drinks we will be having a lot of hands for our people.

Medical services should be free to citizens. Health facilities to be moved closer to the people like health clinics and health centers.

Free education, we would like to have free education for all citizens up to form four. Training colleges should be evenly distributed through out the country.

College in take be based on Constituency levels.

Constitution lessons on AIDS and the basic rights be included in our educational syllabus. Constitution guarantees right to life but this not issued nor be abolished. A prisoner who causes un forgivable crimes, prosecution such as murder without cause should be put to death. The Constitution should protect security, healthcare, water, education, shelter and employment as basic rights for all Kenyans. The government should ensure that all basic rights are enjoyed by all Kenyans. Specific issues to deal with the Constituency are security, employment of security personnel should be evenly tributed and if possible based on Constituency and divisional level. Security personnel e.g. police should be going for refresher courses up to specific period to keep them fresh to their work, which will assist to stamp out corruption. Village youths should be introduced and recognize the elders and help our security services.

Promotion of security personnel be based on(inaudible) the rest will be read.

Com Yano: Asante sana, Dickson.

Dickson Ogutu: Madam Commissioners, my name is Dickson Ogutu Ofudato. I have my views, I will first of all give the

preamble to the new Constitution.

The preamble; we need a preamble in our Constitution; the preamble should invoke the voice of the people in the Constitution. The preamble should be a key to the intention of the makers of the Constitution who are the people. It should set out the main objectives which the legislation is intended to achieve. The preamble should express the political, moral and religious values, which the Constitution is intended to promote. The preamble should pledge in the name of the people of Kenya to promote national unity, justice, peace at home and abroad, liberty, and general welfare. The preamble in our Constitution should serve to give the Constitution greater dignity and a heightened efficacy making the people supreme. The preamble should embody the fundamentals underlying the structure of a Constitution.

The preamble should be as follows :-

- (1) We the people of Kenya, having solemnly resolved to constitute Kenya into a sovereign democratic republic and to secure to all its citizens, one justice, social economic and political state.
- (2) Liberty of thought, expression, belief, faith and worship but refuse devil worshipping.
- (3) Equality of status and opportunity and to promote among them all fraternity, assuring the dignity of the individual and unity of the nation at home and abroad. In our Constituence assembly this 31st day of July 2002 we do hereby adopt enact and give to ourselves this Constitution. That should be our Constitution.

Citizenship; citizenship should go to a child whose both parents are Kenyan citizens should be regarded as automatic citizens of Kenya.

The people of Kenya should have the right to recall their MPs in case of misconduct or if he is not delivering, so that when they realize that he is not serving them. The Constitution should establish ombudsman office scattered up to division level, to act as a public' watchdog. It is this office or department through which people can channel their issues of recalling their representatives and other public problem.

The executive; the Constitution should specify qualifications for presidential candidates, the candidate for presidency should be:

- (1) Form four with a C+ as a mean grade and above who has passed English, Kiswahili and maths.
- (2) He should also qualify in patriotism, meritocracy, ethical and moral uprightness.

Presidency: Tenure of office should be fixed to two terms of office of five years each.

The Constitution should provide for rotation of presidency in provinces for it will seem to other people that there are special provinces that can only produce the president. We have leaders even at home. Thank you very much.

Com Yano: Thank you very much. Jethro, karibu.

Jethro Mamba Oghebero: Madam Commissioners, mimi nitaongea juu ya land property rights. As you are pursuing to rectify the review of the Kenya Constitution Commission in the Constitution, I will request that this should be incorporated in the Constitution that if it is people we in Kenya will wish to live a fuller life. Then land issue is a very sensitive issue, the land is a very sensitive aspect of our economy and cultural life in Kenya. Therefore the landless people including the squatters, the Constitution should provide that point so that they are also incorporated in the new Constitution.

In Kenya we have got(Inaudible) our Kenya looks like a football peach so I have drawn up a sketch of Kenya how it looks like. This one I will hand over to you, a smooth thing that I have done. In land we must have at least, we should have a land adjudication department which should operate independently without any interference. Of course we have had one under land adjudication Act of No. 31 of 1966, this was not properly done, it was hurriedly done so some of the people, you will find in one area, possibly somebody had an influence he would be seeing that he owns about three pieces of land whereas others are very landless. Those people were very much deprived of their land.

I will wish to now highlight on land; an individual should have an ultimate ownership of land to acquire loans for development purposes and settlement of ones family. The government should not have power to compulsorily acquire private land for any purpose. Amicable negotiation between owner and the government could be made on market value.

The state government or local authority should have no power to control the use of land by the owners or occupiers. Issues concerning transfer and inheritance of land to be addressed in the Constitution are:-

- (1) Succession of land should be handled by the elders and be free of charge.
- (2) Transfer of land as well be handled by the elders and be free of charge.
- (3) Non-citizens should not be allowed to own any land in Kenya unless it is an industrial development.
- (4) Spouses should have equal rights on land purchased by them.

Kenyan citizens should be allowed to own land anywhere in Kenya. There should be no ceiling on land ownership by an individual. There should be restrictions on ownership of land by non citizens. The procedure of transfer of land should be simplified by referring all land matters to clan village elders up to district levels. There should be a public survey at local levels and their functions done freely. Men and women who purchase land together should have an equal access to that particular land and both should appear on the title deed.

Com Yano: Please wind up.

Jethro Mamba Oghebero: Thank you very much that is what I had.

Com Yano: Thank you very much. Samuel, karibu.

Samuel Ogali: My names are Samuel Ogali. I present Mambo sub location, this are the views.

Cultural rights; cultural and ethnic diversity should be protected and promoted in the Constitution. For example local beer should be legalized. We should have factories to manufacture local beer and this will create job opportunity to our youths.

Note: the time to take the local beer should be fixed, it should not be taken in the morning hours.

Wife inheritance should be allowed to maintain relationships. The police should be accompanied by the Liguru before arresting somebody in the village, the police should identify themselves and be in uniform with their numbers being seen.

Land and property rights; the ultimate ownership of land should be the individual, the government should not have the power to compulsorily acquire private land unless authorized by the owner. It should be addressed in the Constitution that all issues concerning land rights should not be taken to court but should be solved by the village elders, the chief being the final person. There should be no ceiling on land owned by an individual. There should be restrictions on ownership of land by a non-citizen. The procedure for transfer of land should be simplified and should not be taken to court but solved by the village elders and the chief at an affordable fee. Men and women should not have equal access to land. The land should be only owned by men. Kenyans should be allowed to own land anywhere in the country without restrictions. The Constitution should guarantee access to land for every Kenyan.

Com Yano: Wind up.

Samuel Ogali: Finally citizenship; a citizen of Kenya should be a person born in Kenya with both parents born in Kenya. a foreigner who wishes to be a citizen of Kenya should register first before he is given citizenship.

Com Yano: Thank you very much. Kindly register yourself and also record your memorandum. Wilstone, karibu.

Wilstone Madiangi: Commissioners mine is to highlight to you on executive powers conferred on a president and I start by saying, the Constitution should specify qualifications for presidential candidates and the president should be:-

- (1) A mature person and married with a university degree.
- (2) The presidential tenure should be fixed to two terms of five years each.
- (3) The functions of the president should be defined in the Constitution as the head of state.
- (4) The Constitution should set the limits of presidential powers and the powers to be taken away should include being

above the law.

- (5) The Constitution should also provide for the removal of the president for misconduct while in office. The procedures should include creation of a Commission to parliament, which will give a report on his/her conduct before vote of no confidence is done.
- (6) Specified circumstances to lead to removal will include, immorality and corruption or misuse of office if found guilty should step down and be charged and taken to court.
- (7) The president should be answerable to parliament; the president in the new Constitution need not be a member of parliament. He should remain a state leader. Once elected a president, he should relinquish his position as the MP of the area he comes from and then elect another one.

We need provincial administration to take care of internal security. Administrative offices should be village elders, chiefs and the DCs will be the only ones paid by central government. I think I have just ended my memorandum and thank you very much.

Com Yano: Thank you very much, those were very enlightening views. James Odera. Mary Ouma, Mary karibu.

Mary Ouma: Madam Commissioners, my names are Mary Ouma, I will present a paper on women views. I will give highlights; a young married lady should be given a marriage certificate after six months. Dowry should be there. Land title deed should be written in two names of the wife and the husband and must carry both names. If it is Margaret Awori and Mr. John Ouma, both people should be written on land title deed.

Com Yano: Tafadhali hayo ni maoni yake.

Mary Ouma: This is on disabled; if a man makes a disabled woman pregnant he should get penalty or marry the lady or be taken to the court immediately there and there.

Basic rights; kwa upande wa watoto, kama mtoto amepatikana or a teacher has I am pregnated a child, this teacher should be taken directly to court because that is a criminal. Hiyo ndio yangu. Asanteni kunisikiza.

Com Yano: Asante sana Mary, tumeshukuru kwa hayo maoni yako. Patrick Wafula

Patrick Wafula: My names are Patrick Wafula I come from Serekeresi sublocation, Nogocho location. I will start with the preamble. We need a preamble in our Constitution which will express our national vision. The concern for and the protection of the common goal sfor all Kenyans and the rights of all individuals. Kenyans have only experienced in common negative things, these are corruption which has led to social and economic inequality, tribal clashes, AIDs scourge and issues of unemployment

which need to be fought by the combined effort of all Kenyans.

Directive principles of state policy; it is necessary to have statement in our Constitution capturing the national philosophy and guiding principles. Some democratic principals that should be included in our Constitution are:—

- (1) Legitimacy of authority; that the state remains as a power of people that is majority rule does not mean absence of power.
- (2) Recognition of other freedoms, which will result into the achievement of the common goal and people taking part in the exercise of power.
- (3) We also need official and institutionalization of some human rights whereby people can affirm themselves before power.
- (4) Rational expression on the general will and not mere selfish interests. Great insistence of the public aspect of political debates. We need necessity of pedagogical programmes to educate people without reducing this education to propaganda or brain washing that is civic education.
- (5) Legitimacy of political parties; we must also understand that democracy is an ideal which therefore must take into account a progressive and down to earth process.

Kenyans have important values that should be reflected in the Constitution namely:-

- (1) Ethnic diversity that give birth to a wealth of culture.
- (2) Natural boundaries and harbors,
- (3) Mineral and natural resources
- (4) Wildlife and other tourist attraction sites

This principles and values should be enforceable in law.

Constitutional supremacy; the Constitution establishes the legitimacy of the rulers and because the ruling party has always the majority of representation, the procedure to amend the Constitution should be reduced to even the least percentage. Say 20% so that the minority members belonging to opposition and who strongly feel that the Constitution needs amendments can also have their bills passed in parliament. However power to amend the Constitution should be limited unless it is recommended otherwise by the judiciary, that certain parts in the Constitution needs amendments. Some parts of the Constitution should be beyond the amending power of the parliament; and each part should call for the involvement of the public through referendum. These parts may include those pertaining to pastoral life of the citizens and those concerning state power. The referendums may be conducted by the Constitution of Kenya Review Commission or the Electoral Commission.

Com Yano: You have a minute.

Patrick Wafula: I will talk about citizenship; the automatic citizens of Kenya should be those who have their descent here in Kenya. Kenyan citizenship should also be acquired by those who choose to be so, on conditions of having, social economic and political interests in Kenya.

Spouses of Kenyan citizens should only be regarded as automatic citizens of Kenya if they are women, in view of the fact that most Kenyan communities are patrilineal. Most spouses should become Kenyan citizens only on application that is citizenship should be conferred unto them. A child born of one Kenyan parent should be an automatic citizen of Kenya, only if the Kenyan parent is male, and if the child is socialized here in Kenya. Among the rights and obligations of Kenyan citizens should be the affirmation of rights given by means of resistance and revolved. We give an example of the Declaration of Independence of the United State in Philadelphia July 4th 1776 which says that “ every time that a form of government becomes destructive of this aim, to guarantee the rights of people, the people have the right to change it, or to abolish it and to establish a new government and other declarations as well”.

The rights to participate in general elections, the right to belong and form groups or parties, the Constitution may also allow dual citizenship depending on the interests and occupation of the concerned citizens.

All Kenyans should carry national identity cards and or Kenyan passports as evidence of citizenship. I hope you will read the rest thank you very much.

Com Yano: Thank you Wafula. We realize you have a real detailed memorandum, we are grateful for that. Josephine.

Josephine Ouma: Kwa majina naitwa Josephine Ouma, kutoka Bugulungu sublocation, Nagonse location. Nina represent wanawake.

Politicians; the parties must be filled at least 35% of women candidates for elections. Legal aid should be provided to women as a rightful person unable to afford services of lawyers especially in serious cases and mandatory in cases related to abuse of rights.

The Constitution should protect the rights of vulnerable groups and particularly women, children, and persons with disabilities.

The right to own and inherit land and other movable and immovable properties by women should be added as a right in the Constitution. Women can't afford to get some thousands to campaign especially in local areas. We should ask at least to enable us to get money so that we can be useful in politics.

Women should be respected as candidates so that we can enable a word a “woman” in the whole world.

Councillors should have a minimum education of form four but due to gender, women, should be standard eight of 8-4-4 maanake hao pia wanajua kubwaga Kiingereza kweli kweli. Wakina mama wakisimama jukwani lazima wapewe heshima ya mwisho, hatutaki tuambiwe kale kamama kanaongea mbele ya Wanaume kwa nini. Kwa hivyo tunaongea kama wananume, tunakitambulisho na tuna haki. Thank you very much.

Com Yano: Asante sana tumeshukuru sana Josephine. Tuko na Richard Apwoyo.

Richard Apwoyo: *Elita linage nesie Richard Apwoyo.*

Translator: Majina yangu ni Richard Apwoyo.

Richard Apwoyo: *Ndula Lwanda sublocation.*

Translator: Kutoka Lwanda sublocation.

Richard Apwoyo: *Likhuwa lianomanoma khu government yefwe ya Kenya.*

Translator: Maneno ambayo nitaongea kwa serikali yetu ya Kenya

Richard Apwoyo: *Khulwakhubera abundu bakhola bwalwanira khuburu majeshi.*

Translator: Kwa sababu watu ambao walipigania uhuru katika majeshi

Richard Apwoyo: *Bamau si bakholerwa khaba.*

Translator: Hakuna kitu ambayo walifanyiwa wale watu walipigania Kenya kupata uhuru

Richard Apwoyo: *Khurulawo.*

Translator: Kutoka hapo.

Richard Apwoyo: *Serikali ibachanga saa.*

Translator: Serikali inadanganya.

Richard Apwoyo: *Ati muchilu muche mwandikishe inamba khu DC.*

Translator: Ati kesho mwende muandikishe hizo number zenu kwa DC.

Richard Apwoyo: *Ati mwitsa khulingalwanga sindu sengwe sia baberu bagobanga ni mulitera*

Translator: Ati mtaangaliwa kitu kidogo ambayo wabeberu walileta kwa serikali.

Richard Apwoyo: *Mkopo kwa government iretanga iririranga ena.*

Translator: Huyo mkopo government ilileta ilipeka wapi.

Richard Apwoyo: *Sakira khubola mbwe Kenya*

Translator: Ndio sababu tunasema Kenya.

Richard Apwoyo: *Ne embacha.*

Translator: Ni ya uongo mtupu

Richard Apwoyo: *Khulwakhubera bulisindu siosi siakhamala khulingalwa.*

Translator: Kwa sababu kila kitu imeshaangaliwa.

Richard Apwoyo: *Nende efwe maskini.*

Translator: Na sisi maskini.

Richard Apwoyo: *Khulwakhubera.*

Translator: Kwa sababu

Richard Apwoyo: *Police*

Translator: Askari

Richard Apwoyo: *Bosi balekhulwa sa nyava nyava.*

Translator: Wote wameachiliwa tu ovyo ovyo.

Richard Apwoyo: *Bengera mayumba kabandu nge efwe maskini.*

Translator: Wanaingia kwa manyumba ya watu kama sisi maskini.

Richard Apwoyo: *Haya bafunila buringeti batupeyo betupeyo omukhasi wawo.*

Translator: Bulangeti wanatupa huku, wanatupa hata bibi yako

Richard Apwoyo: *Bakonya mapesa.*

Translator: Wanatafuta pesa

Richard Apwoyo: *Ne eyo ni government sina.*

Translator: Na hiyo ni serikali gani?

Com Yano: Pendekeza. Unataka nini.

Richard Apwoyo: *Bulano ndakhire malako kano nga olwa khwachejera khuunda kano.*

Translator: Nataka Katiba vile tumeanza kuunda.

Richard Apwoyo: *Khwenya malako kamala abasikiri bosu bekhale mu center.*

Translator: Nataka Katiba ambayo itafanya askari wanakaa kwa kambi.

Richard Apwoyo: *Mu-center, owa DC , nende wa Chief nende wa PC.*

Translator: Wakae kwa kambi kwa DC, kwa chifu, kwa PC.

Richard Apwoyo: *Ne Police bekhale khusutuo siabwa.*

Translator: Na polisi wakae kwa kituo chao.

Richard Apwoyo: *Khulwakhubera bulano.*

Translator: Kwa sababu saa hizi,

Richard Apwoyo: *Bachakere okhutangangasia batumala amani.*

Translator: Wameanza kutunyanyasa, wametumaliza nguvu.

Richard Apwoyo: Laano efwe khuliwo sa,

Translator: Sisi tuko hivyo hivyo.

Richard Apwoyo: Manu serikali ya bulano iteme na amani.

Translator: Serikali ya saa hii ijaribu na nguvu.

Richard Apwoyo: Iwunde amalako kamala.

Translator: Iunde Katiba ya kutosha. Ni hayo tu.

Com Yano: Asante sana. Anaye fuata, Patrick Ochieng.

Patrick Ochieng: Kwa majina naitwa Patrick Ochieng Aura. Langu napendekeza kwa hii Katiba mpya ambayo inatengenezwa, nataka sisi tuwachiwe uhuru kidogo kwa sababu sisi huko upande wa Busia hatuna kitu chochote ambacho tunapata; kwa vile hatuna hata industry yoyote ile ambayo watu wanaweza kuandikwa kazi. Na wengi wetu walikuwa wanasoma kupatana na wa mama wetu, walikuwa wanatengeneza hii pombe zao kidogo hivi kwa kutoa school fees. Sasa tulikuwa tunataka ikiwa serikali kwa hii Katiba mpya inaweza kutuwachilia, wapeane hata license watu wakuwe na hizi bar za busaa, kwa vile mtu mwananchi wa kawaida anaweza kupatia hapo usaidizi kidogo kwa sababu huku hatuna factory yoyote. Kwa sababu kitu kama pamba siku hizi imekufa.

La pili, kweli askari wananyanyasa wa mama. Na ikiwa mtu ana makosa na huyu mtu ni mwana Kenya kamili na ana kitambulisho ya Kenya, mbona hawawezi tu kuita huyu mtu halafu akuje kwa station naambiwe kuliko kukuja huyu mtu akuje tu kushitakiwa, anapigwa mbele ya wazazi wake, watoto wake, mwanamke wake, hiyo kitu siku ingine inaweza kuleta watu walete mfurugo katika area. Ndiposa tunataka tafadhali warekebishe katika hii Katiba mpya tuwe na freedom, kwa sababu tunasema tumejitawala na tunaona tu tuko kwa minyororo zile za ukoloni.

Langu la mwisho, kufuatana kwa ile serikali huwa inatuambia watoto wapate elimu ya msingi ya bure, yaani wapate elimu ya bure na kufuatana na upungufu ambao tunao kwa mashule, inafaa wanaona watoto wanafukuzwa kwa sababu sasa hiyo shule kweli tuna vitu vingi ambao vinatakikana kwa shule. Na serikali kweli ilituambia free na hawaleti msaada zile kwa shule hata zenye zinaweza kusaidia kwa shule kwa sababu wanaweza kuwa shida ziko kwa shule, saa zingine hatuna machokaa kwa mashule, nini na nini na serikali hiyo imesema tu watoto wasome bure. Sasa inafaa watuambie kama watoto wanasoma bure na walete zile vitu kama vitabu na nini na nini, za mzazi na ule mwalimu hata kama desk imevunjika inaweza kufanyiwa repair.

Com Yano: Asante sana tumeshukuru kwa hayo maoni yako. Nicholas Wandera.

Nicholas Wandera: My names are Nicholas Wandera Bwire. About the Constitution, I will talk about the amendments. Being the Supreme Law of the country, there can be an agreement between the rulers and the ruled, we would not like it to be amended at random. I recommend that before any amendment is done; a national referendum should be carried out and then taken back to parliament for confirmation.

Defense; disciplined forces need to recruit morally upright school leavers. This will make us alleviate the problem of corruption.

They should be punished under the current (inaudible) 1968 Armed forces Act 1968. But when one feels that he or she has not been given a fair hearing, he/she should be allowed to go to court of appeal and have a legal representation.

I feel the chief of general staff should be the commander in chief of the armed forces and answerable to the minister of state.

The parliament should be contacted or have a role in case of emergency.

Political parties; the Constitution should regulate the formation of political parties, have a minimum of three, a maximum of five. They should be self reliant financially for the day-to-day political mobilization. Political parties should only be financed during national elections, not party elections.

Judiciary; I request in the new Constitution that our judiciary should be independent, should have a supreme court, should have a Constitutional court and provide for legal representation for the disadvantaged people. When I talk of the disadvantaged, a

rich man might take a very poor man to court, hire five lawyers and I request the state to hire a lawyer for the poor.

Legislature; MPs should be recalled by two-thirds majority votes if he is not providing. A Commission should be set to determine the salaries of MPs not to allow MPs to sit and decide their own salaries.

Provincial administration; assistant chiefs and chiefs should be elective posts but also there should be basic academic requirements. For the sub chief it should be at least a K.C.P.E. a person has gone through, and a chief should have an O level certificate. Thank you very much.

Com Yano: Kindly register yourself. Then can we have Alice Wesonga.

Alice Wesonga: Kwanza ningeshukuru nyinyi ma Commissioners kwa kuja kwenu, tukajua maana ya Katiba nini. Kwa wale waliosoma na wasio soma, kwa wake na kwa waume.

Kitu ya kwanza ningechangia ni adabu; imepatikikana watu wote kutoka Kenya hatuna adabu, wake kwa waume, wadogo kwa wakubwa. Mtu anaweza kutilia tusi mahali popote na vile atakavyo. Hiyo inatakikana iwe Sheria, mtu akitusi mwenzanke achukuliwe hatua ama afungwe. Any kind of..

Dini; sijui kwa nini tuna president na tuna watu wengi waliosoma, lakini mimi si kusoma. Sijui kwa nini madini zimekuja nyingi mpaka zingine ziko hata zile zinaitwa devil worshippers, na hizo zinakuja kutoka nchi zingine sio hapa. Sasa ningependekeza dini iwe zile zinafaa, ziwe tatu hata nne, hizo zingine sijui zinaomba nini.

Ya tatu, hongo; sijui hongo ni kazi ama nini, sijui. Unajua sasa hongo imekuwa ni ugonjwa kwa kila ministry, kwa kila mtu yoyote, kwa kila ofisi wana jina, ukienda kwa hospitali inaitwa kalamu, ukienda mahali pengine sijui inaitwaje. Yaani inaitwa majina mingi, sasa inakaa watu wengine wenye hawakusoma kama mimi na tena hatuna kazi sisi tutafariki tu, hakuna njia ingine. Kwa sababu for example kama una kesi kwa land sasa itakuwa walitudanganya ati wasichana, mkizaliwa wasichana bila kijana yoyote kwa boma, utarithi mali ya baba yako. Hiyo nilisikia ati walitudanganya hivyo. Lakini unaweza shugulika na wewe ni mtu wa kawaida na unashugulika na wale watu wenye wanafanya kazi na wanajua hivyo. Halafu ugonjwa huu unakupata huko mpaka unapunguza, saa ingine unaweza fariki huku na unafuata mali ya baba yako na ni wewe tu na ni msichana na mtu kutokea mahali pengine. Sasa napendekeza hivi, ningefurahia sana sisi watu wote kuwacha kazi yetu ninakuja kukaa hapa ati tunatunga Sheria halafu tena ziwe kama vile ilikuwa mbeleni. Tunge vitu zenye zinafanyika sio ati yenye ilitandikwa tu ati tulikuwa tunamaliza wakati halafu ile vitu yenye tulikuwa tunasema tunapendekeza haiendelezi vile tulikuwa tunasema. Ningefurahia hivyo sana. Asanteni.

Com Yano: Asante sana: Manjanja.

Robert Manjanja: My names are Robert Gilbert Oduanjala Manjanja. I am here on behalf of the Kenya Consumer Organization (inaudible) because of time, and my colleagues have really proposed notes which is in my Constitution of 31 pages, I will be very brief, I will only highlight. The present Constitution is very important and must be taken very seriously because it is going to give us a chance of reviewing the government for another 200 years; so it must be written properly with men of integrity of your calibre. It must have a preamble.

Also this Constitution; the power and authority of day to day governance of this country must belong to the people as it is the case now.....(inaudible). This Constitution it must be written in a very simple language, Kiswahili and simple English because if you read the current Constitution even lawyers who have taken a law degree at the university can't read even Queens English that is there.

Coming to citizenship; we are neighbours here with Uganda, we marry Ugandan women but it is impossible for Ugandan women to have an ID, identity card lazima uhongane sana. I propose all the women married to Kenyan husbands automatically become citizens of this land.

I come to protection of human rights; all Kenyans must be equal before the law in all fields, political, economical, educational, social and cultural.

I recommend all the Commissions in this land must be formed by an Act of Parliament. Be it Electoral Commission, be it Teachers Service Commission, be it the Akiwumi Commission, or Kiliku Commission, and many other Commissions. But in the case today somebody just makes a Commissions today after a fortnight he disbands it.

On political system; it is true we have got a lot of political parties but this is my proposal. Any party which finishes two terms operation without taking any member to parliament or local government should be deregistered, and because there are a lot of political harlots in our system today, defection (inaudible). He defects and he forgets people who have taken him to parliament. So I suggest a defection must be verbal confession, not to give a speaker a lot of time to write or to find laws which are not there, but any MP or Councillor who defects verbally; he must already quit that party and he must ask for fresh election.

On our harambee; the word "harambee" is meaningless in Kenya because harambee is not our language, it is just an Indian name of foreign goods so it must be abolished on our currency and on our currency must be for God all of us and democracy we stand, spirit of harambee.

Government; we should have a very strong local government system whereby all local districts must be the authority of that local

area and should do away with provincial administration which serves only a few individual. Common man has suffered a great deal.

On land I propose; people have got a lot of land here but anybody having more than 1,000 acres, more than acres he must surrender and if he got it in a dubious way, he must be prosecuted.

Our national security; our national security must look nationalistic. In this case all tribes of Kenya must be in the armed forces, be it police, be it Kenya police, in every quarter of this land we must have people represented in the army, unlike today the number of Kenyans even in Samia is unbearable in the army.

Com Yano: Thank you Mr. Manjanja, we assure you that we are going to read the whole of that memorandum. Father karibu.

Fr. Maurice Nangiri: I am Father Maurice Nangiri of Nangina Catholic Church. I have a memorandum which I will not go through; I will only brief you then hand it over to you to read for yourself. There are a number of pages, about 15 pages, what we noted is that;-

The first statement in the immediate former, we call it so because we are making a new one. The immediate former Constitution in the first statement says, "Kenya is a sovereign republic" that is all, it doesn't tell us how it has come about, where it is coming from, who brought it, who owns it, there is nothing. So what I am saying is that there is need for a preamble to empower the people.

We are proposing that the executive; that is the chief executive in this country; instead of the 25% votes per provinces, we go for national votes. What we are having is a national Constituency and so he should garner 51% and above of the votes in Kenya and not by provinces.

We have proposed in age; our proposal goes between 34 and 70 years. We have proposed a university degree. We have proposed that he is not an MP; we have proposed that parliamentary and presidential elections be held on different dates and times.

On education we have talked about free education; the need for an education fund. This we have raised because at the moment in the country we are having so many academy's and private schools which are ending up as a means of survival for some Kenyans to exploit those who are seeking education for their children.

We have proposed that in the local authority there be a minimum standard of education and they be provided with a salary and that the revenue collected in the local areas be used to uplift the local markets and towns. Because at the moment we learnt that

the revenues are used for the allowances.

On land issues we have proposed that this issues be settled by wazees in the barazas, local elders and not in court because we have realized that there is too much time wasted and the processes are too long, some are not understood by wazees and in the process they loose their land.

We have proposed also that we have local courts in the sense that; like for example in Busia we have only a court at the district headquarters that means all the cases in Busia district have to end up at the district headquarters and then in the end you have a pile of court cases and in the long run we have cases that run for five years and beyond the magistrate, one magistrate or two cannot handle all the cases in the districts. So we are proposing that we empower the village elders and form local courts with appointed people and then they can clear a number of cases as recognized in a penal case for the people.

We have proposed also that this elders be elected by the people themselves, because there are villages we know that we have elders in the villages but they are actually appointed and not elected, and therefore their authority is not from the people but to those who appoint them.

Finally we have on natural resources, we in Samia and in the areas surrounding we realize we have fish, we eat fish, we do fish farming but we also realize that we have never been encouraged to do fishing because there is no industry, our fish goes bad, we lose the money, although we have no economic power because that is the only economic power we would have had.

Finally we will have proposed that the amendments of the Constitution at anytime return through a referendum and not by the parliament. Because it is possible that in parliament the only MPs who could be 200 could agree on what to do and they decide to change what favors them and not what favours wananchi. Thank you.

Com Yano: Thank you very much Father, we will ensure that we read the 16-page memorandum. Peter Kaunya, karibu.

Peter Kaunya: Asante sana Commissioners kwa nafasi hii, hasa mengi imeshaongewa na watu mbali mbali. Hii metology, yaani metology maana yake ni the same story the world over. Neno lengo sitarudia wale wenzangu wameshaongea lakini ningepata tu ni miss kidogo. Taabu yetu ya siasa katika Kenya miaka zilizopita, nia yetu, lengo letu lilikuwa ni tufukuze wakoloni na mali ya Kenya tuirudishe na mamalaka ya Kenya tuigawane katika wananchi. Hii ndio ilikuwa lengo letu katika struggle yetu. Lakini maajabu nimeona tangu tumalize, nimeona wakoloni walienda na kwa bahati mbaya, kundi kidogo ikabaki ikaitwa ukoloni tena sisi wenyewe kwa wenyewe.

Hii ndio neno linastajaabu, Electoral Commission na ningependekeza liwe lengo letu au mwito wetu ilikuwa ya kwamba wakoloni wakiondoka, mamlaka yagawanywe katika wananchi na pia mashamba yagawanywe equally katika wananchi wa

Kenya. Hii ndio ilikuwa lengo letu na ningependekeza Katiba yetu ikuwe, na nia hiyo ya kwamba mashamba tumeona white highland ama ma lands zingine lands zingine ambayo tulisema igawanywe. Ukoloni ulipoenda wachache wakachukua hayo mashamba na wakaanza kugawanya mtu moja anakuwa na elfu mbili, elfu tatu ya mashamba. Wakati kuna ma squatter, wakati kuna wengi wanaoangaika na mtu moja ana uridhi katika mashamba mingi sana. Kwa hivyo ningependekeza Katiba yetu iangalie sana kuhusu huu mgawo mashamba na pia kugawana katika mamlaka yetu katika Kenya sehemu mbali mbali.

La tatu, ningependa kurekebisha kwamba pengine nakosa ama tuliteleza, tukafanya mamlaka kuwa above the law. Hii president kuwa above the law ni mistake, na ikuwe abolished with immediate effect. Katiba yetu iwe ya kwamba president achaguliwe na raia na katika hiyo shamba ambao wameongea mbali mbali, kwa hivyo above the law katika Katiba yetu irekebishe iwe ya kwamba, Kenya ni yetu, parliament ikuwe inachunguza hayo.

Sehemu zingine ni cultural ambapo wameongea kidogo; kuhusu unyuaji nataka kuongea hayo sana kwa sababu unyuaji ni haki kutoka kwa Mungu. Katika laws mbali mbali Deuteronomy imeshuhudia ya kwamba unyuaji ni kati ya glads of heart of God and man na hiyo hatuna budi ya kutaka kusema kwamba kunywa ni vibaya. Wakati wana-encourage ile vitu inaitwa kama beer, vitu vingine tuna discriminate local brewery down here ambayo watu wengi tumeelimika kwa hiyo. Basi tunaomba Katiba yetu kwamba unyuaji uwe legalized na isipokuwa control ikuwe katika unyuaji ya kwamba tusinywe kwa kupindukia. Tunywe na syllabus iwe katika mashule ya kufundisha namna ya unyuaji wa pombe.

Ya mwisho ni upande wa kuolewa kwa kina mama ama upande wa kurithi mashamba ya kina mama. Urithi wa shamba, kina mama wana haki ya kuridhi shamba akuwe ni msichana ako kwa boma, ana haki ya kurithi shamba ya baba yake, kama hakuna mwanamume ndani ya boma hiyo. Hiyo ni haki kabisa na ni katika bibilia. Deuteronomy 37 imeandika kwamba wanawake waridhi lakini ilikuwa ni on condition ya kwamba mama akiridhi hiyo shamba lazima ataolewa katika jamii. Asije akawacha shamba akaenda kwa wananume wake upande yake huko. Kwa hivyo shamba ni yake ya kuridhi on conditions. Hiyo ndio neno ambao nimeona hapo.

Neno la mwisho ni kwamba, upande wa polisi force; police force tunaona kwamba sisi tunalipa taxes. Tunanunua viatu, tunanunua makofia, tunanunua plus uniform. Lakini kiatu imekuwa ni fimbo ya kupiga mimi nikienda kwa cell, inapiga mimi kila mara ninaununua. Hii Katiba iangalie sana. Sisi tulipata uhuru halafu tupate uhuru tena tuwe tukanyang'anywe chini kwenda kule ikiwa niko suspect, sijashitakiwa lazima nitawachiwa nafasi ndio pengine nijapishe lakini bado iko mtu kwa cell. Nipatie nafasi.

Neno lingine ni kwamba ninaomba Katiba yetu ya Kenya ...

Com Yano: Maliza Kaunya wacha kusema ni ya mwisho na huleti ya mwisho, maliza.

Peter Kaunya: Kama wewe unashtakiwa na wewe ni raia wa kawaida, nipatiwe lawyer wa ku-defend mimi, kwa sababu mimi

sijui yes yes ambayo inatumiwa kwa kortini, mimi sijui, nipatiwe advocate ya ku-defend mimi. Asante sana.

Com Yano: Asante sana. Nafikiria leo umepatia Father kazi kubwa sana ya kuenda kufikiria maneno ya hii unyuaji. George Odaba, karibu.

George Odaba: Kwa majina naitwa George Obocha Odaba, natoka kwa location ya Nabukhu, sub location Lugala.

Kwa kuchangia kwangu, kutakuwa tofauti na watu wengine ambao wamesema hapa na mimi nilikuwa moto sana kama nakuja pengine nitakuwa mbele kidogo niseme maneno yangu na hii inaonyesha kila neno lilikuwa limekwisha semwa. Kwa hivyo mimi ni kama ku summarize hivi hivi yale ambayo ningesema.

Ningeanza na office ya president; mimi langu ilikuwa ya kuwa hii ambayo president kuwa above the law, above the law ningemuwachia Mungu kwa sababu ndiye alituumba, kila mtu ndiye angekuwa above the law. Kwa urais, upande wa kuchagua minister, mimi ningesema hiyo ningewachia parliament na wawe wanachaguliwa kwa ..according to their experience. Ujuzi wao, wasichukue tu Obocha kama mimin waniweke kwa ministry of education na sijui maana ya education.

Upande wa kazi, nakuja kwa kazi, kazi tunalia kuwa kazi katika Kenya hakuna kazi lakini kuna kazi chungu nzima, unaona mtu mmoja yuko sijui na kazi mara kumi mara mia. Sasa mimi ningependelea kuwa kama ingekuwa one man one job ingetusaidia. Upande wa president nimempa kuwa commander of Armed Forces.

Iko hapa neno lingine ambalo ni wasichana kuridhi nchi ya udongo. Ikiwa mtoto wangu sitamkubali aridhi udongo wangu hapo, yeye atakuwa anaridhi udongo pahali yeye aliolewa. Kwa ufupi na ningependelea upande wa education; education watoto wawe wanafundishwa mpaka standard seven wanafanya mtihani ya entrance ya examination ya kuenda form one na kutoka kwa O level wawe wanaendelea na A level five na six na wakiendelea hivyo.

Upande wa utawala, nimeonelea ya kuwa Liguru ndiye macho ya government , na huyo Liguru ingekuwa mzuri apatiwe mshahara. Village elder apate mshahara kwa sababu ndiye macho ya government.

Upande wa land, nilikuwako na kaneno kamoja kusema upande ya land..

Com Yano: Na iwe ya mwisho tafadhali.

George Odaba: Ndio itakuwa ya mwisho. Land ninaona kama mimi ninafiwa na baba yangu wananiambia niende nishtaki baba kwa korti ati ndio udongo huu unirudishie na ninao watu ambao wanajua ya kuwa huyo alikuwa baba yangu. Sasa maana ya kuenda kushtaki baba kama amekufa ati sasa ndio nirithi udongo wake una maanisha nini Nimemalizia hapo?

Com Yano: Asante sana, nimeshukuru kwa hayo maoni. Mary, karibu.

Mary Olwari: Kwa majina ni Mary Olwari kutoka sub location ya Luada, location ya Nabogoto. Niataongea kuhusu mahari. Ninaomba katika Katiba yetu mpya Sheria iweke mkazo, ukichukua msichana wa mtu lazima upeleke mahari haraka kwa wazazi wake. Sababu ni hii italetu uhusiano bora kati ya hizi familia mbili, na heshima itakuwapo. Kuliko kutoa mahari kwa maiti na kuleta ugomvi kati ya hizi familia mbili. Hii hufanyika kwa sababu wengi wao ni come we stay.

Nitaongea juu ya road blocks; hizi ma road blocks katika Kenya zimekuwa nyingi sana na inafanya, inasababisha ajali mingi kwa vile gari ikitembea usiku, ma road blocks ni nyingi na huwezi ukajua ni gani ya ukweli na gani ya uongo. Ningependekeza wapunguze ma road blocks, na tena upande wa hizi ma road blocks zinafanya wafanyi biashara kukosa, wenye magari kukosa faida na instead wale wanao pata faida sana ni askari. Kwa kila roadblock wanapata hongo. Ninaomba kwa Katiba yetu mpya, askari yeyote akipatikana akipatiwa hongo ashikwe na awachishwe kazi mara moja. Ni hayo tu.

Com Yano: Asante sana. Alice.

Alice Awori: Madam Commissioners, my names are Alice Awori, I come from Wakhungu sublocation in Odado location.

I will talk about the old age, in our government, it is only interested in those people who are still strong and can work, and they are able to take care of themselves; but after retirement even if you are doing good work in the country, the government does not care where you are, and how you are living, and because of being ignored, the person gets worried of how he or she is going to live and because of this people die off very quickly some not even being sick.

The government therefore should have even a ministry which will have a minister in charge of that, to take care of the old people, and take care of their welfare.

There should be some money set aside for this and it should be properly managed with somebody in charge to find out that every district is taken care of, because like some people; if you have been working and you get pension, may be you started with 600 shillings and you have been going on for 15 years, that money will not even be money to help you, it will only be transport so there should be a little increment on the people who have retired so that as life changes they also change.

Sharing parents property; in sharing the property of all the parents, all children should be given equal share both girls and boys. In our country it seems that they always leave out the girl and they have no reason for that. Just because they have a feeling that the girl will get married and will be somewhere else. And even when she is married there she doesn't own the land because she doesn't belong to that family. So I feel the girl should own a land in her father's land and let it be put aside and be untouched. This days girls marry but others don't marry and even those who are married when things go bad, they go back to their parents.

So it will be better to set plans aside for the girl so that when they come back they should not suffer and be misruled.

About women in parliament; I feel women should be given a separate chance to choose a leader on a district level. We should have a date set aside for women alone to choose leaders to elect them at district levels and this will represent women in parliament. From this it will give women chance to be in parliament because from time immemorial women were not known to oppose men and because of this, they will always give chance to men for their kind hearts. That is why we don't have many women in parliament. It is also difficult for a good house wife or a mother to run here and there cheating people I will do this for you, I will do that for you when she will not do it.

An industry in our district; I feel strongly in our district which is Busia, we should have an industry and it should be passed in our Constitution that this is taken care of that every district should have an industry to cater for the life of the people e.g. like in Busia we should have a cotton industry because that is where we can have money because we can produce cotton in Busia so this one will be taken care of. Thank you madam.

Com Yano: Thank you very much. Patrick Mangoli, karibu.

Patrick Mangoli: Mimi ni Patrick Mangoli Ojara. Nitachangia kwa vizazi vya Kenya vyote. Ningependa mtoto wa Kenya akizaliwa kwa sababu elimu ndio uhai, elimu ndio utajiri, mtoto aandikishwe na akimaliza kuandikishwa aelimishwe elimu ya bure. Kwa sababu ni Mkenya na akimaliza kusomeshwa kiwango ya primary, kiwango ya secondary, mzazi achukue jukumu na akimaliza shule, mtoto akiwa ni Mkenya aliandikishwa atengewe kazi. Nasema hivyo nikijithibitisha nchi yetu ya Kenya tukiwa uhuru, ni kwa nini watoto wetu waitwe maskini, waitwe chokora na tuko.

Ningechangia waakilishi wa Bunge na Udiwani, ningependekeza Mbunge wowote tukiwa tumemchagua na councillor yeyote tukiwa tumemchagua, Katiba ikiwa mtafanyiwa vizuri, hawa watu waende safari mbili au route mbili, ya kwanza na ya pili. Ikiwa alifanya vizuri, ikiwa alifanya mbaya Sheria imukataze. Nasema hivyo kwa sababu mtu moja anaweza kaa kwa Bunge miaka mingi na asahau kujua kama alichaguliwa na wananchi akiwa millionaire awe akijigamba ati mimi ni millionaire.

Kiongozi kushirikisha wananchi kupanga harambee, hiyo ni kumaliza wananchi, kupatia wananchi umaskini kwa sababu anaweza panga harambee kama tano kumi kwa mwezi moja na mwananchi ni yule yule ambaye anatoa sumuni kila siku. Hiyo nikumumaliza nguvu.

Com Yano: Ya mwisho.

Patrick Mangoli: Ya mwisho, Sheria ya unyuaji wa pombe, sijui kama serikali yetu ya Kenya kwa Katiba yake ya zamani ndio ilikuwa na hiyo Sheria. Na nchi zingine tukitazama haziko na Sheria kali aina hiyo. Hizi Sheria za form zinachangia [polisi

kutofanya kazi zao vizuri kwa sababu haja yao inakuwa tu, kutoka kwa councillor kukwenda reserve ku-search pombe ili wapate na wananchi waangamizwe. Kwa hivyo hiyo Sheria kama Katiba itakuwa mzuri pombe, iruhusiwe kwa sababu nchi nyingi za Africa hunywa pombe kwa nini Kenya inazuia pombe.

Com Yano: Asante sana. Tafadhali jiandikishe sasa yenye imebakisha tunaenda kusoma na umesaidiwa kusemekana hata ulaya wanakunywa hiyo pombe. Charles Sioka.

Charles Moses Sioka: I am Charles Moses Sioka, I have got some few points here to make. Mostly I want to base on MPs and councillors. MPs and councillors should have offices in their various areas they represent, and should also hold constituencies annual general meeting where we shall require them to tell the people of the development they might have done according to their manifesto. And if they are not found to have done and if their found not to have done anything the vote of no confidence should be posed upon, and if possible voted out even before the term ends. MPs and councillors should always write their monthly work programmes and be presented to members they represent in their various wards and constituencies for easy supervision.

We want the government to create an atmosphere where the non-governmental organizations and civil society plays bigger roles in controlling and managing of their own resources, without any interference by the government. Instead the government should help in controlling prices of commodities, provide security and make follow ups to ensure better use of resources by or for the stated projects.

On armed forces, Police forces and any security personnel's this should be directly chosen from community level by the members of the community for discipline purposes, and even distribution of this personnel. All the resources collected from the town council, municipal council and others should be managed by the councils, and councillors be paid from the central government; that is councillors salary.

On culture; all the liquor that has been made illegal including chang'aa should be legalized and a factory made for the sale of the same, as this will also act as a source of resources for common mwananchi. I hope those are some of my few points I wanted to make on this review.

Com Yano: Thank you very much, we are very grateful Charles Sioka and the fact that you didn't keep on repeating what the rest had said. I will really be appreciating, nitafurahia sana ukipatiwa nafasi seme yale yenye hayajasemekana kushinda urudie wale wenzenu wanapotuambia. Anaye fuata sasa ni Rose Masiga.

Rose Masiga: Majina naitwa Rose Masiga ninatoka sublocation ya Buloma na ninawakilisha upande wa mama wajane, kwa sababu sikusikia mama hata mmoja akiongea kuhusu wajane. Mimi napendekeza upande wa mama wajane wamewachwa

nyuma kwa sababu tunasikia kila mara serikali yetu yaani Kenya tuko na umaskini mwingi. Na huu umaskini unatokana na vile wa mama wajane ni wengi, watoto wamewachwa mayatima na hakuna ambalo linalo shugulikiwa. Hasa upande wangu ningependekeza wanaye shikilia mipango za serikali, washugulikie sana hawa watoto kwa sababu ndio kesho yao wako mjini, ukora, pengine hawajaenda shuleni, hawa watoto wamekuwa ma chokoraa, hawana hata mwelekezo na ndio wanachangia sana umaskini katika nchi hii. Kwa hivyo hata wale ambao wamepata vyeo, ambao wamepata kuwa na mishahara mikubwa katika serikali wachangie angalau kitu kidogo, ama serikali ingilie ili waone hawa watoto wasukumwe katika wilaya waliko, halafu hawa watoto waendeleo kimasomo kuliko watoto wawachie chini. Watoto hawaendelei na umaskini unaendelea hata mitaani ndio hao hawana kazi wanafanya.

Jambo la pili ningependekeza upande wa gender issue, sisi wamama wajane tukibaki katika maboma, tunachukuliwa kama ambapo hatuna lenye tunaweza kuongea kwa sababu hata urithi wa mashamba yote huwa inashikiliwa na wa baba; sasa wewe ukitaka shamba unaambiwa huna mamlaka kuongea juu ya shamba; na pengine hata huna mahali pa kulima ulishe watoto. Watoto wataangaika na hivyo njia ya kupata hii title deed pia inakuwa ni ngumu. Kwa hivyo wa mama vile nimesikia wakipendekeza baba na mama watake title deed na majina zao ziwe pamoja, hivyo hivyo itapunguza kwa njia ingine.

Tena upande wa watoto ambao wamewachwa tuko na, upande wa labour hawa watoto huwa wanasoma wafikie kiwango ya darasa la nane, darasa la nane, mtoto pengine ataajiriwa na mtu mwenye anafanya kazi, pengine mwaalimu, namna gani hivyo, huyo mtoto pengine atakuwa analipwa mshahara. Kwa hivyo tungeletewa hata ofisi ya labour, watoto ambao wamesoma kufikia darasa la nane hawana popote, pengine hakupelekwa hata polytechnic, mwenye kumuajiri anajua amechukua binadamu mwenye atataka mahitaji yake mwisho wake. Kwa hivyo tuwe na kiwango pesa ambazo wanaweza kuwa, mshahara ambao unaweza kuwekewa hawa watu wa chini pia wawe wanajiandikisha kwa serikali.

Jambo la mwisho ni upande wa security; security pia imesemwa, lakini ningependa kuchangia kidogo, wameongea hasa kwa ma polisi, polisi wangepaa wafunzwe hii kazi ya kuwa social na watu. Ikiwa polisi wataletwa ama hawa askari eti walete katika wilaya, mkoa zetu, mahali wameletwa wawe wenye kuhusika kama ma sub chief na chiefs wajue ni watu fulani wameletwa wawe wawili watatu na ajue kazi yao, jukumu lao sio kutenganisha watu ama kukiwa na jambo umewapelekea siri nao tena watakuja kuambia yule mtu fulani ndio alikuja hapa akasema hivi na hivi. Wajue wenye wanaweza kukaa na hao hata kama ni kunywa wakunywe pamoja na wawe social na kijiji. Wakienda transfer wenye wanastahili hapo pia wao wanajua hao maaskari wanaenda na tutaletwa wengine, sio transfer zenye sisi hatujui. Tutakuta mwingine mgeni pengine ameingia hivi kwa njia zingine, hilo ni pendekezo upande wangu.

La mwisho gender issue; upande wa wamama na watoto. Watoto wawe wavulana au wasichana tusiwaweke wamama ati ndio watakuwa wanakula na watoto wasichana jikoni, tuwafunze hawa watoto kuwalea kutoka manyumbani zetu, tukiwafunza kukula kwa meza pamoja vijana na wasichana; ili vijana wakuwe wakijua hawa wasichana pia wanastahili kukaa katika meza, hata wakiendelea kutaka viti vya ubunge wapi, pia wanastahili wakae na vijana na vijana pia wajue, wasichana wanastahili

kukaa kwa meza moja. Asante.

Com Yano: Asante sana kwa hayo maoni. Clement Okwaro.

Clement Okwaro: I am Clement Okwaro from Funyula Constituency. I am going to base my proposals on education. I think it is time now we encourage education supremacy. Education should be Supreme in a way that in all departments under Constitutional offices of this country, we should have scholars, people well educated in those fields; are the once who should be heading those offices. What I am trying to say is that we shouldn't have a Chief Justice who has a diploma in law when we have a lot of professors in law. Because we can't have a child ruling a home in which we have a wise old man. I am trying to say, in provincial administration we should be having people with degrees in public administration. The ministry of health should be headed by a professor in medicine.

I want again to campaign for university in college education. To encourage people to go to colleges, we have to allow free education in these institutions, because people wonder why should I go to the university or college when I have to pay lots of money. I better start business. Now to encourage people to go to this universities and colleges, we should have free education.

Freedom of press; press should be very much free from politics and administration, because they are the eyes for the common mwananchi. If you put there a certain law that is going to hinder them from giving us information is to suffer. We can't vote for you to go to parliament to hinder us from getting information. I can't understand why an MP should make a statement and fear it to be put in papers. So MPs who go to parliament and make dubious amendments or bills, should be made accountable to that by being punished in a way they shouldn't be bringing bills to the parliament for about one session, or two sessions.

I want to speak about security; the policemen should be presenting their search warrants before searching anyone's home. The police are known to go to homes, to arrest without search warrants, the law refuses that. Thank you.

Com Yano: Thank you very much. Oscar Okwaro.

Oscar Okwaro: Thank you very much. I am Okwaro Oscar. The Constitution should be that in every Constituency in the country, there must be one main road that is tarmacked and the work should be the government's not the MP's work.

Education; I think I am a scholar and I like education, there must be equal distribution of resources in the country. For example if the World Bank and IMF donates computers for schools, it is unfair for the ministry in charge to give Alliance High School and Starehe, forgetting that we have Nabogoto Secondary which also wants computers. I think in the district we have no school that is offering computer, so it is very sad, the Constitution should at least in every district there should be two schools that should offer computer as a subject.

The Constitution should be that in each Constituency, there must be a public library to avoid idleness among the youths.

Elections; in the Constitution we are told that a president is supposed to be 35 years and over for him to contest for the seat. I think the Constitution should also specify the maximum years that one is supposed to have, and if he exceeds the years then he surrenders the seat and all, not having any other post.

Pension and retirement benefits; I think it shall be noted that the Attorney General is the one to decide the benefit of the president or any other person, but the work should be left in the hands of COTU. Thank you very much.

Com Yano: Thank you very much Okwaro. Rosemary.

Rosemary Oridho: Kwa majina naitwa Rosemary Cathetine Oridho, nataka kuongea juu ya wajane, widows. Kuna kitu tunaita death gratuity. For example kama bwana yako alikuwa anafanya kazi, hii tunapata shida sana kwa sababu mnapewa makaratasi ya kuanzia kwa chief, assistant chief, DO, DC na hii yote ni pesa. Kila penye unaenda unapata wameweka hapo cards mbili tatu, ati lazima utoe harambee ndio uhudumiwe. Tayari hapo wewe ni mjane umefiwa, hizo process pia zinachukua muda halafu tena hiyo process inapelekwa kwa pension. Pension pia inachukua muda huko, unapewa barua rudi tena kwa chief, kwa assistant chief, kwa DO tena urudishe huko. Ikishaenda huko tena inatumwa kwa public trustee haupewi hiyo pesa, ikifika kwa public trustee wanasema ati hiyo pesa itapewa watoto wako kama wameenda secondary. Hiyo pesa tena inagawanya ingine inaenda kwa account ya public trustee.

Tungependa kama umefiwa na bwana yako na alikuwa anafanya kazi, hizo pesa, hiyo process yote ifanyiwe na wenye wanahusika na upewe pesa yako yote kama cheque. Tena Public Trustees pia kuna barua inaitwa letter of administration. Hiyo barua inaenda mpaka kwa kortini wengine kama sisi hatuelewi hiyo letter of administration ni nini. Tungependa waondoe hiyo maneno ili pesa yako ikishafika huko upewe na bila 10% yao ya kwenda kwa Public account, ati wakate kwa hiyo pesa.

Pensions; upande wa pension pia kama umefiwa, saa hizi wame-reduce kwa miaka tano, hizo miaka tano ni chache sana. Uko na watoto wako wachanga, unapewa pension miaka tano peke yake, itafanya nini? Hapo mbeleni walikuwa wanapeana mpaka mtu azeeke akufe, saa hizi wameweka miaka tano peke yake.

Shamba; shamba pia tungependa tuwe tukipewa title deed moja, kwa vile ukishabaki peke yako, unafukuzwa, mali unanyang' anywa na na hauna pahali pa kusema. Ukienda kwa hawa ma administration, pengine ni ndugu yake, ni mtoto wake, wewe huna sauti. Ata-favour hao watu hao mashemeji zako, au mama yake na amuandike barua yoyote ya kuenda kukuharibia kama unapata maali ya bwana yako, ama hata shamba.

Kortini pia ningependa ukipeleka kesi kortini ukiwa mjane isiwe ukitoa fine yoyote, upeleke kesi yako, halafu uhudumiwe; kuliko utoe pesa na huna hiyo pesa.

Ku-organize seminars; watenge body fulani iwe ikufunza wa mama kulingana na hii mali yao wamewachiwa. Wa mama wengi hawaelewi, hawajui rights zao, sasa hata akinyang'anywa mali yake, anabaki hapo hajui afanye nini. Tungependa wa set a body yenye ingekuwa inafunza hawa wa mama kulinda mali yao na watoto kuliko mwingine anakuja ati anakusaidia na kumbe ndio anataka kunyanganya.

Com Yano: Malizia.

Rosemary Oridho: Nikimalizia, hapa pahali pa watoto ukizaa nje ya ndoa. Saa zingine wewe umeshika mimba, umekaa na hiyo mimba umezaa, mtoto akishakuwa mkubwa wanapatia baba yake. Ukienda kwa korti ya watoto inasema ati mtoto- ni wa baba, baba yake ndiye anapewa, na wewe ndio umekaa na hii mimba, umezaa, umetunza mtoto akishakuwa mkubwa ati anapewa baba yake. Tungependa waangalie waone gharama zenye huyu mama ameenda tangu ashike mimba mpaka vile amezaa, vile amesomesha huyo mtoto ili sasa kama ni mtoto, anaenda kwa baba yake, na mama naye alipwe hizo gharama zote ametumia. Asanteni.

Com Yano: Asante sana Rosemary kwa hayo maoni. Nakholi. Karibu.

Francis Nakholi: My names are Francis Davis Nakholi. Before I make my contributions I will first of all start by challenging the Commissioners. Because here you are and you are taking a lot of time getting our views, then we may end up writing up a Constitution that will be put up in the shelves and be secret; like the one that has been there all these years.

We would like to have a Constitution that will be put to the people who are contributing to it. Let the Constitution be made in such a size that I can put in my coat pocket or just in my shirt, so that I can make consultations any time. The problem is the leaders have gotten away with it because the wananchi did not have the idea. So please let us be involved and be educated. I mean to say the civic education should continue even when the new Constitution is out.

It is also important that we involve those who are concerned. For example in this country, there are changes in education for example; from one system, one curriculum to the other. The parents, the teachers, the students are not involved, you just wake up and be told you are going to have 8-4-4, we are going to teach you wood work, you will have workshops, we will have home science but plans did not involve you, so you don't know where to start and we begin by the time we put up the workshops, the system has changed, this buildings are left there abandoned and it is a real waste of resources.

I would like to talk about this issue of land grabbing; we all the time talk about land grabbing but we know very well that this

land belongs to some authority. People have complained, somebody has grabbed land but no action. We will always read in the papers and that is all. We would like such issues when they are addressed somebody somewhere to take action and say that these people are brought to book and something is done and others will hear about it.

This goes the same with corruption; with corruption wananchi we cannot blame the government because corruption begins with us. We are the first people to give these policemen a thousand shillings, because we realize we have committed a crime. So why don't we go by the Constitution which will make laws that will protect us; and instead of giving these bribes, let us pay money that will go to the state and help to build up the nation. So we should fight corruption by ceasing to be party to it.

We have the security problem; we are leaving near the border and we get very much scared because if people can be killed randomly in Nairobi where is the headquarters, what about we people at the border where we don't have a continuous wall, people can come in from anywhere and this fire arms come in from other neighboring countries; so the Constitution should make sure that the security area is properly addressed because it has turned out that the same people who will protect us are the same people who are again killing.

Finally, this issue of establishing places like town councils; we have seen a county council taking charge of the whole district, but the following day you wake up and you have four town councils. Kina Port Victoria, Funyula and so on. But when you go to the ground you don't see what these town councils are doing for mwananchi. Since Funyula was established as a town council, I cannot count one thing that they have done for me, I am sure the town council members are here. We would like to start things that will benefit mwananchi, raise, and improve our standards of living. So before this things go, let wananchi be consulted and let them look for viable projects that will make them improve in their living standards. I think that is what I have you. Thank you.

Com Yano: Thank you very much. May be before I call the next person, I think that I should assure you that we are a Commission established by an Act of Parliament, we are not just like any other Commission that has been there, we are not appointed maybe by the president. As you know most of this other Commissions have been appointed by the president. We have been established by an Act of Parliament called Cap 3(a) and the same Act authorizes us to take views from mwananchi then we make those views into a Constitution. What we can assure you right now is, we are going to do our work as per the Act, but now whether it is going to be a Constitution or not, after the National Constitutional Conference or after the referendum, they will make a bill, the bill will be taken to parliament. It will be upon the members of parliament not to make it law or not. So now it is I think after this you should also not sit back, there after when the bill goes to parliament we should ensure that the members of parliament pass it into law. Is that okay. Thank you very much.

The next one is Joseph Juma.

Joseph Juma: Asante. Majina yangu ni Joseph Baraza Juma, natoka Wakhungu sub location. Yangu ni mafupi na nitakuwa

mfupi.

Kwanza ningelipenda tuwe na Constitution ambayo inatu-guide, mtu mmoja awe na kazi moja. Appointments zote za serikali ziwe zinapatia Bunge, na zisiwe kwa watu ambao ni retirees, ziwe za watu ambao hawajawahi kufanya kazi yoyote.

Pili; tuwe na uhuru wa kuongea kuhusu vitu ambavyo serikali inaenda kinyume na wananchi.

Tatu; ningependekeza tuwe na uhuru, hiyo ni ya judiciary. Mtu akiwa ameshikwa amepolekwa kortini, korti impatie nafasi ya ku-express maoni yake kwanza, ndipo apelekwe remand kuliko mtu anaposhikwa akisema hilo kosa si kufanya, remand siku kumi na nne.

Nne; appointments zote za serikali zifanywe na Bunge, sio rasi peke yake. Nikimalizia constructions za project zozote ziwe zikiwa zinatolewa na watu wa region hiyo ambao hiyo project inastahili iwe kwa sababu projects nyingi sana zinatolewa na tender board na zinaenda kinyume kwa maana hongo zinakuwa mbele kuliko haki ya watu. Ni hayo tu.

Com Yano: Asante sana, tumeshukuru Joseph. Anayefuata ni Ronald Bigeti. Na tafadhali usikarudie kama mwenzako ameshasema.

Ronald Bigeti: My name is Ronald Bigeti. I wanted just to talk about the issue of poverty in the country, and we know each and everybody knows that our country the back born is agriculture. So what I wanted to say is that the government should allocate some amount be set aside for the graduates; and those who are doing agriculture courses in Diploma courses so that they can be put in a desert or a place which can be reclaimed so that the agriculture can be protected. We believe this because in Egypt it was like that and it is a dry country but we know now that it is self independent or approved. So if Kenya can do that you know most of young Turks are getting out and they are being wasted because after doing the course they go to do computer again or engineering diploma, they end up not doing this. I fear that in future we will not have agriculture in this country.

So the next point is about the democracy and women like men they should just vie for a post and get the post not a matter of if he is a president the next person should be a woman. Thank you very much.

Com Yano: Thank you very much. Do we have Brigid Opiyo.

Brigit Opiyo: Asante Bi mwenyekiti. Mimi ni Apiyo. Nitazungumza kwa sababu ya watoto ambao wamezaliwa nje ya ndoa. Mwenzangu alikuwa amezungumzia watoto ambao wamezaliwa nje ya ndoa. Mwezangu alikuwa tayari ameshazungumzia kuhusu watoto ambao wanaozaliwa kabila ya ndoa lakini yangu ni wale wanao zaliwa labda na wazazi ambao tayari wako

katika ndoa nyingine, wakapata mtoto mwingine nje. Sasa huwa inafanyika kwamba ama nimeweza kusikia kuwa wakati mwingi hawa watoto hawapewi nafasi ya kuridhi mali ya wazazi wao. Na ninayo mfano kwa sababu nasema hivyo. Kwa hivyo naona kwamba si vyema sana kwa sababu hawa watoto wana haki kama mtoto mwingine yeyote yule.

Pili; kuna mazoea ya watu katika afisi kuuliza watoto kutaja majina ya wazazi wote wawili. Si lazima kwamba kila mtoto lazima awe anaishi na baba, kwa hivyo naona kwamba si vyema ama haitakikani kuwa kwamba lazima mtoto ataje jina la baba yake, kwa sababu kuna watoto wengine ambao wanakuwa na mzazi mmoja. Kwa hivyo kidogo huwa ni uchungu kwa upande wa mtoto unapomuuliza jina la baba na hana baba, hata hajamuona.

Tatu ni hali ya wanawake kunajisiwa ama wasichana; kesi kama hizi ningeonelea kwamba ni vyema iwapo majaji wa kuangali kesi kama hizi wanakuwa ni wanawake; kwa sababu Wanaume huchukulia kama mzaha na pia sasa hutaka kutumia wale wasichana. Pia ma afisini hasa afisi kuu za serikali twasema, mara nyingi ukienda kule kutafuta usaidizi utapata kwamba wanaoshikilia mahakama ama nafasi kubwa kubwa katika zile ofisi utapata kwamba ni wanaume. Na wakiwa wanaume ukitaka usaidizi ukiwa ni msichana wanataka wakutumie ama wakutumikie kama chombo cha mapenzi hivi ndivyo tupate usaidizi. Kwa hivyo naona kwamba hilo ni jambo mbaya sana.

Com Yano: Malizia Brigit.

Brigit Opiyo: Asante. La mwisho nitazungumzia kutoa vifaa amas takabathi za kuzaliwa. Kuna zile barua ambazo zinaonyesha mahali mtu alizaliwa, na tukitaka sasa barua, birth certificate unapata kwamba wanaweza kuwa labda, wakati ulipozaliwa mama yako alikuwa akiishi mjini, tuseme Mombasa. Sasa ikawa unataka kile cheti na unaishi huku Busia, wanapoonna ile barua ya kuzaliwa kwako Mombasa, utatumwa urudi Mombasa ndipo ukapate kile cheti. Naona hayo ni makosa. Kwa hivyo mradi tu una ile barua ya kuonyesha kwamba wewe ni Mkenya, umezaliwa Kenya basi popote pale uruhusiwe kuchukua kile cheti . Hiyo ilikuwa hoja yangu ya mwisho nashukuru.

Com Yano: Asante sana Brigit. Charles Juma, karibu Juma.

Charles Juma: Kwa majina naitwa Charles Juma. Ningependa kuchangia upande wa elimu; mimi naonelea elimu inarudi chini kwa sababu moja. Kila mtu ana kipawa chake lakini unaona ya kwamba mwalimu anafundisha jambo moja ambao sio kipawa chake. Anafundisha saa ingine hesabu na kipawa chake ni somo la Kiingereza. Kwa hivyo ningependelea kuanzia darasa la chini mpaka la tatu, ingekuwa mwalimu yoyote lakini kuanzia darasa la nne, kuendelea na nane ingekuwa na mabadiliko yaani kujua kwamba huyu mwalimu ana kipawa chake ndiposa aweze kufundisha somo. Awe ni mwalimu asili wa somo hilo, ajulikane ya kwamba kama ni mwalimu wa hesabu, au wa science awe na kipawa chake kwa sababu kila mchezo pia iko na kipawa cha mtu.

Ningechangia pia kwa secondary ama universities; naona kwamba watu tunarudi chini kwa sababu moja. Umesomesha mtoto amefika form four lakini amemaliza hana kazi, ningechangia kwamba wangukuwa na chama fulani. Wa form fours kwa district kujua kwamba ni wangapi wamemaliza form four wawe na chama fulani. Universities pia wajue kwamba, wawe na chama ili wapunguze hii hasara ya wizi ama kuleta ukorofi.

Napenda kuchangia tena jambo la ukimwi. Naona kwamba watu wakiambukizwa ukimwi anapelekwa hospitalini wanatibu wanaona kwamba wako na afya sasa, wanaanza kuambukiza. Ningechangia kwamba huyo mtu angepata adabu kali akijulikana akifanya mapenzi kama hiyo akijua kwamba anaambukiza watu ovyo ovyo.

Nikimalizia, ninamalizia upande wa biashara; biashara imerudi chini upande wa vijijini kwa sababu moja ya kukosa usalama.

Jambo lingine ni license upande wa mashambani. Imerudi chini kwa sababu ya license na kwasababu ya usalama.

Com Yano: Asante sana. Kati yenu, kuna watu wenye bado wako na memoranda. Written memorandum mje hapa mbele. Kama mko na memorandum nawapatia nyinyi dakika mbili mguzie yale maneno moja moja halafu mpatiane hizo memorandum. Kuna wengine bado wanataka kupatiana maoni, mikono juu tafadhali nione wangapi. Endelea mzee na upatiane memorandum hapa.

Benjamini Wangudi: Mimi naitwa Benjamin Odiado Wangudi. Maneno mengi ambayo ningesema yamekwisha sema kama vile ulivyosema, na hii memorandum niliyo nayo ni management and use of national resources. Na mimi sitakwenda kuisoma kwa sababu ni kubwa lakini nitachanga kidogo. Neno langu la kwanza kama hii Katiba inakwisha, tunataka vitabu vichapwe. Kila mwananchi awe na kitabu mwenyewe ajisomee isiwe kama ile Katiba ilisemwa ati walikuwa watu wengine wanaitumia tu kama mali yao huko parliament wakiona kuna makosa wanafuta wanandika ingine, wanafanya amendments. Mimi ni mwana siasa tangu mwaka sitini. Blundell aliniambia siku moja kwamba nyinyi wa Africa ni wajinga, mnachukua mtu anakuwa above the law, hiyo ni kisu itakuja kuwakata nyinyi wenyewe. Huyu ni Michael Blundell aliniambia.

Utamaduni lazima uzingatiwe, tusiwache tu utamaduni ukaenda ovyo ovyo kwa maana watoto wengi wameenza kuingiza western civilization na wanaoana ovyo ovyo, na sisi wa Africa hatukuwa na mambo kama hayo. Lazima mtu anaoa mtu anajua huyu si wa ukoo karibu na hii, ni mambo lazima izingatiwe na wazee, usiwache tu watu wanafanya mtu anaweza kuoza dada yake jambo ambalo hali ruhusiwi na waafrika. Neno lingine hata Busia sisi hatuna a teachers college, kwa nini? Tunasumbuka sana na wale walio na teachers college wako na walimu wengi. Hilo ni jambo ambalo sisi tunaona lazima lifanye, liangaliwe kwa makini. Asante sana bwana Commissioner.

Com Yano: Asante sana anayefuatwa na memorandum.

Michael Ongando: Good evening Commissioners, my name is Michael Ogando Ongira, I will present proposals from Siburu sub location. I will run through them summarily due to the limits of time. Funyula Constituency to be Samia, and the Constituency work should be done hand in hand to achieve faster development. Officers to be(Inaudible).

All weather roads containing tarmac and marrum to be circulated through out the Constituency. Efficient telecommunication network has to be performed for faster information passed through the media.

Controlled Citizenship needs to be carried to sustain better grouping of community city programme, so interaction problems and whole unity to appoint progress misunderstanding. Security to be tightened to safeguard life and property. Punishment has to be concurred to wrong doers to stop misdeeds.

To promote health, clean water be provided everywhere to meet human consumption. Fees medical provisions and facilities should be given, sanitation problems to be looked into. Education has to be given to our school children freely and compulsory.

Membership initiative programmes be put up. Local authority officials should be getting transfers to avoid management and communicative misunderstandings. Beneficiary payments should be handled honestly so as to avoid misguiding the uneducated people who receive them late.

Com Yano:(Inaudible)

Michael Ongando: Widows, widowers need to be given support.

On marriage, matrimonial and traditional marriages should be ending with couples holding marriage documents. Marriage parties should be organized in enough time for preparation. Dowry has to be negotiated and given to the brides family. Wedding ceremonies need to be performed before the bride and the bride groom start a family when staying together the married spouses have to ensure that they keep matrimonial certificates from their churches and legal documents from their local administrators.

Com Yano: Thank you very much, the next one.

Joseph Ongoro: Mimi naitwa Joseph Ongoro kutoka sub location Wakhugu, location Odiado. Mimi nitaongea Kisamia.

Joseph Ongoro: *Esie nyolomakholomakho khu Katiba yechere ino*

Translator: Mimi nataka kuongea juu ya Katiba inayo kuja hii

Joseph Ongoro: *Khulwakhubera ndakha ebindu biakhakhonya nende ebikhonya abaana becheyo*

Translator: Kwa sababu nataka vitu itanisaidia, halafu tusaidiane na watoto wangu wanaokuja mbele.

Joseph Ongoro: *Esundu esiamberi esindakhachakirakho.*

Translator: Kitu ya kwanza ambayo ningeanza nayo, ni udongo.

Joseph Ongoro: *Na abundu wa khweloba.*

Translator: Udongo.

Joseph Ongoro: *Khulwabera baba si khwasolanakho naye edalo lwosi lwosi.*

Joseph Ongoro: Baba hatujagombana na yeye wakati wowote.

Joseph Ongoro: *Nomundu nomwira mu koti abechanga akholere makasa.*

Translator: Niukumpeleka mtu kwa korti awe amekufanyia makosa.

Joseph Ongoro: *Bulano esie khusitaka eshirindwa mbonanga esoni khandi ni ayubu sana.*

Translator: Mimi kwenda kushtaki kaburi naona ni makosa sana.

Joseph Ongoro: *Ata mumbilia mba nga omundu okhuyire baba.*

Translator: Hata kwa bibilia ni kama umemtusi baba ama umempiga baba.

Joseph Ongoro: *Bulano abundu awo esie mbona mbwe serikali Katiba abundu awo itereseoho.*

Translator: Hapo naona ya kwamba serikali Katiba itengeneze.

Joseph Ongoro: *Ne khandi mbona mbwe.*

Translator: Naona tena

Joseph Ongoro: *Amukhuwa kano kachakare nga elidalo olwa bakholera epamiti ya obusakhire omundu ngoyo atio.*

Translator: Haya maneno yaanze saa zile wanapeana permit ya burial.

Joseph Ongoro: *Mukuru aliao.*

Translator: Village elder yuko hapo.

Joseph Ongoro: *Bachekere form.*

Translator: Wajazie hapo form.

Joseph Ogoro: *Mzee nalekhere abaana ata abanga.*

Translator: Hapo mzee kama amewacha watoto kama wangapi.

Joseph Ogoro: *Bache ne itulakho itsa wa sub-chief.*

Translator: Ijaziwe hapo tu na village elder, na iende kwa Liguru saa zile wanapeana burial permit.

Joseph Ogoro: *Ituliwo iche wa Chief.*

Translator: Iende kwa Chifu

Joseph Ogoro: *Itulawo iche wa DO.*

Translator: Iende kwa DC

Joseph Ogoro: *Iche mulandi.*

Translator: Iende kwa lands.

Joseph Ogoro: *Balindi ba land basebere abaana bano banyola.*

Translator: Na walete title deeds kwa hawa watoto.

Joseph Ogoro: *Mbona mbu ebinud binyala otukhonya.*

Translator: Hapo mnaweza kutusaidia.

Joseph Ogoro: *Ata watawo kiwango banyala khutungu.*

Translator: Hata wakiweka kiwango fulani ya kulipa ni sawa.

Joseph Ogoro: *Ni sawa.*

Translator: Lakini kushtaki sio mzuri.

Joseph Ogoro: *Lakini kustaki baba ni ngumu.*

Translator: Inginge injayofuata, assistant chiefs.

Joseph Ongoro: *Isilondakho ma-subchiefs.*

Translator: Kwa kuwa.

Joseph Ongoro: *Kholobera ngotwa naili sheria nailikhowo khulubera khale busubchief koberwanga ekura.*

Translator: Sijui kama ilikuwa Sheria kwa sababu zamani ma subchiefs walikuwa wakipigiwa kura.

Joseph Ongoro: *Ne bulano ngotwa mbu ni ali Katiba khandi yatisibwawo.*

Translator: Na sijui kama hiyo Katiba ilitolewa. Nimemaliza.

Com Yano: Anayefuata. Na tafadhali usikarudie yenye mwenzako ameshasema.

Solomon Juma: I am Solomon Juma by name. I am speaking on the judiciary with only three points.

Actually I don't know how our Kenya is being done with the laws. In Busia, cases in which does not need consent on the AG should not exceed three months for judgments; made but in Busia it can even take three years.

Second point is where there are petty cases and the accused person has pleaded is not sentenced but he is being told to go for remand for two weeks which is not according to the law.

Thirdly is about this bush police courts; where there is police there is no need to have their bush courts because they are encouraging corruption in the country. The work of the police is to arrest, charge someone with the offence, take him to court not judge look for a magistrate. That is only what I had. Thank you.

Com Yano: Thank you very much. The next one.

Janaye Nyamori: Kwa majina ni Janaye Nyamori Kwakorabi. Vitabu vya Katiba mpya vinatakiwa vichapwe kwa lugha inayoelekewa na watu wote kama lugha ya Kiswahili. Hizo vitabu vigawe bila malipo yoyote.

MPs; ningependa Katiba mpya MPs wapatiwe office katika districts zao, si kule Nairobi.

Polisi kwa Katiba mpya haitakiwi wawe wanashika watu ovyo ovyo. Wawe wanapewa bond ili ukipatikana na kosa lile lisiokuwa la kuua wala kuiba upewe tu bond hapo, upelekwe katika kortini kwa sababu wakikushika itaonyesha ya kwamba utafungwa na hapo pengine hutafungwa judge atakuweka uhuru na umeshafungwa tayari, na Mzungu husema time is money na sasa wewe umemaliza huko wakati wako korti inakupa uhuru. Nani atalipa hiyo nafasi ulimaliza kwa korti? Kwa hivyo nasema polisi kwa Katiba mpya wawe wanampa watu bond kwa ile kesi ya civil. Hiyo ndio maoni yangu.

Com Yano: Asante sana. Anayefuata.

Chrispinus Odoro: Majina yangu ni Odoro Chrispinus kutoka Sabwodo. Mimi yangu mengi wamezungumza lakini nimebakisha katibu moja mbili hivi. La kwanza ningependa Katiba ya sasa isiwaruhusu madakitari ambao wanafanya kazi na serikali kufungua clinic zao binafsi. Unapata wengine wamehitimu kufanya surgery, wamefungua clinic za kutibu macho. Wengine wanafanya kwa laboratory, wamefungua clinic za kutibu magonjwa mengine. Hiyo ningeomba Katiba ya sasa iwazuie watu kama hao.

Ningependa kuongea kuhusu ukimwi; ukiwa mgonjwa na umeenda hospitali ningependa wawe wanafanyiwa hii VCT hata isiwe VCT sasa, iwe lazima, mgonjwa aambiwe kama yana hizo viini za ukimwi. Sasa ikifika wakati hata kama amekufa kwa wakati wa burial, hiyo burial certificate iwe inawekwa pamoja na ile karatasi ya kutoka kwa yule Daktari mwenye alikuwa anashugulika na yeye na watangaze wazi wazi kwamba huyo mtu alikufa ukimwi, ndio watu wasiwe na mambo ya kurithiana.

Nikimalizia nitaongea upande wa local government; ingekuwa ni bora kama hawa wangeharamia kulipa mishahara ya waalimu wa nursery schools, na pia ma Ligurus na hii ma village elders; halafu pia hiyo pesa yao iwe pia inatusaidia kutengeneza barabara zetu za hapa nyumbani. Sio tu iwe tu pesa yao wanasanya ushuru na wanatumia kwa mishahara yao wenyewe tu. Yangu ni hayo.

Com Yano: Asante sana.

Livingstone Ojiambo: Kwa majina mimi naitwa Livingstone Ojiambo, natoka Wakhungu ward, Wakhungu sublocation, Odiado location. Nitazungumza maneno machache, point tatu.

Point ya kwanza nitaanza na nafasi za kazi. Tumeona kwamba nafasi za kazi zimekuwa ndogo sana, na tuna watoto ambao wamesoma, lakini ni maajabu sana unaona mtu amefanya kazi amestaafu na bado anaongezwa kazi. upande wangu nimeona ya kwamba tuwe na one for one job.

Point ya pili ningependa tukuwe na limit age of the president. Mtu akiwa ni rais napendelea kwamba awe na miaka sitini mwisho, kwa sababu hata bibilia inasema mtu akiwa na miaka sabini ndio yake ya kufikiria vizuri. Extra age of that mtu anakuwa dormant.

Lastly but not the least, I am going to speak about the local government. Local government tungeonelea ya kwamba upande wangu kwamba for example kama sisi watu wa ward ya Funyula, tunaona ya kwamba ma councillors ni wengi na mapato yetu iko chini, hatuna cash crop ama hatuna ile njia ya kuleta pesa katika area yetu. Na ma councillors wanapata mishahara pia

kutoka hapo. Kama ingekuwa mzuri serikali iwe na ma councillors wapate mshahara from central government, ingelikuwa mzuri sana. Inge enable watu ili pia wapate kupumua.

Jambo la mwisho nitazungumza kuhusu elimu. 8-4-4 system ni elimu duni upande wangu, nataka tuwe na elimu ya kitambo, mtoto asome mpaka afike form six ndiposa aende university. Kwa sababu mimi nikisikia vyombo vya habari kutoka nje, nimeonelea ya kwamba mara nyingi watoto wa Kenya ama vijana wasomi, wamekataliwa kwa sababu elimu yao ni duni.

Com Yano: Asante sana nimeshukuru kwa hayo maoni.

Denis Adongo: My names are Denis Adongo Akopo. I have two points on management and use of national resources as follows. Industries should be set up where resources are found. For example right now we have a fish processing industry in Thika, when it should be in this region to benefit the local people.

Another point is the government should be required to apportion benefits from resources between the central government and the communities where such resources are found.

Then I also have one point on the vulnerable groups. The Constitution should create the provision for the establishment of homes to cater for the aged people and orphaned children.

Na mwisho ningependa kupendekeza hivi three arms of the government, judiciary, executive and parliament ziwe detached, zipelekwe sehemu mbali mbali because right now we have three sittings, why should we have all the three arms of the government based in Nairobi. Let us have a judiciary either in Kisumu city or Mombasa and parliament likewise. Thank you.

Com Yano: Thank you very much. The next one.

Alfred Okumu Awour: Majina ni Alfred Okumu Awour. Ningeweza kutoa au kuchangia jambo hili maoni. Nimeshukuru Tume ya maoni kuja hapa. Mara nyingi huwa tunasikia kutoka radio. Lakini katika hayo maoni huwa tunasikia ikitangazwa huwa tunaweza kuja kesho yake tunajiuliza, je, tena haya mambo imegeuzwa kiviipi? Nitaongea upande wa ofisi ambayo inalinda usalama, na kila mara yote huwa tunayo zungumzia hapa inatoka kutoka radio.

Upande wa viongozi tunaye president ambaye anatuwakilisha ambaye tumempa heshima kubwa sana, ambaye ametutembelea hata hapa wengi tukamjua. Lakini katika maoni yangu, mimi ningeweza kuomba hata wale mnaowachagua hao viongozi katika miaka mitano, lazima muwe mukiangalia, lazima muwe mkijiuliza ni yupi ambaye anaye tutendea mazuri, ni yupi ambaye huwa anatutendea mabaya. Kwa sababu kesho huwa tunasikia KANU ilikuwa ni chama ambacho tunakijua, ilikuwa chama ambacho kilianzisha, kilichopigania uhuru. Kama sisi ambao tumekaa karibu na wazee kadhalika.

Hii jambo ningeweza kuomba Tume ya marekebisho, tungeomba wazee ambao wameongoza katika muda mrefu, ambao wameona miaka mingi mbele, waendeleo kuongoza, ikiwa kuanzia kwa raisi, ikiwa kuongoza kwa mbunge, ikiwa raia walimchagua, aendeleo kuongoza hawa watu. Kwa sababu sisi hatutaki watu wa kuja hapa na shilingi hamsini na hivyo vyama vimezaliwa hapa tu juzi na sisi hatutaki waendeleo kuja hapa. Kwa sababu sisi tulijua tu rais wetu wa kwanza alikuwa Jomo Kenyatta, alituongoza na tukapeana mahali. Hii mambo ambayo ilikuja juzi ambayo nashangaa ati fulani atakuwa kiongozi, fulani atakuwa kiongozi, je wa mama hawa wa marekebisho, tutapata njia gani ikiwa huyu ni mzazi wako na tena kesho yake si mzazi wako? Una mkana, utaweza kuwa namna gani katika haya yote?

Juzi juzi tunasika fulani nitakuwa baba yako, kesho nitakuwa mama yako sasa hatuwezi kuelewa tunaelekea wapi. Tuko na kiongozi ambaye tunajua si viongozi wawili. Samia tunajua tuna kiongozi gani kama MP ambaye anahudumia raia wale ambao waliomchagua. Rais tunamjua kama ni mmoja yule ambaye sisi hatukuweza kujua miaka mitano ilitokea wapi katika Kenya, na Kenya ni mahali pa dogo sana, mahali penye bado wanaomba kwa sababu tunasaidiwa na nchi fulani, hatuna vifaa vya kutosha. Ndivyo sasa sisi wakaaji wa mashamba, kununua mkate kulingana na mahali material inapotoka. Tunaomba hapa hatuna ma factory, tulikuwa na factory pale ni kwa sababu ya midomo mingi, kupiga kelele ilifanya factory yetu ikaanguka. Tungeomba haya maoni iweze kurekebisha tupate factory huku. Tulikuwa hapa na generate, watoto wetu wako hapa form fours hata wale ambao walifika standard eight, bora umeweza kujifunza ndimi tatu. Hizo zote zinaweza kukufanya uweze kuendelea mbele mahala ya wewe unafaa ukae karibu na serikali na hii yote naomba serikali iweze kukalia huu mkazo.

Sisi wale wakaaji wa mashamba tunao ujuzi mingi lakini fedha, agriculture hatujui hawa wa agriculture wanafanya kazi gani, tunaletewa mtu kutoka Ukikuyu, anakuja kutuagamiza hapa, alete hata pesa ya kuweza kusaidia shamba na aangalie hiyo shamba kesho yake unampata yeye ni mlevi.

Kwa hivyo kwa hayo machache mimi naomba serikali iangalie hayo. Asante.

Com Yano: Asante, jiandikishe pale.

Jacob M. Wanyama: Madam Commissioners majina yangu ni Jacob Matogu Wanyama, and I am a civil servant. I want to talk about National Hospital Insurance Fund, NHIF. I feel that if someone fails to use his funds for five years he should be refunded his money because we have found cases whereby we don't know how these funds are spent. If someone has spent for instance ten years and has not gone to the hospital, who is using this money? Or else if this money is not refundable, then let the contribution be voluntarily.

The other point I have is about harambee. Harambee we should have some limitations. We should not just use harambee

haphazardly. For instance we know it has a history this Harambee, the intellectuals we have Harambee was raised for them, some went abroad and they came back and they have helped us a lot. From there Harambee has helped us to safeguard those ones who are in the hospital and they were unable to meet the bills. Then later when we got the independence, Harambee became an organ of building the nation. But I am getting disturbed when Harambee is to be used for instance to build a university, you will see some cases when Harambee will be said to build roads. Harambee should have some limitations, even if it is to build schools, we should have cases where by the school should raise so much percentage as Harambee and then the government produces so much because we read the budget every year What is the use of this budget if this budget is not producing funds to build the schools and other things. So I feel Harambee should be limited sort of.

The other issue I have is about district focus. This idea of district focus should be ignored because government funds are realized to the district departmental heads and this are arm chair officers, this are not people who are implementing the projects on the ground mostly. It is people in the division who are doing the work. So we feel the fund should be released, the IE should be released to people and the division then the little money that is realized to the district is for supervisory. Because this funds that come to the district is not helping to build the country at all.

Com Yano: (Inaudible)

Jacob M. Wanyama: Thank you. Is not helping us to build the country because the people in the district cannot facilitate the people on the divisions therefore they cannot supervise them. So they are doing very little, I think that is what I have madam.

However there is a point I am forgetting because since I am about to retire, pension should continue with the widow until she dies because our age has now become, I mean our lifetime has become small. So when a husband dies the widow should continue to earn pension until she dies because her lifetime is also very short. This question of three years five years is too little. Thank you madam.

Com Yano: Asante sana nakushukuru na kwa hivyo nafikiria tumefika mwisho wa kuchukua maoni yenu.

Odour Hilary: My names are Oduor Hillary. I am only going to talk on the transportation side. I would like the government to control means of transport. That the times when the schools have opened and are closing all the transportation is very high and I would like that the government should control it.

Secondly the point of manambas in the board or in the road. This has been an issue where any unable person cannot reach where he is going because you go to Nairobi, Machakos, things are worse. You come to all over the roads things are worse. Also the police should do their work. Actually the traffic police are not implementing the work they were trying to do because you find that the vehicle has gone to a capacity number of people and they are trying to supervise. I don't know the kind of

work they are doing. So any police leaving a vehicle to go to a number of people under the capacity, they should be arrested because those police are trying to kill people innocently and those are the few points I tried to have.

Com Yano: Thank you very much Hillary, we are very grateful and especially that you have really assisted us in assisting the participants to give us their views. Kabla sija... before I give out my vote of thanks may be I should get the coordinator to say a word.

Timothy Wesonga: Asante sana madam Commissioner. Inaonekana tumefikia kilele, watu wa Samia mimi ninawapigia asante sana, tumekuwa na nyinyi kwa muda mrefu. Kwa sababu ya wakati mimi nataka kuchukua nafasi hii, kwa sababu ya wakati bado tutakutana huko na watu wa CCC kidogo, nataka kuitisha tu mzee mmoja mzaliwa wa hapa, tena member wa CCC atumalize na kupeana vote of thanks. After that mzee Otiro utatumalize na maombi.

Boniface Machio: Waheshimiwa madam Commissioners ambao mumetutembelea leo kwa kufanya hii kazi nzuri, bwana coordinator, members wa 3 Cs hapa Funyula, Civic Education Providers ambao wamebaki wako hapa, wafanyi kazi wa serikali na wananchi wa Samia wote kwa jumla. Kama mimi yangu ni mafupi sana kwa sababu nimepewa tu jukumu ya kuwapigia asante lakini sasa ukiangalia Commissioners ambao wako very powerful kama hawa, na ambao wanajua kazi yao vile wamefanya siku ya leo unashindwa kupata maneno mazuri ya kuwapigia asante. Nafikiri nyinyi nyote mnakubaliana na mimi ya kwamba Commissioners wawili ambao tuko nao professor na mama mwenzake wamefanya kazi ambao ni nzuri sana. Sisi tunawashukuru, kwanza kwa uvumilivu, tumekuwa watu ambao tumeleta maneno mengine ambayo labda hata ina fanya kuzunguka zunguka ubongo lakini mumekuwa wavumilivu. Asanteni sana na mumekuwa waangalifu na mumekuwa pia watu ambao mko interested kuona ya kwamba mumekuja kuzungumza na watu ambao mnapenda. Najua mumechukua maneno ambayo kwa fikira zetu itafaa, na nyinyi pia kuyaingiza katika final report ya Katiba yetu mpya.

Wa Samia mumefurahi na hawa wa mama? Na kama mumefurahi si tuwape tu makofi, sasa hakuna njia ingine, nyinyi sasa sugueni makofi ile ya juu kabisa. Moja Clap! Clap! Clap! Mbili Clap! Clap! Asante Clap! Clap! Commissioners Clap! Clap! Clap! Asante Clap! Clap! Clap! Asante asante Clap! Clap! Clap! Funga. Asante sana tunashukuru sana.

Na pia mimi ningependa kuwashukuru apart from that one wale members wa 3Cs ambao wamefanya juhudi kuangalia hii maneno yote tangu siku hizo zote. Mumejaribu sana ili kuona ya kwamba maneno itafanyika. Kofi moja Clap! . Basi hiyo inatosha. Sasa itakuwa pamoja na Commissioners.

Nataka kuwashukuru wale Civic Education Providers ambao na wao wameelimisha sana jamaa wa hapa mjini wakawa wamekuja kwa wingi namna hiyo. Sawa sawa. moja Clap!

Na pia ningependa kutosahau Bwana Wesonga coordinator wetu, huyu ni kijana wangu lakini mimi naishi na yeye Busia na huyu

mtu hachoki. Kuna wakati ambao unakutana na yeye saa sita saa saba usiku ati anatoka Budalangi, anatoka Nambale anatoka wapi kwa hii kazi. (Luyia dialect) makofi Clap! Basi thank you.

Nataka wananchi nao wenyewe kwa vile mumekuja kwa wingi na nafikiri Commissioners are not angry with your good attendance, na kama mumekuja kwa wingi namna hii basi mumettoa aibu sisi ambao tulikuwa kwa 3 Cs. Mumettoa aibu, hawezi kwenda na kusema tulifanya nothing. Mjipigie makofi moja. Moja Clap! Asante sana.

Sasa sifikiri kama nitakwenda mbali sana na hawa wa mama ambao wamekuwa wanamsaidia. Nimeona hii kitu ikiharibika kidogo inafika na yule anaandika ana register kofi moja Clap! Asanteni.

Sasa mwisho kabisa I will like you Commissioners to draw your attention that I feel is very important to me, to you and to all these that are seated. I have a fear, you have taken our views you are going back but I have a fear and my fear is not just far fetched. It is based on what I have heard what you have also had. Recently I heard the chairman of the Constitution of Kenya Review Commission himself professor Yash Pal Ghai announcing clearly that a draft Constitution has already been made and it is in place. I heard that I don't know whether I was hearing a wrong thing but I heard that. Now my fear is, that we have probably been doing nothing here. We wonder if our views in Busia district are going to be incorporated in the final thing. That was mentioned, if he mentioned to please Kenya or he mentioned it to please it to please himself or he mentioned it for the sake of expedience that is my fear. I very much hope that what I heard is not very correct and that our views will after all be included in the final paper. Please when you go just say that we have heard that and that we are hoping that we have had it wrongly. Thank you mum.

Na pia mimi mnipigie makofi kidogo. Asante.

Com Prof. Kabira: We just wanted to say that I think what Commissioner Yano said in the morning is the position, as we know it. That what we are collecting now, the views from the Constituency we are actually preparing Constituency reports and those reports will get back to the Constituency as soon as possible and then we are preparing the national report which is based on the Constituency report. With that national report is going to be a draft, Constitution. You know it is like a recommendation. But the Constitution is not going to be ready until we have the National Constitutional Conference. Because it is at the National Constitutional Conference where those recommendations which are called draft report, a draft report and a draft Constitution. It is at the National Constitutional Conference where all the Kenyans are going to negotiate through the 600 plus delegates to come up with the Constitution, which again is the draft Constitution, like Commissioner Yano said until it is tabled in parliament within seven days, for enactment by parliament. That is the process.

Boniface Machio: Let me hope that I heard the wrong thing.

Com Yano: Thank you very much, we are very grateful for your vote of thanks and I think I and also on behalf of the

Commission we are very grateful for the easy time you have given us. We are also happy that you were able to give us your views. Needless to add that those were well thought out views and it didn't cross our mind that there may have been somebody who gave us views that are not Constitutional. We are grateful for those views. I don't really need to add anything more, you have already thanked the participants and also we are happy, we have already thanked the leaders who are here with us. Maybe I should add to thank the Moody Awori Primary School for giving us this facility to day. It is not everyday that you go round and people are willing to assist you do a public work as we are doing.

Boniface Machio: Let us organize a clap to crown what the Commissioner has said. Moody Awori Primary School, one clap!

Com Yano: I think next time when we have a public function we will always want to invite you. Also I would want to add that bwana coordinator we are grateful for the work you have done because we have seen the fruits of the same. You know you come in and you find a number of people the way we have today we know a good job has been done. We are also thankful to the leaders for assuring that mobilization has taken place.

As I had said in the morning, and what professor Kabira has just said, it is important for all of us to note that this is a people's driven Constitution. The Constitution is by your selves. That is why we are here today to take your views to ensure that we use those views to make the Constitution that will be reflective of the Kenyan wishes. Once we have collected all this views, we have an Act that guide from one stage to the other one, we are told by the Act that after collecting these views we make a report the way I had said and she is already added to it. Then that report will be brought back to you for a clear total 60 days as per the provisions of the Act now.

Kazi yenu mkiletewa hiyo report ni kuichambua, kuiangalia na kuhakikisha ya kuwa yale maneno yote mliopatia wanatume yako hapo. That is why I was telling a lady in the morning that if what you have contributed today is not there then you have a right to make noise. Then after that now we will take back those reports plus any additions you would have made, then we make a draft national report for purposes of national Constitutional conference. As of now I don't see any fear and I think I should want to disabuse your mind on the same, you should not fear that may be there is a Constitution somewhere. We are telling you right now there is no Constitution and will not be anyway here. Unless women trying to lie to you that we are collecting your views to go and make a Constitution yet there is a Constitution. I think our consciousness cannot allow that. I hope we have convinced you very well that we are going to make a Constitution from your own contribution. Thank you very much. Asante sana tumeshukuru sana. Asante, tuombewe tafadhali.

Mr. Nakholi: *Tufumbe macho halafu tuombe.* Ewe Mwenyezi Mungu, hina na wewe mala mapenzi, Jehova uliumba Bingu na Nchi na ukaona nchi ni tupu, ukaona ni lazima uumbe mtu katika mfano wako. Tunasoma; nakurudishia asante kwa kuongoza timu ya Tume ya kuongoza kuchukua maoni ya watu ya Katiba, kina mama hawa wawili na hawa vijana wametoka mbali wamefika hapa. Wewe uliwaongoza, walitembea katika mwaavuli wa amani. Tunasoma katika bibilia ya kwamba wakati

Mungu ulimutokea Sulemani mwana wa Daudi ulimuomba aseme atakalo. Yeye aliona afathali kuumba mambo mawili, aliomba hekima na maarifa il ajue kutoka na kuingia na hili ndilo jambo kila mmoja wetu analitaka. Katiba hii tunayotengeneza, Katiba ndiyo moyo, ndio the heart of government. Hakuna jambo lingine na mwanadamu kitu anataka ni amani, usalama wa nchi yetu. Na hayo maneno mawili yanafunika kila jambo ambalo sisi tunalitaka kwa sababu hatutaki ugomvi, hatutaki vita na mimi narudishia mwenyezi Mungu asante sana. Hawa watu wamekuja hapa na tunapotoka hapa utuongoze katika kivuli cha amani. Nasema nikisema asante kwa jina la Yesu Kristo Mkombozi wetu. Amina.

The meeting ended at 6.30P.M.

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