

CONSTITUTION OF KENYA REVIEW COMMISSION

(CKRC)

VERBATIM REPORT OF

CONTITUENCY HEARINGS, SIRISIA CONSTITUENCY

AT SIRISIA HIGH SCHOOL

The meeting was started at 10.00 am with Commissioner Wambua being in Chair.

Com. Wambua. Tutaanza na maombi kidogo halafu tuendelee na.... Wale ambao wanajiandikisha hapo manweza kutulia kidogo kaanza tuombe? Registration, tulia kidogo tuombe kwanza halafu tuendelee. Ninafikiria kuna pastor pale tafadhali kuja mbele utuombee tafadhali tuendelee.

Prayer: Father Mabele: mungu wetu wa mbinguni, asubuhi ya leo, tunakuja mbele yako katika mkutano hii, Mungu wetu thjan jaribu kutafuta njia kuleta sheiria ambazo tunaweza kusaidia wananchi wa Kenya. Bwana tupe roho wako wahekima, ili haya yote tunatarajia kufanya katika nchi yetu ya Kenya yaweze kuleta manufaa katika nchi hii kwa watu wote. Bwana tupatie baraka na wenzetu ambao wanashughulika na mambo ya Commission ya mageusi ya kwamab a kazi hiyo mungu yasiwe tu ya kuletu manufa kwa watu wengine, bali kwa watu wotu wa Kenya kwa jumla. Tuwe na upatano makutano yalio mema, utupatie uhuru wa upekee, utupe wwanga juu ya yale tunayo fanya, uyaweze kuuiyabariki bwana, kwa jina la Kristo Bwana Wetu, amen.

Com. Wambua: Kabla hatuja mpatia District Coordinator nafasi awaeleze machache kuhusu jinzi tutakapovyote endelea hapa, ningeli penda kuanza kwa kuwajulisha wale makomishona ambao wamefika hapa kwa hiki kikao kuchukua maoni yenu,. Ya kwanza kuna mwenye kiti yake yule ambaye anaongoza kikundi hiki ambaye anaka upande wa kulia Bishop Bernad Njoroge, kuna mwisho hapo, tuko na komishona Ibrihaim Lethome, na mimi ninaitwa Commissioner Paul Musili Wambua, an vile vile tukona wale ambao wana tusaidia kupokea maoni tukona Programme Officer ambaye ni Trisa Apondi, tukona James Macharia, wale ambao ni assistant Programme Officer, na mwisho tukona Lydia Moraa ambaye ndiye verbatim Recorder ambaye anaandika yale yote tutayataja hapa.

Nitataja machache kuhusu jinsi tutakavyo toa maoni. Tutafuata horodha ambao tumepewa hapa na ile ni ile horodha imetengenezwa pale tunapo ingina, inajiandikisha jina lako pale halafu horodha ita letwa hapa. Sisi tutafuata majina yalivyo. Yule aliandikwa kwanza, ndiye atasikizwa kwanza. First come first heard.

Pili ukija hapa mbele kutoa maoni yako unaweza kuzungumza kwa kiingereza, unaweza kuzungumuza kwa Kiswahili, ndiyo lugha ya taifa, ama ikiuko na shida na hizo lugha mbili unaweza kutumia ya kinyumbani, ninafikiria hapa ni ki Bukusu. Kwa hivyo ukitumia Bukusu tutapata mtu ambaye ni mkalimani atatafsiri tuelewe yale ambao unayasema. Kuna wale ambao wenzetu hawawezi kutumia hizo lugha tunatumia lugha ya mfano, tuna mama mmoja hapa Malobi, ambaye pia atatusaidia kuelewa lugha yao, kwa hivyo sisi tuko tayari sasa kuipokea maoni. Ikiwa ukorayari na kizungu, tuko tayari, ikiwa uko tayari na kiswahili tuko tayari. Ukiwa uko tayari na Kibukusu, tuko tayari. Ukiwa uko tayari kwa ile lugha ingine pia tuko tayari, kwa hivyo tunaweza kutaja yuo.

Basi jinsi nyingine ni kuelewa kwamba ukihapa mbele unaweza kuwa umeandika maoni yako, written prosals ama memorandum. Ukitupa memorandum tutakupatia nafasi kidongo ya kkuyataja yale yamuhimu maanake tutaende kusome hio memrandum kwa kirefu huko Nairobi. Utataja tu kwa kifupi, mulike yale ya muhimu halafu tuachei memorandum totasoma. Ikiwa huuna memordum pia unaweza kuzungumuza bila memorandum. Lakini hata hivyo tutakupatia muda ya dakika tano utupatie kwa kifupi tu yale ambao ungependa kuyasema maanake tunataka kumpa kila mtu ambaye amefika nafasi na ninafikiria tukiendelea hivyo, watu wata ongezekwa na kilamtu lazima apate nafasi asungumze. Lakini tunaweza pia kugeuza maneno tukasema ikiwa kuna mama mjaa mzito tunaweza kumpatia nafasi azungumse kwanza, ijapokuw atakuija apokelewe. Ikiwa kuna mzee tuangalie tuone pengine ana hitaji kupewa nafasi ya kwanza, pia tutampa nafasi. Kwa hivyo sis tukona hiyo haki, ikiwa kuna mlevamu tunaweza kuamua tumpatie nafasi kwaanza asungumze. Lakini tutafuata hii horodha. Kabala hatuja endelea ningelipenda Bwana Wasilwa ambaye ndiye District Coordinator, field officer wetu hapa Bungoma, awaleze machache kuhusu jinzi tutatumia facilities hapa halafu tuendele.

District Coordinator Mr. Wasilwa: Makamishona kutoka CKRC, maofisa utoka CKRC,

Ne bandu bosi mwichile khurusia kamaoni, kamakhuwa kenywe, namukhesia Lundi! Ningependa kusema tu kwamba sisi watu wa Bungoma tuna furaha leo, Bwana makomishnas, this is the first hearings in this district. Ina anza leo Bungoma, Sirisia ndiyo ya kwanza kesho tutaenda Chwele halafu bade tutaenda Mabanga. Halafu bade panels zingine zitakuja wale ambao mnaenda Kutembea hhuko Bungoma waambie kwamba ingie iko Mt. Elgon itakuja, itaende Kimilili, tuende Naitini, tuende Tangalano, halafu tutamalizia Bumula na Webuye Juma tatu. Kwa hivyo tumefurahi wamekuja, na wale ambao mna maliza, muende uwaambie watu ambo labda wanafikiri tunamaliza haraka kwamba kuja tunaendelea mpaka saa kumi na moja. Ninge penda tu kutangaza hivi, kuna mahali ya kujisaidia choo hapa kanco lakini kuna nyuki pia njiani. Kwa hivyo ninegependa kumueleza kwamba, ikiwa ungependa kujisaidia upite hapo, ama kama unaogopa upite upande huu, lakini usipite karibu na mti on the left, kwa sababu hii nyuki ikianza kazi inaweza kuharibu mambo ha leo, kwa hivyo muende pole pole.

Nina wapigia asantge nyingi kwa kufika leo, ninafikiri maoni yenu itakuwa mzuri, kwa hivyo ttanza nita warudishia makomishona na mamobo yataendelea mzuri. Leo translator wetu wakibukusu ni KaitanoWekesa Obilo, retired education officer. Kwa hivyo kama kuna mtu ataona aseme tu kibukusu bwana obilo amekuja. Asante.

Com. Wambua: Kidogo, ikishamaliza kzungumuza tutahitaji ujiandikishe tena pale, maanake tunataka record ya wele ambao wamesungumza. Mwisho kabisa tutamuuliza Principle wa hii shule ambaye ametupatia nafasi hii kutumia facility hii, tutampa na nafasi pia atukaribishe maanake hapa ni kwake. Bwana principle.

Principle Sirisia High: Asante sana Commissioners, wananchi wote ambao mumeingia siku ya leo, yangu sio kupeana utuba lakini ningbepelele kuwakaribisha wote walemumefika siku ya leo. Tunaendeleo kikao hiki kwa sababu ni muhimu sana. Wakati mtakuwa hapa manweza kuwa manataka kujisaidia au namnagani, kuna chumba hapa kidogo, wanaume mnaeweza

kuingia, na akina mama kuna chumba ingene hapoeupande wa chini, au ukiona una shida tafadhali utuulize tutakuwa hapa halafu tuna msaidia. Kwa hivyo sikui ya leo ningependa kusema. Karibu na wote tuchangie kwa jambo ninaona ni muhimu sana kwa nchi yetu. Asanteni sana bwana Commissioners.

Com. Wambua: Asante bwana Principle, asante kwa maneno yako. Sasa tuta anza kulingana na horodha ambao tumepewa hapa, tukona Godfree Simiyu, ninafikira anawakilisha Lodanyi disabled Group, an amejandikisha hapa kama akona verbal memorandum, kwa hivyo bwana Simiyu karibia, keti hapo tafadhali, na utupatie maoni yako kwa kifupi. Kwansa utataja jina ndiyo inaswe wa machine.

Godfrey Simiyu: Mimi ninitwa Godfrey Simiyu. Kwanza Commissioers na wananchi, nina wakilisha walemavu kaitika wandai location, na memorandum ambayo tumeweza kuiandika, na nitasome kwa niaba yao. Kabala sijasoma memorandjm hii ninatoa pole kwa Commssion kwa kupoteza Bwana Ombaka ambaye pia alikuwa mlemavu, kwa hivyo Mungu amlaze mahali pema.

Nitaanza habari ya memorandum yetu ambaye tuliandika tarehe kumi na tatu mwezi wa tano mwaku helufu mbili na mbili.

Interjection: Com. Wambua. Tafadhali usitusomee hiyo memorandum, wewe jaribu kutupatie mambo ya muhimu kwa sababu tutaenda kuyasoma, kwa hivyo pitia tu kwa mambo yale muhimu.

Mr. Simiyu: Kwa hivyo, jambo la kwanza, tunapendekeza ya kwamba katika Katiba ambayo itaweza kuandikwa, Katiba hiyo iweze kuwatambua walemavu ya aina mbali, mbali, kuna viwete, kuna walw ambao wamekatwa miguu na mikono, kuna wale wenye akili funguani, kuna wale visiwi na wengine. Kwa hivyo katiba hio tunapendekeza iweze kuyatambua makundi hayo, na hivyo tunaporpose ya kwamba hawa walemavu waweze kujulikana tangu hata kuzaliwe nqa wengine ambo wanapata ulemavu katika hali ya ajali, na pia magomnjwa.

Mahitaji ya walemavu. Katika sehemu hii ya mahitaji ya walemavu, tunapendekeza ya kwamba nisipia tuweze kuipata haki zetu kama wanadamu wa kawaida, hivyo katika Katiba hio itakayo andikwa mpya habvari ya gender pia iweze kuwekwa chine. Jambo lingine katika sehemu hiyo ni kwamba walemavu inabidi pia waweze kuishi kama watu wengine. Hivyo, katika hali hii waweze pia kupewa nafasi na kutambuliwa ili waweze kutoa maoni yao, na pia wawezekutoa maoni yao katika hali ya kielimu, na mambo mengine katika nchi hii.

Upande wa siasa, tunapendekeza ya kwamba Katiba itakayo andikwa, tunataka ya kwamba viwete poia weweze kupata nafasi katika kuwa makansela, kuwa wabunge, na hata kuwa ania hata viti vya rais. Kwa hivyo, katika hali hii pia tunaona ya kwamba walemavu wasitengwe kwa kupewa kazi katika secgtor mbali mbali. Hivyo katika hali hiyo, wapewe nafasi isio pougua asili mia ishirini kaika shemu hizi zote zakzi.

Upande wa elimu, tunapendekeza ya kwam vyo vya walemavu viweze kuongezwa, na hata zikienda sambamba na vyo vingine vya kielimu. Na wale walemavu ambao wanasome katika shule za kawaida, tunaomba yakwamba Katiba inayokuja iweze kuwatetea, kiasi ya kwamba upande wa school fees, kama watawateremushia, hadi kufika asilimia dhamanini, tunafikira ya kwamba walemavu watajisikii vizuri. Katika hali pia waweze kulidwa jinzi y aunyasaji na wanafunzi wa kawaida na pia waalimu katika shule hizi za kawaida.

Kuna vyo vingine vya masomo ya hali ya juu tunaomba kwamba ziweze kuwa improved ili ya kwamba walemavu hawa pia waweze kuiipata nafasi ya kuweza kusome nap ia kuitimu katika ngazi za juu. Hata ikiwa kuenda ng'ambo wakitoa wakitowa scholarships.

Jambo lingine katika hali hiyo ni kwamba, tunatkaaka ya kwamba walemavu katika katiba hii inaenda kuandikwa, wapate masomo. Walemavu wenginwanafichwa nyumbani na wazai, kwa sababu ya ulemavu wao, hivyo walemavu hawo watafutwe hata mpaka vijijini, wakiletwa katika hali ya kutaka waweze kusoma. Mambo ya sakuu katika mafamilia yaweze pia kulindwa au kuangaliwa na Katiba ambao inakuja.

Katika hali ya kiuchumi ninpendekeza ya kwamba katika Katiba ambayo inakuja, walemavu wanapata shida kwa sababu ya ughali wa viombo vyao vyakutumia, kwa mfano wheel chairs, aids za kutembelea kama crutches na hata magari, kwa hivyo tunapendekeza ya kwamba hali iweze kuangaliwa na Katiba, bei ya vitu hivi iweze kupunguzwa na hata zi siwe stuck ili walemavu waweze kutangamana na watu wa kawaida.

Katika hali hii pia, kuna projects ambazo zinaanzishwa na serikali na hata za walemavu wenyewe. Projects hizi ziweze kuendeshwa na walemavu wenyewe, na walemavu ambao wanaweza kuziendesha wawe hakika ni walemavu, si walemavu ambao amekatika kidole, au kiongozi katika sehemu kama hio. Hivyo itaona ya kwamba hata katika sehemu ya michezo, tunaona ya kwamba walemavu wapewe nafasi ya kujisimamia wenyewe. Ili ya kwamba wale walemavu ambao wako vijijini pia waweze kuletwe wahusike katika michezo hii.

Upande wa security yao: katika sehu hii, tunaomba ya kwamba Katiba inayo kuja iweze kutuspare sisi sivi ya wale grabbers ambao wananyang'anya walemavu plots zao hata kuchukua wanawake wao na hata bibi zao. Kwa hivyo katika hali hii tunapendekeza ya kwamba ikipatikana ya kwamba walemavu amepewa mimba na mtu wa kawaida, na mtu huyu amekataa responsibility, tunapendekeza ya kwamba watu kama hao wapigwe fine hadi shilling elfu miamoja, na hata kufungwa jela miaka saba na zaidi kwa sababu ya kunyanysa walemavu katika kiwango hicho. Ijapo walemavu wana haki ya kuzaa.

Katika hali nyingine ni kwamba walemavu katika hali yao ya kuumbwa, pia wanahaki ya kuweza kutembea. Kwa hivyo katika miji, tusiwe na slippery floors ambazo zitasababisha walemavu kupatu ulemavu zaidi. Kuwe na njia nyingine ya kuweza kuking hali hiyo. Pia kuna vitu kama open trnces katika mabarabara yetu, hali hiyo iwezwe kuchunga vizuri walemavu wasipate hatari

hiyo. Kuna hali ya choo ambavyo ni chafu sans katika miji na hata katika vyo vyetu katika nchi na shule. Tunapendekeza ya kwamba katiba hii iweze kulind walemavu, vyo hivi viweze kujengwa vilivyo vya pekee kwa ajili ya walemavu ili asiweze kupata maradhi yakuweeza kuwaangamiza.

Pia katika hali hii ya security ya walemavu, tunapendekeza ya kwamba kusiwe na out nature, au zile... cha polepole katika mahospitali kwa mtu anaweza kuzaliwa na mlemavu, na hivyo huyu anastahili kufa. Jambo hilo tuweze kutetewewa na Katiba vizuri na ilivyo. Walemavu katika kuasiliana kwa wanaweza kupatwa twa na shida ambao inawakumba inawabidi waende kupiga simu. Kwa hivyo simu hizi za kuwekwa chini ziweze kuletwa mpaka kila mahali ambapo kuna simu. Hivyo katika hali hiyowalemavu waweze kuwa na usalama wao.

Pia kuna gorofa katika nchi yetu tunaendelea, na tunaomba ya kwamba kusiwe na stairs ambavyo ni ndefu bila aids ambao itaweza kusaidia walemavu ili waweze noa pia kujisikia vizuri.

Jambo lingine makomishona ni kwamba walemavu wanaweza kunyanyaswa na wafanyakazi wakawaida ambapo ameenda kuajiriwa. Tunaomba ya kwamba katiba inayo kuja iweze kulinda walemavu wasiweze kunyanyaswa na wafanyikazi na wanfanyikaze wenzao ambao hawa ulemavu.

Jambo lingine ni kwamba walemavu walindwe jidi ya wanyanyasaji katika public service vehicles, wanapo safiri, waweze kulindwa na Katiba kiasi ya kuamba wasinyanyaswe, na katika hali hii, tunapendekeza kwamba transport costs ziweze kuteremushwa, kuweza kusaidia walemavu katika usafiri.

Jambo lingine ni kwamba walemavu, katika hali ya kusaidiwa tunaona ya kwamba walemavu hawa inabidi nao pia waweze kuindelesha kimaisha. Kuna hali hii walemavu kuweza kupewa mikopo, na usaidishi. Wanaweza kupata shinda sana kwa sababu kuna strings attached katika hali hii ya mikopo. Hivyo kwa mfano walemavu wanalazimishwa kuform groups ili waweze kupata msaada, na tunaona ya kwamba talents za walemavu zina differ na pia ulemavu wao, na utapata ya kwamba wana lazimishwa waweze kupata mikopo kupitia kwa bank, na wengine hawajiwezi. Tunomba ya kwamba hizi strings ziweze kurekebishwa kidogo ili ya kwamba walemavu wafikiwe moja kwa moja ili waweze kusaidiwa, nao pia wajiendeleze kiuchumi.

Katika hali hii kuna walemavu ambo hakika wameendelea. Hawo walemavu ambo wameendelea, wasiwe kama kipimo cha kuweza kupima walemavu wengine ambao hawaja endelea. Hivyo ni kusema kwamba, wanapotaka kusaidiwa, wasaidiwe moja kwa moja kulingana na hali zao.

Jambo lingine katika sehemu hii ni kwamba sisi kama walemavu, tunaomba ya kwamba Katiba inayokuja iweze kushinikisha foreign investors, NGOs, waweze kuelekeza katika kuwasaidia walemavu hasa maana walemavu wakiwaach tu hivyo, wanaweza kuwa mzigo katika taifa hili kukuwa neglected kabisa.

Jambo la mwisho, na si la mwisho kabisa ni kwamba katika Katiba inayo kuja wapendwa, Commissioners, tunapenmdekeza ya kwamba walemavu inabid waweze kutibiwa katika mahositali na hali ya garama katika mahospitali inaweza kufanay walemavu wengine waweze kuangamia katika kutoweza. Ili waweze kupewa hospital insurance cards ambazo zitaweza kuwasaidia ili ya kuamba walamavu hawa waweze pai kuish kama watu wengine.

Mwisho, katika Katiba hiyo, tunaomba ya kwamba iweze kuwa fair kwa walemavu wogte wa kenya. Memorandums imeweza kuadikwa, na

Godfrey Simiyu, kwa naiaba ya viwete Luandanyi Location, sanduku la posta 58 Luandanyi. Asange sana.

Com. Wambua: Asante sana, ulikuwa wa kwanza kuzungumza tutamsamehe. Okay, jiandikishe pale. Halafu tumuite Ronald Sitati. Jiandikishe pale, bwana sitqati utataja jina halafu utupatie maone tafadhali.

Ronald Sitati: Majina ninaitwa Ronald Sitati, civil servant. Kwanza Commissioners nina rudisha pole kupoteza wenzetu, pai alikuwa ni mutu kwa sisi, lakini hayo ni ya mungu.

Yangu aita kuwa mrefu kama ya Simiyu. Mimi nime andika kwa kizungu lakini nitajaribu kuongea kwa kiswahili haraka haraka.

Maoni yangu yakwanzi ni ninge pendelea mambo ya health services na education igaramiwe na serikali. Hivi vitu vya coat sharing ninaone hazisaidii mwananchi. Pili ninge pendelea Local Authorities isimamiye maendelo yote in their respective areas including even security, kama nchi zingine.

Tatu, ninge pendelea mshahara ya civil servants ambaye iko chini sana iwe tripled halafu retirement age irudishwe kwa 50 years.

Nne, ningependelea mamayors na macouncilchairmen, kwa vile wana kazi muhimu sana wachagule na wanachi wenyewe, not just few councilors.

Tano, tangu ati sababu waafrika wamekuwa na njia zao starehe joini kwa hivyo ninge pendelea local brews kama busaa ihalalishwe halafu ma provincial administgrions wasimamie. They can control heri local areas, kuliko sasa vile ilivyo police ndiyo wana control kitu kama local brews. Chief mwenyewe ana jua area yake vile watu anakaa wanaweza ku control.

Mwisho, ninge pendelea watu woate ambo wanachaguliwa na wanainchi, hata kutokea cooperative wapi, wapi, kuwe na sheria ambao inawezakuruhusu wananchi, wana haka ya ku review performance yake. Kakma mtu ako dormant, bunge, iwe local council,electoral area inahaki kwamba huyo mtu wanahaki kuitisha mkutano ipitishie vote o f no confidence and wachgue mtu mwingine. M Kama civil servant, mengi yametajwa. Asanteni.

Com. Wambua: Asante sana, jiandikishe hapo. Tumuite Evans Joshua masinde.

Evans Joshua Masinde: Nina shukuru sana bwana Commissioners, kwa mume kuja hapa. Huu ni wakati muhimu sana kwa wananchi wa Kenya, kuwezo kutowa maoni yetu kuhusu Katiba ambao itaweza kutulinda.

Maoni yangu ya kwanza inpendekezwa kwamba, mini ninaitwa Evans Joshua Masinde, box 225 Chwele. Nina pendekezwa kwamba tumekuwa na mamlaka ambayo inaletwa wananchi kuumia sana. Mamlaka ya rais. Wananchi wanaumia sana kwa sababu amekuwa na mamlaka minigi sana. Kwa hivyo tunapendekezwa kwamba mamlaka haya yapunguawe, irekebishwe bunge, yaani inamanisha kwamba bunge iwe na mamlaka zaidi an kuwe ina uwezo kutimiza mambo mingi juu ya president ndiyo bill yetu ipitishwe.

Katika upande wa security, ninapendekezwa kwamba police post iwe chini ya Ministry of Home Affairs itolewe katika ofisi ya president. Kwa sababu ya hiyo wamekuwa na mamlaka ambao imezidi, na kwa hivyo wananyanyasa wananchi. Kwa hivyo, upwepo wa polis iwe katika list moja chini waziri moja ambao hawa waziri kazi ambao wanafanya.

Judiciary, courts iwe institution ya kipekee. Yenye uhuru ya kuweza kusaidia wananchi na haki yao. Judiciary imekuwa inahusishwa na presidency kwa hivyo hazija tumiwa ipasavyo. Wamekuwa na uoga, wako corrupt wakuweza kutedeza vizuri ipasavyo, kwa hivyo ninapendekezwa kwamba judiciary iwe ni chombo cha kipekee.

Nne nina pendekezwa kwamba nchi hii haiko katika igawaji wa ufalme, wanachi wawachwe wenyewe wachague viongozi wanao taka. There is no in this country, so tukija kwa upande wa kuchagua kiongozi ama president, wanachi wawachiwe wenyewe nafasi wa kuchagua kusema nani wanao taka. Isiwe ni kama viongozi wanawapendekezwa, la, wananchi wenyewe wapewe uwezo huo. Kwa sababu hiyo, kuna makabila mingi zaidi na wao wwenyewe wapendekeze viongozi ambao wanataka. Maanake hatuko chini ya royalship kama unignereza. Kwa hivyo ninapendekezwa kwamba hiyo sheria ifanyiwe.

Upande wa siasa, kumekuwa siasa mbaya imekuwa ineam kwamba hatuko katika chama cha kinacnotalawa, ama tukiwa katika siasa miningien hatuwezi kupata maendelo. Mimi nina amini kwamba zote wananchi tunalipa kodi na nintarajia kwamba ...bila kuambiwa sisi hatumo Kanu, tuko opposition hatuwezi kupata maendeleo, hapana, mwananchi wa Kenya anahaki yakuletwa development katika sehemu yake. Siassa imekuwa mbaya ya kupoteza watu kama ni hivyo basi kodi isichukuliwe kwa wananchi katika sehemu hio, ichukuliwe wale ambao wanaounga sirikali pekeyao. Lakini sisi tunalipa kodi, nasi tuletewe huduma hiyo. Tunaona kama wanaturusha, na hiyo ni siasa mbaya, kodi tunalipa, tunatarajia services iletwe kwetu.

Lingine ninapendekezwa kwamba upande wa waalimu tunaambiwa kwamba candidates ambao wanastahili kuchukuliwa, sehemu zingine kuna grades fulani, D+ wanachukuliwa. Sehemu zingine, usipokuwa ana B+, uchukuliwi. Mimi ninapendekezwa

kwamba upande kwa waalimu kuenda colleges, kuwe na grade moja, tusichague kwamba wewe unatoka sehemu za Lodwar, Turkana, ni D+, wewe unatoka sehemu za Busia intakikana kuwa na B+. miwe ni grades moja, katika nchi nzima, na hali ya grade iwe ya kiwango cha juu, ili wananchi wote waweze kuchukulia kwenda katika vyo vya ualimu.

Upande wa health, tumekuwa na shida nyingi. Kna sheria ambao iweza kulinda wananchi, wananchi wawache kufariki katika hospitali zetu za nchi kwa sababu htukuwa na matiba. Kwa mfano, negligence za dactari. Kuwe na sheria ambao mwanchi akiwa amekufa kwasababu ya negligence ya serikali ama yule doctor ambaye aliye kuwa kazini katika kituo hicho cha hospitali, ikikwe na sheria kwamba hiyo family ambao anahusika na huyo marehemu ambaye amekufa kuwe na shria kwamba serikali ishtakiwe ama iwe pamoja naye aliye husika kwa kifi chas yule mgonjwa ashtakiwe na alipe yule family compensation, ili kuwe na maanilifu ambao inawweza kuw mzuri. Kwa sababu tumekuwa na expenses hali ya juu, hayo mambo inawakaba, watoto wakipotea katika hospitali yetu because of negligence. Lakini kuwe na shria na Katiba inaweza kulinda wananchi wanapofika kituo cha matibabu, maofisa wakiwa kazini, dactari wajilike. Mambo ya postery ni panya tu, ni changa lakin bado uajibifu umekuwa mdogo.

La mwisho ninapendekeza hivi, sehemu za wakilishi, wabunge, ziwe na kannzu ama tamasi, ilio na mamlaka ya kuoversee maendeleo ya sehemu ya ofisi ya bunge. Mamlaka ya kupendekeza kwamba huyu mwingien ambay tulimptuma hakufanya kazi mzuri, na sasa hiyo kamati inona hawezi inaweza kupendekeza kupeleka hayo mambo mbele na huyo mtume kaondelwa, kawekwa mwingine. Kwa sababu hawa wajumbe wamekwenda huko lakini wengi hawakuja kutuambisha kumefanyika vile tunataka. Kwahiyo ninapendekeza kwamba sehemu iamurishwe wa bunge idumiwe kamati inayo hakakisha na oversee the development of contents kikatiba, na Katiba ni hayo inaleta uatibibu, na tujuwe ni wananchi wanataka huduma zao.

La mwisho wana Commissioners tunapendekeza hivi, tuwe na House of Commons.. Tuna bunge lakini tuwe na House of Commons, ya wakilishi. Ilo inaweza kusaidia mambo mengi ambayo inahudhi wananchi, hawo kamati ama webunge, wengine wanataka wabunge ndogo ambao wanaweza, kwasababu kuna mshahara wamejipendekeza wabunge wanatarajia wnasema, wanataka mambo mengi mshahara, lakini wale ambao wanaweza watchdogs kuangalia mambo kama haya hawezi kubalika. Kwa hiyo bwana Commissioner ninashukuru kwa wakati huu.

Com. Wambua: Hii House of Commons untaka ifanye kazi kama wakati wa independence ilikuwa inafanya hapo hawali.

Mr. Masinde: Kaidogo saidi ya hiyo. Iwe na mamlaka zaidi.

Com. Wambua: Mamlaka Zaidi

Mr. Masinde: Ndiyo. That is my key point, nina shukuru sana.

Com. Wambua: Kidogo kuna swali hapa.

Com. Lethome: Hiyo house of Commons, akina nani watako kuwako kwa sababu

The House of representatives, kuna wale wakilishi wote watakuwa ndani yake. Sasa House of Commons ni akina nani ambao watakuwa ndani yake?

Mr. Masinde: Nina fikiria kwamba, vile zamani iwe imakabiliwa na wanchi wa sehemu hiyo, Doctors professionals, wawe kamaati ya...

Com. Wambua: Ita kuwa kwa kila constituency ama national.

Mr. Masinde: Kwa kila Constituency inamaanisha ni national kwa sababu kila constituency ni katika nchi.

Com. Wambua: Na wawe wangagpi?

Mr. Masinde: Katika kila constituency, kuna watu a kutoka watu kama nane. Ina maanisha lazima wakilishe kila location.

Com, Wambua: Thank you very much, jilandikishe hapo tafadhali. Father David Ketyang. Father nimeona ukona memorandum utafupisha tafadhali. Kwa wewe utatusaidia kufupisha

Father Ketyang: In the first place my names are Father David Etyang, p.o. box 138Sirisia. I am representing the Catholic Justice and Peace Commission.

We as a group what we have seen in the coming constitution it should have a preamble, meaning that in the previous one we did not have any preamble because all of us we fought for independence

And so we should have patriotism, nationalism, being of kind our kinds as the uniting factor in our country.

Secondly the powers of the president should be curved, meaning we should have a ceremonial president and then have the prime minister as the leader of the ruling government. The other issue is on the vice President; I recall sometime back that in 1999 or 2002, there was a kind of lacuna when we had no vice president. That clause of the law should really be considered that the vice president should be also a running after the first president being elect so that the people should not just be allowed hanging in case of any eventualities for the country then the country can plug itself into chaos. For instance if the president dies at that time and we do not have the vice president, so we need to have a clause giving the people to elect their own vice president.

As my predecessor who was just hear has spoken about the two houses we also emphasize that in the next review we should

have the lower house and the upper house. This lower house also should curb the powers of the executive, and on the other hand the minority group should be represented in the house of the commons so that their interests should be safeguarded. One of the speakers have just spoken, the ones who are disabled, the youth should also be represented. Not only experts but also the minority groups.

The idea of multiparty, I think we should have in the constitution that the number of the parties should be specific. I propose may be three so that we strengthen the opposition, because when we have several parties then the power of the oppositions is kind of reduced and in actual sense then we shall continue in having a one party system in the disguise of having a multiparty. This idea of allowing everybody to register, I think it makes the opposition weak.

When we come to natural resources, the natural resources should be decentralized, that the people from the local area should have bigger share to develop their infrastructure, their life standards than taking everything. For instance Nairobi, let me take the issue of tourism, the Masai Mara, many tourists go to Masai Mara but then the Masais for instance, they do not gain a lot, and those who gain do not even come from that area. So when we decentralize for instance natural resources, a particular percentage should go to the head office but the greater percentage should be on the local people. Than another issue is like in this area people grow maize. There was this idea of privatization. But I think it is not helping farmers very much, because when you look at the cost, after the input of a farmer, at the end of the year what we get is very minimal. Why? Because a particular businessman, or a particular big person in the government offices has imported maize and it has over flooded the market. When it comes now to the local farmer to sell his produce, already maize that was imported has made the market flooded and the prices are low.

Interjection. Com. Wambua: What is your specific proposal?

Father Ketyang: My specific proposal is that there should be a law of controlling importation of commodities from countries to safeguard the interest of farmers. Then agreement on contract should be specific. Last year we experienced the BAT company, it has made an agreement with the farmers, for instances for ten years, that it will be buying the produce of the farmers. After a short while you find they refuse to buy the produce of the farmers. I think that the law should also safeguard the farmer that when a particular company has made agreement with farmers it should obey it until the end of the contract.

Another issue also is on taxation. You will find for instance there are those who take the tender of building for instance the roads, hospitals or government institutions. These fellows get the tender, but at the end of the day they do not complete and give us very poor service and the money of the common man has been used to pay him and at the end of the service, the work is not well done, so the law we will really require is that whoever does not perform as per the agreement should be put in jail and taken to court and be put in jail in order that we do not allow people just to take public resources to misuse them, but actually to respect the common man to give them good services.

Lastly, we recommend that the succession of land also the female counterparts should be considered. If a parent has both girls and boys, when he subdivides his land, he should also consider to give to the girls a piece of land so that they too can have something to support them in their lives. Thank you.

Com. Lethome: The issue of land succession and the girl child. I do not know what your recommendation would be in far as a married girl is concerned. Let us say you have a sister and she is married. Your father is distributing the land, or you are sharing the land of your late father, should she also be considered? Or what happens if a girl gets her land before she is married and then she gets married what happens to her portion of the land?

Father Ketyang: We had this, that it should be uniform, be it either married or not married because you do not what can happen in case for instance of divorce, you will find that woman will be left hanging. Sometimes she goes back to her family members, or the parents or the brother they sent her away. But if she has her own piece of land she can settle there.

Com. Wambua: Pupils from this school I do not know whether they wanted to give their views, bwana coordinator just find out, and if they are organized they are ready we can just send them then they go back to class.

Coordinator: Inaudible. They usually later.

Com. Wambua: Later, Thank you very much. Okay we call Captain Moses Datu, Salvation Army. Captain I can see you have a memorandum, utafupisha maneno halafu utatupatia hiyo memorandum, tutaenda kuisoma.

Capt. Moses Datu: Nime shukuru, ni memorandum nilipewa niuwalete, kwa hivyo nitapeana tu sitaongea juu yake.

Com. Wambua. Asante, basi jilandikishe hapo. Mimi ninaitwa Syrus Mayamba na nimepewa momoranudm kwa niaba ya Captain Moses Datu, kwa kanisa la Jehsi loa Wokovu la Teso.

Com. Wambua: Mr. Richard Wakholi Principle of Sirisia Secondary School. Principal tafadhali taja jina halafu utupatie maoni kwa kifupi. Kama kuna memorandum utatupatia tutaenda kuisoma kwa kirefu.

Mr. Richard Wakholi: I am Richard Wakholi, and I am presenting contributions from a group of Sirisia, under Sirisia constituency. It is written Segreted developments from many programmes group, an organized group.

Now the first place we are grateful that we have been given this opportunity and in ur group we felt that there are a lot of loopholes in the existing constitution. First of the all the constitution does not state to whom it belongs and the our current constitution also the organs of government are above to the people and then of course the constitution has no objectives, visions, directions for Kenyans, that is what we feel, or is very very light. It also empowers the person of the president in all areas so that the presidents role and duties and duties are not very well defined and I think it is important for us to know the actual powers of the president so that the constitution should give us this. We also feel that the constitution does ot allow for the president to be of course, to be charged in law courts in case of law breaking and so on, and we feel other countries this has happened. Somebody abuses power and we feel should we get somebody who shod not be above the law lie any other citizen. The president of course you now ascends his own law alone which is very, we feel that something like a parliamentary group or so or we had a constitutional court made of this constitution which is there, I believe that they would be more neutral and give something of benefit of the Kenyans.

Parliament has also no powers to pass laws and judiciary not to approve it, and the document does not provide for checks and balances, and so concentrates their all powers in the organ of the government and particularly the presidency, the way it is at take moment. Human rights are not effective due to lack of efficient rules to enforce those laws in court. Wee believe that the powers of appointments do not guarantee fair and free elections, we feel that appointees of the president would work for his directive and not necessarily the directives of the people of the nation. We feel that the constitution has no direction for use of the resources. For example, it has no direct principles for government, the constitution does not protect mainly of the appointees in the office. We are only happy because like this one is existing, I believe that it is at the mercy of our head of state and if he it will not operate said today, then it would not. We feel that the contiuition should be above any other authority in this country. It does not of course adequately and efficiently allow the amendment of anything by the people. So we feel then ...

Interjection: Com. Bishop. Njoroge: ...can you tell what we want?

Mr. Wakholi: This is what we want is decentralize, thank you. We would like the Kenyan Constitution to have a preamble because it does not have, bearing the nation in vision, and then we recommend also for the national vision of happiness and prosperity, now found in the National Anthem to be entrenched in the new constitution. We also seriously view the vision, this vision had comfort and easy in its attainment, but now we recommend that the vehicle of each realization be hard work moral and ethical decency. That should really be the goal for Kenyans. Hard work, you know the ethical of work should be there. We also feel that our common experiences are of course our national language, our trade and of course and farming because our country this is what holds us together.

In terms of directive principles of state polices we propose the following directive principles. We see that each and every person to protect the securit&y of state and work for national solidarity and independence that the state should have the duty to promote and teach respect for the rights and freedoms making sure citizens understand them together with their duties and

obligations. We feel that each person to have duties towards the family, society, state, other communities local and international and exercise rights and freedom without disturbing the rights and freedom of others.

We feel also in our constitution that every citizen to take part in the government of the country having equal use of the countries public services and public properties. We also feel that each person to own property except when it is against the law, because of public lease or the general interest of the community. We feel that all Kenyans people to exist and determine their own future having a right to political economic and social development. We feel that to be a family should be the natural unit and be respected. The basis of society to help eradicate the evils of tribalism's and the other things which we see now around us the *chokoras* and so on, to emphasize on the family, I think it is important.

Self-centeredness and selfishness to give way to nobler ideals of mercy, justice, honesty and an attitude of servant's leadership. Be a servant of the people. Than the responsibilities to be shared, you do not have to put too many responsibilities in the hands of one person. I think are just some of them, and because of time I shall move on to another one, because it is quite long, we shall leave the documents with you.

Interjection: Com. Wambua (Inaudible)

Mr. Wakholi: Thank you, so of course the key issue one we are talking of the constitutional supremacy, we want the constitution to be supreme, to be above any other authority. We were thinking of citizenship, and this one may we say something that automatic citizens, but we would also advocate for dual citizenship, because the world is becoming smaller. Our children are going out, they coming out, they might get jobs because they cannot get everybody in Kenya and should they be given opportunities elsewhere let them remain Kenyans and even if they are given citizenship like America also now we are given green card and what have you but it is going on, you see that we cannot receive out of that one.

We also want to look at defense, that section for defense and national security, we propose ha the defense and national security be constitutionalized to differentiate machinery armies and national army. The national army to participate together with the National Youth Service viable development programmes of building and maintaining infra structure in the absence of war, sothat they are not just kept in those places doing, nothing, there is a lot that they can do with our poor roads and what have you, we believe that the army and NYS can do quite a lot to serve this nation. Our African warriors also did the same; this is our point of reference. We also propose a peace Commission of Kenya, to be established with powers to negotiate for peace exhaustively before the declaration of war.

In terms of political parties, in view of the political, political parties to formulate and international alternative policies and mobilize the public; we want that one. The constitution to rectify to regulate the formation management of contact of political parties. In view of the political parties being vehicles to leadership, the parties be directed away from tribal orientations through financing

only non-tribal and those that cope at least 30 percent of the members of the disadvantaged groups in our society like the women, the lame as one of our friends also said here. Political parties be limited to at least five and they should be financed from public funds according to the number of members and professions of registered individuals with reference to the members of parliament in the party. We also feel that the senate to relate to political parties through constitutionally established office of ombudsman. If we do it then it would be quite good here. Then the structure and system of government, we propose a federal system, not the tribal majimbo system in which executive and legislative authority is split between the central government and district regional units. Autonomous local government that is what we thought would be an answer to the present problems we have.

We also proposed the adoption of parliamentary system in which the prime minister is appointed from the majority parties in the house of the president who is directly in the senate, and through district councils, organizations under these chairpersons and other assistance who compose the membership in the senate. The administration police in line with the NYS be the executive force in place. Powers also to be shared between the president and the prime minister as follows; that is what we suggest. The president, of course the head of state, and the one to represent Kenya in the international conferences, e.g. OAU, UN and Commonwealth whatever, appoint Secretaries to state, Defense, Foreign Affairs, Finance Agriculture and Wild Life, Communication and Public Works, Natural Resources, Health and Constitutions, etcetera, appoint in consultation with the senate, ambassadors and High Commissioners. Governor of Central Bank, Auditor General, Commander of the Armed Forces, not alone, but in line with other groups. Also lead the nation in celebrating national days as a symbol of unity, be the Chancellor of all the state universities and appoint Vice-Chancellors. Spearhead economic progress and mind human of course resources management. He is also the commander in chief, one is to remain to officiate the passing out of parade involving armed forces personnel give honours to distinguished national figures, appoint in consultation with the Chief Justice, the Chairpersons to the 5th Commission of Kenya, free persons guilty of offense, from punishment prerogative or a prerogative of mercy, provide defense against invasion and foster developments. So that is the duty of the

The prime be the head of government, not the state the head of government, will deliver prime minister address to the house of representatives stating the government policies of the day, appoint the cabinet in the ministries of Home Affairs, industry, Justice, Manpower development and employment, and then of course planning. Appoint in consultation with the House of Representatives, permanent Secretaries Heads of Boards and other Senior civil servants, the Chairpersons to the cabinet, maintain law and order by Controlling crime, appoint in consultation with the House of Representatives and Chief Justice Commissioners of Police, and Prisons, maintain internal peace and declare national disasters, insurrection and breakdown of public order in consultation with peace commission of Kenya. Then the senate be empowered d to raise public funds through existing and threatening revenue authorities an appropriate for requirement from Federal Governments, Local Government and judiciary.

Interjection. Com. Wambua: Please summarize because of time.

Mr. Wakholi: I am sorry, then the Legislature, we talked on everything, sorry, for the Legislature we proposed two chambers of course, that is what we have said, the functions of the house of representatives be to maintain law and order, control government action by acting ministers clarifying matters of public interest concerning their ministries, make laws to curb criminals, and crimes, and control finances, etcetera. I am sorry, it is quite long.

Interjection: Com. Wambua: I think what you do is (inaudible)

Mr. Wakholi: There is also one thing on Judiciary please, we recommend the establishment of the office of Director of Public Prosecutions, and we want the judiciary to under the Judiciary Service Commission, so that they can also establish a service so that it is really independent. We are talking also of

Com. Wambua: (inaudible) do we do away with it?

Mr. Wakholi: Yea, it should be independent.

Com. Wambua: it should not have (inaudible)

Mr. Wakholi: You know what we said is that the constitution now does not establish the office of the director that is what to be established. Yet that office is central to the administration of criminal justice, that is what we are saying, so this office to replace the Attorney Generals office.

I think it is long, and, so we also said something on local government, to propose for changes to be implemented to empower further local authorities, by bringing headmen councils, under them and autonomously it will operate under the Local Government, in terms of administration. Then electoral system we proposed there be a mixed electoral system, that is political parties be mandated not through ethnic groups but through ideological views, I mean there is a reason. I think it is quite long I may not.

Com. Wambua: Do not worry we will read it, just hand in that memorandum. It is even moiré appropriate, do not worry just sign in, and we must thank you for your presentation and your good deeds, so please register yourself. Sasa nitamuita mama moja so that we balance out our presentation, ninafikiria yule ambaye amejandikisha kwanza kabisa ni Mary Goreti Juma, yuko hapa? Kama hayuko, tumuite mama mwingie moja, tutamuita Leah Simiyu, uko na maoni okay mama kuja hapa Leah. Tafadhali taja jina lako na utupatie maoni.

Leah Simiyu: jina langu ni Leah Simiyu. Hapa nina maoni ya watu wawili hivi, moja ni deputy headmaster wa Wafula Secondary School, mwingine ni bwana Bedemoko muniafu. Lakini kando na maoni yao nikona wamama wengine ambao

tulikuwa tumeongea na wao na wakalian=mbia ya kwamba niseme neno moja ama mawili kuhus wamama. Walisema ya kwamba wangependa katiba ambayo itatengenzwa am itarekebgishwa itetee akina mama, kwa sababu wakona matatiso menngi sana huko nyumbani. Kwa mfano watoto wasichana wapewe nafasi sawa na vijana, ya pili watoto wana nyanyaswa, saidi wasichana, kwa mfano wanapewa mingba na watu ambao wako kwa nafasi iliyo nzuri akini hawawesi kuwatunza kwa sababu hakuna katiba inayo watetea. Kwa hivyo intakikana ama hwa wamam wanataka ya kwamba hawa wasichana watetewe. Ikiwa msichana amepata mimba kjutoka kwa mtu anajiweza, pengne anaweza kuwa hata mwalimu, huyu apewe ukumu ya kwamba atunze huyu musichana, na mtoto akizaliwe pia atunze juyo mtoto, kwa sababu wamam wakona shida kulingana na matatiso ya watoto wasichana.

Interjection: Com. Lethome. Na kama hajiwezi?

Leah Simiyu: Lazima alinde huyu mtoto.

Com. Lethome. Akiweza ama hajiwezi?

Leah: Ikiwa aliweza kumpatia mimba lazima ajiweze kulinda na mtoto. Kwasababu mara nyingi wanawachia wamama watoto na washida, ndiyo hawa watoto tunapata chokora ni kwa sababu wame shindwa kulindwa. Na pia kwa upande wa unajiswi, wasichana wengi hata wamama wameweza kunajuziwa mpaka wengine afya zao zina haribika lakina katiba ambayo inawatetea. Kwa hivyo walikuwa wanapendekeza ya kwamba ikiwa mtu yoyote atanjizi msichana ama mwanamke bila kupenda kwake akumiwe. Ikiwezekana, afungwe jela miaka saba ama saidi. Hiyo itasaidia pengine wamama wawe na uwezo.

Paia watoto wasichana wakienda kutafuta kazi, huwa wana nyanyaswa. Uenda saa zinginge musichana amepita mtihani vizuri sawa na vijana na huyu kijana atapewe nafasi na msichana atawaachwa. Hata wazazi nyumbani wengi wana seme ya kwamba wacha kijaan aende kwa secondary na msichana aongjee kwa sababu karo isio tosha. Kwa hivy tungependa ya kwamba katiba inayo kuja intetee wasicjhana wapewe nafasi sawa na vijana kwa masomo na kwa kazi. Na kulinganan na uridhi pia nyumbani baba anaweza kuwa na mtoto musichana na kijana, halafu anapea kijan shamba anawacha musichana, na hali ya hawa wote ni watoto wake. Tungependa kwamaba katiba itutetee hawa wasichana pia wapewe nafasi kidogo. Ikiwa atapea kijana acre saba angalao apewe musichana hatae acre mbili kusudi awe na pahali anawesa kujitetea kwa sababu tukona wengine ambao hawajabadilika kuwa na familia zao, wengine hawana bwana, ama wana shida yoyoyote ambao inaweza kuwa iemtokea. Kwa hivyo wazazi pia watetee hawa watoto wasichana. Wamewachwa nje.

Akina mama wenye wameolewa, tukona shamba mimi na bwana yangu. Bwana akienda kuomba loan kwa bank ataqpewa na title deed. Mimi nikienda kuomba bwana anakataa, ama hata bank pengine ita kataa. Tunge pendea nafasi hiyo piya wamama wapewe. Mimi ninweza kwenda nikapewa loan kwa title deed, bwana pia anaweza kwenda akapewe loan kwa title deed.

Lakini hatuna nafasi yakupewa loan, hata ingawa huyu mama anaweza kuwa akona kazi nzuri ni mfanyi kazi, amesoma, lakinihapewe nafasi ya kupewa loan, ya title deed hiyo ya shamba. Halafu wengine bwana akisha kufa na pengine kwa bahati mbaya huyu mama hajazaa hapo mtoto, ama kuguswa kwa hiyo boma, na pendgine nyumbani nao atafukusua, sasa huyu mama ataenda wapi? Kwa hivyo inatakikana Katiba itetee hawa wamama. Ikiwa hapa ujazaa mtoto yoyote lakini bwana yako amekufa, upwwe nafasi yako, pahali wewe pia unaweza kuzikwa. Kwa hivyo tunge omba ya kwamba, Katiba ya sasa itetee wamama kwa njia zote. Kielimu, kikazi na uridhi. Kwa hivyo na hayo kwa kuona ni yale ambayo nilipewa na wenzangu.

Com. Bishop Kariuki: Unge pendekeza title deed iwe kuandikwa mama na mzee, kama kuzuia mama kufukuzwa nyumbani, kwa hivyo title deed ikitokea, itokee na majina mawili

Leah: Nina sema ya kwamba iandikwa na majina mawili, ya baba na ya mama. Sasa baba asipo kuweko, mama anaweza kutumia hiyo title deed, atapatqa mkopo, ama kwa njia ingine yoyote.

Com. Wambua: Umesema kwamba watoto wale wakike wapewe nafasi wakuridhi shamba. Lakini swali ni je, wakiolewa, wakiondoka kwa nyumba waende kuolewa [pajhali pengine, ijapokuwa ameolewa pia awe na haki ya kuridhi kutoka kwa baba, unasemaje hapo?

Leah: Tukona nafasi tafauti tafauti, saidi kwa wale ambao hawajakuwa na bahati ya kuolewa an wake kwao, wapewe nafasi. Yani, ikiwa ameshindwa kukaa kwake, akirudi nyumbani, awe considered. Lakini ikiwa ana bwana yake na amepewa shamba huko na bwana, awe huko.

Com. Wambua (inaudible) jilandikishe, halafu upeane hizo memorandum, ama utasoma hizo zingine?

Leah: Hayo mengine sitasoma kwa sababu nimetumwa tu na wenzangu.

Com. Wambua: Basi jilandikishe hapo. Ninataka kuwatambua viongozi wawili ambao wao hapa nasi, kwanza tukona D.O. Sirisia, Carolyne Omchopa, na pia tukona Mheshimiwa Moses Watangula, ambaye pia alikuwa hawala ni nominated MP, mbunge mteule. Tutawapatia nafasi kama angelipenda kusungmuza, kwa hivyo tutwaita wengine wawili halafu tuangalie kama Hon. Watakuwa na maoni ya kutoa. Tutamuita huyu mama ametokea, Mary Goreti Juma, bado haja kuja. Kuna huyu mama mwingine, ako wapi, wacha tumsikize mama mwingine moja. Ni walwili lama ni moja? Mama taja jina halafu utupatie maoni yako.

Zipora Makasi: Asante sana, majina yangu ni Zipora Manimba Makasi: Nina represent maendeleo ya wanawake, Saboti. Apart from other speakers, I also want to contribute my views on elected leaders. First of all I also agree with other people who have said that we need federal government, and two houses, that is House of Commons and House of Senate. On

elected leasers in these houses, they should be elected by the people and should be given specific roles to perform. So that when they have not performed the electorate can also come in and sue them out and elect others.

Another thing is on minority groups, I think I will read something on that one because I have a memorandum, and I don not want to assume that my dear Commissioners have not learned but I want to quote a part from this memorandum of mine.

Minority Groups. In our government we know in 1963, Kenya adopted the majimbo federal system as compromise between minority and ethnic groups and the majority ethnic groups. Some of sealers of the majimbo constitution include in the governor General was the head of state with Prime minister as the head of Government. A by-cerol legislature with a lower hose and senate to represent ethnic interest. A commission was set and 8 federal regions including central, coast, Nyanza rift valley, north eastern southern and northern. Each Federal Region had a regional assembly and regional government, but local government was subordinate to the regional government. Some of the advantages of the majimbos structure included local hawkers, distributed power between the central region and local government, and allowed many people to participate in decision making at all levels. It also gave responsibility relating to education, health, transport to the regional government and enable local people through the regional government to control resources such as land.

Another thing is on minority to finalize that chapter we was proportional representations so that the minority are also represented in all these levels.

When it comes to land, I will also have to quote something from my memorandum: previously land was public, that the heading public land concern, the independent Kenyan government inherited all public lands formerly known as crown land from the British Government, thereby perpetrating the culture of landless among the indigenious people whose land wad taken by the colonial government. The Constitution and the Lands Act 280 of the laws of Kenya, are the primary laws dealing with these lands. Being the sole trustee of the whole public land, the government adopted procedures that govern the way these lands can be disposed of

- a. Officering of such a land for agricultural purposes,
- b. Disposal of such land for special purposes
- c. Disposal of land within township.

The other category of land that has caused a lot of tension is forest reserves.. the primary responsibility of the government as a trustee of public lands is to e4nsure that conservation and rehabilitation of forest land is done. The government has been in the process of exercising large chunks of forest in a move that has caused tension among local communities. The Iwa should determine minimum percentage of land under forest cover. The disposal mechanisms of these lands are subject to abuse and that must be changed considerable. This is especially rampant in land meant for agricultural research and public lands that is

disposed of for special purposes. The laws however does not specify what a special purpose is. This encourages corruption and abuse of those in the high and powerful positions in the government. The law should strictly specify,

Land Control Board: land is part of government, and for good governance a transparent and.

Interjection: Com. Wambua: (inaudible). ...Tutaisoma Kama uko na ya akina mama.

Ziporah: Ya akina mama sasa ninakuja kwa akina mama, hii mambo musanda ambaye amesema inheritance, although in the present institution, hiyo inheritance iko, lakini haijakuwa enforced, kwa sababu mtu akikufa mali yake yote uwa inherited na watoto wake wavulana. Haikuwi inherited na wato wasichana. Hata wanasema watoto wasichana wanaenda kupata shamaba mahali wameoleka. Sisi akina mama tunaona kwamaba, sisi wote tulizaliwa kama watoto wa huyo mtu, ambaye amefariki, na tunataka nasi turidhi hiyo mali ambaye amewacha.

Com. Wambua: Hata kama ameolwewa?

Ziporah: Hata kama ameolwewa.

Com. Wambua: Hayo ni maoni yake.

Ziporah: Mengine ni kwamba sisi akinamama hua tunapingwa sana na wanaume wetu ambao wametuwawa. Nasi tunataka tukiwa katika hilo boma, nami niwe na jukumu la kupeana maoni yangu na kumake decisions. Decision making in that family I should also be listened to. Si ati mzee tu akitaka kuuza ngombe yeye pekeyake ndiyo anauza. Lazime nami niulize na anihusishwe kwa kuuza hiyo ngombe, kuuza ilo shamba na kufanya jambo lolote katika ilo boma.

Inignie ni kwamba kweli watoto wetu wasichana wamekuwa disadvantaged. Kwa sababu hata wanaume wetu ambaye tunakaa na hawo watoto huwa wanasema mtoto wasichana hata akisoma tu, hata akifika darasa la nane, aoleke alete mali. Na hiyo sasa watotowetu hawaendi mbali kwa sababu ya attitude za parents. Kwa hayo machache, sitakipotese wakati ya wenzangu nao kutowa maoni, nina believe Commissioners are learned people and they are going through and I will be happy if it will be included in the new constitution.

Com. Wambua: Asante sana jilandikishe hapo, na upeane memorandum. Sijui kama huyo mama mwwenzetu akotayari na angelipenda kutoa maoni. Kama uko na maoni tafadhali unaweza kuja hapa utupatie.

Caroline Wanjoka: D.O wa Chwele Division, Asante sana Commissioner, Mwenye kiti wa sehemu hii...

Interjection: Com. Wambua: Kuja tu uyaseme hata kama ni mafupi namna gani. Ukona haki ya kuotoa maoni, kwa hivyo....

Commissioners wetu, viongozi wa sehemu hii na wale woto wanao hudhiria kikao hiki, mimi hasa kwa programme, mimi ninaitwa Caroline Wanoka kwanza jina langu, mimi ni D.O. wa Chwele division, nikishikilia anamalendo lakini nimekuja hapa kuona yakwamba Commissioners wetu wako sawa na nyiyi pia mwenye kiti wakikao kizuri, na kwasabu D.O. wa sehemu hii alikuwa ametoka kidogo nikasema nije niwaone. Lakini kesho tutaketi kwa kikao kingine huko chwele, kwa hivyo, makomishonas, sitaki kuwapotesea wakiti wao ndugu zetu, wacha niseme yangu kesho. Kwa hivyo nina wapea nafasi. Asanteni sana.

Com. Wambua: Nafasi hio tutampatia Hon. Wetangula, ametuuliza tumpatie nafasi. Mheshimiwa tafadhali, ninaona una memorandum imeandikwa vizuri hapo, tutaisoma vizuri lakini chukua mda mfupi tu, fupishe na utupatie yale ya muhimu. Kama wakili unjua ku summarize, kwa hivyo tupatie hio summary halafu tutaenda kusoma memorandum Nairobi.

Hon. Wetangula: Thank you Commissioners. This is not a memorandum, they are my speaking notes. Let me start by asking you a clarification, on Saturday, your Chairman said at the burial of Dr. Ombaka that the Constitution draft will be ready in the next two or three weeks. If that is the case is this a pure exercise, or the views we are giving here are going to be incorporated in that draft that will be ready in the next two to three weeks? Because we do not want to give in our views just to fill quorum, and then we go and find that already the draft Constitution is closed.

Com. Wambua: According to our programme, you are on schedule, we had indicated that so or more about 15th September we will come up with draft. As we talk to you we have a team, which is processing views, which we have received in all the other provinces. They are working 24 hours to analyze those views. As I talk to you the Commissioners are working on certain themes even there is a file hear where we are talking of the themes we have already been hearing from different people, and therefore, the requirement is that after we receive views from Sirirsia, we must prepare a Constituency Report on what we heard hear. We shall bring it back to you. We shall look through it and see whether what is contained in that report is what you actually said. We will have an opportunity to comment on it. So it is not just pure exercise, we are very serious. But we are expecting that come 15th of September there about we should have draft report which we can just make for Kenyans to see. Therefore, we are on schedule, our programme is that on 8th we finish the hearing, and we go for a retreat to write those reports. So this is not a pure exercise, I can assure you.

Com. Lethome: Mheshimiwa, let me shower you with a question our Chairman. You should all appreciate that this is a political process. So as far as I am concerned and fellow Commissioners are concerned, that was a political statement. It does not affect our programme at all. We are on schedule and we are moving as per the programme and not as per the Chairman's speaking. (Inaudible).

Com. Bishop Kariuki: Although we are going to be here for over a week, the views we receive today, it is possible by tomorrow, they will be sent to Nairobi. We do not wait until we finish everything. We send views as we receive them, so that in Nairobi, the people can work on them, so that when we hear the last sitting, already your views have been analyzed.

Hon. Wetangula: Thank you for that explanation, Commissioners.

Second, I hope and believe that you give Kenyans the Constitution they have been waiting for.

Thirdly, I hope that when you write the Constitution, you make sure the Constitution is written in simple language that is understandable by anybody who can read, that it is not cumbersome and long, because Constitutions are not text books and are not novel. You know that the frame as American Constitution is 30 pages. I think Mr. Wambua and I have gone through it many times together. We want the Constitution that simply declares important tenets of law. The rest will be subject to municipal legislation, and can be administered that way.

My views would be as follows, Commissioners: first the Constitution must declare succinctly clear that it is the Constitution of the republic of Kenya. That it is the document that binds the people of Kenya in a contractual capacity between them, and their leaders. I will propose that in the preamble of the Constitution we have words to this effect: ***“This is the Constitution of the republic of Kenya,”***

And then we add, ***“the dignity of no... to respect and protect shall be the duty of all public authority. The people of Kenya shall uphold human rights, as an invaluable and imaginable and as the précis of every individual and community on the basis of peace and justice for our country.”*** Many Constitutions if you look at the Indian one the German one, the South African one start with those declarations. In that kind of declaration requires you to put that all people are born and are equal before the law, name and women have equal rights and nobody shall be prejudiced and favoured because of their sex, race language, national or social origin, sect, religion, or political opinions. That will cover the entire spectrum of basic rights and human rights and whatever. Any other details will come in municipal legislation.

In the Constitution I would want you Commissioners to recognize that any country that is at peace with itself must recognize the sanctity and protection of the family as a unit of the state. So you must declare that marriage and family shall enjoy special protection of the state and the law.

Most of the problems we have in this country is because of gray areas in leadership. I would want the Constitution to be very very clear on issues of leadership and make a declaration to this effect. Leaders at all levels from the village elder to the president must be accountable to those they lead and must be subject to the Constitution and the law. I would wish the constitution to twiddle down the amorphous government and give us smaller government because this country's problem, the

medleys the corruptions the failure and everything because the government is too big and fails to be accountable. I subscribe the issue of an executive president, but some sufficient checks and balances to make the management of the affairs of the state easy, transparent and accountable. I want to raise, I know many people all over the country have been talking about the issue of prime minister ship and so on. My views are these Commissioners: look back at the history of Africa, at independence, you know the disaster in Nigeria. When we had Tafawa Balowa as Prime minister and ... as prime minister, they could not agree, was murdered. Go to Congo, we had Lumumba and and the prime minister 's position of unattainable to the position of the president, Lumumba was eventually murdered. We started in Kenya with Kenyatta's prime minister and we moved away from it. Nyere became prime minister in dependence, he moved away from it. You must make sure that when you think of those views supposing by majority from all over, the position of Prime Minister should not be in conflict with the position of the president. There must be some very clear checks of flow of power, accountability, checks and balances. Because we will have a situation where the president cannot serve the prime minister, and the Prime Minister cannot serve the president, and the two cannot see eye to eye, how do we run the country? You need a very clear chart of leadership in the country so that you can avoid the situations mentioned in Congo, in Nigeria, or wherever.

I propose that the executive president should have the following qualifications to sit into that office:

1. He must be directly elected by all the people of this country that are legible to vote.
2. He must be 35 years and above and not more than 75 years old.
3. He must be a citizen of Kenya by birth, not by any other means.
4. He must have a maximum of 5 five-year terms.
5. In the process of election, he must have running mate as vice president, whom he cannot sack.
6. He must get minimum of 60 percent of the votes at any election., to avoid the issue of having a minority president.
7. He should not be a member of parliament, and if in the process of his electing, he wins a parliamentary seat, he must immediately relinquish it and we go to a by-election, so that he is divorced from the day today parliamentary politics.
8. The president's terms should not run part and parcel of that of parliament, meaning the presidential elections should not be tied with parliamentary elections. The president must be elected separate from the election of parliamentary and civic leaders, to avoid unnecessary manipulation of the process.
9. His duties must include a standing to legislation, which he can withhold but give reasons.
10. He must have a minimum standard of education, I think this is a gray area, but with our level of development now, a university degree should be a minimum requirement for a president.
11. He should enjoy civil and criminal immunity, while in office, and even after office unless something drastic has happened. We do not want to see what is happening to Cherub, happening to our next president. We frighten from retiring and they go on and on.
12. He should enjoy state protection and support even after retirement.
13. His tenure office is fully accountable to parliament and can be impeached by parliament for some stipulated misconduct.

Then the next cadre of leadership is parliament: The parliament I would suggest that the minimum age should be 21, level of education should be minimum of form four, can be disqualified as provided in the current constitution, bankruptcy, resignation, lunacy and so on. As parliamentarians, they should be making laws, that is legislation, confirmation of appointments, to the cabinet, confirmations of appointment to constitutional and stipulated public offices, they should have guaranteed privileges and immunities, they should have the capacity to pass a vote of no confidence in both the president and government.

In a multi party system, I would want you to borrow leaf from India, to stop political prostitution by people elected to parliament. In India if you are elected to parliament, and you change your allegiance from one party to another, the way we are seeing people like Nyachae, whoever, you will automatically lose your seat and the person who got the second highest votes in the previous election takes your seat, without going to a by-election. That will contain people to their loyalties who exposed them to parliament, there is no point going to parliament and then you are lured by money to leap to another party and so on, and so forth.

Like I said on the president the election of members of parliament should not be tied to the election of the president, they should be elected on different time. Parliament should have the power to amend the constitution, with the 75 percent majority. I want us to borrow a leaf from Malaysia, where constitutionally amendments by parliament unless in very rare specified cases, like cases of emergency where you have to deal with an immediate situation. The parliament that amends constitution must have a rider in the constitution itself, but that amendment will only take effect after the line of that parliament, so that we do not have selfish amendments in the constitution to fit the sitting parliament, like what we are talking about the extension of parliament, because members have a direct pecuniary and personal interest in what they are doing. That way it must benefit the people of the future, not themselves.

Any constitutional amendments must be done by a referendum. This constitution we are writing is called the people's constitution. Then amendments to it must also be the people's amendments. Once it is amended, it has to be taken back to the public for a referendum, carrying 21 percent of the votes cast, if it is allowed, then it becomes effected.

Com. Bishop Kariuki: Let me ask you a question. You say that amendments, which should be by about 75 percent, by parliament, must also go through the referendum, and so there are two stages?

Hon. Wetangula: Yes. The parliament itself (inaudible) that is not the end of the story, it must then be carried to the people who own the constitution to decide whether that 75 percent is right or wrong.

Com. Bishop Kariuki: (inaudible) write articles in the Constitution, which you will like to suggest. You are saying that every article in the Constitution must follow that process?

Hon. Wetangula: Every single article in the Constitution must be (inaudible), the only thing that I have given a rejecting is the event of an emergency. Take for example some wrong neighbour states attacks Kenya, and the Constitution has to be amended to create conscription, and we do not have the time to go to a referendum, we may not have the time to say that it will benefit the next parliament, it must be immediate. There is an exception that the constitution itself can be released. But if you are passing a constitutional amendment to extend the life of parliament then that parliament should not be last to say on that amendment, it must be taken to the electorate to decide whether they deserve that extension or not.

Com. Wambua: So if they the parliament has 75 percent and the public says no, then that is the end of the case.

Hon. Wetangula: That is the end of the case. The social contract is between them and us the public. Are you clear?

Com. Bishop Kariuki: You know how the members of parliament is going to work, if parliament so decides that probably they need the age to be 25, what we say is, if they have to amend tghat, first of all, they also have to go the public to accept that?

Hon. Wetangula: It does matter but the Constitution as a whole belongs to the people.

The other organs of the governance that I would want to touch on Commissioners as I go along with the Judiciary, I propose that we have a supreme court with nine members sitting altogether and base in Nairobi as a fixed court. I propose the Court of Appeal in its current constitution operating in circuits as it does, as you know the court of appeal has magistrates all over the country.

Com. Wambua: (inaudible) which is contrary with a separate Constitutional court, oh sorry.

Hon. Wetangula: I think at present the constitution is just a matter of operation, but you need to improve, it is not for the Constitution magistrates courts, then the Constitutional Court which is separate from the supreme court, and the Constitutional Court ought not to be a permanent court with designated judges as constitutional judges. They can be drawn from the Supreme Court, from the High Court, from the Court of appeal, whose duties is to interpret the contitution and determine the constitutionality of any legislation. So that we will have a system where every single legislation from parliament before it ascended to, to be law, now it is placed before the Constitutional Court to determine its constitutionality. As we know the currently constitution 63 says, any law that is inconsistent with the constitution is void. We want to avoid the dead bill situation, where a bill is passed, and is ascended to the head of sate, then it turns round to be unconstitutional because the disrespecting legislation.

So the constitutional court should be there to determine that in every single legislation from the parliament.

Com. Wambua: (inaudible)

Hon. Wetangula: Any Constitutional issue determining criminal proceedings like what we have been having land matters, whatever, citizenship, should go to the constitutional court, recognized, and established under the Constitution but constituted Acts and when there is need.

Com. Bishop Kariuki: Do you think it is good to give the Constitutional Court a bigger role than the Supreme Court, or what would be the role of the Supreme Court we have a Constitutional Court?

Hon. Wetangula: The Supreme Court, first of all, I have already said a member of the Supreme Court can sit in the Constitutional Court if the head of the Judiciary so desires. The supreme remains the Highest Court of the land. As it is now, my learned friend Wambua can tell you. The High Court sitting in Bungoma hardly knows what the High Court sitting in Mombasa is saying, and every single day, they issue contradictory decisions on the same law and facts. All the decisions should as a matter of the law, especially with Supreme Court to be noted, examined, and be seen to be consisted with the law and with the Judicial precedence, that we rely on in law. Secondly the Supreme Court as we have seen of late the court of appeal has also been making very glaring mistakes. And we need the court above them, that is why I say we should have about nine members sitting in Nairobi and there to determine matters coming to them either by way of reference, or oral motion. Because all judgments from the court of appeal should go to them to look at.

Com: Wambua: (Inaudible) there should be no procedures really; it is just a question of directly transforming deliberate judgments, which must be desired?

Hon. Wetangula: It is not a question that we have is the Supreme Court. There is the law-defining out the procedures, that courts that operate in a manner that I have just said.

The courts must be the guardians of the rule of law, and its general observance. The Constituting should provide for continuous legal training for members of the judiciary, right from the Supreme Court, down to the magistrates, like in is done in Jamaica. The Constitution must guarantee provision of legal services to poor people in this country funded by the state. The poor people involved in land cases hear and there, if they cannot afford lawyers because they are too expensive, the state must pay for them.

The judges must enjoy security of tenure. The provision of removing judges by drawing Commissioners from the Commonwealth should be removed. We can operate from the region, perhaps from the East African Community. I feel they used to do that because we did not have sufficient manpower at the time. Now we have more than enough people to do that. No judge should be removed from office except in the manner stipulated by the Constitution. The Constitution must recognize traditional ways of solving conflicts and operation of customary laws, and with sufficient customary law experts, customary laws

should be subjected to go up to the Court of Appeal and Supreme Court, should need arise.

I suggest Commissioners that we should strengthen the trials by jury. Currently we have trials by assessors, we hardly know what is going on. I think we should have trial by jury, like it is done in England, and judges should retire at the age of 70. You know they used to retire at 70, the Constitution was changed to accommodate an individual and it was moved to 74, those things should never be done, if we go for a referendum. Magistrates should retire at 60, if you are lucky to be at the point of judges have a bonus of 10 years.

May I now touch on the Electoral Commission very quickly.

Com. Bishop Kariuki: May I hear your opinion on the issue of the issue of appointments of judges, and secondly there have been some recommendations that when we come up with a new Constitution, what do we do with the bench which is there which some people are saying is corrupt, and judges do not have to be there, and in fact some have said that they should all be sacked, and be sacked with an immediate effect, what do you say about that?

Com. Lethome: A follow up, when we talked about the independence of the judiciary, apparently people have a lot of doubt whether we have an independent judiciary because of the manner in which judges are appointed, and also the Judicial Service Commission. Just look at the composition of the Judicial Service commission, the Chairman of that Judicial Service Commission, and the other members. I do, not know what recommendations you have, because we have both experiences of being in parliament and the legislature, and also an advocate.

Com. Wambua: I think you can see that you have generated a lot of interest from us and I think we want to benefit from your experience having served as an mp, in parliament, legislature and you have also served in as a practitioner and as a magistrate, so if you see us asking this is actually to take the most out of you. I do not think we are harassing you. One other aspect I thought may be you should have touched on and I think it is of interest to members of the bar, is the whole question of Commissioners, I think that has also been controversial. May be as you touch on the remaining issues of the Judiciary, you could also say something about, this case because what has happens is that it upholds upon them when they come their way into the bench. So you could say something about that before you leave the position.

Hon. Wetangula: I overlooked your fact because I had already stated that all Constitutional appointees must be vetted and approved by parliament, judges included. The Judicial Service Commission, as is presently constituted should be of standard to included members but the Chairman and the Secretary in the Public Service Commission because judges are serving the Public Service. On the current bench

Interjection: Com. Lethome: (inaudible) I was thinking of the Chairman and his secretary.

Hon. Wetangula: I overlooked your fact because I had already said that all Constitutional offices appointees must be vetted and approved by parliament. The Judicial Service Commission as its present the Constitution should be expanded to include members and at least Chairman and Secretary of the Public Service Commission because judges are serving in the Public Service. On the current bench,

Com. Wambua: Currently the Chairman of the Public Service Commission is a member. So what are (inaudible)?

Hon. Wetangula: I was thinking on the Chairman and his secretary. But more importantly we should stipulate also the qualification of the judges. The current Constitution simply say a judge is qualified to be appointed a judge if he is an advocate of seven years standing, to the extent that we have people who are really not qualified and learned in the law, who are judges. I think judge should have a minimum of a university degree in law, having been in practice seven years, we have is too low. We have children who are now qualifying at 23, and 24, so seven years, you are about 30. How would the problem we are discussing with the Mutula Kilonzo and Kiplangat, and we said the minimum age of appointment of the judge should be fifty, so that we give him at least a tenure of 20 years on the bench, if he has to retire at 70. you can imagine bold Justice Okubasu who having been appointed by judge at the age of 32, they should be appointed at the age of fifty.

On the issue of the current bench, corruption that perverts the current judiciary is not a problem of the judiciary; it is a problem of the country.

Com. Wambua: (inaudible) so do you want to vie for it when you are fifty?

Hon. Wetangula: At the age of fifty, you must be qualified to have been an advocate for at least of about ten, and not seven, you must have a law degree to qualify. Age alone is not enough. You must have other attendance qualifications. The very people of the Court of Appeal should also be fifty and above. For the Supreme Court, I would be a little more conservative so that they just ten years and age out for retirement.

Then what my friend Commissioner asked about the current judiciary, I would say the failings of the current judiciary are not failings because of the structure of judiciary; it is because of the system itself. We have rotten eggs everywhere. It is wrong for us to pass laws that are prospective in itself. It is for posterity not for the past, and those judges who are there now have already requested you to make it a Constitutional provision to continue legal education and training for even sitting judges I am sure we will even be able to reform the crooked people for those who are not. There is nobody people just become crooked because of association and failings on the checks and balances. The commission as oversized to make it an illegal structure in our system. It is illegal because you are giving a practicing lawyer an opportunity also to serve as a judge. You can imagine the conflict of interest. It automatically raises an issue of conflict of interest, we should never have those Commissioners, we have a

shortage of judges, we should appoint more judges, and not Commissioners oversized. Most of them have conducted themselves very badly with a hope they will see so that they are appointed to the High Court. Wambua you know this very well. It should not be there at all. It is one of the breeding grounds of corruption. I am aware of practice in my office, I am going to sit at the bench, my colleagues are coming before me, in the evening we are talking together, what is there from asking (inaudible) are you getting that for your copy or I carry on?

Electoral Commission, I now want to talk about Electoral, it must be politically independent, it must be appointed through the Public Service Commission, even if it the final appointing authority is the head of state, which I have no problem with, but they should be recruited by public service Commission and go to the president only formal appointment like the way you Commissioners were appointed. The members must be vetted and approved by parliament because they holding offices in public, they should serve a maximum of five two-year terms; they must have some legal training in the Constitutions of being appointed as judges. The chairman should be appointed by the president on recommendation of the judicial Service Commission and must be a person fit and qualified to hold the office of Judge of Appeal.

Com. Wambua:

Hon. Wetangula: They should not at all. This is what has destroyed our current Electoral Commission because political parties were given the authority and power to nominate their candidates and take them there. The person nominated by KANU, thinks he will just serve the interest of KANU, one nominated by Ford Kenya, same thing. They should only be appointed through the Public Service Commission so that they can be truly independent.

Com. Bishop Kariuki: In our recommendation, you are not saying that all members of the Electoral Commission must necessary come from the judiciary, because when you put a qualification that such a person must be qualified as a judge, to be appointed as a judge, if by so doing we are eliminating any other sector of the society?

Hon. Wetangula: (inaudible) it violates the law in relation to the voter in relation to the cabinet, you know we kept talking of free and fair, free for the voter fair for the candidate. This has to be in the presence by the Electoral Commissioners. I do not know if you got the point that the Chairman must be fit to the judge of appeal. The Electoral Commission should have the power to discipline errant political parties, including recommending their de-registration, especially these parties are engaged in secretariat behaviour, dividing political and so on. I think that can be defined in municipal explosions it does not have to be the constitution. I would recommend that the new constitution establishes the following constitutional offices, the ombudsman, we all know what an ombudsman could do, Controller and Auditor General which we have now, but should be strengthened and have and set a limit on retirement age. The current constitution is so badly done that the Attorney General and the Controller and Auditor General have no retirement age. They can hang on until they die in office. I think one should find them to the offices in the Public Service. We should go further and say these old offices should serve upto this age limit. I would want the Attorney

General to retire at the same level as the judges of Appeal and high Court.

Com. Wambua: (Inaudible)

Hon. Wetangula: Well, the current constitution I'm holding which I have read through and which the latest edition has nothing unless it is coming. Again I will talk of the office of the Attorney General later. I would want instead of the Office of the Attorney General to have the Office of DPP as a constitutional office, dealing with public prosecutions and appointed by the Public Service Commission. I would want the office of the Solicitor General to be also elevated to a Constitutional office dealing with Civil matters of the state, also appointed by the Public Service Commission.

I would want the office of the Attorney General replaced with a cabinet office called, the one Jonjo used to hold, Constitutional affairs and justice or something like that, serving the government of the day. So the Attorney General's office should be completely independent but the Minister for Constitutional affairs will be their particular head responding to the issues that may come up in parliament. Just as every issue arises from the judiciary does not mean that judiciary is not independent.

Then there should be a Public Service Commission that is truly independent divorced from partisan politics with the duty to hire, promote and fire public servants, who include Permanent Secretaries. My recommendation is that permanent secretaries should be appointed by Public Service Commission. P.Cs, D.Cs, and other administrators, and in the case of permanent Secretaries and P.Cs. I recommend that their appointments should be vetted and approved by parliament. The D.Cs their appointment is sufficient.

Com. Lethome: Do you recommend that we retain the present system as it is but parliament should vet the appointment through the public Service Commission?

Hon. Wetangula: Yes, I have not seen any better structure of administration than that except it has been manipulated and abused sometimes. If the process of appointment is proper, proper people are appointed and it is transparent, and honest I feel it shall serve this country reasonably well.

Com. Wambua: Hon. you are giving a lot of responsibility to the Public Service Commission and I hope you are going to say something about the composition because you are very emphatic on the DCK, how they should be qualified, how they should be appointed. But, if you look at the PSC proposal you are making they are going to have a lot of work to do and we need also to make sure that those who have those kind of powers are people of, I do not know whether your ... Yes please, just proceed.

Hon. Watengula: I now want to move to other matters that touch the hearts of wananchi, land and environment. I suggest

that as in the current constitution we must a guarantee to the sanctity of property in our current constitution. On land I want the constitution to recognize that public land is held in trust for the benefit of the public good, and the people of this country. This trust relationship must be wholly protected by the law as you know it has been shut up over the years. People just sit and share public land as if wanachi do not matter. There must be a constitutional recognition of public lands, but currently we have about 28 statutes relating to land. Some one page, some 400 pages dealing with the same thing, overlapping, conflicting. I would want all matters relating to land and property be consolidated into one single municipal law. And the Constitution should say that. I want you to recommend that the Constitution should provide for a constitutional board which should manage public land and oversee its alienation, so that no individuals from the president down to everybody, no local authority, no public body, should have the power to give out land to anybody. The alienation must go through the Constitutional Board. Again you may ask me what is its composition, I did not think about it. I will again drop you a note on that. I also suggest that we have a provision where alienating of public land should be done byu public action through tender system to ensure hat a fair opportunities are accorded all citizens and the state must receive a just consideration for the land when it is alienated.

In marginal and pastoral regions, I want the Constituting to recognize and protect communal land rights. North Eastern Kenya, Masai land, areas with fragile elecosysstem like Turkana, we cannot go there and tell them you must have a title deed of ten acres which is useless. We must recognize communal land ownership for their grazing and other things.

Equally the Constitution must recognize and protect rivers lakes trees wetlands, forests, game reserves, public paths, road reserves, as invaluable heritage for all Kenyans. In fact in the South African Constitution they just say this Constitution recognizes and protects all these things and says the rest is subject to municipal manipulation. Because you cannot list all these things that this constitution will protect river nzoia, protect Tana River, and so on. Any excision of forest, should only be done trough the constitutionally recognized Land Board that I have mentioned about. Stiff penalties should be provided for those who degrade the environment.

Citizenship, all persons born in Kenya have automatic rights to citizenship until they reach the age of majority. So that even the son of an American Ambassador if he is born here, just like our Ambassadors children out there, they have the right to take up our citizenship up to the age of 18, they may choose where to go. Nobody should be deprived of their citizenship, save in according with the established law. We have had cases, especially Indians, they are given citizenships when the going is good, and when the going is bad, they are withdrawn. Once you are given your citizenship, nobody should take it away from you, except in very rare constitutionally provided cases. No Kenyan should be extradited to another country. This is the law everywhere in Germany, wherever. You saw after the August bombing, when we in unconstitutionally extradited Kenyans to go and sand trial in the US. If a Kenyan has offended a sovereign state elsewhere, that trial must be here. We should not subject Kenyans to external jurisdictions. The constitution should provide that. In fact the German Constitution expressly provide that, I think we have read it together Mr. Wambua at onetime.

Foreigners married to Kenyans should have the right to Kenyan citizenship, whether they are women or men. Currently only women foreigners married to Kenyans are allowed to become citizens. Foreign men married to Kenyans women are not allowed to become citizens. I want it to cover both. If some American likes my daughter and marries her and he wants to come here he should become a citizen. Min special case I want you to recommend that dual citizenship should be encouraged. You know, we have Kenyans; there is a Kenyan from this district Professor Makinda. He is strategic advisor of the government of Australia. He lives in Perth, he teaches in all Australian universities. He cannot take up citizenship because it is an offense here in Kenya. A person with such genius should be given opportunity to take citizenship there benefit from him, but reserve the right to come back and remain a Kenya citizenship, when he wishes. Same to those living in America and so on. In fact most Kenyans sneak, go and take citizenships and maintain hidden passports from Kenya. When they come here they do not want to disclose their citizenships there. Yet we enormous benefits for people who can go and be educated out there. That is how China has developed. Send Chinese to America, have factories, store everything here, go back to China and benefit from it. So we should recommend dual citizenship in certain cases. All these rights to citizenship must be guaranteed as fundamental rights and freedom for every citizen. Customary law and practices: The Constitution must recognize the cultural diversities of Kenyans. Certain customary practices that are not outrightly repugnant to justice, morality and order must be recognized as inalienable rights of such people. For example, if you are going to be here up to August, you see a lot of our boys running around to be circumcised. There are misguided people who denounce it saying it spreads AIDS without any ... this is our culture, it has to be respected and it has to be protected and all other communities from this area as well.

Com. Lethome: Nimesikia, jaluos from this area are circumcised.

Hon. Wetangula: That is absolutely true. Sometimes our people get excited and circumcise them forcefully. The rights to property and inheritance must be subject to such parties. There is a very gray area in our place I had some good ladies mention it. Inheritance here is, especially land is given to sons and not daughters. There are certain people who think it should be given to daughters as well. I think of where you know the current Succession act, provides for inheritance for both girls and boys irrespective. I want the Constitution to recognize that such forms of inheritance must also recognize and be subject to customary practices of communities. Where certain communities do not subscribe to it, the constitution should not come and impose it on them. And where they do it, the constitution should not take it away. That is part of our cultural diversities in this country that should be recognized.

Security forces, I think I recommend that the president remain the C in C of all the security forces, do you have a question?

Com. Lethome: (inaudible)

Hon. Wetangula: Cultural diversity of the country, you cannot legislate culture, you cannot kill culture by legislation or create culture by legislation. It is an evolving process, it is dynamic. In this Bukusu country, you can be told that the last women to be

circumcised were women who are now 60, 65. Nobody told people to stop circumcising women, but they stopped it, because of the dynamism of culture, and that is what we need to recognize.

I was saying the security forces, I recommend that the president remain the C in C, for all forces, all the units of security forces should be recognized by the Constitution and should have clear definitive constitutional life. Our Constitution has currently turned, does not say what the role of the police is, what is the role of Aps, some are so amorphous we do not know what they do. We want you to five guidelines. If it inland security,. I want to recommend that all police forces Aps, GSU, regular police and so on, come under one constitutional command, so that we do not have situations where....

Interjection: Com. Wambua: (inaudible)

Hon. Wetangula: I am about to finish. The heads of these security units must take oath of office, with a clear provision that they will uphold the Constitution, which includes fundamental rights. I think if we gave our policemen that oath they will not be battering people the way they do.

Quickly issues of finance, there must be a constitutional recognition of public finance. All public finances must be subject to parliamentary approval and no other body in the country should approve public expenditure. The country should not incur any foreign debts without parliament approval. The independence of the Central Bank as the financial regulator in the country must be constitutionally recognized and guaranteed. As it is now, the governor of the Central Bank is appointed under the Banking Act. I want us to move It to the Constitution, like the Federal Reserve Chairman in America. His position is enshrined in the Constitution and protected.

Another issue that our constitution has never addressed is the issue of emergency. Not declaring the emergency the way NFD was done, but we have situations of emergencies where there must be a constitutional provision for the preparedness for emergency. This preparedness will include the exercise of the emergency powers that must be constitutional, and how fundamental rights can be enjoyed and suspended under emergency. We have freedom of movement, what happens when we have a plague here and you restrict people from movement, you violate their rights but it is for the public good. We need a constitutional recognition for that, and that recognition should have the necessary checks and balances. We need to establish a constitutional disaster and emergency fund since we said that parliament must vet all expenditure. Parliament cannot foresee a flood, a famine, of a foreign invasion. There must be a constitutional provision that funds be drawn under the disaster and emergency fund like is from the consolidated funds to meet emergency.

My second last point is on education and health. There must be a constitutional recognition and guarantee of the rights to education per every Kenyan child. Such rights must be underwritten by the state. There is also the issue of health, the constitution must guarantee the access of Kenyans to a provision of health underwritten by the state. Then there is appoint that

many people never mention. Under our current constitution and practices, every time we have an international treaty it has to be brought here to be legislated upon to become law. I want the constitution to clearly recognize and state that principle under international law to which Kenya is committed like UN, Commonwealth and so on automatically becomes part of our law without any further legislation here. I think those are the points I had Commissioners.

Com. Wambua: (inaudible) for that has been a nightmare to us, and I do not know whether I see the three issues on peace making provision, the second is the Commission, I know that you participated at the Commission, should we have them, and if so, should the report be made public? The second one is what role should the Court Martial play, I know you have handled cases in the court martial, you should have mentioned that in the judiciary, and how do we handle it under the Constitution, and then the question of the treaty making provision, you have suggested that these conventions should automatically become law, if you are signatories. I know in certain countries especially in the Arab World they have a system of subjecting these kind of treaties to a referendum, and also through parliamentary approval before we actually sign, so that we avoid the embarrassment of signing and they Kenyans reject or feel that they are not protected. I do not know what mechanism or domestication you would want to recommend, because that has been actually a nightmare. Do we first re-check them before we sign, the situation we have here is we sign first and then we have this kind of mechanism where we now try to domesticate it and then we realize that some of them do not actually protect our national interest. So I do not know whether you have thought about that, but if you have not, of course you can take your take and, that is so that I do not come back to. This question of the Prime Minister, for it is a very tricky issue. You have said that there is likelihood between the prime minister and the office of the president, especially on power sharing. Do you know that in Tanzania, there is what they have been calling the lame dark prime minister where power is invested up there? You have recommended power invested in the president. If we say that we must have a prime minister, what role exactly should a prime minister play and what powers should he play, do you have any specific proposal so that we avoid that conflict? If you have not thought about it may be you can think about it and give us clear proposals of what you think the power flow should be and how the two offices should relate.

Hon. Wetangula: One, I really know that there are some times when treaties can be ...without any proper and adequate relations. But when you are talking of treaties at the UN, and the AU, the former OAU, the East African Community, then we have got no business to think that we need subject them to any further, in any case the referendum there will be act of the fact. Not before the Act. But if we have anything that we need to be cautious about, it is desirable for the government to bring those issues to the people and explain them before we go. For example I can point out WTO, the most awkward international treaty that has ever been created, it serves the interest of only one state in the world, America. I was sitting in the European Parliament, and the producers of Bananas, America manipulated for the representative of banana producing countries to come from Hong Kong. Hong Kong does not even grow grass. How do you have somebody from Hong Kong to represent people who grow bananas? But once we have subjected ourselves to a UN treaty I would want it to be automatically become our law without being subjected to legislation. Come to think of it, take our parliament now the quality of membership; in fact sometimes they do not even know a treaty and a memorandum of understanding. If our technocrats have gone out there and

agreed that this is a good treaty, how it benefits us I would want us to adopt it.

Commissions of enquiries, I want you first to abolish the Commissions of Enquiries Act, it serves no purpose. There should be constitutional provision of public enquiry, not necessary called Commission like what they do in UK. You know the famous proformer enquiry of Lord Denning, and such public enquiries may constituted buy other members of the public including lay members but must be headed by a senior recognized judge of appeal of supreme court. But he can be going other members of the public to sit with. In fact the proforma was Lord Denning alone. So the Commissions of Enquiries Act, its Administration has been thoroughly abused, right from the time Mzee Kenyatta appointed a Commission to look into the safety of maize by Ngei, down to the stupid we had on the boundary between the Bukusus and Tesos, we have never the results. These are things that do not serve any purpose in society and I want you to recommend that we shod under no circumstances should we have commission of enquiries, we should only have public enquiries. Constitutionally provided for, headed by a judge of appeal and above, which is Supreme Court, and they must give their report and the report must be given to the public within 30 or 60 days of the end of the sitting. So that the public is able to know what they have come up with. We know the running battle s we are having with the Akiwumi Enquiry on clashes.

Court Martial, this is something I have been looking at very critically Mr. Wambua Unfortunately I do not believe that we should have Court Martial as an independent legal system, buit all jurisdictions in the world have Court Martial, unfortunately, and I do not see why we should go against the grime. Simply because matter of military secrecy are security cordons and so on. But our constitution is quite good because it provides for matters dealt with at the court martial to be subjected to appeal at the high court. I want you to open it up to go up to the court of appeal, because I have suffered injustice with my client because of t4erminating the appeals at the high court. You go to the high court and you find a foreign judge who knows nothing about what goes on, tosses you out and you have nowhere to go. It should go up to the court of appeal. But court martial serves especial purpose in military term. For example if you are dealing with military security. I do not think for the security of the country you need to display it to all and sundry in a civil courts, and as you know civil courts must be heard in public. Court martial are normally closed it. I would recommend that you retain them.

Prime Minister, the only unfortunate thing about their provision of the post of prime minister, is that is within champions of people who want to solve an immediate short selfish solutions for this country and not for posterity. People are talking about Prime Minister because we want to share positions after president Moi, not because he is good for the country. If you go to Tanzania, the Prime Minister is just an office in the cabinet office, and it is just the first among equals among cabinet members,. All the power is in the president. I do not mind you having a position called Prime Minister of deputy Prime Minister as long as you do not undermine the authority of the state, that would lead to chaos. We can have Prime Minster deputy, wherever you call them, they will just be cabinet ministers as far as I am concerned. Even in Uganda, Museveni has his prime minister, two deputies, the vice president, and so on and so forth. I would want to reiterate what I said earlier that do not give Kenyans a constitution that will be a recipe of chaos aond disaster. Do not give Kenyans ana a constitution that w3illlead to the Pafawa

Balewa as chaos clashes, or Mobutu Lumumba Kasavuv clashes in the Congo.

Com. Lethome: (inaudible) something that you did not mention but may be you can give it a thought. On devolution of power and decentralization, as we move around Kenya, many people feel that everything is concentrated at the center and this is the cause of suffering s of many Kenyans. Id do not know what you have to say about devolution of power and decentralization, I do not want to mention majimbo or federalism, but I just want you to think about it and tell us may be want recommendations that you may have right now. The issue of succession right now, you see all oour attention now is being moved from everything wiles we are doing in Kenya, even an important process like we have today, to their issue of succession, who is going to succeed, and should a president go into elections holding that office of a president where by he has the government machinery supporting his campaign movement all over the country. I do not know what recommendations you have for that?

Hon. Wetangula: Once I was a believer in having the upper and the lower chamber of parliament, but looking at what is going on and the state of our economy, I believe it will be unnecessary burden to the exchequer. First I recommend that we retain a single chamber system. One parliament with members representing constituencies as they currently have. You may in your discretion still provide for nominated members but to represent special interest, as they used to be.

On the issue of devolution of power, if you look at the current constitution you actually find that some of the powers currently exercised by the head of state are not provided in that Constitution but they have been left to him by the failure of the country to question what the head of state does. I would want a situation where you've, and I said it very clearly earlier, that the president must be accountable to parliament in very single thing he does,. If he wants to appoint an ambassador, as he should, that ambassador like in the US should be subjected to parliamentary hearings, so see whether you are appointing a fit and proper person to be ambassador or not.

Majimbo I do not believe in at all, it is going to destroy this country, I believe in a unitary state of Kenya. If we curve out majimbo and for some strange region, you cut off Turkana and North Eastern and make them one jimbo what resources will thy have to survive? We must have a conclusion that guarantees equitable distribution of national resources. Flowing to each and every corner of this country, guaranteeing equitable development of both human and physical resources to the benefit of all Kenyans. So that if we grow maize in Bungoma, and my friend Wambua from Ukambani knows that they go sometimes for three years without rain, my jimbo does not need to vote in parliament to give maize to Ukambani. We should just be able to give you maize. I think another thing that you aught to have asked me is this problem of Kenyans living and working anywhere, I think you must guarantee it in the constitution that every Kenyan has a right to live and work and own property anywhere in this country. I know this is not a very popular view here because my people here have been victims of outsiders taking away their property and harassing them with wealth and commerce. But it comes both ways. If a Bukusu goes to live in Garisa he should be free to own property there.

On the issue of the strength of the center, let me promise you a paper and send it to you. I have a lot of material in my office; you will a paper by Monday.

Succession: I think this is the worst that we have in our Constitution because it just says the president shall leave office as soon as a new president is elected and sworn in. so that if a new president comes after elections, president Moi will not even wait to attend the searing in because the constitution does not provide for that. I would want a situation like is provided in various other constitutions in South Africa, and so on, where after election, even in America, there is a transitional period. This transitional period, I suggest should be about no more than 60 days, or perhaps even 90 days, so that if in the next elections Kenyans elected Joe Donde as the president, a man who has never held any public office in his life apart from being a member of parliament, he needs to sit with the out going president and be told how to conduct himself as a president. This takes time to learn. You cannot just get him and say, these are the apparatus of state and walk out. So you must provide for a 90 days transitional period. I think I heard Mutava Musyimi say that when he presented his views as well, that will bring order to the country.

Com. Lethome: (Inaudible)

Hon. Wetangula: There is only one country in the world and that is Sirilanka, where as soon as they call for elections the president and prime minister resigns and hand over power to a caretaker. All other countries that I know the president is a president in office until he hand over power after elections and I do not see any fear in that. With people becoming knowledgeable with a strong electoral Commission, with a strong judiciary, I do not see what a sitting president can do unless those competing against him are not vigilant.

Com. Wambua: I think we have benefited very much from the views of mheshimiwa. That is why it you took slightly longer than is usual, because the issues you have addressed are very crucial to us, they are the gray areas you talked about and we want to release you now so that we continue but we can assured you and if you have seen the Commissioners are not just doing a P.R. exercise. We are really concerned about issues and that is why where we are not very clear, we want to understand it, because we have heard other peopled elsewhere and we really want to come up with something, which benefits this country. For example I remember we collected views in Kitui and one of he ladies came and said that they want the right to own property and leave anywhere, and I was not very sure that she was serious about what she was saying. Then I asked her, “Are you saying that Luos can now come and settle here?” so I see there is a problem. Mheshimiwa you can register yourself, give us your written document. That one will coordinate our thoughts and whatever you promise to give us we shall have by Monday. Thank you very much once again; we must confess we have gained a lot from you r presentation. We will proceed tutaendelea. Tulimpa mheshimiwa nafasi manaake alikuwa na mengin ya kutaja ambao ni ya muhimu na ambao itatuswidia kuandika kaitba. Yeye mwenyewe kama mnavyojua ni wokili, amekuwa mbunge, amefanya kazi pahali pengi. George Manyasi, wa dini ya musambwa, nafasi ni yako sasa. Is that George, taja jina George na uendelee tafadhali.

George Manyasi: Asante sana bwana makamishena, kwa kunipa nafasi hii. Kwa majina ninaitwa George Peter Situma Manyasi, na represent dini Ya Musambwa. Nitatumia chombo kingine ambaycho hatujatua na nitatumia kiluga ili nipate wenzangu wapate kusikia vizuri. Pastor Nakholi John Mulafu.

George Manyasi: *Ese nechile anano,*

Translator: I have come here

George Manyasi: *Khulomalomela babasiange be lisubira mu dini ya Musambwa.*

Translator: To speak on behalf of my religion and my members, of Dini ya Musambwa.

George Manyasi: *lie khuranga, khuli nende butinyu sikila babasiefwe balarumikhalanga lulimi lurafu.*

Translator: The first thing we have problems because some people are using very abusive language.

Manyasi: *khubela lulomo lwong'ene.*

Translator: Because of the language

Manyasi: *Lie khuranga, efwe khwalomalomikho khwarebire khulubeka lwe ebunge, yaani buli isuku khurkora babandu baacha khukhulindila ebweni, baacha khukhung'onela kamalako.*

Translator: At first we are going to talk about legislators

Manyasi: *khulalomakho nende bubwaya ne inspective.*

Translator: And then we are going to talk about the duties and the legislative.

Manyasi: *khulalomakho khwi laka,*

Translator: We are going to talk about law.

Manyasi: *Halafu khulalomakho khulubeka lwe bung'ali bwa mwanadamu.*

Translator: And we shall talk about the reality of human beings.

Manyasi: *Lie khuranga, ndacha babandu nibo khuroboranga ne bacha ebweni mububge.*

Translator: I shall start to talk about people elected to go to parliament.

Manyasi: *ne sendasoma tawe, ndabola kalimo niko enyala nabola.*

Translator: I will not read but I will just highlight.

Manyasi: *Edini ya Msambwa mubwimbi,*

Translator: Religion of Musambua or the indigenous religion

Manyasi: *bsibukula khuba embi, sikila bali yaecha khuonaka.*

Translator: As you know it has been outlawed because they think it came to destroy.

Manyasi: *lakini yabolanga ke bung'ali.*

Translator: But it used to set the pace.

Manyasi: *Mala bung'ali bulio nasimile, sana nga luno khuli nende African unity, mala niyo edini ya Musambwa yarera.*

Translator: and now that we have African unity that is where the dini ya Msambua belongs.

Manyasi: *Khusabab khuli, bamali bosi banyole bung'ali bwabwe.*

Translator: We ask for the Africans also to get their rights.

Manyasi: *Lie khuranga, eConstituion ya Kenya ekhola saa hii, eyeta Omukristo nende Omuislamu yengene.*

Translator: The constitution of Kenya only recognizes Muslims and Christians.

Manyasi: *Onyola kwa mfano, lilaka liefwe lie siikuka,*

Translator: Our own religion

Manyasi: *Onyola mukoti selilikho nende customary law ta, selilikho mu- Constitution ya Kenya, bandikakho asi tawe.*

Translator: The Dini ya Musamba laws are not entrenched in the Constitution of Kenya.

Manyasi: *No wenya khuyeta omundu wowo, bakhubolela bali khoche oime omusakhulu ingo, mala niye eche akhuyete.*

Translator: if we want to assist anybody, they say go and look for a mender who knows all about you.

Manyasi: *Nono khulola khuli lilaka lino,*

Translator: I think this law

Manyasi: *Mwananchi yesi anyole bung 'ali bwewe.*

Translator: This law should be given to also mwanchi.

Manyasi: *Khu lie khuranga ne khwicha mu-Parliament,*

Translator: To begin with parliament,

Manyasi: *Khwenya mbo e-Parliament ebe nende chi-committee.*

Translator: We want the parliament to have committees, -to be called Parliamentary committee.

Manyasi: *Lie khyuranga, ebe, - bakiwelesie kamani,*

Translator: Parliament should have powers

Manyasi: *mala Lundi bakibikhe, ebe nende kamani ke khuamua namwe khumenyelesia, mala Lundi nio barekho kumukhono, kkhuba, wakana appointment chino andi chiicha muofisi.*

Translator: to investigate analyze, scrutinize and even approve anything that must go to the offices.

Manyasi: *Khwenya mubunge, khunyolemo e-committee ye judicial.*

Translator: We want to get a judicial Committee within parliament.

Manyasi: *Khwenya khubemo nende e-committee ya public service.*

Translator: We want to get a committee of public e service within parliament.

Manyasi: *khwenya khubemo nende e-committee enyala yalolelesia mu-budget ne bakhabisia tawe.*

Translator: We want to have a committee that will scrutinize the budget before it is read or passed.

Manyasi: *Kenyekha e-committee ebemo, elinda sibala, -an intelligence committee.*

Translator: There should be an intelligence committee that should be looking into the intelligence of the country.

Manyasi: *Ne khwicha khuofisi ya President,*

Translator: About the Office of The President,

Manyasi: *eofisi ino khulola khuli President kenyekha bamurobore khukhwama engo.*

Translator: The President should be elected directly by voters.

Manyasi: *Lakini akhaba omubunge ta.*

Translator: But should not be Member of Parliament.

Manyasi: *President kenyekha abukule kimiaka kirano, namwe nanyalile wakendakho kiole kumi.*

Translator: the president should only be in office for five years at most ten.

Manyasi: *Khurobora chiofisi, yaani appointment,*

Translator: Appointment to the offices,

Manyasi: *nga cabineti, ba-judges, police, chiefs, Members of Electoral Commission, nende Central Bank Governor kenyekha babe, bakonfame nende relevant Parliamentary committee.*

Translator: All those appointments that he has stated should be approved by relevant parliamentary Committee.

Manyasi: *Eparliament elarame enyole kamani ke khufuma, namwe ke khuwelesila President kaba mbo wakosile.*

Translator: the parliament should have powers to scrutinize the activities of the president in case he errors.

Manyasi: *Protection ya Parliamentary system,*

Translator: About parliamentary system,

Manyasi: *Oyo omwimelesi, wakana onyala waba na nyolile chikura chili chingali,*

Translator: Whoever gets more votes should be the one to be given prime ministership.

Manyasi: *Kenyekha abe, omwne oyo niye bawelesia bu Prime Minister.*

Translator: That should be the one to be given Prime Ministership.

Manyasi: *Kenyekha kuingisie bona mbu ba-introduse khube nende ch- Chambers chibili.*

Translator: There should be two chambers.

Manyasi: *Yaani ndala eba echakhunyola, eimelela ababo wanakana chi-Constitutency chili nende bukali bwe babandu bulekhane.*

Translator: Those constituencies that have an equal number of voters

Manyasi: *Ba members baacha khunyola khulondekhana nende buruki. Yaani baacha khuimelela bacha khulinda wakana kimikanda kili kimikekhe kikhali nende kikiinyala ta.*

Translator: and those minority groups or bodies

Manyasi: *Khulubeka lwe, wakana nio khunyole mbo eofisi ya President ilikho eyetebwa bulayi,*

Translator: to assist the office of the president,

Manyasi: *khenyekhana lilaka linyolekhane, libeo khuulondekhana nende, nga President na alikho arura muofisi, khubeo nende lilaka linyala liaba limenyao, likhaba lilaka ta nilio omundu akulakhania muchuli nokundi elao ta.*

Translator: To assist the office of the President, there should be a law that will, for ever control the incoming and the outgoing of the president.

Manyasi: *Mala kenyekha khube nende ekoti,*

Translator: There should be a Court,

Manyasi: *embofu enyala yemelela kamala kosi mu-Kenya.*

Translator: There should bge a supreme court to be in charge of all laws in Kenya.

Manyasi: *Khucha khu lubeka lwe kamala mu-Kenya,*

Translator: About laws in Kenya, judiciary,

Manyasi: *Sendacha mumakali ta, lakini wakana chi-point chilimo cha maana nicho nyala nabolakho,*

Translator: I do not want to dwell on it , but I will only highlight the main points.

Manyasi: *Nga ne mbolile khale, eshiria ye mu-Kenya, elikho etetea ...*

Interjection: (Inaudible)

Manyasi: *khubola mbo, mu- judiciary benyekha khunyole, chikholo chiosi ne chiba representative sikila khuli nende African heritage muchisikuli nibo basomia,*

Translator: There should be a representation of all ethnic groups within the judiciary, because today there is an African

heritage being taught in schools.

Manyasi: *mala khunyola mbo eofisi ya Chief Kadhi, khebachirusiekho.*

Translator: Remove the office of the Chief kadhi.

Manyasi: *Mal khubeo nende ba magistrate bame busa direct khukhwama asi, mala aba sikila basomile kamasomo kakanyala, mala yesi bamupromote ache khundebe ya angaki.*

Translator: And have magistrates that are well trained to look after all those laws including those that the Chief kadhi does.

Manyasi: *Na khulubeka lwa Human Rights,*

Translator: About human rights,

Manyasi: *efwe efwe khuli nende mali ya asili, yaani kiandu nicho Wele kabumba.*

Translator: we have natural resources,

Manyasi: *Mala kimiandu kino se kilabechange, khakirumikha bulayi ta.*

Translator: Which is mis-used, or badly dished out and utilized.

Manyasi: *Khuli nende mwanadamu kwanza nga niye mali ya sili ye khuranga,*

Translator: We have human beings who are the first natural resource.

Manyasi: *mala sekhula murumikhilanga bulayi, lukali ne khukobola khu indigenous knowledge, nende indigenous technology.*

Translator: We are not utilizing him fully in as far as indigenous and technological knowledge is concerned.

Manyasi: *khu luubeka lwe kamalesi kefwe ka kienyeji,*

Translator: About traditional medicine

Manyasi: *Khuli nende bisala bikali bili nende kamani, binyala biasilikha bulwale chingano ne chingano, lakini onyola mbo omusungu se kenya olomalomekho orio ta.*

Translator: We have herbs which can treat all types of diseases but the current of the European system does not allow us to talk about it.

Manyasi: *Khumalilila, khubola khuli chidini,*

Translator: To finish we say that religion

Manyasi: *Khukhalumikhila lulomo lunyala lwa diskareja owasio khubela lisubila tawe.*

Translator: No one should a language that will appear underrating the faith of the other .

Manyasi: *Nono, lulwimbo lulimusitabu, nende lulwimbo lulwo khwa... nende owiimba se emurwe, chosi chinyimbo nichyo, mala aba khakhulomaloma likhuwa lilala.*

Translator: A risen song or a song sung should not be discriminated. So that is to say whether verbal or written songs, it only a song that has a meaning to man. So whether it is written or oral, or anything there is nothing that is not oral. Kila mtu ua anaweza kuimba, usome kwa kitabu ama mwingine usome kutoka kwa kichwa lakini maana yake ni moja tu.

Com: Wambua: Asante sana bwana Manyasi, sasa nita wauliza tujaribu kuzungumze kwa kifupi maanake ninaona watu wame kuwa wengi wale wamejiandikisha ni kama 230, ninitaka tumpe mtu nafasi, kama jambo lime semwa ama lime tajwa usirudie. Tayari tumeisikia. Sema machache kuhusi hii, halafa unataja, tunayasikia hayo. Kwa hivyo usifanye maneno yawe marefu. Fredrick Mukokho? Hayuko, Abednego Muniafu, hayuko, ulitoa yake. Mary Goreti Juma, tumemuita mara tisa, kwa hivyoamepotesa hiyo nafasi. Belinda Lumbasi, ninaona umeandika hapa uko memorandum, utafupisha maneno halafu utatupa hiyo memorandaum tosome uhighlight tu ile what is important. Please proceed. Taja jina nu ututapatie maoni.

Belinda Barasa: My name is Belinda Lumbasi Barasa and I would to present from youth mainly basing on gender. In a way I am going to be a bit biased on the female gender because this is a group that has been disadvantaged in very many ways, so basically my views will be with regard to trying to uplift the cases of women and also other disadvantaged groups like the disabled in the community.

As far as the issue of women is concerned I would suggest that the constitution should make a provision where employment in equalities are met, exchanged. Because most cases the female gender is disadvantaged in that some organizations do not

employ women and they have to give sometimes in order to get employed women have to give sexual favours in exchange for employment, some organizations refuse to accord women benefits accruing from the virtue of their sexuality: pregnancy may lead to automatic loss of jobs for some women, therefore, I am suggesting that the Constitution should provide laws to guarantee female job security and their motherhood status should be protected by all means. As regards this I would suggest the constitution should provide that all organizations that employ women should have in their respective conditions to provide for the women in case they have maternity leave, they should provide specific period where women should be allowed to go home for maternity leave and when they come back, they should have job security, because most women lose their jobs just because they went home to have children and I do not think that is very fair. Punishment and strict measures should be meted against anyone found guilty of taking advantage of these women.

As far as political and public decision-makings are concerned, women should be more actively involved in matters pertaining to the state. More women should be elected to the Cabinet, and I will suggest also that a special ministry should be provided for them and they should also get a women representative as an mp, whose responsibility will be to air our women's grievances in parliament and find possible solutions. This representative should be elected. Women should also be able to inherit property from their parents and also spouses. Most of them are sidelined from this and yet they may have taken a very big role in creating the fortune that is left behind by their spouses. This should be regardless of whether there has been an inter marriage between one community and another or whether it is from the same community.

As far as education is concerned, girls should be given equal and deserving opportunities, that is male and the females, without other educational facilities being set aside for a particular gender. The girl child should be allowed education regardless of culture and social or social background. That is to say that education should at least be made mandatory for the girl child.

As far as the disabled people are concerned I would suggest that they should also have a cabinet representation, and also have a special ministry and an mp to look into issues affecting them. They should also be allowed employment to the best of their abilities. They should not be shunned on the basis of their unproductivity as it is as disability is not inability. There should be no discrimination of any kind against the people who are disabled. They should be judged according to their ability to do certain specific parts or indulge in specific profession. That is all I had.

Com. Wambua: (inaudible) thank you very much. Please register and if you have your memorandum you give it to us. Paul Chege.

Paul Chege: Mimi ninomba nisimame kwa sababu nimekaa, nimechoka.

Com. Wambua: Ni sawa. Ninona ukona na memorandum, ninaomba ukimaliza kupatie memorandum, highlight zile ya muhimu, halafu utupatie, tutaisoma.

Chege: Yangu ni kwa majina ninaitwa Paul Chegge, box 844 Bungoma. Memorandum yangu nitataja yale ambae wenzangu wali wacha. Ya kwanza, utawala kutoka kwa mikoa hadi kwwa naibu wa majichifu hawa watu wana stahili kuenda transfer. Kwa sababu ukiona kwa magazeti ukisome wapi, hawa ndiyo wana sababisha hata ukienda katika nchi kama ya Turkana hawa wanajiingiza kwamambo kama ya uwizi wa mifugo, na wanastahili kuenda transfer.

Basi mtu akichaguliwa kuwa mbunge, ni sharti mtu wa sifa nzuri kutoka utotoni. Yule ambaye hajajiingiza kwa uwizi hata wa mayai, hata wa mbuzi, hata wa nini. Ni lazima awe mtu ambaye anastahili kuwa mtu ambaye, kwa sababu anaenda kuitwa, ni lazima sharti awe na jina nzi.

Watoto wa shule ambaye wamemaliza tuseme colleges na universities, hawa walichukuliwa na serikali, ikiwa wamemaliza hiyo course yao, wakirudi nyumbani kama wangali wanaongojea mahali yakuenda kufanya kazi, wapewe kitu kidogo, pesa kidogo ambaye inweza kuwasaidia kwa maisha yao nyumbani.

Securicor: Hawa watu katika katiba yetu ya zamani, wanalind mali ya uma na marungu tu. Sasa wajambazi wakiingia, tupe chini marungu yenu na wanaanza kubomoa ikiwani bengi, ikiwa nini, wanacjhukua mali. Kwa sababu majambazi wana bunduki kali, na hawa hawana bunduki. Ninapendekeza ya kwaba hawa watu wanastahili kupewa bunduki.

Majidiliano katiak kwa bunge: Mtu akichaguliwa, anafanya interview, anashinda kiingereza na kiswahili. Lakini wale ambaye walimchagua ni watu ambaye thre quarters hawajui kiingereza, ndiyo ninasemaya kwamba katika mbunge, wanastahili kuzungumza kwa lugha ya kiswahili kwa sababu ni lugha ya kitaifa. Yangu ni hiyo kwa sababu azingine watu wame chukua, na nina sema ni asantge.

Com. Wambua: Asante sana bwana Chege: jilandikisha hapo, na utupatie hiyo memorandum, tutaisoma. Tumuite gaitano Obilo. Kaitano Obilo ninaona umeandika translator. You have something to say.

Kaitano Obilo: My names are Kaitano Wekesa Obilo. I want to highlight on the issues I have hear. First language, I want every language in Kenya to be recognized and be taken care of by the Constitution, that is all the languages. That leaves the position for us to like, you see the kibukusu language taken more serious than it is now, where in ours it is taught and never tested, and does not take you anywhere after that. In the end we shall loose it. We want it to be recognized in the constitution and be taken care of in schools.

I want the culture because, the identity of a person, of the language is identified with people and people have their own customs.

I would like the Bukusu customary law to be included in the constitution to the extent that we have distinct magistrates that can take care of the customary laws of the Bukusus, instead of having an y trained magistrate who I will come here and ask

questions hat what is the use of this meat or what is the use of this If there was a trained person he will take care of those customary practices. I would also like those customs because customs are our

Interjection: Com. Wambua: (inaudible). Next point please.

Obilo: I would like this type of majimbo. We grow cane here in western Kenya. I would like anything dealing with cane to be centered in Western Kenya. It is not good for us to grow sugarcane in Western and then the headquarters is in Nairobi, or I do not know where so that all the sugar products are used by other people and not people who grow the cane. Similarly coffee be taken where coffee is grown and maize, the centers be taken where maize is mainly grown and so forth so that these people can benefit from the products they are producing.

On Local government, I would like the Local Government to control almost all resources including taxes such that that the Central Government can only take 15 percent. I am thinking about for example pan-paper, which is here, the government, takes billions of money but the local people do not get that. Even in Nzioa, the Central government takes all the money, and we get nothing and yet it is hear. So I would like that to be controlled in such a way that we only give out 15 percent.

On education I would like the university:

Interjection: Com. Wambua: (inaudible)

Obilo: It will be locally used. On education I would like to see the university education either free or if there is loan giving that loan should take care of all the students. There is this thing of applying and it does not help because in some places students, you hear so many harambees are organized for student's university education and at the same time they are the same people who get loans, whereas there needy ones are not taken care of. To help it, I would like it that the loans to every university students who qualify.

I would like harambee to be abolished, that has been abused because the government has said, to account for taxes properly, and they count like that by using harambees.

On Provincial Administration or local administration, central administration I would like to see a situation where a chief or assistant chief or D.O, is elected within that area so that we have D.Os, D.Cs, from all that ethnic groups. The current system through public Service or otherwise is enriching only a few. There are chief Even a D.O. we would like this to be stipulated so hat all administrators are elected in their own areas and they serve the4 people. They can be transferred, in that capacity.

Com. Wambua: Thank you, jiandikishe hapo. William Mukisa yuko. Mzee kuja hapa mbele tafadhali. Ninona unabeba karatasi memorandum vizuri, fupisha maneneo maanake memorandum tutaisoma. Kuna Fred Shikangu, yuko, haya yeye ndiyo atakaye fuata halafu baada yakio tutakuwa na Joseph Kunikina na John kiluake, kwa hivyo mzee endelela hapo.

William Mukisa: Kwa majina *Subira ndi ndasaba okalukhasia lulomo luno, sikila nekombile ndome mululomo nilwo bandu bosu baelewa. ...*(noise)

Com. Wambua: – Tulia tafadhali, wacha azungumze vile anataka. Kwa hivyo muambie kwanza aseme jina lake halafu atuambie. Ako na haki ya kuzungumza na ile lugha anapenda. Kwa hivyo wache azungumze lakini afupishe. Endelea.

Mukisa: *Kamasina bandanga bali William Khisa wa Wakhisi, ndikho endomaloma khu Bukusu cultures. Ndikho endomaloma khulimenya lie babukusu, nge ekholo ndala khukholo chia Kenya. Babukusu bano, eli ikholo enyolekhana mu-Bungoma District, mu- Western Province; mala efwe nga babukusu, khukhumenyile khu nafasi ino, khuola abundu ne khulolekhana mbo, bukali bwe balebe befwe ba Kenya, sebakhebulila ekholo ino ne kimima kiabwe tawe. Nono niikombile, khubila kho, naandike niko nanya basome baelewe, lakini nanya mbilekho mubwimbi, khumwekesia omubukusu nga afwana. Nalomile khale ndi omubukusu ali mulala khukholo chia Kenya. Alangwa ekholo, sikila ali nende chibololi sita mu kholo yewe, mala chibololi ichyo, khuli buli ibololi elmo chikholo ishirini khucha angaki. Omubukusu ali nende nafasi yewe mu-Kenya, emufumila. Yaani kamalolo. Mbolile khale bali ali mu-Bungoma district, mala khubela bukali, wasala salakho nende chinafasi chichindi, chipakana nende Bungoma. Ne khucha lubeka lwe khwama Ebwamanyanga, Omubukusu acha mpaka wola etubungai, lubeka lukobola Etukhaswa,*

Com. Wambua: Tumsikize Mzee, ako na haki ya kusema yale atakayotaka, kwa hivyo ...

Mukisa: *Acha waungukha sikuli sia masaba, lubeka lwe Mungo. Abandu bewe bacha hata betila khumusilwa namkenge, lubeka lwe Emumbo emwalo, etila khu nyanja ya Sumba, niyo Victoria, ne ebikele eno yaani siafuko, apakana nende chikholo nga banyifwa; barua, nende chikholo chichindi. Omubukusu nga nali munafasi iyo ali nende bibindu bimufumila. Ali ne kamaloba. Ekasi yewe khumaloba okhwo okhwo, akholelangakho kimilimo kibili, khulondekhana nende eculture yewe, alu umubayi, Lundi alimanga. Limenya kiewe, Sali ne kumwalikha kuikomba email yekholo ekindi tawe. Arumikhila bibindu bili munafasi yewe.*

Nga nali omubayi, nocha wenya omanyeni oli munafasi eno yo omubukusu, alimo ne kamakunda nga chingoba, nga nali omubayi, ali ne bilongo, ali ne kamapufukho niko anywesiamo chikhafu chiewe, ali ne chikewa nicho aayakho chikhafu chiewe. Yaani grazing meadles. Email yewe.

Com. Wambua: Hiyo memorandum imeanmdikwa na lugha gani?

Mukisa: kiingereza.

Com. Wambua. Kama ni kiingereza tunaenda kuisoma. Kwa hivyo ninge pendekeza utuipe hiyo memeorandaum tunaenda kuisaoma halafu tunaenda kuisoma, na kuangalia yale mambo yametajwa. Kwa hivyo, naona hapo sasa mzee umetupeleka kombo kidogo. Kwa hivyo ningependekeza hivi, utupatie memorandum, tutaenda kuisoma, halafu yale ya muhimu ambayo umetaja, yasemwe na Kiingereza halafu tuite mtu mwingine. Maanake, naona uko na page kama nane.

Mukisa: Hapana ni tatu. Nimemaliza ya kwanza, yaani ninasoma tu headline.

Com. Wambua: Hapana, kile tutafanya, tafadhali ikiwa ni kiingereza tutaenda kusoma. Tukirudi Nairobi, every memorandum tunasoma cases by cases. Kwa hivyo ukitusomea itakuwa ni kazi mara mbili. Ukisema highlight -ningependa Wabukusu wafanyiwe hivi na hivi na hivi, basi. Halafu uwache hiyo memorandum hapo.

Mukisa: *Nono Bwana Commissioner, ndola ndi sikilile ne nenyile khurarakho kamakhuwa kano mubwimbi, nenyile, sikila kamalala kalomalomwe nende Mheshimiwa, niko bele ndele mu-suggestions chaise ndi kabe nga kamala mu-Constitution nio khwenya. Nono, ndakhola ndindi, naandike khukhwekesia ndindi, nabolile kwanza, Omubukusu nga nali nga ekholo, nabolile kimiandu kiewe, nabolile limenya liewe, nabolile kimikabo nikio omubukusu akabanga efamili yewe na afilwe.*

Com. Wambua: Mtulie tafadhali. Mpatie nafasi tafadhalini, kuna record proceedings hapa, hii, tunataka kunasa sauti yake.

Mukisa: *Nabolile kumwima niko Omubukusu li nakwo kuli permanent, nikwo mheshimiwa ararikho nga sikhebo, silimo ne kamala, naandike nga suggestion yase, mala lia khumalilikha, nabolile niko kenya kakholekhe mu-Constitution niyo yenyejha ebeo luno, mala elinde, bulekhule bwo Omubukusu munafasi yewe. Ili Serikali ekhamwikanakana nga omundu ukhali wa Kenya ta. Emutambue nga omundu wa Kenya, mala kamalaka kewe nende bikholwa biewe, nende email yewe, emwirungikhe, ilekhe khumufumila ta. Nacha mukoti, bamukholele khulondekhana nende kumwima kwewe ngana amenya. Subila ne ndoma ndio aba naakame sikila nama khurara bibindu nibyo embolile, mala bino byosi biandike.*

Interjection: Com. Wambua: Can you translate in English. Very quickly so that ...

Translator: In short Mr. Mukisa is asking for the Bukusus place in the constitution to be taken care of. He says the Bukusus had a base they belong to. He had his own fortified places, he had his own property, sand he had his own expense, the boundaries. All these boundaries and whatever, the Bukusus had should be take care of in view of the things he had, wherever

they are like fortified places, like were they extended before or even now. Those places should be taken care of so that the Bukusu is taken of as an individual. We want the customary law to be taken care in the Constitution, so that when we are talking of distribution of wealth or property, there is that customary law to be taken care off to settle such like disputes. He also says the Bukusu man is proud, one, that he hardly got what is not his.

Com. Wambua: What did he say about the historic things?

Translator: They used to go up to that lake.

Com. Wambua: Tafadhali jandikisha, we have understood, we are concerned about the Bukusu, the traditions must be reserved, their geographical boundaries must be respected and preserved. Please register your name there, we have understood all that. Tumuite Fred W. Shishangi, utafupisha maneno maanake mengi yame semwa, hakuna haja yakurudia, tuelewa, kwa ivyo taja yale ambaye ` hayakutajwa tupatie memorandum, umeandikwa vizuri, wewe ni mwalimu ninafikiria, unajua maana ya.....

Sichangi: Thank you very much. My name is Fred Kichangi, I am a teacher as you have said and my memorandum is going mainly to face on examples of one group that is threatened, and includes the youth of this country and in particular I want to talk something about fees I want to recognize that the fees in this country is unaffordable by the majority of Kenyans and in fact they think that our per capita for example five thousand shillings in a year and the fees being charged in our secondary schools is so high, I think many Kenyans are not getting adequate higher education. I would therefore propose that the fees especially education for primary schools should be free and compulsory. When it comes to secondary and higher education, my statistics here shows that it is very expensive because it is ranking in billions, and at the end of it, very few youth are getting exposed to daily livelihood, and because of this, I want to propose, and before that proposal comes, we have farmers, where their commodities are not being sold. You will then cry, you will have demonstrations and so forth. But there is one fact that you are forgetting to mention and that is the youth. After training and indeed the government damping a lot of money in the youth, most of them after school are just idle. So I want to propose that let a bank be launched to serve the needs of the youth. Such a bank the security of the youth would be their professional qualifications. If I am a qualified carpenter, I have papers; I have somewhere to put those papers, and start practicing what I managed to have. Otherwise the way I am seeing things, Kenyans we are sitting on a time bomb, because of the youth, and mark you they are very important. We do not seem to be having that as a problem, and we are not realizing it. So in our new constitution, let us see that this is catered for.

I also want to talk about rural electricity. Rural electricity is important because it automatically makes people go into home industries, and this will get job opportunities for the young ones. We also have upcoming towns. The towns that were well planned in this country were by the colonists. After independence, most of the towns that have come up do not have plans. You go to these markets like Chwele what is coming up are shanties, and you wonder how it will eventually look like in ten,

twenty years to come.

As far as farming is concerned, I would like to say that all arable lands should be utilized, and those ones who keep land that is arable and unutilized, should be taxed. Commercial farming like in Iten and so forth, I think we should discourage black market, because it exploits the farmers.

Com. Wambua: Thank you very much, councillor Joseph Kunikina, Chairman Sirisia Town Council, Itupatie maoni yako kifupi. Kama ukona memorandum tutaenda kuisoma kwa hivyo tupatie highlights zaumuhimu. Ambao wangelipenda kutaja kwa sasa. Memorandum tutaibeba tuipeleke Nairobi tutaisoma sentence kwa sentence kwa hivyo tutajie yale ambao unafikiria ni yamyhimu kabisa.

Joseph kunikina: Thank you Commissioners for the chance I have received. This is a memorandum by Sirisia Town Council with their constitutional views as follows. We have gone by numbers I will just read the outlines:

Administrative reviews Kenya should go for the democratic unitary government. It should be a coalition government headed by the president, one vice president and one prime minister. The life of parliament, should be five years. Kenya should go to the next general election under the new constitution of 2002, and 2003. The post of assistant chiefs an district officer and the provincial Commissioners to be scraped and the District Commissioner will be government agent in implementing government policies. The post of the Chiefs to be elected by the people. The president should be subject to the law, if found at fault. The president to be elected for two terms only.

Election for president, MPs, and councilors and to be held on one day and the results to be counted from the same polling station. After the expiry of the president's term, he should leave office under the Attorney General and should not use government machinery to interfere with other political parties. The minister of state and internal security to be independent from the office of the president. Excessive powers of the president should b limited and be left for the parliament to decide. The government to provide equal powers and facilities to all political parties to campaign stations. The office of vice president should remain without ministerial posts. The government should reduce ministries to 16, and each headed by one minister, and one assistant minister. All newly formed districts should be abolished and any new ones to be created should be approved by the parliament. the government should restore and respect traditions and culture of all ethnic groups.

I will talk about the Local Authorities reviews. All Councillors should draw their allowances from the Treasury same as the president an members of parliament because Councillors are all elected members as the parliamentarians. The Councillors would want to be autonomous to rule for themselves. The Constitution should review Local Authority Act Cap 2065. All candidates for Mayor Chairmen of County Council, and the Town Councils to be elected by the people and for five years. The Chairmen to the Councils to be responsible for duties of the District Commissioner and the D.C. should be an agent of the

Government. The Chairman to town Council, to be responsible for the duties of the District Office with the Divisions and the Chiefs should be an agent of the government.

About Reviews: The government should remove all cost sharing in all public institutions. Councils to be responsible for entire operations for hospitals schools, roads cooperatives and security within their jurisdictions.

About Agriculture; the government should review the Kenya Farmers Association that is KFA.

About Education: all primary education to be free, and compulsory and all educational costs to be abolished and the government to provide school equipment schemes, to examination fees. The curriculum of 8,4,4 education system to be abolished and be replaced by 7,4,2,3, that is old system. manual punishment be adopted to restore discipline in schools and any punishment being done in the presence of the parent. Hon. Chairman Sir, with those few remarks and on the behalf of Sirisia Town Council, the Community, once again we wish to entrust and thank you most sincerely for allowing us to air our views. Thank you.

Com. Wambua: Thank you very much for your views on behalf of Sirisia Town Council, please register your name there and give us the memorandum. Kuna swali kidogo Mzee.

Com. Bishop Kariuki: Ulilsema Councillors wawe wakilipwa kutoka kwa consolidated funds, should their salary remain what it is today?

Coun. Joseph: The councilors suggested that because we are all elected members by the public, just as the mps are also elected we should therefore earn salaries or allowances from the consolidated funds.

Com. Wambua: The Mps are now getting half a million....

Coun. Joseph: I cannot just give now, ... (laughter)

Com. Wambua: Thank you very much, please, tafadhali yeye amesema nafasi ni yake amesema hana maoni kwa hivyo hatuwezi kumlazimisha. Jiandikishe hapo diwani. Nitamuita Diwani John Kilwake ambaye ndiye mwenye kiti wa Malakisi Town Council. Diwani tafadhali fupisha pengine mengine yamesemwa usiyarudie. Tutajie zile ambayo ni ya muhimu.

Coun. John Kilwale: Asante Commissioners. Normally I am a man of few words, but since I am speaking for Councillors, I think I will be given a little bit more time which would perhaps would have been taken by six or five more others who are not going to speak. Commissioners, regarding the Kenyan Constitution it should specifically state which people have made and

what purpose and how, by basing the four main characteristics of the human nature. But all, you know the present constitution, I do not know whether it is because of negligence or what, it is known that the powers should be separate, but this has never been done. So I would to high light here that all human rights or human beings are equal before the law, that all human beings have a right to have basic rights, e.g. life, to be free and pursue their happiness and That all human beings have ambitions and creed which must be controlled when in excess. So the Constitution should bear in mind that we allow human beings to compete in life. But when competition reaches a level where it is above ordinary the government should dictate things and control so that those who are greedy do not have everything all to themselves. A good constitution we suggest, should have a device for choosing and removing leaders and the government from power when necessary. A good constitution should respect the principle of separation of power, the Legislature, the Executive, and the Judiciary. There should be no time when these are allowed to overlap.

The Legislature: Parliament should have great power. We do not want cases where the president becomes everything. The president should not refuse to give accent to what parliament has passed. Party element in constitution affairs should not be respected as the dominant party in the house might neglect the needs of the minority and bars what is in its favour. Here I need to say that when we are considering these Constitutional affairs we should not regard whether somebody is coming from this party or what. Constituencies in Kenya should be equal in size in terms of position. This is to reflect equality of the law in the basis of democracy. Presently this is not so in Kenya. Since it is very difficult to balance figures in each constituencies, then the difference in deviations should not be allowed to exceed 25 percent because at present you can find that one constituency in Kenya is having 100,000 people, yet another one is having less than ten thousand people. That is not fair.

When we come to nominated members to parliament, this should be nominated according to geographical areas, certain areas might be difficult and therefore nominated members should come from those areas. Also the nominated members should be vetted according to groups of interest. Let us say farmers for example, old the lame ones, an so on. So when we nominate people we group them into groups of interest.

Constitution offices, we feel that every Member of Parliament should have an office in his or her constituency for the purpose of receiving information. This will also make it easy for the electorate to meet their members. Parliament should be given powers to share every fund equally for the development in their constituencies. Currently only areas that are strongly represented perhaps with ministers or assistant ministers are the ones who get the hugest size of the cake, when those who are represented by non-ministers do not have anything. Diminishing of salaries of sitting mps should be done by special commission outside parliament, because if the mps are going to decide their own salaries, there is a likelihood of overpaying themselves. So we feel that there shold be a special Committee or Commission which shoud decide tgheir sda salaries.

Women participation in political activities should be based on individual competence. Here we are defeating the question of gender. Ever since women have been often to compete. Therefore the new constitution should not give women any favours,

they should just consider them like men. If a woman proves competent,. Alright, we vote in, and not that to leave them because they are weak sex, weak in which sense. They should just fight for their positions.

Presidential powers should be reduced, e.g., to solve parliament. Presently I think the president has so many powers. He can decide to dissolve parliament even today, but we would like a constitution which limits him, so that whether he likes it or not, there is actually a special time when parliament can dissolve itself. The president after elections should be sworn in before taking office. A new president coming in will have special time to be sworn in before they take the office. Some of them are so ready that once they hear they have succeeded, they jump into the office even without waiting for the normal time. That is a situation we would like to be

No ministries should be under the office of the president, because the president's office is like another ministry. We do not want any ministries in his office. Prime minister, the post of prime minister should be introduced. He will then appoint ministers from the party with the majority members of the house. Powers of the provincial administration to be reduced and instead controlled by agent leaders. For example now you can be an mp but you have powers or nothing compared to those of a chief or somebody ordinary. So if people have suffered to elect you and you should also be given authority in every sense. Because of problems and because of corruption I was thinking with the Council Courts perhaps we introduce tax would like help so that this VAT is removed and the tax so collected remains in the area it has been collected. The existence of the security from within and without should be known by parliament. we do not want a situation where you can see an American Army in Kenya, yet you are ;parliamentarians and you do not know for what reasons they have come. So when such things happen we must know. This refers mainly to the army.

Local security to be under wananchi. The police to be left with their normal patrols and also when they are called in special areas of trouble. We had harassment of the members of the ;ppublic. You policemen just like to invite themselves in our homes even when we do not want them. But they should come only when we have a problem.

Interjection: Com. Bishop Kariuki: (inaudible)

Coun. Kilwale: Sometimes they are responsible. From there I will speak. The traditional brew the liquor, should be left to the people free because we do not see why beers are enjoyed and wananchi of low class is left to suffer. New religions to be registered in the country should be scrutinized first before allowed to practice, as some of them are nuisance and always disturbing to local residence.

Judiciary should be independence. Senior judges to be appointed by special Commission, and approved by parliament. all people to be equal before the law. Currently if you are not a rich man or a senior man, a senior becomes right even if he is wrong. The president to be impeached for serious offenses committed during his time of office. An office of the public

protector, ombudsman, should be introduced to scrutinize the presidential and other administrative fair play.

Local Government: Chairman, Mayor, Vice Chairman of Deputy mayor to be elected directly by the electorate. And elected members primarily with finance chairman to be one on the signatory to the finance account of the Council. A chairman of the council to be allowed to order only for council finances when deemed necessary. Coucillors to get their salaries from same source as that of parliamentarians, because we are all elected. Unfortunately we are not given a bigger ear of or have one in his hand but we think wherever that money will come, Nominated Councillors to be retained because these are the ones which checks and balancers. They are not affiliated to passing bills.

President or ministerr of local government should not not have powers to dissove any l;ocal authorities before normal time. Currently a minister can wake up and dissolve a local authority. We do not want that situation in our lives. Civic, parliamentary and presidential elections to be held simutanieously. We do not a situation like that ini Uganda where qa paresident has his own day for election and others has one. It discourages other parties. We want all of us to run in dasrkeness so that

Land:

Succession to be done at district level and at the field course, as present it is giving poor families hard time, or a lot of maony so that I do not know what and what. We want these things to be done locally or at the district level.

Daughters with proper marriages should not claim land from the parents: if for example you have been in marriage and has been successful where she was married, we do no see why she should run back and claim land. So that one we do not approve. Only sons or a male hair will have to claim la d and we are refusing daughters to claim land because we will encourage divorces, if women have property then they prove nuisance. Something I must say is that the registration of ID, and votes they seem to be under the office of the president, but we would we like these to be done independently, because if they are under the office of the president, then the president can control the votes indirectly or directly. We do not want that to be done, they should be done continuously and not in the office of the president. Our Councils have not liked majimbo, stop that one, they hate majimbo, defection is not allowed, you must stick to your party. Harambees our council does not want. It wants harembees for private people, families or other private bodies, but for government institutions and other things, we do not want harambees, it is used for as a means of campaign, and at the same time it makes the government shy away from its responsibilities.

Regarding children who finish college, we feel that the first to finish should be the first to be employed. We do not want a situation where by those who have come recently because they have godfathers somewhere they are employed earlier than those who left much earlier. So we feel that the first to finish should be the first to be employed.

Regarding farms in the settlement areas, we feel there must be a limit of the sizes of these farms, it is most saddening to see that somebody is having ten thousand acres of land with somebody having none. Fortunately that comes to the end.

Com. Wambua: Tutamuita mama sasa. Mama moja tuone kama tunaweza kupata balance. Fhilemon Simiyu, he is a man? Nililikuwa ninasoma Filemona, sorry, yeye angojee kwanza. Ngoja tu kidogo, tutapata mam, na nimeona manjina ya akinamma hapa. Kuna moja anaitwa Anna Wambasi, Wambisi, halafu tukona na Alice Mauka? Haya mama utafuata hapo, halafu ufuatiwe na Major Omoit. Haya tuendeleni, mama taja majina halafu tutaendelea.

Anna Wambisi: Kwa majina ninaitwa Anne Wambisi. Mimi nimeshukuru kuona Commission inafika hata kwa vijiji pahali ambapo sis tungejua.

Wamama wamenipa mawazo. Kusema ukweli tukona sacking in Kenya, president akitia sei. Maajabu wanaona yule ambaye atakuja awe president asiwe wa chama chochote, ili awe baba kwa wote, kwa wale ambao wana jiweza na wale ambao hawajiwezi. Pia kwa party inafany wengine hawa sugulikwi. Wapatga shida kwa jili hakuna mtu wakuwa hurumia. Serikali ambae aakuwako iwe ambayo inachunguza masilaha ya jamii. Hasa sisi wamama nyumbani na watoto, ndiyo mara tunataabika. Kama serikali kutoka juu intatufikia ichugnulie shida tatu tuata sukuru.

Tena hali ya maombozi. Tulipewa huru sana mtu aombe kama anavyo taka na tumepata shida sasa. Tafadhali wachunguze hapo. Madini isiwe saidi na wengine wanatupotesha. Nikona memorandum ambayo inatakiwa iende isomwe vizuri. Hapo tu ni mwisho.

Com. Wambua: Asante sana mama kwa moni yaku, tupatie hiyo memorandum, tutaenda kuisoma, afuatie hapo atakuwan ni Alice Mauka. Alice fupisha maneno kama mama mwenzako hapo, ndiyo maneno yawe mazuri.

Alice Mauka: Thank you very much Commissioners, mine is to talk about women with disabilities, some speakers have talked about it , and I think I as a disabled person I should talk about it.

Disabled women should have at least seats reserved for the me, from the civic election to the parliament. Half of them would be women with disabilities, since there is always discrimination, they should look at them a part of the normal person. Concerning the property, the constitution provides a guarantee of equal access by men and women with disabilities, to all resources including land. This is to say that disabled women are not always married, most of them they are not married. So they are the people who are supposed to be given land from their homes and not normal girls. Those ones they should go but the girls who are disabled should be given land.

Basic need and basic rights, the new constitution should provide basic education and training to girl child and women with disabilities, and we should not also forget our men who have got disabilities. Education to the disabled children, most of these children who are disabled, they come from poor families as we have done our research an so the disabled child should be given free education up to university, since their learning is always with some difficulties and attaining a grade is through struggle. The

new constitution therefore, should provide a grade for a disabled child land should be lowered up to D+ and above.

The other thing which my friend is that the Constitution also should create a ministry for gender issues with women with specific department filling the disabled women and girls.

Employment: Employed disabled women are always with problems, they are not always promoted, they only promote women who are normal, even if they work hard they are not promoted. They really discriminated. So the disabled women who are employed should be promoted and especially those who have got a lot of experience on a certain job. They should also be looked at as any other normal woman, and be given high grades also. Apart from being given high grades they should be given opportunity also to be a leader somewhere.

Elections, during election time, there is always some two or three day employment. There is always a problem to get a disabled person on that panel, so the disabled people also when the election has reached they should be considered and be given either pooling clerks or counting clerks and they should also be recognized in higher posts.

Sign language for the people with disabilities should be made national language, in the new constitution. I think most of the things my fellow people with disability talked about, but let me not forget the brail language, this language for the people who applied, they should be made literate.

Nomination: nomination should be to people with disability especially women because they are very few, they cannot run hear and there and campaign, and nobody will look and them and give them a seat, so they should be nominated instead of nominating normal people. Thank you very much.

Com. Lethome: You said that girls with disability should be able to inherit land from their parents, because they do not get married. I have seen girls with disability getting married. So are you suggesting that once they get married unpokonywa hiyo land ama vipi?

Alice: Most of them, but they get they get married, then no, but if they are at their homes they should be given land.

Com. Lethome: Then it should not be disability but getting married, or not getting married.

Alice: I have never seen a disabled person getting married. They are very few, they are just numbered.

Com. Wambua: Tutamuita Major Omoit, anataka kupeleka mtu hosiptali, na kama nikweli Major, fupisha maneno, nidiyo uende hosiptali haraka.

Major Omoit: Commissioners, langu nitasema kuhusu madini. Mimi ningependekeza katika Katiba letu la sasa ambao tunajaribu kuunda tuwe na jambo fulani..... jina langu ninatwa Major Peter Omoit. Nitaongea juu ya dini, katika Katiba yetu tukona uhuru ya kuabudu. Na marakwamara,uhuru ya kuabudu tumetumia vibaya. Hivyonni kusema katika uhuru ya kuabudu, madinizimekuwa nyingi sana kupita kiasi. Ningependekeza, kama inawezekanan katika katiba letu la kisasa, tuwe na Commission katika kenya ambo inaangalia masilahi ya madini, ikifuatana na Act of Parliament. Dini kuanzisha katika nchi yetu ya Kenya ningependekeza katiba ipate kuchunguza sana. Dini zimeingia nyingi, kanisa kuanzishwa hapa kwanza tupate kujua characters ya huyo mtu ambaye anaita hiyo dini.

La pili, kama ni dini inaazishwa kutoka nje, kwaq mfano kama Korea, lazima tupate kujua ambaye analeta hizo dini katika nchi yeto hali yake iko vipi na tabia zake. Tykichungusa kujua kwamba background ya huyo founder ndiyo pengine dini katika katiba letu, iruhusiwe kuandikishwa.

Muda set aside kwa Imuda ambao dini itaandikishwa, ningependekeshwa pengine miaka miwili, na iwed zaidi ya members hellufu tatu. Hiyo ni kuonyesha kwamba kuna madino zaimetuja nchi yetu zingine iemeleta jinalingine inaitwa devil worship, worhippers ambo wamaejaa na matgendo mengine mabaya kama hatuko katika katiba yetu hali ya gays wale wanaume kuowa mwanamume, au mke kuowa mke.

Inginge nikisema, katika kaitiba letu pia tuhakishe kwamba tuwena mbunge wawili ama matatu wanao angalia masilahi ya madini. Hata ikiwezekana, katika hiyo pia, hata katika maconcillros, pia tupate mtu moja ambaye amewekwa kuakilisha masilahi ya dini.

Viongozi ambao wanaongoza pia madini hupewe heshima wasije wakao kama wakati ile tumeona mchungaji wa Mungu, anapigwa katika street, anapagupagua kichwa pia wapewe heshima yao.

Hata dini ina anzisha katika nchi hii, lazima tuone ya kwamba, yule alioanza hii hiyo dini amewekewa sahihi na kanisa lingine au kanisa ijue na kwanza hiyo dini huyo mtu anatabia nzuri. Ninifikiri hayo machache ningependa kusema siku ya leo.

Com. Wambua: Asante sana Major Omoit, tafadhali jiandikishe hapo, tumepokea maoni yako kuhusu dini. Sasa tutamuita mwananfunzi ambaye angependa kurudi kwa darasa, Mark Wafula Wekesa, Kutoka St. Antony Sirisia. Mark kuja hapa mbele tafadhali, taja majin, tuambie uki kidato gani, halafu uendelee utoe maoni yako. Na kabala ujaendele kuongea mark, wewe ndiyo utakaye fuata, Hannington Kukkubo , hayuko, wycliff Baraza, Wafula Benson, ndiye atkaye fuata, Joseph Masasabi, utafuata bawna Benson, Henry Makhoa, hayuko, Hosea Kisembe, afuate Masasabi. Richard Makholi, amesema, vizuri sana, Gideon Museseila, wewe ndiyo utakaye fuata kwa Isembe. Kwa hivyo mark endelea taja jina taja kidato halafu maoni yako.

Mark Wafula: I am Mark Wafula Wekesa Form three, member of St. Anthony Sirisia, I am now 22 years old. I would like to give the following contributions of behalf of the youth. On the first item that I am going to say is about the boundaries. The current way of dividing the boundaries is in the line of tribes especially on this side of western Kenya. You find that Western Kenya is being divided in various districts and divisions and majorly given the names of the joining the major tribes, this one is bringing up the question of misunderstanding between the neighboring tribes, especially the Teso district which was divided recently. My proposal is that I would like the constitution that will take place as soon as the review is over to give out the names to spell out district according to the towns that is in that district, which is famous and that one will help to bring out or to curve out the misunderstanding along the tribes.

Then on the side of health, I say that all Kenyans should be given free medication in government institutions. You will find that many people are dying due to negligence of the attendance in the hospitals. People were being supplied with these services freely and many people were enjoying, but currently many people are subjected to problems because of the arriving of more private hospitals which are very expensive for other people who are poor.

I say that the salaries and allowance should be accorded to people according to their standards of working and more so those who are unemployed should be supplied with at least some employment or if not so given some allowance as the Western Countries do to their citizens. I think this one will help to bridge the gap between the rich and the poor. On this side of schools, I say that schools should be given or should be allowed to make policies to govern them so that education is supplied well to that students and pupils. You find that many teachers are being intimidated on the side of disciplining the students, which has resulted to misbehaving in schools. Students do their own things, when they are being guided they say after all I will not be punished. This has caused a decline in learning in various schools especially in rural schools. Also still on the same note, I feel that equality should be given on deduction ground. You find that most higher learning institutions go on for the best students who score high marks on KCPE, and leave out others and may be those who are left just scored their least marks because they were unable to learn due to the background where they come from, especially from poor families.

When it comes to this side, more schools are being intimidated and when the education of after each and every year towards the end when the national examples are out, we all knew of higher learning institutions which are coming above others in national exams. So my proposal is that the heads of schools should be chances to be balanced. Each head of school to just lead a school for five years, and be taken to another school so that we can remove the biasness among the teachers and envy among the students. Because most students feel that higher learning institutions normally reach exams. But I feel that it is because most students are normally selected from their ability of learning. So I propose that most learning institutions should go on for all the students not to say that this one is just clever, and this one is poor we cannot combine them together. That one brings in a gap between the poor and the clever students. When it comes to the side of employment, it can even cause problems from lower learning institutions.

I feel that this Constitution document after review should be listed among the subjects of the students in the school curriculum most Kenyans get to know their rights to take part in developing the country. You find that if this constitution is made a discipline in school let us say from standard seven to standard two level, will enable all those who go through learning systems to know that they have a duty to perform in nation building and claim their rights where necessary. For this I think you Commissioners and I request that you put those contribution of mine to be given a chance in the constitution document.

Com. Wambua, Register your name. Martin Nyongesa, Nyongesa fupishas maneno tupatia hawa wengine nafasi.

Martin Nyongesa: Commissioners, mimik yangu yakuwa ni machache kwasababu mengi wamepitia. Kwa majina ninaitwa Martin Nyongesa. La kwanza ni juu ya muundo ya serikiali. Wananchi wawe na haki ya kumrejsha nyumbani mbunge wao iwapo atashindwa kuajibika na utaratibu wa kazi kuhudumia wananchi katika constituency yao. La pili wabunge wote wakenya wa Kenya wapewe uhuru wa kuwatetea wana chi bila kujali na wabunge kutoka chama kinachotawala vyama vya upinzani. La mwisho, muundo wa utaratibu wa uchaguzi. Ligurus na wazee wa kijiji kama wakazi na wengineo wachaguliwe na wananchi wenyewe badala kuchaguliwa na maafisa ya utawala tu. Asante sana.

Com. Wambua: Thank you very much kwa hayo mafupi, James Mabele, jiandikishe hapo tafadhali.

James Mabele: thank you Mr. Commissioners, mine is just to highlight, I am independent person I am not representing any group, my names are Reverend Father James Mabele. One I am going to talk about reserved land. Somebody mentioned but I think the person left out some elements. One, that we need a reserved land especially for agricultural research. Any country which has no research places I think is doomed to death. That we have really the Constitution which will take care of the parastatals. Like KCC which had died and resurrected so many times. Farmers' milk may be processed at the KCC. That there is a proper structure set up for companies like KCC Coffee and Tea. Speaking on people with disabilities, that the constitution should take care of the people with disability, that the buses, should be built in such away that the people with disability can get on a bus without any problem, or on a train an so on, to build houses and offices with facilities that will help disabled people when they go to the offices. Education, that primary schools should have facilities provided by the government, basic things like the books, chinks, and exercise books as it used to be in the past. On top of that that in the school, starting from may be class four, that we try to identify the talent of young people and try to streamline those talents to a certain goal. Because the earlier we identify the talents of young people, we will not have the gap so big, because you will have somebody who can become a carpenter to the hugest level, whatever engineer, masonry, and so on. These are technical services and if people identified them early enough, to be assisted to pursue their field, I think we will be moving Kenyans into same directions.

That more powers be given to the sponsors. You know of the sponsors have been diminished especially in primary schools so

much that schools have been left, I am sure most of you commissioners went through some schools sponsored by the church, and you know the discipline, and you have seen even your children have gone to that. I think if we as sponsors had a good and proper say in the running of the schools we feel the schools will improve for the future.

Health Services, there is a problem in the government set up, that there is so much bureaucracy, that you go to the government drug office, the drugs are delivered at the provincial, and at the district level, and between those systems, things are happenings, drugs, one box is disappearing or few drugs are removed. We need the minister of health really to streamline the delivery of drugs to the hospital, so that either the drugs are delivered to the particular health canters of hospital and notice through all these channels, and people from every box, they are removing one box of drug from another one, by the time it arrives in the place, actually they designated in the place gets nothing, gets the drugs which will last for two days. In this area we should really have people, customers in such a way that that bureaucracy is lessened. In case in health we know there has been abuses, if we get people who abuse their powers they should be disciplined, they should not be left Scot free, the people should be disciplined. If a person is found either selling the drugs, should be made to pay for that, so that we reduce theft in our hospitals. Also the Ministry of health and those who are concerned to form the nurses, we feel that there is some indiscipline. Not all the nurses, but I think people are just going for nurse or being doctors because there is no other alternative. But the first people went because it is a vocation, being called to serve. Now people are going because it is not my interest to become a nurse, therefore, we have come by the way, let me take it, and they take it. I think the selection should be done well. The selection people who have no interest, test must be done, thoroughly well to assure people that the people they are selecting to go to medical schools, nursing schools are properly intentioned.

Coming to secondary schools, you will find that there is a constant problems in secondary schools. I have been a Chairman for different schools, and you go to one school, the previous headmaster has left the school in big debts, which the incoming headmaster will pay for the rest of his life when he is still in that school, and therefore there is no development even in that school because you are paying for the debts. For me I feel those people who will leave schools in such state should be really dealt with. They should be made to pay for that, because they leave for others to come and suffer and pay the debts, and they themselves they go Scot free.

I would also like to suggest that in Kenya we need to have middle colleges. The best student who di not perform or selected at the university levels, that we should have middle colleges where some people may go for different trainings, and for me I think I will go for middle colleges, more so.

Coming to the leadership of the country, I would like to say that we need the president who is elected by the people, as others have said no belonging to any party, but a person who has the focus of the country and has the interest of the country at heart, so hat he is not pushing people here and there to vote for his party. Then we have Prime Minister, deputy prime minister. I will recommend that the ministries should not be so many, that they are taking almost half of the government budget. If you have so

many ministries people are going to have vehicles to run.

Interjection. Com. Lethome: How many ministries do you suggest?

Mabele: Fifteen to nineteen. But in Kenya, we are going to have.... and also the assistant ministers, just one assistant minister per ministry. Once we have the Permanent Secretary, there should be no question of keeping five in one ministry, for that is money, and the vehicles are running. I always when president Moi comes around, about the whole district in the whole province, the vehicles are running.

Com.Lethome: what are you recommending?

Mabele: He should come like any other citizen, why is all these spending government money, why should he spend all the money?

Com. Wambua: I do not know, (inaudible) may be you should come up with proposals of how he should come, he is still the head of state. We limit the number of vehicles, which accompany him?

Mabele: (inaudible) an executive of western will accompany him. The mp from the area will accompany him; the minister if he is coming for opening of the hospital, the Minister of Health will accompany him. The director of medical services will accompany him. No joy riders. Not in the whole ministry of agriculture, what have you, comes here.

So the Kenya we need, is as we were in independence time we need the senate, lower house and the senate. The constituencies, which are big, should be divided. You know there are some constituencies where an mp comes from a certain corner and it takes him five years before he arrives the other side. Also I recommend that people to become mps should have some certain level of education, a B.A. so that he reads the constitution and interprets the proceedings in the parliament. Also the mayors, councilors to be elected. The people should elect chiefs, because they know who is the best for them. They should be given the powers, and they know what is going on in the village, and I think they should be given more powers to administer. Not that they use the powers to nyanyasa wanainchi but for service. They should be told that it is for the service.

When we have national issues, we need a referendum, and also we should create lastly nto that one, but we should create in Kenya one man, one job, one woman, one job. I do not want to name some, but not, he is the chairman of KCC, chairman of Kenya Seeds, chairman of what is this and there are Kenyans who have no jobs, and a man is amassing one Mercedes Benzes from one company and another one. Also in Kenya, many people have not talked about this, and I have been very keen to listen, that in Kenya if for example a party Ford Kenya and Ford Asili they agree to form a coalition government, that should be provided in the constitution that Ford Kenya, and Ford Asisli, they have got their mps, and they are not majority to form the

government, if they agree to form a government, that should be provided for in the constitution. Thank you very much.

Com. Wambua: Please register yourself there. Quickly Baraza. Sema jina Baraza, halafu utupatie maoni. Kama uko na memorandum, tutachukua tutaiusoma kwa hivyo utupatie highlight.

Wickliffe Baraza: Thank you Commissioners, I would have wished to go through the whole process by I will go by your instructions. It takes on the format published by the CKRC. My full names Wasilwa Hebert Wickliffe Baraza. I am presenting this memo on behalf of an organization called Bukus Heritage; it is a Cultural organization of which I am the organizing Secretary. I do not want to repeat issues that have been raised; probably I will just mention matters that I consider crucial. I believe the need for any Constitution need not to be said because you cannot re-invent the wheel, and because you cannot prevent the wheel, it means we can borrow. If we can buy the latest technologies, I think it is only reasonable that we also imitate the best constitutions that have been created in the last 200 years.

I strongly influenced by the American one because I believe it was one of the first ones that were committed to ink and pepper. Most other Constituitions are productions of petitions and habits, some of them bad habits. Some of them have gotten into our constitution like prime Minister being an issue and so on. My presentation is as follows: the bottom line is Electoral System. We are talking representation in government power and in the sharing of the national wealth. So the mechanism that will enable us to achieve those two objectives is the Electoral System. The present one is faulty at two levels. Administratively we have 8 provinces, under those, many districts divisions, locations and sub locations but we do not have a very definite definition of what a province should be, because these were created by the colonialists in the first instance, and secondly they have been adjusted over the years. Secondly the electoral unit constituencies are equally faulty. I believe in Ijara all I need is only three thousand votes to go to parliament. but in Mathare may be you need 75,000. I do not think that is fair because representation should be in terms of democracy and not other resources. I think other resources can be represented in other methods. So my proposal is that at the very beginning we should restructure the administrative units and electoral constituencies and wards. I have very septic proposals, according to my own way of thinking, Kenya can be divided into twenty provinces, and I have done it in such away that none of the ethnic communities we have 48 of the them, according to the last census, none of them will be antagonized except one or two are unfortunate in the sense they are probably surrounded by one other communities and therefore, contiguity is not possible. Unfortunately or fortunately that happens to be in our own region here, where our fellow citizens the Iteso, and the Sabaot are disadvantaged. Much as they may wish to have their own unit may not merit in terms of numbers.

By the way I have the 20 ones, I have said if the Luhias is the weight that they suffer under, we can divide that so that at least that load is reduced. The details are in the memo I will not go into that.

My next concern is the devolution of political and economic power. I believe we cannot blame anybody for what happened, for what has gone on. I think it was the structure we inherited. If we strictly enforce strict separation of powers that is

Judiciary, executive and legislature, then there would be no problem. Over and above, we should have checks and balances, one of which is need for a bicameral legislature. Two when we talk of devolution of powers to local government we are not talking about Majimbo, the Biafra, Katanga type, we are talking about strong local government as it exists there in USA, Australia, Canada, Switzerland, these are all rural societies where they have very strong local government but there is no problem about sovereignty of the stat. So I ma very much for the devolution of power in that sense, that we empower the local authorities. Those of us who are much older had a system called African District Councils. If you look at their records, and some of us were only relying on a coeval materials, you can see that the standard of work they did was also most the same level, if not better than the national assembly, because the quality of input and programmed and so on were of high standard. I believe you are capable of doing that at this stage in our development.

Fourthly I want to talk about customs and traditions and I want that problem to b my last input, because the rest I said are in the memo. Is said I represent Bukus heritage. Obviously that sends a very strong ethnic message, and that is the only ethnic community I can claim some expertise in. I know we have certain customs which if probably universalized, certain things would be in order. When we were debating this memorandum, one radical said circumcision should be made mandatory as a matter of public health, to the Bukusu people.

Com. Lethome: What does that word radical means

Wickliffe: Radical in the sense that Commissioner, I know that is not acceptable in certain quarters, but you see to us that just makes common sense, I mean it is a matter of common sense and we believe the invention was a genius one and it has a been copied. I have started it in terms of culture and I discovered that during the Second World War, the generals actually ordered circumcision as a matter of public health. This is not a debatable matter but it is a safety matter.

The other traditions like the right of passage today are probably left with a few communities, the Bukusus...

Interjection: What is you suggestion...

Wickliffe: The Wording was, that the Commission should be in a position to assembly all the customs and traditions of all the Kenyan Communities and subject them to debate and some national forum, to see which customs and traditions cold be of application in the modern error.

On sharing of wealth I do not think I want to go into too much details because that is a matter of statistics, which are in my document but we believe that we need to have theological survey of our country because as the British left it looks like the geology department disappeared from our ministries and whatever. We believe there could be resources on which we are sitting. Two we also have resources which are benefiting other people, other than ourselves through negligence and through

failure by our politicians to reads history. Lake Victoria which is the reputed source of the river of the River Nile is really not the source o the River Nile. The river Nile catchments area includes all the streams running through this province. If these rivers and rivulets which actually contribute to the Nile water, internationally the British Government and the Egyptians entered and agreement in 1928, we were to consulted. We think we should be consulted now because somebody should contribute to our welfare, more so when we are deflecting the catchments areas. We think that if there is any effort to re-afforest and so on, people like the Egyptians and the Sudanese should be able to chip in somehow. There are areas, which we could talk about but because of time limitation I wan to end there.

Com. Wambua: I thank you for those views, I believe your memorandum contains those details, we will go through it and we will definitely make use or the proposal. Wafula Nelson.

Wafula Nelson: My names are Paul Wafula Benson, I represent Sirisia Division Disabled self Help Group and I come from Kamobila location. First in the new Constitution, I wish thatthere registration of voters to ensure a large number of voters, that is no limited time for registration of voters. Two, the headmen or headwomen should be recognized by the Kenyan government, in terms of payment and atthey should also know how to read and write a national language which is Kiswahili.

In the new Constitution we shod hve separate special seats int eh parliament for vulnerable groups, that is people with disability. These people should just be nominated by each an every party regardless of age, tribe, race, or sex, or religion, but according to his or her qualification.

Four, any student with disability whether mentally or physically handicapped should be bestowed free education right from secondary schools to the higher level of the education.

Five, the rehabilitating centers for people with disability should be a disric levels for accessibility in the new constitution.

Number six, employment. To reduce lack of job opportunities, into the new constitution there should be a fixed period of one working as a civil servant from the date of employment regardless of age, tribe race or religion. That is he must work for at least 20 years, before he or she retires to avoid or avoid or reduce joblessness.

Number seven; the police officers should not mishandle any suspected persons before trial or proved cases by the court of law.

Last, mean grades for people without disability joining university should not be equalized with those students who are able bodied, that is they should have one grade lower than the normal grade. Thank you.

Com. Wambua: police officer you are saying you are saying they should not mishandle,

Gideon: Sometimes the police officers can arrest a suspected person and beat him.

Com. Wambua: You are saying torture. Joseph Magathambi, ako wapi, yuko, endelea, taja jina hapo mzee na uendelee.

Joseph Magadhambi: Mimi sita zungumuza kwa sababu nilikuwa na yeye kuleta maoni yake hapa kwenu, na ndiyohaya na jina langu ni James Wasilwa. Nilileta maoni ya Joseph Kasakhai.

Com. Wambua: Tumuite Hosea Kitembe. Hosea ninona unabeba makaratsi mengi lakini ufupishe mameno manaake mengi yametajwa, hakuna haja yakurudia, taja tu yale hawakusema.

Hosea Kitembe: Nikona makaratsi karibu tatunamhivi. Ninaitwa Syllus Mayamba, nikonakaratsi ya Hosea Kisebe, na ingine ya Bukusu Eldres Sirisia Division, na ingine yamama Rachel and na makhokah.

Com. Wambua: jandikisha hapo. Richard Wakholi, ali zungumza, haya, Gideon Musisila Ametokea, haya, Gideon Musesera, endelea hapa.

Gideon Musesela: assante sana Commssioer mimi ninitwa Gideon Musesera, Musesera ni Mteso. Kutoka namubia. Katika Commission watu wenine wote wamemaliza, sassmimi naye nitafupisha yangu ile ambao nitasema kwa kabila au kutumjia Commission kusema ya kwamb a sisi Wateso pengine Wabusku watajja yao na sisi Wateso tunataja yetu. Kwa sababu kwakimila kwa Commission tunasema hivi, zamani kama mtu amekufa, tuanafufusa huyo mtu mafupa yake tunatupa, jee kimila tunapitisha kimila hiyo, na serekali hataki sis tu[pate hiyo maneno je, nyinhyi Commissioner manweza kusaidia sisi na nini?

Com. Wambua: Tafadhali, siks kama tme tungelipenda utuambie mapendekezo yako, wateso wanataka nini? Useme yakwanza sisi Wateso tunataka mtu akifanya hivi iwe hivi, pilio akifanyahivi kuwehivi, kwa hivyo ukifanya hivyo utatusaidia, ukituuliza mswali hatuwezi kujibui, maanake sasa yakle unatuambia pengine kwetu ni mageni, tuambie viel Iunataka halafu, tutaenda kuangalia.

Gideon: Asante sana Commissioner, sis wateso numbe moja tuseme kwamba tunataka sisi tupate kimila yetu tunafupisha mtu kutoka mchangani kama ame kufa.

Com. Lethome. Exhume. Mna fufufa inje ya boma?

Gideon: Baada ya miaka tatu kama ... eh tunatoa tuna fufa hiyo tunatoa nje ya bona, kwa sababu watoto ugonjwa hawazi kupaa hawa watoto.

Mambo yapili sisi kama tumekuwa watu wakubwa kama hiivi, tunataka serikali atusaidie. Uende hospitali huna pesa, an je ukifika hospitali hakuna kitu chochote ile ambayo untibiwa mpako unkufiahaop katika verandah. Peasa hatuna. Tunataka hapo serikali itusaidie kwamba kutibiwa wa mtu lazima atusaidie tutuibiwe free.

Ya tatu tunasema ya kwamba mimi kama ni mzee, nimeshidwa Yashamba, mimmi nintaka nigawanyie watoto asngu saa hii, wanasema pesa mingi. Hiyo pesa nitatoa wapi nigawanyie watoto wangu mashamba. Ninapenda ya kwamba hiyo kitu itolewe hiyo kodi.

Ya nne tunasema ya kwamba kama sisi wazee saa hii, tuna nyanyaswa sana kwa school fees, hata mimki nime fundisha mtoto saa hii watoto wako nyumbani. Hakuna pahali ambo mimi ninaweza kjupeleka huyo mtoto. Sasa ninapenda ya kwamba kama serikali inaweza kuunga mzuri atusaidei hiyo watoto wapatiwe kazi.

Ya tano mimi ninsema ya kwamba kama ingekuwa serikali ikubaliane na sisi, hata sis wazee wale ambao toumeretire hivi, inweza kutupatie pesa utusaidiesisi nyumbani. Imekwisha mzee.

Com. Wambau: Asangte sana mzee. Tafadhali jaindikishe hapo. Kuuna huyu Secretary General, Mr. Ricahrd Buteyo, ako wapi, tutampatia nafasi lakini asi zidi dakika tano maanake ameruka que, firve miutes, ninona huna karatasi, kwahivyo tuambie yale ya muhimu tu.

Richard Muteyo: Thank you Bwana Commissioner. I wish to make suggestions on a number of things. My name is Wanyonyi Buteyo, but Richard is not my name. I wish to make suggestions on the system of government that this country ought to adopt,. We should consider adopting the system of federal government, and not the creation of tribal influence and the interpretation of what majimbo system ought to be. This federal system of government will provide two things that disturb this country, one that of sharing out power, that at the regional level every community will get the opportunity of electing their own into the government, and two it will address the realistic way of the distribution of the catch volume. The suggestion I have is that 75 percent of the taxes collected in any give region should be retained there and be re distributed there. Even if we maintain the 8 Provinces, as they are today and not locking any community from settling anywhere, at that level let say western Province they will be able to produce a leader and that western Province also will get 75 percent of the provinces retained there, and help them invest on the basis of preferences.

Com. Wambua: Are you commending Regional government

Muteyo: But not majimboism as it has been put I think by some people in this country. Because I think as it has been put is that you lock out some communities from this particular region. That should be far from the truth. The other bit that I want to

suggest is that the members of parliament should go ahead and elect amongst themselves the deputy Prime Minister, and the president should be elected by the popular franchise and the term of service for the president should be slightly longer than five years. So the executive should have power over parliament and all these, so that if you are talking about members so for parliament electing the prime Minister, at that level they can go into realistic coalition so that one party can team up with another to elect a prime Minister, in parliament. That is how to defeat tribalism in this country. We also need a situation where cabinet ministers,

Com. Wambua: do you want us to have specific provision for coalition government, but this can be worked up into parliament where the members of parliament are the ones who are selecting the prime minister. I also wish to suggest that we do not need the number of Ministers we have today. We just need five ministers into this country, and these five ministers shouldn't necessarily be members of parliament but they should be people the parliament will approve against their papers. I am thinking about five ministers at the ministry of finance, ministry of defense, ministry of education ministry of Health and Minister for foreign affairs. That is at the unitary level. But the local let us say one region we can have in Western province we can have the minister for agriculture, but with emphasis the minister for tourism. So this variation should be given to accommodate specific differences in these regions.

Com. Lethome: Are you suggesting that we have voting at the regional level?

Gideon: Every region ought to have some kind of government with a governor for this region, so that the region has a leader but at this regional level we can have a number of ministries manned by the people of that area.

Com. Wambua: At the regional level I wonder what sort of coordination we need to have and formulation of policies, which ensures that we as an agricultural country earn that much required foreign exchange. I am not in the ministries I just want to see what is..

Gideon: (inaudible) there should be To address. Like if we are talking about ministry of finance, there should be a department that looks at trade, agriculture and all this. But at the regional level, that is where we must have to put on what produces the difference on those areas. It is unfortunate that I have about five minutes and I have few left now, but I would have also wanted to suggest especially in this region we have to address the bit of the land tenure system. Elsewhere in Uganda for example, the chiefdoms own. In this country land ought to be owned by the community but we do not see this because somebody can quickly go and sell land in Bungoma and render the family landless. I think it should be put in this coming on fiction emphasis should be communally owned. We have traditions in our societies here where we have the clans, the chairman. He should have some influence on the administration of this land so that one person does not sell it and render the family landless.

I think finally I have the memorandum, which I will present you. But I think finally for purposes of this presentation, I think this country ought to come up with some policy set up our work ethics. I think absence of this work ethics is what is generating corruption. People have been in the habit of asking for easy options to make days, and so we have the manambas syndrome coming up, because people can set themselves and rob and collect money. I think if people were to work in country we would not be having this alarming unemployment crisis, and I do to understand why we should have a workforce that puts coats on chairs and goes to catch walk. There must be some punitive programmers put into place to ensure that people are actually going to be paid for the work hours they have put into the economy of this country. I have an idea, the other societies; people are working for as many as 18 hours. I do not understand why we cannot work for the eight hours here, because people have away of sneaking out of their duties at the places of work. My suggestion here is that we should insist that there should be some basic ways every will get, but the extra should be on the extra work has put in, so that if we are talking people working in factories and you work for 18 hours you earn more. One who works for six hours earns less. It might help. I think for this, I wish to thank you for giving this opportunity..

Com. Wambua: Those are very good views, I do not know whether you will reduce them into writing and give us because we need to look at them further, you have very interesting proposals. Can you turn it as a memorandum, and even if not now, but at a later day, had you prepared one?

Muteyo: (inaudible)

Com. Wambua: Thank you very much. Sarah Mayamba, ameleta memorandum ile Bukusu adult group? Kwa hivyo tutamuita sasa O.M. Idi Juma.

Idi Juma: Kwa jina, langu ni Idi O.M. juma, box 158, Malakisi. Kwanza ningependa kusema katika serikali the presidential powers ziwe limited, katika ofisi president akae for five years, kama zaidi ziwe ten. Na upoande wa parliament, that is parliament and parliamentarismns, parlioament iwe na calendar yake ya events, isiwe dictated, na mtu yoyote. Pia, the sittings of parliament lazima iwe spelt out katika constitution wgereby sahizi unakuta wabunge wana pata kazi from Tuesday to Thursday. Ina bidi wafanye kazi from Monday to Friday. Pia, yule mblunge anaabscond kwa kazi yake akiwa bungeni for more than two sessions, ni lazima adhibiwe na akizidi, kuwe na sheria ya kuweza kutanga hicho kiti kiwe vacant, na abielection iitwe. Na mbunge ama councillor akifa, hakuna wakati wa kungoja, muda upite ndiyo watangaze ya kwamba that seat is vacant. Kwa sababu mtu akisha kufa amekufa tayari hawezi kurudi tena. Hiyo immediately mbunge ama councillor wale watu wanakuwa elected, akifa itangazwe na bi-election ifanywe immediately.

Mps should not determine their salaries, kwa sababu itafika mahali watakuja kusema wanataka kukula pesa saidi ya million tana per mp. So kuwe na Commission ya kudetermine salaries ya Mps. Sisi kama voters tuwe na say kwa Mps. Ikiwa mbunge hawezi kufulfil his promose wakati anakuja katika compaign, tuwe na uwezo wakuweza kumuita nyumbani, yaani, sisi tumpigie

of no confidence kwa sababu hajatufanyia chochote. That is wabunge na co-councillors kwa pamoja. Pia president should not be a member of parliament, kwa sababu tunaona a situation whereby saa hii, Baringo Central is not represented in parliament. hicho kiti inakaa wazi how? Isipokuwa wakati wanakiti ambapo wanaenda kusoma budget ama mambo mengine.

Interjection: Com. Wambua: (inaudible)

Idi Juma: pia niniona upande wa nominated Mps na councillors, I think they represent nobody's interest. I recommend that one be abolished na kama kuna nafasi wanataka wambunge zaidi hapo, then let the Commission recreate some more constituencies na more wards badala ya kufanya kuwa na nominated mps. Pia upande wa parliament kuweko na Supreme Court ama Commission maalum ya kuchunguza zile bills ambazo zinaenda before parliament kabla hazijakuwa enacted so that hiyo kuzuia kufanyawa kwa unconstitutional laws.

Pia kuwe na sheria, mtu moja kazi moja. Mtu akisha retire, anakula pension. Hakuna haja mtu ameretiere hapa, kwisho unasikia yey ameajiriwa mahalki pengine. Hiyo nafasi ipwewe kwa watu wengine. Katiak mahakama, ndiyo kuna shida kubwa. Case inaweza kuchukua miaka sita case moja tu. Kuweko na sheria ambapo kwamza case kama imetajua leo hii case inafanywa, witnesses wa hiyo case wote wawekwe na hiyo case ifanywe siku moja, kwa sabu mtu anaweza kuwa anatoka mbali anakuja kwa attend court, anakuta yakwamba imekuwa adjourned, anakuja imekuwa adjourned, witness moja amekuja mwine haja,. It takes too long, and expensive. So kuweko na sheria kama case ianza, wanasema leo case ya fulani. Prosecution side iwe tayari na all witnesses, case isikizwe mara moja na imalizike halafu ingoje judgement pekeyake. Case ikifanywa leo, ilale kesho kutwa, hat one encourages corruption. Mtu anakuja pale anaona case yake imeenda hivi, anaenda kumona magistrate baadaye yeye peke yake. Kwa hivyo ifanywe siku moja ili wate wapate huduma ambaye ni sawasawa.

Kuweko na Special Commission ya kuappoint watu kama Auditor General, governor of Central Bank, Chief Justice, awe appointed na Judicial Service Commission, na kazazi yeyote ambaye inaappointiwa na president lazima iwe vetted na parliament.

Wakati wa election ninafikiri wakitangaza ya kwamba mbunge imekuwa dissolved, lazima president ambaye ako katika kiti lazima apane nafasi, na tuwe na mtu mshikilizi, kama speaker of the national assembly ama Chief Justice, awe katika hiyo nafasi. Kwa sababu kama huyu ata kuwa ako pale, ata kuwa na say kubwa sana.

Com. Wambua: Akae kando?

Idi Juma: Akae kando kama anaendelea sawasawa. Pia ningependekeza kwamba kamatumataka formidable political opposition other than the ruling party, tujaribu tuweke sharia ya kuminimize political parties in the county, at most three, so that ukiweko na ... three political parties I think they are enough kwa watu wa kenya.

Nikirudi kwa upande wa local authority, locals authority ninfikiri neno local inamaanisha local hapo. Ninashindwa kwa nini kama ni local authority kama Malakisi Towun Council Sirisia Urban Council, unakuta wale macouncillors ni local wahapa. Lakini unakuta the Clerk to the Council anatoka mbali. So tutita hiyo local namnagani? Kamani local, hata Town Clerk awe somebody from that area of jurisdiction.

Com. Wambua: Town Clerk be local?

Idi Juma: Town Clerk should also be local.

Cost Sharing, ini hospitals tusema tu itoke kabisa hata haitakikani kusikika tena, wakitaka iwekwe mahali pengine lakini mahospitalini, ni ngimu sana.

Mwisho, the police force..

Interjection. Com. Lethome: Cost sharing, tunajua serikali inalipa inasaidia na wananchi anachangia. Sas sukisema cost sharing itolewe, hivyo ni kusema kuwa wananchi waakuwa wakilipa cost yote? Ama they should get free medical services.

Idi Juma. They should get free medical services, kwa sababu mimi ninaweza kuwa mgonjwa ...

Com. Wambua: (inaudible)

Idi juma. The police – police wameweka akili yao uko kwa busaa na crime inazidi kupanda. Waondolowe katika hiyo nafasi, they should not dictede hiyo mambo ya pomob so that wadivet akili yao kwa crime, wang'ang'ane na crime. I think, wacha watu wakunywe busaa, unless kama changa kalikali, kuwe na Commission hata yakuangalia hiyo, wamnasema madawa ya kulevya iwe katika hiyo Catefgory, lakini busaa ninafikiriingwekwa free, watu wakunya. Only that waweke time, sheria yakusema ukionekana huko kwa hicho kituo cha busaa masaa ambay haitakikani, uchukuliwe hatua. Kuanmzia mwendo wa saa kumina moja watu wame maliza kazi zao. That is weekdays, lakini kama weekend hata wakianza saa sita namna hii si mbaya sana.

Ya mwisho kabisa, sisi tunapewe land, na tunasikia sheria inasema wewew unamiliki hiyo ardhi yako kiwangofulani hapo chini. ukipita hapo unasashtakiwa. Sasa inamaanisha ya kwamba hata hiana maana mya kwamba tuko na hiyo land. Tukisema lni yango, niwe na huwezo tu mpaka huko chini, kwa sababu hakuna haja yakuweka sealing hapa juu, na mimi ninajidai yakwamba mimi nikona land. Hata kuchimbo choo ni harama tahnk you very much.

Com. Wambua: Asantge sana Idi kwa maoni yake mazuri. Maoni tumeyapokea na tunayatumia kwa katiba yetu. Jiandikishe hapo. Livingstone Wagwe. Sasa tutaenda mbiyo mbiyo kidogo. Tutamuita Bramuwel M. Wafula. Ni wewe?

Bramwel Wafula: Kwa majina ninaitwa Bramwel wafula, na vile ninavyo ona kama Commissioners mumekuja ninsema asante kwa sababu mambo mengi yamepitiwa na sita maliza wakati. Na mimi nina zunguimuza juu ya uongozi wema, kwa maana kiongozi mwema anastahili awe mtu mzuri ambaye anajua hali na masilahi ya watu wake. Kwa sababu niseme hivyo, serikali ambayo tunayo wakati huu imefanya upnde moja kuwa nusu ya kenya na nusu ingine si kenya. Kwa maana mahali paening wanaenda vizuri an mahali pengine wana nyanyiswa. Kama barabara ni mbaya, ukiona, proposal yangu ni tuoneyakuamba serikali ichukue wanachi wa Kenya kama wote ni wake. Yapili, serikali one ya kwamba iwe upatanishi mahali popote, corruption iko nyingi, ninonelea kwamba corruption iondolee kenya.

Upande wa masikkini, economy imekuwa mbaya kwa sababu ya ufitasi. Ufitasi imekuwa zaidi nchini mwetu. Ndiyho ninaona kwamba imeleta umasikini sana, kwa wale ambao wanakula na shida.

Upande wa harambee wapetaja, ningesema harambee imekuwa imeleta umasikini zaidi kwaa sababu kazi ambaye imefanywa wakifanya harambee haifanyi kazi vile inawwezekana. Kwa hivyo nimewaunga ya kwamba iondolewe. Jhaiwezi kuwako tgena, hivyo kwamba, upande wa mashule ikiwa tunataka kufanya kazi serikali ilete vifaa kama vile zamani walikuwa wakifanya.

Kwa mana kaziikiwako, na kadhalika, na ikiwa kama hiwezi, waseme wazazi walipwe scheme, hiyoi imelepa harambee na imeleta umasikini kwa wananchi. Hata cost sharing vile vile wamepitia uone kwamaba hospitali watu wengi wanakufa kwa sababu ya coasto sharing. Unaona ukiingia hospitali na mgonjwa, unonekana kamba unaambiwa ununue kila kitu.

Interjection. Com. Kariuki: Mzee, sisi ni wakenya, isituambie shida ukonazo. Utuambie maproposals, Itunataka hivi, na hivi, proporsals.

Wafula: Proposal ni kusema kwamba, hospitali iwe free, madawa iwe. Upande wa hata watu wengi wanakufa kwa sababu ya kuunywa pombe.

Interjection. Com. Lethome: Wanauliwa na pombe ama na polisi?

Wafula: wanakufa kwa sababu kama changaa, watu wanakunywa haraka, sas nimeonekana kwamba serikali ifanywwe hivi iwape nafasi na time ya kunywa hiyo pombe. Kwaq maana in Uganda watu wanapokunywa free, huoni mtu amekufa kewa sababu yahiyo.

Com. Wambua: (inaudible)

Wafula: Mengine ninasema lack of employment imeleta corrupotion kwa sababu watoto wenfing wankaa manyumbani hawana kazi ya kufanya, niniktuone yakwamba watoto wapate employment.

Buying and selling, upande wa buying and selling hatuna control price ambayo watu wanauza, kwa hivyo serikali iweke controlling price.

Discipline imekosekana kwa mashule yetu kwa sababu serikali haikuweka ile discipline vizuri kama zamani tulipokuwa tukifanya mashuleni. Kwa hivyo discipline iwekwe katika mashule yetu ili ya kwamba watoto wakuwe kama watoto wazuri, waaje wawe viongozi wema.

Corruption ime kuwa nyingi kwa sababu ya vile vitu ambaye nimesema kwamba watu wamekuwa na ulazi na ufizadi na wamekuwa wakinyanyasa watuwengine. Sina mengi isipokuwa ni kusema ya kwamba serikali ikifanya hivyo itakuwa vizuri.

Com: Bishop Kariuki: Joseph, amemaliza, Ziporah Makasi, haya tupate Couoncillor Masese Koyora, amemaliza, Philemon Simiyu, karibu. Christopher Arasa yuko hapa, utamfurata.

Philemon Simiyu: Dear Commissioner I just have a session to say on my presentation. First on the constitution I want to ay and present the views as I have collected from a few of my friends. The Constitution should always be the Supreme law and all laws should confirm to it.

The Constitution should not carry or portray any tribal or ethnic sentiments that will in any way discriminate and alienate or aim at provoking or promoting strife, among Kenyans, it should promote peace and harmony in the frame work in which Kenyans live as at now.

Three, on parties a maximum of four political parties be allocated or be allowed to contest for whatever seat, and the same four parties be allocated equal funding for elections and to be approved by parliament.

Four, the president and the vice president should b elected at the same time by the electorate such that one does not have fame against the other, the duties should be specific and harmonious.

Five, the institution of prime minister should be there, and if it has to operate, the prime minister should be elected and his duties specified in the Constitution.

On political parties, a political party should have a national outlook, by having one, at least one elected mp in each of the five provinces. Two, have a minimum of ten mps afte4r election. If a party fails to garner a minimum of ten mps and one each of the five provinces, this party should automatically be deregistered after one general election,

Point number seven, the Constitutional review should not be a reason of filiations of for example for Kenya, in terms of... two, land ownership, and three...(inaudible) The Constitution should provide security and harmony, to promote patriotism.

Government offices should be controlled by the Constitution and parliament. One, the office of the Solicitor General or Attorney Generals, the office of the Auditor general, thre, the Commissioners to lthe Electoral Commission should be control by the Commission and parliament and not appointed by parties, we want free and fair judgments. The Solicitor General for example should be elcted by two thirds of parliament, bedasue he is going to be ana advisor on matters of law, then he should be...

Interjection: Com. Wambua: (inaudible) all you need to do is to highlight the most important points. Also (inaudible) For example original he was qualified after the electeion then when they go there, the usual thing they disappear into other parties, do you also (inaudible)?

Simiyu: If you do not have..... you are de-registered.

Com. Wambua: Now summarize the views.

Simiyu: As at now I propose that the provinces and the political boundaries, the way they were in 1963, be retained and our partism people within the people that lives with them to join places. I was representing on land ownership. I felt that the largest single piece of land to be owned by an individual should be about a thousand acres, and companies and Corporations should own up to 200 hectares which is five thousand acres. Other lands in excess should be distributed to those who do not have land.

A mall item on DDCs, and sub DDCs should be restructured, to be controlled by the local's communities and the elected members who should not be politicians, so that they are accountable to the people for the projects because they will stay there and be asked cases about it. Otherwise when they are not and in the departments who come and go, will not be accountable to the people at long last. The heads of the department will be providing the technical advice, because they are the people who know. The proposition there will have one elected member for allocation, one member of the constituency, departmental heads is there Chairman of the County Council, and the members of the DDC to be in control.

Com. Wambua: (inaudible)

Mr. Simiyu: Commissioner sir, I want to say that the primary school should start with a preschool class, and the TSC to provide for the teacher for that class, according to the government. One polytechnics, there should be at least three polytechnics per district. The only pyrotechnics we have are not serving any useful purpose. Standard 8 when they leave school who are so many, should compulsorily train in the place they want, so they fit somewhere in society. Those form fours

cannot be day scholars and you expect people who are very firm. They should be able to be trained as day scholars to minimize cost. So if you had at least 3 polytechnics, I say 3 polytechnics per district. That is all I had.

Com. Wambua: Asante sana, James Saitsi, tuliruka kwa page tano. Ninataka kuenda in an orderly way. If I do not call you I may not call you, I think my colleague forgot to call you. So James Saitsi, and atafuatwa na Chrispus Arasa. John Saitsi, ufupishe maneno, kama ukona memorandum hapo utupatie. Tutaisoma.

James Saitsi: Honourable Commissioners my name is James saitsi, the retired DC. Like everybody else we are thankful that we have this opportunity kwa sababu inatuupa ruhusa kujiuliza maswali mawili, and I believe bwana commissioners these are important questions which Kenyans should continue asking themselves even after this session. Swali la kwanza ni what is it that went wrong in our forging matter nas unity, in forging patriotism, that we started off with during independence. What has gone wrong? Ya pili, nisisi kama wakwnya tujiendeleo kujiuliza kama ni kweli kwamba hii constitution ambayo tunayo inamakosas. Kwa fikira zangu, it is the interpretation, the implementation, and that area where we delegate powers ndiyo zikona na makosa.

Com. Wambua: We have already (inaudible) we know what you are talking about, we only want you to give us your proposals. We all know what is affecting you as a Kenyan.

Saitsi: I would like to make the following submissions and recommendations. In Kenya we require a executive president, and as one member suggested he should have running mate and each one of them should garner at least 60 percent votes in Kenya, kuwa president our vice president wetu. One very important thing which the expert Commissioners to do for us is to create a situation where it is very clear the Kenyans that the winner of the election becomes recognized by all and he is the leader. I know you may not want me to say this but in Kenya today we have few Kenyans who publicly declare that they do not see any government in the country. Civil servants the constitution should make clear to them so that they are loyal to the government of the day and they keep secrets of the government. Today whatever the government is planning, you will hear it on the streets because civil servants happen to belong to political parties. Those who do not tow the line can always be retrenched so that they go to do their own business the way they want to do.

I would also like to pass to the commission to provide a constitution for us, that will direct our leaders to promote national unity and patriotism. Today, there is a lot of antagonism; there is very little cooperation because when I fight you during elections we continue fighting until the next election. We would have situations that we see in America, and in Britain where after election, everybody recognizes John Major until the next election, I think we can promote that kind of thing in Kenya.

Kwa upande wa appointments, ninge penda kwa ufupi kwamba those people who are appointed to senior offices in government should be vetted by parliament as a check and balance. Also they should be vetted to ensure that there is fair distribution to national offices, and that no one individual has obsolete power and we do not promote people or give them

opportunities to serve as a reward to them because they are our relatives and friends.

The cabinet, I propose should truly pass its collective responsibility because that at the moment is lacking in a number of the ministers, many of them act as individuals, and I concur with colleagues who recommended that it be limited to a maximum number of 20, and that all cabinet members be responsible to the president, and to the people of Kenya through their parliament.

Equality: I would to see that actually this is actually provided for in our Constitution today, even the area of justice is adequately provided for, but what seems to be wrong is that those who are charged with interpreting the day to day law and practicing it often fail to do it. We hope the new Constitution will entrench this idea of equality, make it strong and leaders are allowed to practice it so that everybody remains equal to another before the law has its shifting. Because today we have a situation where my Mp often forgets and acts like a boss to me. We should have that situation where everybody remains innocent until he is proved guilty and fortunately in law today, we have that situation today where when I am arrested, I am held guilty until I am proved innocent which is contrary to international law of practice.

Mshahara, ningependekeza kwamba wakati tutatengeneza mshahara ya watu, tusije tu allow those people to fix their own salaries like we seen happening in parliament and in other places. There should be Commission appointed to fix salaries. And the fixing of salaries should be related to the productivity of the people and the resources of the nation, so that we do not come up with proposals such as one individual is recommended for earning a salary of three million and yet another individual who is doing the donkey work in his office is earning two thousand five hundred shillings a month. I thin that is being very unfair, when both of them are producing towards the nation. We should want to reduce the gaps between those who have and those who have not, because I was looking at my own salary and comparing what the mps are recommending for themselves about a million and I see that I am going to earn a little less than one percent of what they earn which will force me to be a beggar in their door, everyday and I think that is one way to destroy justice. Kumaliza, ninataka bwana Commissioner, constitution ile ambaye mnatufanyia itupe justice system, I know it is also adequately covered in the law, but the interpretation is the problem. Itupe justice system ambayo itaonekana kama inafanywa na watu wataiona kama ni ya kweli. Itufanyie police officers wetu wawe marafiki wetu, ili tusaidianenao kupunguza crime in the country. At the moment the police have created a situation where they are our perpetual enemies and we go to war every time we meet. Justice often does not seem to favour the poor because I know a pastor who recently completed serving six months of community service allegedly for having been found drunk and disorderly drinking changaa, and in his 46 years of life bwana Commissioner he has never touched or tasted alcohol in his life. That is the type of the Constitution that I would like to recommend that you the experts we have entrusted will come out with. Although you know this very well Bwana Commissioner, but I wanted to say in my memorandum, I got to appoint where I asked myself a question, it may not be too late to asks this question. We require a constitution of national unity. It is likely that our current Commissioners you included will be able to give us that constitution knowing that the Commission is rift into three pieces and a small of the Commission work on their own, the Chairman and his team working on his own, we hope the Commissioners

can overcome this so that they give us a good Constitution

Com. Wambua: Let me just make a comment about it but before I do that I just wanted one clarification on the running mate of the president. Should he also win fifty percent of the votes before he can be elected vice president?

Saitsi: In the memoranda I have specified that the vice president will be the most popular man in that party on which the president is running, running along with the president, there is the president who requires fifty percent.

Com. Wambau: Okay now to your question, we do not have a divide Commission. What you read in the newspapers is what the newspapers want people to read because they want to create news. What we have seen here is exactly how we work, we have our procedures, we have our programmes and we follow them strictly. Our concern is to get views from Kenyans, and we really do not care much about what they say, we do not have a divided house. The Act under which we operate is the mode of deciding issues, whether we agree by consensus, and where we do not agree by consensus, we vote and that is the procedure. The voting once it is done we really do not care whether the newspapers can say some Commissioners were thinking this way or that way, because we are following the act. We are 27 and we cannot agree on all issues. That is the point, so if we do not agree on issues the act says, no consensus you vote on that issue and move on. If that goes out to the press they say they are divided, and we really do not care because we are following the act. We do not have to agree even in Councils they do not agree, but the majority must carry the day, and that is why we are sent there with those different views. So do not pay too much attention to what the press say, sometimes they are political issues and we are not bothered about political issues. What we are concerned with to receive views from Kenyans, we analyze those views, we prepare a report, we come back to you, give you that report, give you the positions of the report for Sirisia, check whether Sasitsi said is there, if you think it is not there, tell us gentlemen I said this, I proposed this I cannot see it. So we are going to follow that procedure. I think you do appreciate that there is a very very tricky process, there a lot of interested parties, we are doing it at a time when there is a lot of happenings including succession debate, so all that is likely to bring, but to me the Commissioners are committed, we have taken an oath of office and we are going to work like that. Those other petitions are artificial, sometimes imaginary, we do not know them. We work as a team that is a fact.

Mr. Maitsi (inaudible) But the m Mheshiwa stays to listen because he is more likely to go to the next Commission.

Com. Wambua: (inaudible) I did not hear any complaints on that, so when we use our discretion, sometimes also you should understand our position. That is all I can have from you bwana Saitsi.

Before I call another man, tuangalie kama kuna akinamama.

Crispus Arasa: Bwana Commissioner, I am going to dwell mostly on old age and the retirees. I got the following provision included in your constitutions of Kenya Review, to care for old age and retirees from the civil servants:

One, the government must sincerely be interested in the welfare of all old people; they must take an old age as time of comfort and joy. I therefore to make a provision in your new constitution so that the working class their pension must be three quarters of the working salaries and must be paid after 3 months of retirement. In case it is delayed, interest must be paid with the lump sum of the money. Again I appeal that the old age must not be sent to prisons or jail but must be jailed within locations except the murder case, and security must refrain from harassing them.

Five, in future when the economy of the country recovers, a weekly benefit of payment must be paid to the old aged in the office.

Six, those without homes, there are some who are without homes because of lack of land and so on, the government must build homes for aged, although they are trying to do this in Nairobi, but in the districts we do not have such. So I appeal that each district should be made to run one or two of such homes so that the old will have somewhere to go.

Seven the government must stop taxing for old age, including reading glasses and so on.

Eight, there must be an increment of pension wherever the working servants salaries are considered which means when the civil servants are considered for increment, also the retirees must also be considered.

Number nine, the old age should not pay for medical treatment, they should be entitled to free treatment, and for retirees who have been in civil service must continue getting hospital allowance.

Ten, the Constitution must make a provision for a creation of a new ministry to be known as pension and care for the old age ministry. As time has come for old age, when they cannot depend on their relatives and their sons, and so they need to have such a ministry to look after them, by covering these ten points, the old age would have an opportunity of living their remaining years freely from worrying and not dying immediately after retirement. Thank you.

Com. Wambua: Asante sana, jandikisha pale, now want John Nasyuma, he is not there, we want to find out whether we have Sheikh Abdala, taja jina lako na utupatie maoni yako tafadhali. Ikiwezekana, kama ukona memorandum, Tutaenda kuisoma, kama huna fupisha yale lunataka kutuambia kwa sababumengi yameseemwa. Endelee tafadahi, taja jina na uendelee.

Shiekh Abdala: (in prayer, kiarabu: Kwa majina mimi ninaitwa Sheikh Abdala Ndala, na nimekuja hapa nikona maoni, ningependa niyatoe. Kulinganana vile nimeshafikiria ama ninavyo ona. Kitu cha kwanza mimi ningependa Constitution ya Kenya kwa maana hakuna chochote ambayo kinafanyika bila uwezo wa Mwenyezi Mungu. Ninapendelea Constitution ya Kenya ianze na jina la mwenyezi mungu. Inaweza andikwa, kwa Jina la Mwenyezi Mungu maana mwenyezi mungu ndiyo anaongoza kila jambo kila dunia hii.

Ya pili pesa ya kenay ni ya wanakenya, na ningependelea, kwa maana pesa ya kenay ni ya wanakenya wote, isiwewe kichwa cha president, kwa maana hii inachukua muda na inafanya watuwengine wanaona vigumu sana kuacha uongozi kwa sababu ya hiyo kichwa ambayo iko kwa pesa ya Kenya.

Tatu, kichwa ya president isiwe ndiyo maagizo yha kuweka katika business yote ili mtu afanye business, provided business iko Kenya, huyu mtu aanzie business bula kuwa harassed kwa sababu ati hajaweka kichwa ya president katika business.

Ya nne, ningependa tuwe na ministry ya Culture, Social ?Religious and ideology. Tukiwa na hiii ministry ambaye inasimamia hizo vitu nne, itawezesha kukabiliana na ile ideology ambao inakuwa imported katika nchi hii, kupitita kwa TV, video programme, ambayo inaharibu watoto wetu. For example tukona mambo ya chemicals imeingia katika nchi hii, unapata wasichana wengi wame kataa rangi zao, wanataka kuwa wazungu. Tukiwa na ministry kama hiyo, ndiyo itazuia watu wabaki katika wafrica, na wasijifanye hawa ni Wazungu.

La tano, ningependa kwa maana administration inazua chini kwa village elders, ningependa education requirement pia iwe kwa village elders, kwa maana village elder akipewa kitu kama bursary, inatakikana awe mtu mwenye amejua kusoma na kuandika na awe na special educaion, hiyi inaweza kufanywa ka assistant chiefs.

Com. Wambau: (Inaudible)

Sheikh Ndala: Ili mtu awe na, mtu kuwa village elder, iwe amefanya standard 8, anajua kuandika na kusoma.

Yafuatayo, hawa watoto wanatwa chokora wamekuja katika nchi hii, ninajua wako na wazazi wao. My proposal is that the government to use all machinery to identify wazazi ya hawa watoto. Upende usipende watoto hawo wakona wazazi, na tukianzia kwa mama kutapata nani ndiyo alizaa huyu mttoto. Kama si hivyo, hawa watoto, approved school ziwe expanded to accommodate these Chokoras. Ninona wachora wanafanya drug abuse, kwa maana kila town ambao unaenda unapatachokora anasniff kitu, that is a drug ambao inafanya huyu kijana analewa, na askari wako, serikali iko. Inatakiwa uchukuliwa hatua.

Ya mwisho ninge p;enda serikali itoe masanamu zote katika nchi hii. Pesa nyingi sana zimetumiwa kujenga masanamu. Sanamu iwe ya president, iwe ya nanai inatakikana ibomolewe, na pesa ambao wanatumia kujenga masanamu kama hizo e=waweke kwa miradi zingine. Thank you very much.

Com. Wambua: Wacha niangalie ninani yuko hapa ndiyo..Robert Nabasaya, Ronald Waluke, Katukai Sakhwa. Anza na majina. Julius Mombo, David Wasongu, Major Wacuki John, Shadrack, john, wewe ni numbe tatu, Rachel hayuko, Collins

Wasike, John Mutiso, Mary Naliaka, Josphat Mapai, number six. Isiha Wanyama, Mark Ofula, Wanyonyi, kuna muingine ambaye anataka kutoa maoni, haya number seven, mama number eight.

Nick Katukai Sakhwa: Kwa majina mimi ninaitwa Nicky Katukai Sakwa.

Com. Wambua: What is your number, I must have been told that you are out. What is your number? You think you can come back later and give your news.

Nick Katukai Sakhwa: I am Nicky Katukai Sakwa, I am representing Bukusu elders but from Malakisi Division. First and foremost I should say that the fundamental issues that were raised as we proposed during our meeting towards the making of these proposals we have constructed a memorandum here which I will as well present which I ma not going to discuss here,. But I want to make an outline that we have discussed on a preamble, lack of visions, national objectives, principle an common goods

On number two, we have discussed on (inaudible) to be of national unity and dignity.

Then on number three we have discussed of constitutionalism and rule of law.

Com. Lethome: what do you recommend on these?

Sakhwa: So I recommend on the following, one on the power of the president, we said that it has to be reduced, and when we talk if the power of the president we have this in common, that the president is above the law, he appoints all the vice president, the minister, he appoints the Attorney General and all public Civil Servants, he appoints Public Service Commissioners, he appoints the judges.

Interjection: Com. Lethome: So in other words, he appoints all the executive, let us go to the next one we understand that.

Sakhwa: Okay, then on the issue of political parties, we said that we accept the current statement that Kenya should be multiparty democracy but recommended that the new Constitution should define and regulate the formation, contact and management of all political parties.

Com. Lethome: You mean all the political parties or you have ...

Sakhwa: We said that the number should be four and so as to inherit national unity and reduce the power of tribalism. We accentuated that the political parties should finance themselves and there should be no limitation to such finances.

On the issue of Provincial Administration, we have said that it should be retained, but restructured so that it should have no political affiliation, be elected through secret ballot and be of minimum age of 45 years and retire at 65 years.

The position of assistant chiefs, district officers and the P.C. should be abolished. In addition to the Constitution, we have said that the president may also be removed from office under the following circumstances, for abuse of office, two, 65 percents vote of no confidence in parliament, and in case of senility due to old age or other disabilities.

Then we have talked on the issue of health services that cost sharing should be abolished. The ministry should bear the cost as a power of releasing poverty.

We have talked about the Commission of enquiries. These have wasted our national resources and should not be established in the Constitution, but we said that the nation should have its own constitutional office which should be headed by the Speaker of National Assembly, the Chairman of the Public Service Commission, the Chairman of the judiciary Service Commission, the representatives of the Manufacturers, the representatives of farmers, two representatives of the Religious groups, representatives of the law Society of Kenya, Representative of employing organization, Representatives of workers Union, then a head of Public Services.

Lastly, we have talked of the rights issue of vulnerable groups: We have seen that our Constitution is silent on special groups because there is no discrimination against anyone. The Committee however recommended that arrangements should be made for the welfare of the disabled person and orphanage. The aids should also be treated as vulnerable, since tradition cultural, social set ups have broken down. In order to prevent further breakdowns there should be deliberate insistence on the creation of God fearing nation through constant teaching of morality, religion and good, adequacy by parents, elders and institutions of learning. Least to say, when I was coming to present this memorandum, I had a few friends who taught civic education, they asked me to ask through them when they will be paid.

Com. Lethome: that is not something to be recorded here, that is something that can be dealt with administratively the coordinator is here, so can we handle it outside the hall here. Thank you can register please. Give your name and give..

Julius Kaki: I am Julius Kakai: I have a few proposals, that the new constitution should guarantee fair equitable distribution of our natural resources.

Two, that Kenya should remain a perpetual multiparty state with a maximum of four state funded parties. That the new constitution should establish and ensure politically neutral and professional police force to guarantee the internal security of the country, all Kenyans and their properties irrespective of political inclination, ethnic background, social status or economic background.

That the new constitution should protect under privileged citizens from extreme want and social insecurities, by incorporating social and economic rights, providing social safety for the unemployed, and availing affirmative opportunities to the marginalized social groups and geographical area. I have this memorandum, but I will only read very few.

The new constitution should create a (inaudible) to protect the banking system from registration by (inaudible) creation of interest raving and investment promotion in order to ensure the country monetary and the investment policies serve the objectives interest of the nation.

Lastly I will suggest in the new Constitution there should be provision for any region growing maize, to deposit there a minister, instead of putting ministers in Nairobi, and in so doing, any province that manufactures anything should be given a ministry so that we also get the Kenya cake. I think I have got very thick memorandum, many have been tackled.

Com. Lethome: are required by the memorandum to go through that memorandum so we shall read everything in that paper. Hand it over please. Next.

Joseph Mamai Makhokha, from Mount Elgon district, Mount Elgon Constituency, I just a Memorandum to hand over to you which should have gone through Cheptai, but I feared for my life. You remember the Constitution constituted a special panel in a place called Ketikachi Friends Church, but recently it was removed on security grounds I understand that those who would go there would do so on their own risk, and I was one of those to go there. We were advised to go to another section which is about five kilometers away from where we were supposed to present our views. Then this Ketikachi is about 400 meters away from the police station, and there is also an anti stock theft unit around there around a kilometer away, but it is as though we are insecure, so being asked to go to another place rather than the place I feel I am secure. I thought the secure place is this place.

Com. Kariuki: Who wants the people not to go there?

Makhokha: By the fact that that center was removed.

Com Lethome: (inaudible)

Makhokha: Kimilili is in Bungoma District. I fear going to Cheptai. Kindly receive my memorandum and go through it at your convenient time. Otherwise I am please that you have received me to present memorandum. In fact two of my friends have given their views here without telling you, exactly what I am saying,

Com. Lethome: it means we have views from here, it does not matter where you are from.

Makhokha: Will they come as having come from Mount Elgon or here.

Com. Lethome: I am sure you have written your memo, and it is the views that we want.

Makhokha: do I register

Com. Lethome: Yea Register do not worry. Mpatie jina lako.

Collins Wasike: Thank you Commissioner, my name is Collins Wasike from Sirisia Constituency Sirisia Location. Collins Wasike. Since most of the points I had have been discussed I will have two or three to talk about. That is one, it is my recommendation that the government treasury should be decentralized, thus left toe powers of the Provincial Administration and local authorities for easy development and equal distribution of wealth. As a pensioner, I would like to recommend that the present Constitution in place is that once a pensioner dies his pension payment ceases. But I recommend that his payments should continue for a further period say of ten or more years, to assist the family of the deceased.

Three, I world like the coffee Act to be amended, so that the marketing and sale of coffee products is completely liberalized such that it allows the farmer to sell his product any where that he finds a market rather than being controlled by the government at the moment thus creating poverty on the side of the farmer. On that note the election of the Chairmen of Such Societies should be elected by the farmers themselves and not by the delegates as it is at the moment, to avoid corruption among the interested parties. Another issue is about election petitions. It has been observed that these petitions take too long and sometimes they end up serving no purpose, because if election petitions is going to be heard for three or four years, it means the sitting mp even if turned out against him, but all the same he has benefited for all that period, so I suggest that the authorities should set aside special courts to determine these petitions as fast as possible, and soon after the elections so that they can serve the purpose.

Another issue is about police power. Police should not be allowed to detain or put anybody in police sells unless such a suspect has been proved guilty, in other words he should not be held at all. If anything he should be released on bond, court o r police bond pending investigations and further determination of the suspect's case.

Com. Lethome: In all cases? **Wasike:** In criminal cases.

Com. Lethome: in cases of murder or as somebody has murdered or he is suspected of murder, or robbery with violence, do you suggest that he cannot be detained?

Wasike: If he has to be detained, then I suggest that he should be detained in court cells, because that is where they receive a lot of torture. I am sure one would be safer even in prisons remand than being in police cell

Com. Lethome: What do you recommend?

Wasike: The fear here is the torture. Such police officers if found, serious disciplinary action has to be taken immediately. The suspect should not be held by police at all.

Finally all criminal cases regardless what type of crime should be bailable even if it is murder case. Sometimes somebody may be suspected of murder he stays in cell for even one or two years, and eventually he is found innocent. Even if he is found innocent at the end of it, but you would have suffered enough. So they should be bailable.

Com. Lethome: How about if you are suspecting your neighbour to be the suspect and the next thing,

Wasike: I think he should be bailed in certain conditions, may be he kept under strict ...

Com Lethome: What do you feel when it is uncomfortable..

Wasike: But eventually you will find, that, because he is only a suspect. It might turn out that he did not murder him. So what I suggest is the bail should depend to whatever crime one has committed. Thank you.

Shadrack Simiyu Boriet: Commissioners of review, my name is Shadrack Simiyu Boriet, from Sirisia Constituency. I thank you the Commission of Review and the entire wananchi to come and hear our proposals. I am very happy that we have mentioned most the things that I had also planned to propose and mine is to strengthen the proposals that some have already made.

One, the government should have a prime minister. Two the government to have a maximum of two parties. The law's chapter which banned the local beer drinking to be removed and set the nation free like any other areas and countries.

Com. Lethome: (inaudible)

Simiyu: By local brew I mean busaa and even changaa. Four the Chiefs Act which is chapter 128 of Kenyan laws of appointing the vigilantes should be removed as we saw that so many of them were given weapons and they use them to steal some animals, to disturb the wananchi, so they should be removed.

Five the medical officers working in the government hospitals should not be allowed to have private hospitals since they take our good drugs to their clinics and dispensaries an we lack the drugs in the government hospitals.

To abolish majimbo, by law, as it was already defeated by KANU government.

Seven the government to have special traffic police offices with very strict laws in road to avoid corruption especially on the road blocks.

The government to have a fixed registration fee for civic and parliamentary fees.

Com. Lethome: How much would you propose?

Simiyu: For example for the

Nine, the parliament to have a fixed number of , I propose 20 or 25.

Ten, make laws in handling of the weapons by the soldier.

Eleven the government to create employment for the school leavers, college and university, and to be strict on

Interjection: Com. Lethome: What do mean by retrenchment....?

Simiyu: The retrenchment, the government should be strict because in some other companies or ministries, for some people if I ma the boss of certain ministry I just make retrenchment to employ maybe my people or my friends children there after retrenchment.

Thirteen, during elections the party that will have more seats to elect the president, and just miscellaneously.

The last one I am surprised to hear about daughters and women to be allocated land. I recommend even these are Bukusus are

here, they call the women or ladies *kamaswa kaangelekha* ni watu wale wanaolewa, kwa ile mashamba ya ngambo. Yaani kwa mabwana zao huko sio nyumbani

Com. Lethome: What do you recommend *Kamaswa Kaangelekha*?

Simiyu: Not to allocate them any piece of land from their parents.

Com. Lethome: What about if she is not married?

Simiyu: Even if she is not married, she will be helped by her brothers and brothers and the parents if they are still alive. They should not have land.

Com. Lethome: Thank you very much. Next.

David Murakwa: My names are David Murakwa. I come from Namuvila location, Malikisi Division, Bungoma District. I am presenting a paper specifically on land only. This paper happens to be in my hand because I am a member of land alliance in Kenya. So I am presenting this paper from this end and you might get it from somewhere else.

Topic one is underlying ownership of land in Kenya: We propose that all land in Kenya belongs to the people of Kenya.

Land tenure: the state must take reasonable legislative and other measures within its available resources to force a condition that enables citizens to gain land on an equitable basis.

Point three: customary or community land tenure, all land hereto known as trust land which is still an adjudicated and unregistered is to be referred as land held under customary tenure.

Four: private tenure: land owners shall enjoy security of tenure over their land but with due regard to any public interest that may check residence over individual rights.

Five: public land, currently government lands. All land hitherto referred to as alienated government land shall be public land belonging to the people of Kenya in their sovereign state and held by the nation's Land Commission.

Point six: land appropriation, no one may be deprived of land except in terms of law of general application. Other recommendations are there, you will go through when I leave this paper with you.

Seven: women's land rights, all citizens are equal before the law, and in all see as political, economical, and social life and in every other respect, she has to enjoy equal protection of the law.

Eight: land rights of pastoralists. As you Kenya land is divided into to many sections. All land hereto known as trust land, which is still unadjudicated, and unregistered is to be referred to as land held under customary of Kenya. Places like Masai land and North Eastern.

Nine: land rights of slum dwellers and beneficiary occupiers. In this respect squatters. The state must take a reasonable legislative and other measures within its available resources to foster conditions that enable citizens to gain access to land on an equitable basis.

Com. Lethome: A minute please, you should be finishing.

Murakwa: ten, land and housing rights for the urban poor. Everyone has the right to have adequate land, and housing and information on houses can be obtained.

Redress of historical injustices: the state must take reasonable legislative and other measures within its available resources to foster conditions that enable citizens to gain access to land on an equitable basis. Like land in Malakisi Urban Council. It is now still known as trust land and people are just living there, not knowing what to do with it.

Land administration: an independent national land Commission and District land Board and land claims Court finance by the Consolidated fund shall be established in terms of an Act of Parliament.

Urban and Rural Environment. Everyone has a right to an environment that is not harmful to their wealth and well being, and to have the environment protected, for the benefit of present and future generation, through regional legislative, and other measures that prevent pollution and ecological degradation, promote conservation and secure ecological sustainable environment and use of natural resources while promoting justifiable economic and social developments. Thank you very much, that is the much I had from Land alliance.

Com. Lethome: The next person I think was a lady.

Lorna Nachar: My names are Lorna Nachar. Tangu yatakuwa tu mawili. La kwanza ni kwamba sheira iwekwe kulind wanawake ambao wanaolewa bila certificates.

Com. Lethome: (Inaudible)

Lorna: Yaani wafanye hivi, kama kutakuwa kama customary law iko ya weabuskus ambao watu wanaolewa bila certificate lakina baadaye unapata wanaume wanawatupa lakini ukijaribu kufuatilia, hakuna mahali ambapo unaweza pata p[engine, watoto wako umeenda nawo, na halafu sasa inakuwa shida, kwa sababu hakuna mahali utamshtaki bwana.

Com. Lethome: kwa hivyo marriage kama hiyo iwe registered pia?

Lorna: Ndiyo. After six months mtu akikaa na msichana wa mtu iwe registered amekuwa bibi.

Com. Lethome: Kwa hivyo customary co-habitation to be registered?

Lorna. Yes. Ya pili ni watoto ambao wanazaliwa nje ya ndowa, kwa sababu wazazi ndiyo wanaweza kuwa na makosa lakini si mtoto. Kwa hivyo sheria iwekwe na itimizwe kabisa ya kwamba watoto hawa wanalindwa na wazazi wote after 18 years, mtoto akisha kuwa na akili ya kutosha ndiyo baba anaweza kumchukua, lakini awechini ya mama kwa sababu tumeona zikiwa kwa radio wamama ambaye ameolewa kwa boma watoto wakukuja, pengine wanapigwa, wanauwawa. Kwa hivyo ninataka sheria iwekwe, ilinde watoto hawa, baba amlinde mtoto huyu chini ya ulinzi ya mama yake, mpaka wakati ambaye atafikia age ya 18 wakupata kitambulisho, ndiposa aweze kuechjukuliwa na baba yake.

Ile ya inheritance, mimi ninona ya kwamba we are in Kenya, and we are Kenyans, hata kama ni wabukusu, lakini sheria ya kupeana uridhi iwekwe, mahali popote, iwe uner busukus ama customa gani.

Com. Lethome: Hebu uonge straight, wanawake wapate land

Lorna: Kwa wazazi wawo. Hata kama si land lakini kama mzazi ana property ambaye anaweza msichana wake ambaye hajaolewa na pengine anapeana mahitaji yake.

Com. Lethome: Kama ameolewa?

Lorna: kama ameolewa, hiyo ni case tafauti, lakini kama hajaolwea kwa sababu si wote wataolewa. Apewe uridhi ambaye mahali atatoa mahitaji yake ya kila siku to avoid prostitution kwa wasichana ambao ni wabusukus. Kwa hivyo shria pia iwekwe kwa wabusukus, ambao inawasaidia wale wasichana hawajaolewa kupata uridhi. Ni hayo tu.

Com. Wambua: Mtu akikaa na msichana after six months iwe registered, iwe kama ni marriage. Na je kunahusiano ambao uko, kwa mtu akona bibi amowa officially na akona wengine ambao ni unofficial, unasema wakihesabu six months anaambiwa huyu ni bisi, another six months mahali penigine ni bibi, inasema nini hapo?

Lorna: (inaudible) Kwa sababu tusipoweka hiyo sharia, unaona mwanamume atachukua msichana, halafu pengine after six months anamdump. Sasa tukiweka sheria kulinda hivyo, utaona watakuja kuogopa.

Com. Lethome: Nani anaogopa?

Lorna: Wanaume pamoja na wasichana.

Com. Lethome: Asante sana. Next.

Cosmus Makasi: My names are Cosmaas Makasi, I come from Malakisi Town, malakisi location. I wish first of all to thank you most profoundly I have been waiting for you officers, and this is the time I have to make my proposals.

Com. Lethome: Are you the person (inaudible)

Makasi: the powers of the president, the president should not be above the law. Administrative unit in Kenya, should be left to the special commission to decide which areas to divide, and not the president to decide upon districts and locations. But an area should meet certain requirements before it is made to be what it is.

The senior civil servants: in the power should be left for parliament to decide who to become the ambassador, who to become Chief Justice and so on.

The president should not be made the Chancellor of the state universities, instead, the minister and the Vice Chancellor of those state universities should be given powers and anything that goes there are their concern, and not the president to be the Chancellor.

The state functions of the president should be limited, especially foreign trips to about 20 other things to be left to the ministries concerned.

The president of Kenya should not be the chairman of any political party.

The depth of searing in the president after every election should be left out, and nobody should petition and nullify the election results announcement of the president once elected to power.

The president and the party presidents should be elected legally, by the electorate, and in case the president dies in the course of his terms the vice president to take over, the term that remains and complete, the five years. In case the two people die in

road accident or air, or any other cause, then the speaker of the national assembly should take over.

Com. Wambua: You want (inaudible)

Makasi: Ten, the age of one to vie for presidential seat, he or she should be reduced from 35 to 25 years. The level of education for one to be elected as the president of the republic of Kenya should be at least a degree holder, from recognized university. The elected should also retire at the age of 75 years.

There should be two types of general elections. One, the presidential and Vice presidential. That means these two people should be elected at the same time.

Two, civic and parliamentary elections at his own time, for fair and free and good choices of leaders, and inexpensive.

Another one, after every general elections, the date for the new elections should be well spelt out to the voters not to be kept a secret by the president.

The speaker of the national assembly should be empowered to dissolve the parliament once it comes to its end. The bi election should only be there if the elected leader dies, resigns, declared bankruptcy, becomes insane or appointed by the government to serve as a civil servant. Anybody who defects from his or her political party to create a bi-election will be made to pay all the elections charges promptly by the court of law, to avoid change of parties.

Anyone found bribing during elections, should be fined heavily. Anybody using force to scare out, or threaten or misleading voters should not be allowed to take part in election and charge in court of law with heavy fine.

Anybody whose records are proved bad by the court of law, e.g., corrupt fellows, murderer and all that should never be allowed to be cleared by political parties, and if a party does, then in the election it would be null and void.

Minimum education for civic leader should be C, and an mp should be C+.

After every election time counting of votes should be done at the stations where the elections have been conducted, that is in those polling stations, including the returning officer, party officials and the speakers to be taken to a higher office so as to know who is to rule now to avoid disappearance of votes.

The Electoral Commission of Kenya should be taken into the government by the parliament. thank you very much. I had also other things.

Com. Lethome: We shall read all those.

Makasi: I want to talk about succession of and land administration, and then we have one union one lawyer, so that the pertaining power of the union is strong.

The Kenya government should be coalition government and other (inaudible) and also let them come, the electoral Commission should continue education Kenyans on issues of elections, that is things as is the right of wananchi.

Wananchi's basic needs should stand, and another thing I would like to say is the freedom of worship: there is freedom of worship yes in the republic of Kenya but the idea of public crusade to abuse other people's religion, should be abolished, but it should be conducted within a building to its members, so that when it is conducted within the members, kama unaambia unakunyua bangi unafanya nini, it is within those people but if it is staged at the market then it can create what we call conflict, so we should be having that in the coming constitution. Thank you, may God bless you.

Com. Lethome, May God bless you. Peter Nakikungu, Victor Wanyonyi, you are together, Finally Kufunga kikao, kuna huyu, wewe, halafu wewe, utatufungia kikao.

Leonard Kisa: My names are Leonard Kisa. I would like to talk about those wishing to contest for parliamentary and civic seats. My view is that the rules requiring that an aspirant resigns from a given post be changed. Those aspiring for various seats should be assured of their former jobs, if they fail to get elected. I say so because lack of job security has made qualified persons to fear engaging in politics. This has contributed to electing people who are not qualified since they have no jobs. It is my proposal that we have people contesting. Those who are employed, they may only ask for unpaid leave and if they fail they may resume their jobs.

The other thing which I would like to talk about is about education in the employment. I propose to have a free primary education, by this I mean, apart from free education pupils should also be given books by the government, furniture and other requirements; while in secondary schools we should have affordable school fees as the government supplements most of the requirements by the students. On top of this, it is my proposal that the government should offer training courses which will guarantee jobs after training to avoid wastage of the scarce resources which we have. those are the few proposals which I had.

Com. Lethome: thank you very much, nenda ukasign.

Nassir Waluanda Sudi: (*Kiarab*) Nina shukuru Mwenyezi Mungu Kwanza majinayangu ndiyo nime zungumza kwa kiarab, an majina yangu yanaitwa Nassir Waluanda Sudi. Sasa kituchakwanza hata sikuwa nimejiandaa kwa sababu nilikuwa kwa

shughuli tafautitafauti lakini vile nilisikia ndiyo nikakuja hivi. Lakini jamba ambalo nintaka kuzungumuzia ni ya Uislamu, ya ile baadhi ya mambo ambayo yamezungumuzia hapa.

Kwanza ninataka we should have equal rights like other religions, e.g., kwa sababu hii 1992, nilikuwa Islamic College ambapo tulikuwa tunafunzwa juu ya uislamu, yaani college ya kiislamu na mafunzo mengineo lakili IGK ilipokuja halafu serikali ikasimasha huo kuendelea na masomo, na hiyo college ikafungwa.

Com. Lethome: Sasa unapendekeza nini wewe?

Sudi: ninapendekeza pia sisi tuwe na rights tuwe na colleges za uislamu bila kuwa na conditions na concept, watusinsia na hatujafanya kituchochote.

Na ile ambao inafuata tena ghali wakuweko, kwasababu (In kiarabu). Akasema (Kiarabu) Maulama uma wangu, nikama mtume wa israili, na kuna baadhi ya watu ambao hawajasoma, na sisi katika waislamu ni lazima tunafuata sheira za kiislamu na makadhi ndiyo wale watu hawajasoma vizuri. Tukiwa huduma tafauti tafauti, wataenda kwa kazi.

Interjection: Com. Lethome:

Sudi: Sitaki. Pengine walisema wape makazi, watoke, na makazi wapate. Napia sisi ambao tunapata, mahali pa uchinjaji, uwe katika kila sehemu waislamu ndiyo wawe wana chinja kwa sababu gani? Kwa sababu muislamu anawezakuwa na safari akawa na nja, atafute hoteli, anafikiria ni chinjo la muislamu, kume sio muislamu.

Com. Lethome: Watachinja,

Sudi: Na pia waislamu, ama wale Amdao wanafundisha Islamic knowledge katika shule za mzingi na shule za secondary, lazima welipwe na government. Wengine wako trained vizuri sana, kwa hivyo lazima wapewe na pio huo mshahara na government.

Na ile ambao inafuata pia lazima tupatiwe na fasi ya kujenga colleges ya uislamu, kwa sasa ukitaka kufanya kitu congitions zinkuwa nyingi, mpaka hatuwezi kufanya hivyo, na tunasema katika kenya tukona shida kwa ufausi.

Na ile ambao inafuata, mtue alisema kwamba aliwacha (inaudible)

Ninamaliza sasa niko ya mwisjho. Sasa, ile ambaye inatakikana pia ma mps lazima wao watu ambao wamesoma, wafike kiwango cha form four, na lazima wawe watu wa vitendo yaani, mtu asiwe mp, sababu ako knowleagable, atasema mimi nimesoma sana akaa huko, hawezi kujenga. He cannot make anyh development, that one is not a right Mp. Angalia mtu ambaye anaweza kuleta development ambaye ana marafiki wanamletea mali halafu anadevelop area zenu. Wengine, president

anapatia nafasi ya juu sana anaweza kuwa kiongozi na hawezi kumletea, anataka nini? Sio wale ambao wanakaa bure. (in kiarabu)

Martin Wasilwa: My names are Martin Wasilwa: I have two issues. First of all, I just want to say that National Anthem and also national Flag must be maintained whether there is a change of government or not.

Also I propose for introduction of a post of Prime minister.

Also I propose that youth should have a bank whereby they will go and get loans so that they may continue to have something to do in their lives to avoid some idleness.

Com. Lethome: (inaudible) How do you propose avail them the money?

Wasilwa: When they have some organizations in their villages. I just want to also propose that harambee kind of organizations should be abolished in our nation.

Lastly some other public holidays should also be abolished.

Com. Lethome: Which ones?

Wasilwa: Moi Day. Those are enough. That is all I have.

Com. Lethome: I think we are through. Wambua, you should close the session.

Com. Wambua: Inaonekana ni kama sasa tumefika mwisho wa kikao hiki na sasa tumefika wakatiwa kufunga. Kawaida huwa tunafunga na maombi, lakini kabla hayo tuwatambua wale ambao walihusika kufanya mipango na kuhakikisha kwamba kikao kimefaulu. Kwa hivyo wale 3Cs na Coordinators kama wako hapa wasimame. Halafu tukitafuta coordinator tutatafuta mtu wa maombi. Muislamu aemenda, atattuombea basi. Tufunge, manaake tulianza na dini ya kikristo tutafunga na ya kiislamu.

Basi wale waliokomanaake ninifikiri coordinator hayuko karibu, kwa niaba ya Tume ningelipenda kuwashukuru, kazi ambao mlifany hapa ni nzuri, ni vyema, kikao kilifaulu watu walikuja wakatoa maoni yao, sinalshida. Kwa hivyo inadhirisha kwamba mlifanya kazi vyema. Kwa hivyo kama field officers watu wetu hapa grassroots, pamoja na district coordinator, ningelipenda kwa niaba ya tume kuwashukuru nyote. Kazi ya tume haija isha, bado tungali tutarudi hapa ikiwa sheria haita geuzwa, kushughukikia mabo ya report tutakayoandika. Mtatakiwa hiyo report izungushwe kwa wananchi someshe wajue jinzi

walivyosema kweli tuem iliandika hivyo. Kwa hivyo kazi haija isha tu bado tungali tukono na other steps to be taken. Tunataka muendeleo hivyo hivyo, mfanye kazi kwa bidii kuhakikisha kwamba katiba ambao tunaiandika kweli anareflex views of the people of Sirisia. Kwa hivyo mkubali hiyo shukurani kwa niaba ya tume.

Isipokuwa hatuna wakati sasa, tumeenda kabisa ni saa kumi na moja, ninafikiria ni vizuri tuombe halafu tufunge kikao, halafu wale ambao pengine watapatana nafasi kuja huko, tunafikiria tuko Chwele market, tutakutana huko wale ambao watafika huko halafu tuendeleo kuwatumikia watu wa Sirisia. Asanteni sana wale mliofika, niwashukuru kwa niaba ya wenzangu hapa Commissioners lehome, na Bishop njoroge, principal, wewe ndiyo uliyo tukaribisha hapa na kama home, tungelipenda useme machache maanake tulikuwa kwako, nyumba ni yako kwa hivyo taja machache kabla tuombe natufunge kikao.

Principal: Thank you very much Hon. Commissioners, thank you, the team that has made it possible for us to assemble in this school and collect the views of the members or our constituency from various personalities. I feel it has been a very good thing and we would like to assure the Commissioners we are very proud of whatever they are doing. We feel that is actually the blood of our nation, that constitution, and we have a lot of hope. We are also praying that the same goodwill may continue that whatever you do, every Kenyan will see that in person, so that we can build a better Kenya for our children, and our future. We thank you very much I think you have made it very possible for us to air our views, where we are stuck I would follow, that you are helping those who are making their views to clarify whatever they had.

I think we are leaving everybody knowing that they have been given ample time and we believe that they will be put in place so that we have a constitution we are going to be very proud of. Because we have seen what was in Uganda they took a long time, and therefore, I think it is normal. You people keep it up. We are reading in the papers, and we know people are very skeptical, but I believe I am now convinced that you really mean very well for our nation and we are coming up with a document that is going to change the face of our nation.

For the coordinator and the other team, I say thank you very much for honouring us, making it possible for us to do it. Anytime that you like to make this kind of thing we have in our facility, in this hall where we can meet as many people as possible, and it is almost central, for particularly the people of Malakisi and other sections, we can meet here very conveniently. With those many words, may I thank you once more and wish you safe journey and a wonderful exercise you are carrying out, we pray for wisdom and that you have it, and because you are going to sink tanks for our nation and I believe you are going to put everything that we want. You are our hope. Thank you very much.

Prayers: Nassir Waluanda Sudi:

Kulingana na sisi kiislamu, unaweza kiketi ama kusimama, it is not a condition, Allah anasisikia mwenye amesimama, mwenye amelala. Unawezakuwa unafanaya nini ukaomba. Ukiweza kuwa unashidwa kuomba unaweza kulala kwa kitanda unaomba. Tunamshukuru mwezi Subhana Wa Taala ambaye katika siku yaleo tumekuja hapa kwa Komishona hawa kusikiza maoni yetu.

