

**CONSTITUTION OF KENYA REVIEW COMMISSION
(CKRC)**

VERBATIM REPORT OF

**CONSTITUENCY PUBLIC HEARINGS,
BUDALANGI CONSTITUENCY HELD AT,
MAKUNDA SECONDARY SCHOOL**

ON

Tuesday, 30th July 2002

**CONSTITUENCY PUBLIC HEARINGS, BUDALANGI CONSTITUENCY HELD AT MAKUNDA
SECONDARY SCHOOL ON TUESDAY 30th JULY 2002**

PRESENT

Com. Prof. Wanjiku Kabira
Com. Alice Yano

SECRETARIAT STAFF IN-ATTENDANCE

Millicent Achieng	-	Program officer
Elisha Ongoya	-	Assistant Program officer
Regina Obara	-	Verbatim recorder
Timothy Wesonga	-	District Co-ordinator

The meeting was called to order at 9.00 a.m.

Peter Omino: Kwa jina la Baba, na la Mwana na la Roho Mtakatifu Amen. Mungu Baba, tunakuja hapa mbele yako kushughulikia Katiba yetu ambayo ni maisha yetu. Tunakuomba ututumie mwanao Yesu Kristu, awe kati yetu, awe mwenyekiti wa mkutano huu, atuongoze kwa mambo yote ambayo tunaenda kujadili. Tunakuomba pia utumie kila mmoja wetu Roho Mtakatifu ampe mwangaza na ajitokeze atoe maoni vile anahitajika bila uoga. Tunakuomba, wale ambao wako njiani wanakuja, ewe Mungu Baba, uwaongoze vyema wafike na pia tushirikiane pamoja. Mwenyezi Mungu tunakuomba hayo machache kupitia kwa mwanao Yesu Kristu ambaye ni Mkombozi wetu.

Timothy Wesonga: Asante sana. Nafikiria hatutakawia sana, ningependa kusema leo Commissioners wetu kutoka Commission ya kurekebisha Katiba Nairobi. Leo tuko na Commissioners wetu wenye tulikuwa tunatarajia kutoka Nairobi, na hapa Commissioners tuko Budalangi Constituency, Bunyala South. Jana tulikuwa upande wa port na leo tuko Makunda Secondary School which is the second hearing center katika Budalangi Constituency. Vile mlikuwa mmeambiwa jana nafikiria mljulishwa wale CCC members wa kutoka upande ule na ningependa tu kwa sababu wengine kwa CEP, Civic Education Providers, hawakukuwa hapo, wangesimama tu tuwaone. Hawa ndio wamekuwa Civic Education Providers wa upande huu, wengine nafikiria hawajafika kwa sababu ya other things. Asanteni.

Nafikiria kwa sababu ya wakati sitaendelea sana, nitachukua wakati huu, niite Bwana Chairman. Nitachukua nafasi hii niite

Bwana Chairman atuzungumzie kidogo kwa sababu tuko kwake. Bwana Chairman, Mr. Haman Ogolla.

Haman Ogolla: Asante sana Co-ordinator, Ma-Commissioners wetu ambao wamekuja kuchukua maoni kutoka kwa wananchi wa Budalangi division upande wa Southern Bunyala. Co-ordinator, team ya Secretariat kutoka Commission, Councillors, naona mmoja si wawili, wazee ambao wamesafiri kutoka mbali kuja kujiunga na sisi na vijana hamjambo! Hamjambo tena! Vile Co-ordinator amesema hii ni siku muhimu sana kwa wakaaji wa sehemu hii ya Bunyala. Ni siku tumetarajia kwa siku nyingi na tunarudishia Mungu shukrani kwamba hii nafasi ipatikane.

Kabla sijasema mengi, jana kwa bahati tulisahau kutaja kitu kimoja na ningetaka kukitaja leo. Kwa niaba ya wakaaji wa Budalangi Division, sisi tunatoa rambirambi zetu kwa kifo cha aliyekuwa naibu wa mwenyekiti wa Tume hii, Dr. Ooki Ombaka. Kati yetu hapa tuna wachache ambao walipata nafasi ya kuwa na yeye pamoja na kuandaa mikutano hasa mwaka wa 1991 na tunafahamu ushupavu wetu kwa hivyo tunaomba Mola amusaidie peponi. Na tunafikiria Commissioners wata-register hiyo rambirambi yetu kwa Commission na pengine familia ya Ooki Ombaka. Nilivyotaja hapa Bunyala tuna shida tofauti tofauti hasa kwa nyinyi Commissioners mlikuwa ng'ambo jana na mlijionea matatizo ya kule ng'ambo. Kitu ambacho tuliona ni milima, mawe na pengine changarawe mingi na wale waliozungunza wote jana, walisema bahari ndio hasa kinga yao. Leo, mtasikia kwa hawa wazee, si tofauti sana na yale ya jana. Wengi watatilia mkazo kwa sababu isipokuwa bahari iko mbali, bado sisi tunachoka kwenda kuvua samaki.

Kwa hivyo yale matatizo mlisikia jana huko, ndio kati ya matatizo mtasikia leo. Isipokuwa, mlipokuwa mkija mkivuka daraja, mmeona kwamba huku mchanga wote uko karibu below sea level. Port L. Victoria ile lake iko karibu juu na matatizo ya hapa, vile wazee wataeleza ni kwamba wananchi wanaishi kwa nusu kidogo ya mchanga wao. Mchanga wao wote umefurika. Kwa hivyo taabu yao si kwamba ni maskini, taabu yao ni matatizo hayo ambayo watayataja. Na haya matatizo mkitupa Constitution mzuri ili hawa wazee waweze kuridhi huo mchanga wao tena, nawahakikishia mkija tena miaka kumi ijayo, hii Bunyala itakuwa ni nchi tofauti. Ina rotuba ya kutosha. Kwa hivyo sitaki kuwachokesha kwa sababu haya yote mtayasikia kutoka kwao, wamejitayarisha vizuri na wana memorandum zao, kwa hivyo mtazipokea na mtasikia kutoka kwao. Kabla sijakaa pengine kuna hapa mwananchi wa Bunyala na pia kuna wageni ambao wamezaliwa hapa na wamechukua jukumu hii kutoka kule walipokuwa kuja kuungana na sisi.

Councillor Michael Kongo: Asante, mimi kwa majina ni Councillor Michael Kongo Bunyala Central Ward ndio Ward ambayo tumekaa sasa Makunda Secondary School iko katika Ward hiyo. Ma-Commissioners wetu wale ambao tuko nao siku ya leo, District Cordinator, Constituency Co-ordinator wa Commission ya kurekebisha Katiba kwa sababu siku ya leo ni ya wananchi kutoa maoni yao. Langu ni kuwakaribisha na kumuuliza Mwenyezi Mungu awapatie afya, awape nguvu ya kukaa pamoja na sisi na kusikiliza maoni yetu. Na yale mapendekezo yetu tunaomba sana yaweze kusikika ili yaweze kutusaidia siku za usoni.

Mengi yametajwa na Chairman wa constituency hii upande wa Constitution Review Commission, ni ya kwamba ng'ambo hii, kutasikizwa mambo mengi kuhusu swamps ambayo ni moja wapo ya shida kubwa katika eneo hili na wazee hawa ambao wamekaa naamini ya kwamba wegngi malilio yao yatakuwa ya kwamba ikiwa Katiba inaweza kurekebishwa na iangalie matatizo yetu, tutaishi maisha mazuri na pia tutaweza kupata faida ambayo itasaidia sisi Wamanyara na hata wenzetu katika jamhuri ya Kenya. Yangu ni kuwaombea kila la heri na kuomba ya kwamba tutakaa kwa amani na mchango wetu tutatoa mpaka wakati ule ambao pia nyinyi mtaona ya kwamba inafaa tuachie hapo. Karibuni karibuni, mjisikie huru hii exercise ambayo tumetarajia kwa muda mrefu sana. Asante.

Timothy Wesonga: Asante sana Councillor. Kabla ya kuwapisha Commissioners ili tuendelee, hapa tulipo tuko katikati ya shule mbili na headmasters wa hizi shule, wametusaidia kwa njia nyingi na ningependa kuwapongeza sana na kuwarudishieni asante kubwa. Kuna headmaster wa Secondary school na kuna headmaster wa Primary school. Tuko katikati. Viti tumeomba huku, forms tumeomba huku, shed tunatumia pamoja. Headmaster Secondary school.

Henry Wangwa: Thank you very much Commissioners, mine will be a very humble....my name is Henry Wangwa, headteacher Makunda Secondary. So, mine is actually a very very simple and humble task and it is that one of welcoming you here to our school. From the newspapers, it had been stated that Makunda Secondary School will host this gathering but because of problems here and there, we don't have a lot of facilities in our school, we don't have a hall and we agreed with my counterpart that we should use this shed. So all in all, I just want to thank you for your coming and to welcome you. Please feel free that this exercise as it goes on, it should actually proceed on well. So, once more mine is only sincerely to thank you to this gathering and request you to feel at home as we proceed on with this national exercise. Thank you.

Alex Ndege: Ma-Commissioners kutoka Nairobi, wananchi watukufu, langu ni kuwapigia asante sana na tena kuwakaribisha. Jina langu ni Bwana Alex Ndege, Headteacher Makunda Primary School. Kwa hivyo siku ya leo ni siku ya muhimu sana, ni siku ya kurekebisha Katiba yetu, kwa hivyo yule mwananchi ambaye amekuja hapa, awe na jukumu la kufikiria, nchi yetu inaendelea wapi, nini itaendelea. Kwa hivyo mimi nawakaribisha, tuendelee vizuri, tumalize shughuli. Asante.

Timothy Wesonga: Asante sana hosts wetu. Nafikiria sasa tunataka tuendelee kidogo. *Lano khwenya khuchake, nyinya khubereseia Commissioners nafasi, bulano bali nende tsi memorandum, bachake khwekhonyera*, . I am sorry I am trying to push the message home. Sasa tumefika ukingo. I want to take this opportunity to invite the Commissioners and hand over the programme to the Commission and before I go on, ningependa kuuliza wale wote wenye hawaji-register, kama umeandikisha huko, unaweza pitia pale na umalizie na registration saa zile watakuita.

Tutaelezwa kabisa vile watataka tufanye presentations zetu na Commissioners, lakini saa zile, ukiwa unazungumza kitu kama Kiluhya na hawezi sikia, tutakuwa na interpreter. Lakini kama unazungumza directly English ama Kiswahili. What will happen is

that you will go on. Asante sana, wacha niwachie hapa, leo ni siku yenu nisiongee mengi lakini kabla hatujaendelea ningependa nichukue hii nafasi, ku-hand over sasa programme kwa Ma-Commissioners wetu. Commissioner Prof. Wanjiku Kabira.

Com. Kabira: Thank you very much Bwana Co-ordinator, thank you Headmaster for the school. So, we will go ahead without the microphones because it looks like the microphones are going to give us problems for the rest of the day and we don't want to wait for them. Tumefurahi sana, mimi jina langu ni Wanjiku Kabira, ni mmoja wa Commissioners na ninafundisha University ya Nairobi lakini kwa leo tunafanya hii kazi mnataka tufanye na tumalize. Na nitampatia mwenzangu hapa wakati ili ajitambue kwa nyinyi.

Com. Yano: Hamjamboni nyote. Mimi kwa jina naitwa Alice Yano, Commissioner na ndio leo tumekuja kuchukua maoni yenu. Amesahau kusema yeye ni Prof. Wanjiku Kabira.

Com. Kabira: Na yeye amesahau kusema ni Wakili na anafanya kazi Eldoret.

Com. Kabira: Asante sana. Tungekuwa na Prof. Okoth Ogendo lakini kulikuwa na kazi ingine kwa ofisi na ndio alienda kufanya. Kwa hivyo alienda asubuhi. Kwa hivyo sisi wawili tukiwa wanawake, na tunaanza lakini hakuna hata mwanamke mmoja ameingia.

Kwa hivyo District Co-ordinator na the Chairman, wataona vile watafanya kwa sababu ni lazima tusikize wanawake pia. Tumeona wengi kwa njia kwa hivyo tunajua wako. Kwa hivyo watawatafuta na wakuje. Tuna members of the secretariat kwa hivyo nitawauliza waje wajitambue, mjue ni nani. Na mtu aseme ile kazi anafanya. We will introduce the ones who are here.

Regina Obara: Jina langu ni Regina Obara, mimi ndio nitakuwa nachukua maoni yenu live kwa recorder.

Elisha Ongoya: Jina langu ni Elisha Ongoya, kazi yangu ni kuandika yale ambayo mtasema. Usiogope eti maoni yako hayataandikwa. Chochote kile ambacho utasema kitaandikwa chini.

Com. Kabira: Kuna mwingine, tutamwambia ajitambue akiingia. Ni Program Officer lakini ameenda kufanya kazi ingine. Nitasema machache pia juu ya utaratibu ule tutafuata leo. Tunataka mjue, tuna-record kama vile alisema, halafu tunaandika, kuna mtu anachukua hiyo report. Na hata sisi tutaandika kwa sababu yale maoni tutachukua leo, tukirudi Nairobi, yote itaandikwa na itakuwa kwa report. Tutatengeneza Constituency Committee reports and when we are through with the Constituency Committee reports, it will come back to you so that you are able to check whether we have reported. We have given the correct interpretations of what you said at this meeting.

So, we hope that is going to be done as soon as possible and we are also going to send you the national report and the Draft

Constitution as soon as it is ready so that we are also able to debate and look at the issues and see what other people said. So, you will be able to compare what you said as a Constituency with what other people said all over the country and also make your recommendation. When that happens, we shall have a National Constitutional Conference, ile itachukua pengine mwezi mmoja and we will have three District Representatives from each district and the Members of Parliament and we shall form the National Constitutional Conference. During this conference, the Kenyans will discuss the Draft report and approve what they think should be approved and then submit it to Parliament. But for today, we are going to be here as long as there are people to present. Uko huru kusema vile unataka na hakuna mtu anaweza kusema lile unasema ni mbaya au hataki kusikia vile unasema. Kila mtu atazungumza vile anaona ni vizuri. Tutafuata taratibu ya register ile tunafanya. Kama yule alikuwa namba moja. Mzee Odonge ako? Yule alikuwa wa kwanza lakini tulisikia huyu Mzee alikuja mapema lakini hakujiandikisha. Kwa hivyo tutaanza na wewe ukiwa ulikuwa wa kwanza hapa.

Timothy Wesonga: Huyu ndiye alikuwa wa kwanza lakini hakujiandikisha.

Com. Kabira: Kwa hivyo tutaanza na yule alikuja kwanza. Ni sawa? So, we will follow this list strictly because we want to be fair. Those who came early will present first, those who come late will present afterwards. Isn't it? We will try to be as fair as possible. But, if for instance we have somebody who is disabled, who comes, then we might jump the queue to let that person present and then go. Also, if they manage to get the women which they have to, we might also give them a chance a little earlier because they will have to go back and cook. So, we don't want to keep them here until five and then they go home and they are still asked for food and they have not cooked. Or they have not even looked for it.

But, otherwise we will follow the list as it is. We are also going to make sure that we give you five minutes if you have a memorandum, so that you highlight points. Utuambie unafikiri ndio muhimu sana, halafu tutachukua hiyo memorandum twende tukasome. But, if you don't have a memorandum, we will give you ten minutes to tell us what you think should be changed in the Constitution. Therefore, we will try to be as fair as possible throughout the process.

I also wanted to say that you can speak in any language. Uzungumze na Kiingereza au na Kiswahili au Ki-Bunyala. Ile lugha ya mama tunasema, si ndio? Ikiwa ni Inyala, au pengine, Jalu. Niliona Siaya ni hapa tu karibu, kukiwa na Mjalu, atake kuzungumza na lugha yake azungumze. Halafu tunamuuliza Chair wa Committee na District Co-ordinator watafute watu wa ku-interpret. This is a very important moment, use the language that you are most comfortable in, in order to communicate your ideas. I think for now, that is all I was going to say, except to give the Program Officer a chance ajitambue, halafu we go to the first person.

Millicent Achieng: Habari zenu, kwa majina naitwa Millicent Achieng. Mimi ndiye Program Officer.

Com. Kabira: Mumesikia? Alisema anaitwa Millicent Achieng na ni Program Officer. Mzee Zachariah Obonyo. Zachariah

utakaa hapo. Ya kwanza ile utafanya nikujitambua. You say your name, although we have heard. Say your name on the microphone. Ujitambue kwa sababu ni lazima iandikwe kwa cassette.

Zachary Obonyo: *Murie muno, ngamwitsire khubukula tsimbosi chino, okhuyira mukatiba.*

Translator: Anasema ni asante sana.

Zachary Obonyo: *Elira liange ni Zachaira Obonyo Ouma, ira niro lira liange.*

Translator: Kwa majina anaitwa Zachary Obonyo.

Zachary Obonyo: *Basi ndakhecha ano, nindi nende obuchuni obwe sialo esiefwe ngolwa nekwakana, kwa matatizo.*

Translator: Ati, amekuja hapa akiwa anahuzunika jinsi wanavyopata shida hapa kwa nchi yao.

Zachary Obonyo: *Khulweso, ndarangirira khuloma loma nende inyanza eirubechanga ebwadieri, niyo esomesia bana befu.*

Translator: Kwa hivyo atatangulia kuzungumza juu ya bahari ambayo huwapatia uzima.

Zachary Obonyo: *Ogola ni yayasi,*

Translator: Kutoka hapo akateremka kufika Malel Ogola ambayo ni wayazi.

Zachary Obonyo: *Basi khalano ninyendelea nitsula Makera wa Gaunya.*

Translator: Halafu akaendelea akafika Makera wa Gaunya.

Zachary Obonyo: *Abandu bandalinabo babola mbu khaba khufunye inyuma.*

Translator: Watu waliokuwa nao walisema hapana, turudi nyuma.

Zachary Obonyo: *Ndafunya inyuma, nomala ofunya nyuma no ula abundu aandi alangwa mbu makina kaliwo mbu Musambwa.*

Translator: Aliporudi nyuma, akafika mahali pengine panapoitwa Msambwa ambapo kuna mawe,

Zachary Obonyo: *Basi, yaandika ekhuwa libola mbu, ebuleka ewo ni Bunganda, ne buleka ewo ni Kenya.*

Translator: Akaandika hapo ya kwamba, upande mmoja ni Kenya na upande mwingine ni Uganda.

Zachary Obonyo: *Basi efwe bene khwali khwakamanga abundu alangwa mbu Siro, niso sikhwakamangakho bandu ba Kenya.*

Translator: Sisi wote watu wa Kenya tulikuwa tunapitia kiziwa ambacho kinaitwa Siro.

Zachary Obonyo: *Ni mpaka kwefu kwa khuakamangakho.*

Translator: Ndio kulikuwa mpaka wetu ambao tunapitia.

Zachary Obonyo: *Lano khutsi mbu abaluhya bafu ba jirani befu bakula imialo ebwosi, babule pending.*

Translator: Sasa tumeona ya kwamba jirani wetu wamechukua hivi viziwa vyote. Wamechukua vyote. Jirani Waganda.

Zachary Obonyo: *Basi, mana khusaba Serikali yefu, irube bunyala, irubekho amani, ngulwa khwakhanyala khwekhonya, khunanza yefwe eyo.*

Translator: Sasa tunaomba Serikali yetu ambayo ina uwezo, kutufanyia mpango ili tuwe na njia ya kutumia hii bahari.

Zachary Obonyo: *Okhubera khunyulwa bindu, okhura kata munyumba chief.*

Translator: Wengine tunanyang'anywa vitu kufikia hata manyumbani mwetu.

Zachary Obonyo: *Khunyulwa bindi*

Translator: Tunanyang'anywa vitu vingi, nyafu, dowana, samaki na hata pesa.

Zachary Obonyo: *Okhubera khunyulwa bindu bingi, chingoro khunyulwa, malobo khunyulwa, chinyeni khunyulwa amapesa.*

Translator: Kwa sababu wao bado wanasema hiyo ni bahari yao.

Zachary Obonyo: *Khoro mbu banola mbu eyo niinja yabwe.*

Translator: Sasa najiuliza ya kwamba, sisi Kenya hatuna bahari.

Zachary Obonyo: *Kharo nderebanga mbu efwe eno Kenya kuumakho inyanja?*

Translator: Hayo ni malilio yangu ya kwanza.

Zachary Obonyo: *Okho nikho khulira khwange khwakwanza.*

Translator: Langu la pili,

Zachary Obonyo: *Ne elikhuwa liange liokhubiri,*

Translator: Ninalia pahali pa Yala swamp,

Zachary Obonyo: *Ndira abandu wa Yala swamp,*

Translator: Kutoka hapa sehemu za kwetu Bunyala.

Zachary Obonyo: *Okhurula Bunyala wefwe eno.*

Translator: Hapa Yala swamp kuna mto mmoja ambao unatokea huko Yala swamp.

Zachary Obonyo: *Basi, Yala Swamp khuli nende mwalo mulala ekurula mu Yala Swamp.*

Translator: Huo mto unaitwa Siura.

Zachary Obonyo: *Kulangwa mbu Siura.*

Translator: Huu mto,

Zachary Obonyo: *Basi mwalo kuno,*

Translator: Vile ulikuwa wazi hapo awali, maji ikiteremka kufikia bahari.

Zachary Obonyo: *Omwalo kuno ngokwakhekhanga khurula eria nikukhulutsa mpaka munyanza.*

Translator: Tulikuwa tumeishi upande na upande wa huo mto.

Zachary Obonyo: *Khwalichingi nikhumenyere buleka ne buleke.*

Translator: Tukilima chakula chetu cha aina yoyote.

Zachary Obonyo: *Nikhulima ebiakhulia bwes bwesi aina ye biakhulia.*

Translator: Kutoka huo mto uzibe,

Zachary Obonyo: *Basi khuru mwalo kuna nikusiba,*

Translator: Sasa maji yameanza kutapakaa katika maboma yetu na katika mashamba yetu.

Zachary Obonyo: *Kharo matsi kecha nikurukendera mumadala kefwende mikunda kiefu.*

Translator: Kwa hivyo sehemu nyingi, watu walikula.

Zachary Obonyo: *Basi sehemu chinyingi chiadikha.*

Translator: Walikula na kutawanyikia nje.

Zachary Obonyo: *Chiakhamala khwadikha, ni batsia bamenya rwanyi.*

Translator: Kwa hivyo ninalia ya kwamba huu mto, Serikali ifanye mpango, itoe kila kitu ili maji yateremka vile ilikuwa inateremka hapo awali na tuwe na uwezo wa kupata chakula vile tunaweza.

Zachary Obonyo: *Esie ndira mbu mwalo kuno kuruiya ekulu Serikali erwe khulime khiikule inyanza khwakange bumena, khukhoye khukhenga miliango kino bandu befwe okhwakamo ebiakhulia.*

Translator: Huo mto ukifunguliwa, tutapata chakula kingi hapa Bunyala na hatutagemea hata Serikali kutupatia chakula.

Zachary Obonyo: *Omwalo kuno ni kwomuyekhe, khulakangamo ebiakhulia bingi, ni Bunyala akhulakenge ni ye jirani sibari ne biakhulia khaba.*

Translator: Kwa vile huu mto ndio ulitupatia hii shida na kuharibu nafasi yetu.

Zachary Obonyo: *Okhubera mwalo kuno nikurunyasiria ebweyango.*

Translator: Baada ya huo mto kuziba, umefanya pahali hapo kuharibika na kumekuwa na wanyama wengi kama vile nguruwe na hizi chakula chetu.

Zachary Obonyo: *Basi omwalo kundi kuno niba mbu kuliwo kulera tsimubis tsinyingi nitsiria ebiakhulia biefwe nitsidobania etsakhurakemo nguruwe.*

Translator: Kwa hivyo tunaomba Serikali yetu tukufu, itumalizie hawa nguruwe ili tuwe na nafasi ya kulima chakula chetu na kupata vile tulikuwa tunapata hapo awali.

Zachary Obonyo: *Kharokhulira mbu Serikali eyo imbiakha eyitsa yindi irumalire tsingurwe tsino irusie mu parking muno, etsie eruke kama irukanga esolo tsindi chibwe muno.*

Translator: Pia tukipata ya kwamba sasa Serikali imemaliza maji kwa hiyo swamp, sasa tunaomba Serikali pia itupatie shule tatu za msingi.

Zachary Obonyo: *Basi kaliwo makuwa kandi mbu, inyuma matsi kano ketsa mu eka kaumamo, khandi khwekomba mbu Serikali iruberesiekho ebukuli khandi, bidaru.*

Translator: Haya mashule yatakuwa moja Rukala, ingine Bulwani, ingine Mukhobola.

Zachary Obonyo: *Ne ebikuli beno, barekho silala Rukala, silala Bulwani, ne sindi Mukhobola.*

Translator: Hiyo itafanya wale wanafunzi wale walienda watapakaa katika sehemu zingine, warudi na kusomea katika hayo mashule.

Zachary Obonyo: *Basi khula bukula bana, abarulanga nibatia mu tsingongo tsindi, balafunya, balaengira mu bikuli*

ebo, kharo bilaba bimalile edinga.

Translator: Hayo ndio mawazoyangu, Serikali itakuwa imetusaidia vilivyo.

Zachary Obonyo: *Kharo Serikali ikhoyere irukhonye, ne khulira khwange khwamba nindira.*

Translator: Yale ambayo zijazungumza mtasoma katika hii memorandum.

Zachary Obonyo: *Basi ndandika imemorandum ne kalia kandala bolele, mulalingaala mubwene muno.*

Translator: Ni hayo tu ambayo ninayo.

Zachary Obonyo: *Nasie kange ngakakhabwa kario.*

Zachary Obonyo *Nasaye imukhonye.*

Translator: Mungu awabiriki.

Com. Kabira: Jitambue jina tafadhali tena.

Zachary Obonyo: *Esie lira liange ni Zacharia Obonyo Ouma.*

Translator: Kwa majina ni Zachary Obonyo Ouma.

Com. Kabira: Mwambie angonjee kidogo. Zachary ngojea kidogo.

Com. Yano: Mzee umetaja hii nguruwe. Nguruwe ni ile nguruwe ya msitu isio ya kawaida ama ni ya watu binafsi?

Zachary Obonyo: Ni ya msitu

Translator: Wild beast.

Com. Kabira: Asante. Tumesikia yale mambo kama ile historia umetuambia na tumeiandika. Asante sana Mzee. Sijui kama utaandika jina lako hapa?

Zachary Obonyo: Ndio, nitaandika. Jina langu liko, humu.

Com. Kabira: Lakini lazima uweke sign ya kusema umetupatia maoni. Asante sana Mzee Obonya. Caxton Odonge.

Caxton Odonge: Hamjambo tena. Jina langu ni Odonge Caxton. Nitaanza kuwaeleza ya kuwa mimi nimekuwa mmoja wa wale watu ambao walikuwa wanapatia watu elimu, the civic education provider. Sasa, sitasema mengi kwa sababu nimefundisha watu, nimewajulisha. Watu hawakuwa wanajua Katiba, sasa watu wanaelewa Katiba ni kitu gani. Sasa maoni yao wameandika kwa memorandum, hayo ndiyo tutakuja kusoma. Lakini vile nilikuwa nafundisha watu, nilikuja kugundua ya kuwa, watu hawakuwa wamejua preamble kwa sababu Katiba yetu haina utangulizi. Yangu nitakuja kutoa yangu kama utangulizi kivyangu.

Not now as a Civic Education Provider but as an individual person. Sasa hii preamble, Katiba yetu hii iko na shida nyingi sana na hata ukiangalia Katiba lazima iwe na utangulizi. Zile Katiba ambazo tumekuwa nazo za kitambo, hao walikuwa wanatuambia tu, mfanye namna hii. Wakati pia tunataka uhuru, walikuja wakaa kule Manchester wakasema muwe na Katiba hii. Sasa wakati huu ndio tumepata nafasi ya kusema tunataka tutawalie hivi na vile. Basi kwa hiyo, nitasema preamble, this is what I feel should be included in our Constitution. The Constitution should start with a preamble. That is general consensus of the majority. How should the Preamble read? This is the way I want the Preamble to read or to look like. 'We the people of the sovereign country of Kenya want our country to move from....we are moving from a situation.' I hope the recorder is recording.

Com. Yano: Go on, it is recording.

Caxton Odonge: We want to move from the dark days of Constitutional disorder to that of Constitutional order, from non-performing to performing economy with good economic growth, from a corrupt to a corrupt free regime, from a situation where human rights are violated with impunity to where no citizen is hostage in any country because of war visited upon him or her by fellow citizens or Government.

From unfair and inequitable distribution to a state of fair and equitable distribution of national resources and equal opportunities for all without favour, irrespective of colour, tribe, religion, sex e.t.c. We want to move from a situation where tax is not paid on the basis of income to a state where tax is paid on the basis of income and personal weight. We want to move from a situation where workers are not paid wages and salaries commensurate to a situation where workers are paid freely, fairly and justly in accordance with a contribution to building of the nation. If all of the above are constitutionalized, we the citizens promise:

- To respect our Constitution to the latter.
- To live by obligations of the Constitution.
- To abide by a just and Constitutional call of the nation.

- To pay taxes for proper and just security of our nation and fair and equitable distribution of our national resources and pyramid enjoyment of fundamental human rights.
- If the Constitution must be changed, the public must be involved through a referendum. Because it is the property of all citizens, not a single institution.
- A referendum should be organized by a cohesion conference set up by the Constitution.
- In this preamble, we recommend, we the citizens of this sovereign country recommend for the following that; who should now be a citizen of this country? Because if we have talked about the country, we should also talk about the citizens themselves.
 - a. Children born of parents who are citizens of this country, be automatic citizens of this country.
 - b. Citizens should also be acquired through registration.
 - c. Rights of citizens should be respected in line with the United Nations, Chapter 5 entitled the Basic Rights of Human Beings. Examples are among these; free primary education and highly subsidized post-primary education. Security for all citizens and their property, regardless of status or any bias. Free health care for all and sundry. Equal and legal representation, fair and just hearing. The Constitution should call upon the Government to implement Constitutional paper number 10 of 1965.

For the enjoyment of the above, the following should be obligations of all citizens. Citizens should respect the Constitution and all just laws of the country. The Constitution should guarantee a person to refuse to obey laws that are unjust and discriminatory.

Com. Kabira: Caxton, may be you need to summarise because your time is up and we have a lot of people.

Caxton Odonge: Thanks I am nearly through. Citizens should provide service that is legal when called upon, should pay taxes without evasion and should volunteer information for the security of our country provided it is done in a civil way and not through coercion or torture. Royal citizens should have dual citizenship. Citizenship should be easily provided with passport that is unrestricted and IDs as evidence of citizenship. Those are my feelings and that is my prayer that there be in the Preamble in our Constitution. Thanks.

Com. Kabira: Thank you very much Caxton for those views and please sign our register. Thank you very much. Israel Otiato.

Israel Otiato: My names are Israel Otiato, I am just going to highlight our participation on Constitutional Review of my colleagues. I am presenting views of a group, this is a Primary school of eleven teachers and I will quickly go through whatever we have observed in our Constitution. Our Constitution that we are deliberating on now, needs a Preamble dearly and we

thought that the Preamble summary may read like this; 'Kenya is a sovereign democratic state and a republic of which the will and role of people citizens should be supreme.

On directive principles of State policy, we are supposed to build we as Kenyans own African socialism as our philosophy. Where a just and a mass authority can be coined. Here we can achieve the following political democracy, mutual social responsibility, acceptance of various forms of property ownership, equitable distribution of wealth and income regardless of our ethnic or regional differences. Proper use of resources for benefit of Kenyan society. This objectives of Kenya socialism, when we look into them and we constitutionalize them, when this can be achieved, we can really enjoy.

On Constitutional Supremacy: Our Constitution must be supreme for it to moderate all spheres of the country. Hence the public in order to be informed, especially in cases when the Constitution need to be reviewed, this involve democratic reviewing, actually needs a referendum that will put the Constitution before the public in simple understandable languages for them to participate.

Constitutional Commissions, institutions and offices should be created and the Commissions be they of what nature, should be based on qualifications. Personal qualifications but not appointment of an individual. We also observed this issue of the office of the ombudsman should be created. This office of an ombudsman in Kenya should be created and we thought that it should serve the following functions: Should receive public views on any cited malpractices, e.g. fraud in the civil society. Two, it should summon those involved in these malpractices for questioning. Three, it should prosecute even the involved.

This office of the ombudsman should be an independent office. The office should be created in the Ministry of Justice and Constitutional affairs of which I doubt whether the Ministry exists in Kenya. Citizenship, we observed that Kenya should obtain automatic citizenship by birth even if gender of one of the parents is of what nature. In case of one parent, being a foreigner, that means being from another country, may be the mother is from Uganda or what, we should give that person automatic citizenship. Also, we should allow registration and naturalization as has just been provided in the law existing now. The documentation of citizens, you observed that ID cards because we have been by-passed by time should be abolished and instead replaced with a passport for every Kenyan above eighteen years.

On Basic Rights, our Government should provide all citizens' Basic Human Rights. The Constitution should give provisions on the following; health to security, the Constitution should give provision of security of one, the citizens with our fellows, two, on our properties.

- 1) On our borders, the Constitution should give provisions on ways to intensify security there on the borders.
- 2) Right to have Kenyan education.

- 3) Abolish cost-sharing for all Government Public hospitals. They should be free because all Kenyans are taxpayers. This cost-sharing, thus the Kenyans to enjoy that basic right.
- 4) On the right to education: Basic education should be free for all citizens. We also felt that, after it has been issued now, it be made compulsory for every Kenyan child.
- 5) Education matters should also depend with educationists not anybody.
- 6) The Secondary education course should be standardized. There should be a well-defined education policy which is universally recognized and this policy be stipulated in the Constitution. University education should also be restructured by guiding the Constitution. Secondary technical schools should be revived, they were so important.
- 7) Right to water: Water is a basic right so the Government should provide free clean water to every citizen.
- 8) Right to employment: Professional matters first, should be solved by professionals not by anybody. Any employment we spoke about promotions. Promotion to workers should be automatic to all workers after more than three years service. An independent pension institution should also be created. In case of irregular termination of a worker, be it of whichever nature, an employee should be given his or her right of benefits that he or she has worked for in a period of not less than six months. Benefits of employees should be given in case of being found guilty of frauds. The employee should only be surcharged and not tax the benefits of the employee.
- 9) Right to shelter: The Government should only give in case of emergencies. Everyone of us because of philosopher of the say gone, African Socialism should also be a mutual and understanding person.
- 10) Cultural rights: On Cultural rights, the Constitution should provide provisions in respect of humane customary rights and laws. Kenya, if it builds on African Socialism, then anything African should not be described barbaric.
- 11) Beer, I speak about traditional brews. They should be promoted and not quoted as illicit by our African Constitution. These brews even can be a source of revenue through licensing. The dealers are also self-employed.
- 12) Right to a source of energy and fuel:

Com. Kabira: Mr. Otiato, can you move from the Basic Rights to the next point because your time is up and you should be summarizing.

Israel Otiato: Because I have a written memorandum that can be left behind, I am going just to say that we also spoke something small on management of our national resources, it was so sensitive to me. All records regarding income and expenditure of our country should be made open to the public. The proposals of the budget should be given to the public annually before reading in the Parliament. Arms of the Government should work independently to avoid coverage's of mis-management issues.

The Executive should retain powers on management and use of public resources with independent watchdog committees and institutions to work as checks like an independent, when you talk of Controller General, Parliament should be given power to appoint Auditor Controller General through Parliamentary Service Committee. So, with that, I just thank you by saying that if all whatever I have said, recommendations are provided in the Constitution, Kenya shall observe prosperity and achieve African socialism. Our philosophy report is a philosophy of vision. Thank you.

Com. Kabira: Thank you very much, before you go. I have a question for you. You have listed a whole lot of basic needs and basic rights: Free education, free health, water, cultural rights, employment and so on. Have you thought about how we would re-structure the economy to be able to fund these rights?

Israel Otiato: Thank you. A Kenyan is a dear taxpayer in all ways. He pays directly and indirectly. So we are the people who build these hospitals through paying tax. So, the same people building the hospitals are trying again to cost-share. So, you are cost-sharing again with yourself. I think, it should just be provided freely as a basic human right. Thank you.

Com. Kabira: Was food part of basic needs?

Israel Otiato: It is basic need but I based it on African socialism and out of it we have more mutual understanding in African socialism. You cannot just be telling your father to be giving you food always. So, it can be a rational need. It cannot be provided.

Com. Kabira: So, it is not a basic need?

Israel Otiato: It is a basic need.

Com. Kabira: So, what are you saying?

Israel Otiato: But not a right from your Government, to give you food. Unless during emergencies but just giving you food actually.

Com. Kabira: Those are his views and he says that it is not a right that you can demand from the Government. So, if you have a different view you can say it. The cultural rights, what did you think about women and culture?

Israel Otiato: Women: Women we did not major on it because we had madam teachers in the compound so they did not come up.

Com. Kabira: But you have daughters and sisters?

Israel Otiato: Yes.

Com. Kabira: So, would you promote for instance F.G.M. as part of what you call the cultural rights?

Israel Otiato: Cultural rights, I quoted, human cultural rights. Like F.G.M., I wouldn't like it.

Com. Kabira: Thank you very much. James Achoka. James Achoka ameenda?

James Achoka: My names are Odema James Achoka and I am a retired officer in teaching profession but I felt that there are certain things I need to say. I think those who have been here earlier have talked of the Preamble in the Constitution. I should also emphasize that, one thing I would like is that the Constitution should be self-regulating. In any case if there is going to be any change or any clause, it should be done through referendum and when it is changed in the Parliament, it should have eighty five percent of the sitting MPs, in order to change any small thing in the Constitution. It should not be the acclamation as they say it today.

Secondly, what I wanted is, our Electoral process. I think it should be made quite independent, without influence being influenced by some executives. I was thinking that the Electoral Commission should be made independent and the members should be elected by the public. The names suggested and they are elected by the public so that they become independent completely. So, people must be qualified to be elected for example if you want lawyers, you want educationists to be in that Commission, they must be elected. If they are appointed, when you are appointed you become a servant of the person who has appointed you. So, you will not be serving that. But, if you are elected, you will work by the whim of the nation.

The third thing I wanted to say is about our MPs or election of MPs. I know very many people have wanted to pick the academic qualifications for someone to qualify to be elected as an MP. To me, I have suggested that the minimum should be a form four academic certificates passed. Not just a form four because you can be a form four with a letter which I usually call with my students, an E, excellent grade and you say that you have finished form four. That one should not qualify because he

will not listen or hear many things when they are discussing.

For a Councillor to be a Councillor, he should have a minimum of a form two education. But if anyone who has gone upto Standard eight and is articulate in society, I think he can also qualify to be elected as a Councillor.

I was thinking of a Presidential candidate. There are those ones I think the parties know how they go about it and it has been talked about. One thing I also wanted, we spend a lot of money on very many cabinet Ministers. I was suggesting that if we had a Cabinet of fourteen Ministers, this will exclude the President and Vice President, so that they become sixteen. I was suggesting that seven ministries would require qualified professionals like Ministry of Education; we should not just pick somebody because he is an MP, and we want to balance.

We should get somebody who has known matters of education. Ministry of Health should have a profession in health. Ministry of Agriculture, we should have somebody who is qualified in Agriculture. Ministry of National security; that is a very important Ministry, we should have somebody who has known matters on national security of the country and is able to articulate himself on security matters. Don't just pick somebody who will not know what a Major is, a Sergeant Major is and so on. Ministry of Finance and Economic planning should have an economist who knows how things are run.

I think that one has been suggested by various people. Because I have retired and I need to be taken care of by the State, I was suggesting that people who have retired or aged in the society, they are the people who require a lot of medical attention. The Government should make sure that people get medical allowances so that they can be able to buy drugs. Or they make all the hospital facilities free of charge so that people can get access to that. They should make an effort of providing social amenities such as housing, good roads, relaxation centers where the aged can go in the evening and relax. That is we create a welfare society.

This can be done if we do the taxation. The big companies are taxed so that they can give this to people who are not working. e.g. In Britain, all people are paid every Friday if you are not working, they call it a payday. So, if we can have a welfare society where the rich companies pay tax to the Government and the Government pays to the nation.

I was speaking of creating a nation. Kenya as we are, we are not a nation. Our education system is something which has to be looked at. I was suggesting that, if we can have all Secondary schools to be national Secondary schools that will give us a nation. Because to create a nation, people of age fourteen to eighteen, that is the time you can create a nation. This happened in one country called Germany when Hitler took over that country in 1923, he made sure that all the children of age fourteen were mixed in various schools. For example, I give a joke, a school like those who live around Maseno. You went to Maseno Primary School, Maseno Secondary School, Maseno University, if you became a teacher you are posted to Ikuanda Secondary School. You don't know any part of this country. So, such type of people are not nationalists.

I think what I wanted is a language. We should make an effort of having a formal language for Kenyans, Kiswahili. For example, in U.S.A., they had what they called melting pots. They melted all the languages in one language, English. So everybody, every citizen in public places, everybody speaks the same language.

I would suggest that in Kenya, Kiswahili be made compulsory in all public places, even on our radios, we should abolish all the vernaculars. Those are creating tribalism, creating a lot of problems to our citizens. As my colleague who is a teacher has said, I think education should be made compulsory to all children in this country. Including street children, they must be taken to schools and any parent who fails to take his child to school should be imprisoned for two years for not giving that benefit to the child. Any parent who refuses to take the child to school should be imprisoned for two years.

Land issue: Land is a big problem and I think they should put a limit, a ceiling to the ownership of land. People should not own land that they cannot manage. I was suggesting that fifty acres which would be useful to a person should be the limit and the rest of the land should have state farms so that these state farms can produce and provide for all that we require for the nation as my friend here said, the basic needs should be provided. These State farms would produce a lot of goods and these goods will be sold and will provide money for the nation. I thank you very much for coming and listening to me. Thank you very much.

Com. Kabira: Thank you very much Bwana Achoka. One small question from me. You talked about us looking after the old people. What age are you thinking about?

James Achoka: According to us, old age is somebody who has retired at the age of fifty-five. But, those who are still strong, from the age of sixty.

Com. Kabira: I thought you were talking about all old people.

James Achoka: All old people.

Com. Kabira: Because women don't retire at fifty-five.

James Achoka: I am saying all old people from fifty-five.

Com. Kabira: From fifty-five?

James Achoka: Yes.

Com. Kabira: Thank you. Just a minute.

Com. Yano: Mr. Achoka, I realize that you are one of the most enlightened members of this society. I would have rather may be hear from you if you have any thoughts about the kind of structure and system of Government that you think Kenya should have. Is it something you have thought about? If you have kindly can you share with us.

James Achoka: The type of system of Government I would like to have is a Unitary type of Government. Where we have an Executive President who should be elected and should not have a constituency. We should have a Vice President who is elected, like in America they have what they call a running mate. We should have that one elected, he should also not have a constituency. We should have ministers who are vetted who do not have a constituency like it happens in France, happens in America. These ministers if they have constituencies, their constituencies tend to suffer. My colleagues here will tell you, since independence, we have had ministers, but the time we have had, actually we are under-developed in this particular constituency. For those of you who have travelled, if you look at the constituency of the President, Gatundu by then when Kenyatta was the President, it is not developed.

We should have a President, his constituency to be the whole nation so that he deals with the national matters and his home area where he comes from, that is dealt by the MP of the area. I think that is my suggestion the type of Government that we should have. Unitary Government where political parties should be there but limited. We should not have village political parties where Achoka stands up in the morning, with a group of Makunda people, we form a political party. I think that one should be abolished. The Constitution should restrict to let's say three main political parties. Others should be welfare societies.

Clapping from the audience

Com. Kabira: Thank you very much. You are through?

James Achoka: I am through.

Com. Kabira: Thank you very much Mr. Achoka for those views, please sign our book here. Marcela Okanda. Marcela are you a student?

Marcela Okanda: Yes.

Com. Kabira: Please just give us your name, your age, your class and the name of your school.

Marcela Okanda: I am Marcela Okanda from Makunda Secondary school. My age is sixteen years old. These are my

requests Honourable Commissioners.

1. The Government should ban all pornographic material in form of books, magazines, videos and others. These things help to propagate immorality and corrupt the minds of our citizens, young and old together.
2. Freedom of worship: Our Constitution should have provision allowing freedom of worship. However, religious fundamentalism which does not allow for co-existence of differing religious feelings. It should be banned to avoid the Osama type of incident.
3. Normally, a criminal who is arrested and is using a weapon to hurt others is also (inaudible) disarmed. I therefore, suggest that rapists be castrated so as to dis-arm them and any rape cases should be taken before women Magistrates and Judges.
4. We should not have Ministers, instead we have State Secretaries who should not be elected MPs. But let the experts in particular feel, who are appointed to head by the President. This will minimize the temptation of a Minister looting all the State resources to his constituency which elected him. The State secretary should give reports on development projects to the Parliament every three months.
5. Lastly, I propose that we have a provision in the Constitution which commits the Executive to provide basic needs. That is health services, good roads, education facilities and security among others. To that end, the oath of office of the President in the new Constitution should read as follows; for example, 'I Jimmy Gor do promise that I shall protect the Constitution of Kenya and also promise that the Government I am going to lead will ensure that the citizens of this country will at least get the basic needs of life.' i.e. safe water, health services, good roads, education facilities and security. Thank you and welcome again.

Com. Kabira: Thank you very much Marcela. Please hold on for a while.

Com. Yano: Marcela thank you for your presentation. There is this issue that is so common with a girl-child and especially issues of education where they have always said that they should be given affirmative action. May be introducing quota system for them to join Universities, colleges and all that. Are you for it? That a girl child should be given preferences over boys.

Secondly, there is this issue of inheritance of property, if you go round the country side. In most cases, when girls stand up to talk, some of them would talk about may be equal inheritance of their parents' property whether girl or boy. Do you have any thought on that? Thank you very much.

Com. Kabira: You answer the question.

Marcela Okanda: Break that question into parts, I am not understanding.

Com. Yano: I will start the first one and I will give you time to answer that then I will go to the second one. The girl child education. You are aware of the debate that is been raging about how girl child should be assisted to get education as much as boys and my question is, are you for it? If we like introduce the quota system to join the University, that is you get lesser marks than boys to join the Universities or Colleges. Are you supportive of that.

Marcela Okanda: Yes.

Com. Yano: The other question was the issue of inheritance of property. We have gone through the countryside and most of the societies we have come close are not for the idea that a girl should inherit her parents' property. But girls like you came up saying; it should come a time that we should also inherit properties like the boys. Are you for that or not?

Marcela Okanda: We must inherit our fathers' property.

Com. Yano: Thank you.

Com. Kabira: Marcela, why are you so much in a hurry? Please sit. We haven't finished yet. We don't have very many women so we want you to answer all the questions. So, I would like you to tell us what you think should happen to girls when they get pregnant when they are in Secondary Schools and what should happen to those who make them pregnant?

Marcela Okanda: The one who makes them pregnant be hanged. The girls should go back to school.

Com. Kabira: The girls should go back to the schools?

Marcela Okanda: Yes.

Com. Kabira: Who should look after the child? If you hang the father, who will look after the child?

Marcela Okanda: The parents of the father.

Com. Kabira: The parents of the father should take the child?

Marcela Okanda: Yes.

Com. Kabira: Thank you very much and we wanted you to know that it is very important to have participated in this process, it is a very important process and we are also putting your name and the name of your school in the records of history. Thank you very much. Thank you. Austin Nakabuka

Austin Nakabuka: Thank you Honourable Commissioners, my names are Austin Nakabuka, I am from Magombe location. I will read this memorandum on behalf of a group. This group is for opinion leaders in this zone, Bunyala South. The points the group discussed over that I am going to put across, basically touches the problem that is affecting this region and more so the constituency at large. These are the crucial problems they wanted to be addressed in this Constitution. Most of the problems they have discussed over and they have requested me to read to you as Commissioners.

The first one talks about floods in the area. Floods are very crucial issue in Budalangi and we are requesting as a group of this constituency that the Government that is going to come, after the Constitution should look for permanent solutions. The solutions they put across were; they request that River Nzoia which is the major source of the problem has to construct a permanent dyke along it.

Secondly, they have also to open drainage system in Yala swamp which is also part of the area that causes the floods. Open various canals along the area and if possible construct water reservoirs or dams along the River Nzoia. So, because of the floods that have caused a lot of problems to the people in this area, we request that the Government has to look over this problem and if they can, to solve it permanently.

Another area that we looked at was our Lake or Lake Victoria. Since the major source of income for people around here, we were requesting that the Government has to define its international boundary in the lake properly since people within this locality are being mistreated by Ugandan military. So, we request that they also have to look into that.

Fishing as a major occupation to people in this area, we are requesting that the Government has to de-centralize factories closer to the fishing points such that people within this locality can be given job opportunities rather than locating the factories at Nairobi and it is the Kikuyu or other people who enjoy the opportunity of being employed.

Secondly we also request as fishing is an exercise in this area, they construct better landing beaches along the lake. This means that for us to be able to sell our purchase we need to have better designed beaches along the lake. Secondly, we have to construct better transport network that will enable us to ferry our purchase or fish that we have caught from the lakes.

Another area we dealt with was pertaining to Yala swamp and Madam Commissioner if you look around this area, you will

discover that we are surrounded by this swamp so much, so people in this area are really suffering because of the floods that are caused by this swamp. These are the observations they made pertaining the Yala swamp. They request that the Government has to open up for the people to settle in their original homes that they used to stay in before, since they have been moved.

Secondly, they construct roads and bridges that could be able to link people who are inside interior to the outside people who are where we are here. They also discussed about the irrigation scheme. As a result of the collapse of this irrigation scheme, this has contributed greatly to people of this area to be poor. So, we urge the Government to revive the operation system of the scheme. Such that we people of Bunyala can easily get our income as we have been getting before. We also talked about the communication network in the area, we as any other Kenyans who are the taxpayers, we also require that the roads in the area be of good condition for ease of communication. More so, if they can tarmac or even if they can add there some murrum.

They also discussed about employment opportunities. People in Bunyala have been marginalized when it comes to this area because most of the recruitments are being done at the district level and we are very far from the district. So, we are requesting the Government that, if there is any advertisement or chances to employment, they practise what we call quota system. If possible the recruitment be done at the local level, e.g. at the divisional level or if possible at the locational level.

Creation of Bunyala South Division, as you may see we people in Bunyala South we have a problem of communication and since we are having a problem of communication, we were requesting that travelling all along from Musekho to Budalangi to solve your problem at the division, it's a problem. So, we are requesting that in Bunyala South, they create a division for us. Divisional headquarters such that we can easily get services than travelling all along upto Budalangi it is far.

On Citizenship...(interjection)

Com. Kabira: Sorry Mr. Nakabuka. Can you please try to wind up?

Austin Nakabuka: I am winding up Madam. On Citizenship, we talked about the senior citizens, where we said the senior citizens, these are people who have at least done something to this country and have contributed to the growth of the economy. We request the Government to create a system of buying the commodity at least on a fair price or a half price to a senior citizen. Then, those who have served the system in the Government, we also require that the Government has to take care after they have retired to be taken in old aged homes. Those children above eighteen years should also be given some allowances until the time they will be employed in the Government.

On elections, Madam I will just wind up on elections. We discussed about the elections and we wish to propose that the proportionate system is the best where women are well represented in the Government. All parties should be funded equally on professional basis. Possibly, we thought that the resources that the Government is having, should be shared among the three

parties which are political parties that we are proposing should be on place.

On rigging, we proposed that votes be counted at polling stations and be casted in transparent boxes and if possible registration of voters should continue nonstop and also voters should not be scared by the security officers. This has been a common problem in this area, where security officers are scaring people and rigging takes place.

Lastly, I am now winding up on country's directives. According to our culture, the young people learn from the elderly people about life. We therefore ask the Government, why should they be punished for having taken the brews. So, we propose that local brews should be legalized and be freed to all people to take only under proper directives, e.g. after may be some work, its when one can take. Thank you Madam. That is our presentation.

Com. Kabira: Thank you very much Mr. Nakabuka for your views. Please sign your book, you are very clear so we don't have any question. I want to recognize the presence of your MP Honourable Wachala who arrived a few minutes ago. We were with him yesterday in the other part of this constituency. We will give him a minute to greet you and then he will let us know when he is ready to present his views.

Honourable Wachala: Thank you Professor. Commissioners, wananchi watukufu hamjambo. Hamjambo tena.

Audience: Hatujambo.

Honourable Wachala: Mimi niko na furaha sana nikiwaona mkiwa kwa wingi. Siku hii ni siku yenu na ndio mnaona hata sisi tunataka tuwe karibu na nyinyi, ili mjisikie hata viongozi wenu basi wanahusishwa kwa haya maneno ili muwe na nafasi ya kupeana maoni bila uoga wowote. Kila mtu akiwa na maoni yake aseme, asifikirie ya mwingine ni mabaya.

Hayo mabaya ya mwingine, wacha ayaseme, wewe pia sema yako mazuri. Hawa watakapokaa chini, watafanya hayo mabaya, na wachakue na haya mazuri na waweke pamoja na wapate suluhisho. Sasa hakuna maoni mabaya, hakuna maoni mazuri. Kama wewe unaona hii kitu ni baya, sema hii ni baya. Yuko Mheshimiwa mwenyeji alikuwa ananiambia kuwa huku, hata kwa hawa wazee, kama huna memorandum hujui kuandika, mama mzee wa miaka karibu mia moja alitembea na Ma-Rais. Akasema, "mimi nimekuja kuwaambia watu wengine, wanafaanga uniform saa ingine, na wanapenda kuku zetu kama iko harambee fulani. Wako hapa? Hao, hao wafutwe." Wewe sema hata kama huna memorandum. Sema tu, kama vile huyo mama alisema. Sasa tunawakaribisha. Commissioners tunawakaribisha Budalangi na ninasema asante. Nitawaambia when I will be ready to present my view. Thank you.

Com. Kabira: Asante sana Mheshimiwa. We will go to the next person who is Conel Obada.

Conel Obada: Thank you Commissioners and all that are present. I would like to read to you a memorandum. My name is Conel Obada. I would like to read to you a memorandum on Constitutional Review kutoka Bunyala South Teachers. It is very detailed but I will just be picking on some issues following the order as it appears in this report.

First, I will start with preamble, we should have a Constitution that should have a well-defined preamble and this preamble should state that; we the people of Kenya own this Constitution and we shall obey and defend it at all cost. It should state that Kenya is a sovereign and democratic state in which the voice of the people is supreme to all democratically elected and established institutions.

Directive principles of State policy: The national philosophy and guiding principle should be African socialism of 1965 contained in sectional paper number ten which states that we should have political equality and democracy, equal opportunities for all, fair and equitable distribution of national wealth and resources, freedom from economic exploitation, shared responsibility. This philosophy should be entrenched in the Constitution of Kenya and be the guiding principle and philosophy for this nation.

Constitutional supremacy: We resolved that in order to amend a Section of the Constitution, the Parliamentary select committee on Constitutional affairs should advertise, receive applications of experts who will then conduct a national referendum. The committee will vet them and after being approved by the Parliament, the officers will collect and collate views of Kenyans, then the compiled report on amendment will be taken to Parliament to be enacted into law. Thus, any amendment of the Constitution must involve all Kenyans.

On Citizenship: We agreed that the rights and obligations of citizens should depend on how citizenship is acquired. The paper citizens, that is those who are citizens by registration, should have less rights but the same obligations. All Kenyans who are eighteen years and above, should be issued with unlimited passports instead of ID cards. These documents should be carried as evidence of their citizenship.

Defence and national security: Appointments of departmental heads of defence process be vetted by Parliament. The Head of Government makes a proposal of departmental heads to be vetted and approved by the Parliament. We should also have national security council to be established to manage affairs of Armed Forces. During peaceful time as at the moment, the Armed Forces should be deployed in construction of votes and pledges in the country. All policemen should be removed from the roadblocks because they are abating corruption.

Political Parties: The number of political parties should be limited to three in order to strengthen them and reduce their tribal outlook.

On Legislature: The Parliament should vet appointment of Ministers, Permanent Secretaries, Assistant Ministers, Vice

President, Ambassadors, High Commissioners and departmental heads. We should have eight nominated Members of Parliament. All of them should be women and they should represent special and specific interest groups such as disabled, old, youth and children. Kenyans should be given powers to recall their MPs.

1. When the MPs do not fulfill their promises.
2. When they are involved in corruption scandals.
3. When they fail to articulate the interests of their constituents.

The affected constituency should write to Electoral Commission of Kenya sighting the reasons for recalling their MPs. The Electoral Commission of Kenya then will appoint a committee to conduct or collect views on the same in the affected constituency. After establishing that their complains are true, the Electoral Commission should declare the seat vacant and therefore a by-election to be called in such an area.

The Executive: The President should meet the following qualifications. He should be a Kenyan citizen, be between thirty five and not more than sixty five years. Be a degree holder or above and should have no constituency. After being elected, he should declare his wealth and be audited to give an update of his financial report annually.

Clapping from the audience.

The President tenure be fixed to two terms of five years each, making a total of ten years.

On Judiciary: The prisoners convicted of petty offences should be deployed in rural areas and give services to citizens such as maintaining rural access roads, cutting and opening up rivers and making foot bridges.

Com. Kabira: Mr. Obada, you need to summarize.

Conel Obada: That is why I am just giving a summary.

Com. Kabira: You need then to give a summary of the summary.

Conel Obada: Yes, I am giving a summary. Electoral process and system, all petition cases should be determined within six months after elections have been held.

Basic Rights: There should be free and compulsory Primary education for all Kenyans. Institutions of higher learning should be evenly distributed in all provinces.

Health care: There should be free health care for all Kenyans in all public centers and hospitals.

Water: The Government should provide clean and treated water in every village particularly the rural areas. Since, employment is a basic right, any person sacked should get all benefits he had worked for before his services were terminated. This will ensure that other basic rights are not violated and additionally it will help his or her family economically.

Management and use of national resources: The Government should apportion at least fifteen percent of resources collected to benefit the local community and retain eighty five percent. The office of Controller and Auditor General should be created by Parliament and be under Parliamentary Service Commission. This office should be answerable to Parliament which is charged with the responsibility of authorizing raising and spending of revenue. Thank you. That is all I have.

Com. Kabira: Thank you very much Bwana Obada and the teachers from the location. Don't worry we will read every single word in that memorandum. So, whatever you were not able to read, we are going to read ourselves. Thank you very much. But, on the issue of employment, you said that everybody who is sacked should be given all the benefits, regardless of the reasons for sacking?

Conel Obada: What we said is that, when a person is sacked for example for embezzling public funds, he should be forced to repay that money but the benefits for the services he had made, should be given to him to enable his family continue. Because his family was not also involved in his embezzlement.

Com. Kabira: Thank you very much. Can we listen to Mama Magio Omomi?

Agatha Magio: *Esie nesie Agatha Magio. Muulire*

Translator: My name is Agatha Magio.

Agatha Magio: *Esie ndi mukhasi mukhale.*

Translator: I am a very old woman.

Agatha Magio: *Ndi mukhasi mukhale kabisa*

Translator: I am an old woman and I have come here to give my views as per the way we used to live when we were young.

Agatha Magio: *Ndi mukhasi mukhale ndakhasingira khu maoni kange ko okhwenya mbu efwe khwasimbukha nikhulia tsinyeni.*

Translator: Our parents used to go to the lake and bring fish for us.

Agatha Magio: *Efwe khwasimbukha bakhale befu batsitsanga munyanza nibarera tsinyeni.*

Translator: After having been fed properly, we were being married; the total dowry which used to be paid for us was about twenty animals.

Agatha Magio: *Nikhumala ebo nikhulire tsinyeni efwe nikhuchaka okhwebwa khwabwanga tsingombe makhumi kabiri.*

Translator: We used to be dragged by those willing to marry us and we used to say, woo woo as we were being dragged for marriage.

Agatha Magio: *Khwambwangawa nikhukhuba tsimbungu mbu uuuwi uuuwi, ochia khudekha,*

Translator: As we reached where we were to be married, there was some money which used to be paid to us.

Agatha Magio: *khulaba khula munyumba ni bali ikhala asi ni bana tsisende.*

Translator: All these things have gone and we would like girls' dowry to be paid.

Agatha Magio: *Ebendu ebo biakorera yee? Khwenya bakhana bakhwebwe.*

Translator: Also festivals and all these were being done to us and we used to have a lot of ceremonies during our marriage.

Agatha Magio: *Khwakholerwangwa isambo, adalo awo bakoya malwa, olondana no musatsa sidialo,*

Translator: We used to slaughter some animals to symbolize our marriage before we started to do any work.

Agatha Magio: *Khwambwa bere tsinyama tsibwe nikhuchaka olima mu dala.*

Translator: So we would like such things that is custom to be brought back.

Agatha Magio: *Sakira ibindu ebo khwenya bifunye.*

Translator: These days women marry freely and they reach wherever they go, they are tortured and that is why we find many breakages in marriages.

Agatha Magio: *Abakhana badekha bihaya, nibolao, omutsa akhuya babwao, nende nibekhwebwa, ngakhwakhwebwa sikhwabwetsangao.*

Translator: They used to do a lot of good for us but why is it that these days they have reduced this question of free drinks or brews. Local brews.

Agatha Magio: *Mani barukholelanga isambo indai ne, amalwa kano bakakhaya khusi?*

Translator: When we got these lakes, the natural resources, it was meant for all the people, the human beings but not for some people particularly Waganda.

Agatha Magio: *Ne inyanza ino Nyasaye nga yailonga yalongera sialo abandu baye bosu, abayalonga, siyalongera mbu abandu baganda bonyene, bakhuya bandu befwe bera.*

Translator: God who made the earth is the one who made this lake.

Agatha Magio: *Nyasaye walonga likulu yalonga sialo ni walonga inyanza.*

Translator: So, my views, I am concerned with the way our daughters are being married without any dowry and therefore causing all this inconvenience to our daughters. Divorce cases to our daughters.

Laughter from the audience.

Agatha Magio: *Mani maoni kange kano karusibwangwa khubutsuni bwakhulola abana bang'abana nibakhwebwe, buruki burikho buno bukhaya obadilisiakho tsimbosi etsio khusi?*

Translator: These are my views I wanted to give as an old woman who has completed about over two hundred years.

Agatha Magio: *Ne maoni kange kandakhenya orusiakho ngo mukhasi mukofu malire miaka mia chibiri.*

Translator: I don't know for how long I have been in this earth because I am not educated, therefore I am very green about my age.

Agatha Magio: *Esie ngororwe miaka kwa ndebulhwamo, ndabulwa mama yakorwa khwandika, baba yakorwa khwandika, ndakorwa miaka.*

Translator: That is the much I wanted to give,

Agatha Magio: *Esie kia ndabola ngorirwe, mudakhire babolere tsinyanga.*

Translator: So, whoever will be the new governor, we would like him to revive our old culture or our old traditions.

Agatha Magio: *Esie ndakhire sa ak maoni kange ka ndarusia na ako.*

Translator: That's the much I had, because I (inaudible)

Agatha Magio: *Ndola butusni muno*

Translator: That is the much I wanted to give

Agatha Magio: *Khandi omurukuru kakhoyere abukulekho, abandu khufunyekho musikhale khoro balurikire mu buruki buyakha.*

Translator: So you whoever will be the new governor would like him to revive our old culture.

Agatha Magio: *Niko kange konyene mbula makuwa mangi khubera ndakorw olusungu, ndakorwa oluswahili.*

Com. Kabira: Tell her that I want to ask her a question. Asante sana kwa hayo maoni. Nitaliza swali moja, Mama Magio.

Translator: *Akhureba lirebo lala.*

Com. Kabira: When they were screaming, when they were going to get married, is it because they did not want to marry?

Translator: *Ngoli bamukhwesanga, nimuchia khudekha, biali mbu khubera simwenya khudekha kose bakhwesanga*

khusi?

Agatha Magio: *Barwambanga nibalurusia musibinji esiro, abasiani beikhe ekhumi,*

Translator: *Bakhurebere mbali, babakhwesanga nikhuba chimbungu, mwakhubanga chimbungu ngabalanya, kose?*

Agatha Magio: *wenya ni paka okhweswe olire.*

Laughter from the audience.

Translator: Yaah, although they were screaming, that was just a formality but they were willing to marry.

Agatha Magio: *Omusatsa warebana naye, wapatana naye ni paka akhwe tsing'ombe tsia amakhumi kabiri, mbeli akhwa ekhumi ni bakhwamba otsia batusia, bakhina tsinyimbo tsibwa, khandi ofunya mudala lienyu.*

Translator: Because before marriage there was an agreement, they were making an agreement and after which there was dowry payment and everything was done, all formalities. So, it was just in order for whatever was being done. But for screaming, that was just a formality.

Com. Kabira: Another one

Translator: *Erebo lindi,*

Agatha Magio: *Elindi da?*

Com. Kabira: What does she think are the courses of divorce in the community?

Translator: *Ochuba mbu, abakhasi khulekha malia kabwe chindalo chino, esikira nibalekha muno nisi?*

Agatha Magio: *Esikira nibalekha muno khung'abana okhwo, si bakhwebwa, badekha bikhaya, bakholwa barie, bakenda eyi, no mukhasi adekha malia ekhumi, ano musatsa, nachia eyi musatsa, na atsia eyi musatsa.*

Translator: She thinks the main course is this non-payment of dowry, because there is no payment of dowry, so it forces them

to move here and there. If the husbands can marry as many as ten as she says. Because there is no dowry payment.

Com. Kabira: Okay, I wanted to know whether the women used to be beaten during her time by the husbands?

Translator: *Barebanga mbu chindalo chwao, bakhuyangakho bakhasi, abasacha bakhuyangakho bakhasi?*

Agatha Magio: *Eee bakhuyanga, nokhola mabi, no musacha akhukhuya, namala okhukhya ni wirukha otsia we'ngu, khandi ulaba otsie we'ngu ni umba otsiayo ni bakhukhuya bakhufunyia khandi bakhusebule inyama, bakhusebule magatsu, bakhusebule tsingeke, khandi omuilirira ingokho yaka iri.*

Translator: Yes, we used to be caned by our husbands and if we went home, there again our brothers used to torture us and make us go back. By then we were being given some few things to take to our husbands during those days to appease them.

Com. Kabira: Okay, tell her there is a law that has just been passed by the Honourable MP here Wanjala and his companions saying that women should not be beaten. What does she think about it?

Translator: *Ibunge yalomalome liliwo lilako mbu abakhaye sibakhoyere bakhuywe, khaba dawwe. Kharo, mbu ewe otsuba orio, mbu abakhaye bakhaye okhuywa, kose olora orio?*

Agatha Magio: *Abo nga banakhuywa khaba sibakhwebwa, ne efwe khwakhuywangwa ne khwakhwebwa.*

Translator: Women are being tortured because there is no dowry payment but with us dowry used to be paid.

Com. Kabira: But they were still beaten?

Translator: *Ne mwakhuywangwa sa khandi?*

Agatha Magio: *Efwe khwakhuyungwa khu makosa, okosere musacha ne akhukhuya.*

Translator: We used to be beaten because of the wrong deeds, some of us used to do.

Agatha Magio: *Ne musatsa noli naye bulayi, sanyala yakhukhuya da. Mukofusiania sa murio.*

Translator: If you are peaceful with the husband, there is nothing like beating and so on.

Agatha Magio: *Khandi nafwa barera lusala mukerekho mukhayo uno si musacha siamukhayo khaba.*

Translator: And if she died, there was some sort of formality, they bring a stick to ascertain that there was nothing like fight or beating by the husband to that wife.

Interjection from the audience: She is saying that if the husband died before he caned his wife, then at death, before he was buried, they used to take a stick or a rungu, to put on the corpse hand to symbolize that he had to cane his wife. So, the wife is brought near and she is caned again. That's what mama is saying.

Com. Kabira: The dead person?

Translator: The dead person because the husband never caned her. But he could not be buried before caning his wife. That is what she is saying. So the stick had to be brought.

Laughter from the audience.

Com. Kabira: Jiandikishe hapa. Asante sana Mama kwa hayo maoni. Thank you very very much. Okay, William Bilunga.

William Bilunga: Thank you Commissioners and all. My name is Bilunga Williams. I will represent the views of a youth group from Lughala sub-location. I will represent the views of a youth group from Lughala sub-location. I will start with the Executive. A person legible of Presidency should satisfy the following qualifications:

Age: Should be between thirty-five and sixty-five years.

Academic: He must be a degree holder from a recognized institution.

Nationality: He must be a Kenyan citizen by birth.

Wealth: This person must declare his or her wealth publicly and at least seventy five percent of his wealth be found in Kenya.

Conduct: He must have no criminal record.

Presidential powers: That the roles, obligations, rights and powers of the President be contained in the Constitution. Such powers include:

1. That appointment of a number of public servants, I mean the Cabinet, Ambassadors, Heads of public corporations. Judges of High court e.t.c. should be snatched from him but these appointments should be proposed by the President and given approval by the Parliament.
2. That powers of dissolving the Parliament should not be left to the President, but the Parliament should control its own procedures through standing orders.
3. The Constitution should allow the subjects to vote out the President for his or her mis-conduct under the following circumstances:
 - Falsehood and false promises.
 - Inefficiency in management.
 - Poor governance.
 - Corruption e.t.c.

This is the procedure, that the allegations be sent to the Electoral Commission for prior investigations. The Commission seeks for the most accurate information from the people nationwide and then if truth is found, elections are held. The President should not be a Member of Parliament but should be a secret entity to show national unity.

The Legislature: That the appointment of the Cabinet, Ambassadors, Judges of High Courts, Heads of Public Corporations, Provincial Administration, the defence e.t.c. should be vetted or approved by the Parliament. But these proposals be made by the President. In this way, the functions of the Parliament shall be expanded.

The concept of nominated MPs be retained but these nominated MPs or the persons legible for the nomination have to satisfy the following requirements:

1. Nominated MPs must represent special interests groups, for example the lame, the youth, the aged and women.
2. A nominated MP should be one who has never vied for a seat at the present elections and failed.
3. Nominated MPs have to be in Parliament, minus the political party they represent.
4. Nominated MPs should never be members of the Cabinet.
5. Nomination should be distributed equally between the regions.
6. These appointments should be made by the people but approved by the Parliament and the tenure of nominated MPs be one term of five years.

The people should be given a right to recall their MP. The allegation might include, poor communication from constituency, hindered development programmes or MPs who work on their own concerns. These allegations should be sent to the Electoral Commission which will then investigate that particular constituency. If truth is found, then the seat in that constituency is declared vacant so that elections are held. The salaries and allowances or benefits of MPs be investigated by a special Public Commission.

Language tests on Parliamentarians is not enough, but we recommend that he or she should at least be a form four academic holder.

Powers of dissolving the Parliament, shouldnot be left to the President.

I will now go on Basic Rights: That the Constitution should emphasize on the Basic rights of Kenyans.

Com. Kabira: Please try to summarize.

William Bilunga: Health: That the Government should supply free medical bills and mortuary bills. Mobile clinics be initiated by the Government to cater for the needs of the sick, the aged, the children or expectants in the society. If people cannot stop smoking, then we recommend that smoking in public places be banned.

Education: There should be free and compulsory primary education. The parents of deserving children in school be heavily punished by the law. Poor and needy students be sponsored by the Government to acquire education.

Employment: That the Government has to grant to workers enough salaries to cater for their basic needs. With people holding public offices, the law of one man, one job be enforced. With new trainees, acquisition of jobs with years of experience be done away with for it is from working that one is going to acquire experience.

On life: The Government lays out rights to life for every Kenyan. Therefore, death penalties be replaced with life imprisonment. I now go to Natural Resources especially the lakes.

Com. Kabira: Which is the last one?

William Bilunga: Yes, I think. So, the Government has to intensify security at the fishing borders by enhancing security patrols across the border. Fishing at breeding places should not be entertained. On geographical boundaries and the lakes; all lakes boundaries be traced and adhered to. A special Commission of old men, more so residing around the regions, be identified who specifies that the Kenyan boundary was at Siloi Island along Msambwa.

That there was a white man living in Uganda in 1950's who was called Sigalo who traced the boundaries and declared Siloi Island which was owned by a Kenyan called Makhoha, to be the boundary. He went along the Island and at long last he found that there was a person called Labango. In Hama Island there was a person called Mulia wa Mbeti and these people were all Kenyans. At Mtwasi, he found somebody called Ogola, these people were Kenyans hence those islands were from Kenya. I

think that will be my last point.

Com. Kabira: Thank you very much William. Please sign your name. Do we have Esther Sanya. Esther Sanya will be followed by Peter Otieno. Karibu Esther, you will give us your name, your age, your class and the name of your school.

Esther Sanya: Honourable members of the Commission, my names are Esther Sanya and I am from Mwambaa Primary school in Standard Seven. I am thirteen years old. Here are the views from my school mates.

1. The Government should give school leavers allowance to enable them establish themselves in the society as follows:
 - Standard eight leavers, five hundred shillings per month for three years.
 - Form four leavers, one thousand five hundred shillings per month for three years.
 - University leavers, five thousand shillings per month for three years.

This allowance should stop immediately one gets a job. Whoever earns it while on job, should be jailed.

2. School leavers should be allowed to operate small businesses such as kiosks without paying any tax or being licenced for five years after school. School leaving certificates will restrict this period. Public health officials should be operate as advisors to the public on health. Prosecution powers should be removed from them. This will check on corruption. The Ministry of Employment should be established and allocated funds to run programs such as forestry, road maintenance and water supply. It will employ school leavers temporarily and pay them salaries which should help them to start small businesses. Chiefs and Assistants should be advisors and not representatives of the President. This will check on misuse of powers.

Lastly, all students who pass in form four exams, should obtain loans to pursue courses including those in colleges and higher institutes of learning. This will promote a knowledgeable society. Thank you. That's all.

Com. Kabira: Thank you very much for giving us advice on how we can deal with employment and those were very very useful views. But I still want to ask you a question. Are you happy with the way girls are treated in schools. Particularly those girls who get pregnant.

Esther Sanya: I think the girls, some of them are treated with hostility because some of the teachers instead of being polite and helpful to the girls, some of them try to be very hostile to them. Instead of giving them good advice, they only chase them and tell them to go away. So, I try to ask the teachers, to please improve the way they handle pregnant girls.

Com. Kabira: Thank you very much, you have given us very important views, like the girl who came here a little while. I want

to say, you have participated in a very very important exercise and we are proud of you and your school. Thank you very much. Please sign your name. Peter Omieno.

Peter Omieno: My names are Peter Omieno and I am representing Sirimba Catholic Parish. This is a memorandum from the Christians of Sirimba parish. One, Preamble: Make it very short, this is the way we would like it to be: We the people of Kenya, having experienced the consequences of the Constitution which involved few representatives of Members of Parliament and foreigners, have come up with this people driven Constitution which recognizes the church as an organ working hand in hand with the Government to foster stability and development of the people. The Government to create awareness of the people to the Constitution through mass media, schools and all organs of the State to foster their perception and adherence by all and in case of any amendment the people to be involved in a referendum. That in short is our preamble.

Citizenship: Automatic citizenship for any child born in Kenya by Kenyan parents citizens. Spouses of Kenya citizens, regardless of their gender, should be re-scrutinized by relevant authority of Kenya Government and his or her former Government, to establish his or her conduct. Other acquired citizenship, the records to be established by the relevant authorities are as per above.

On Defence and national security: Those dealing with basic human rights should be effective. The Forces should take the responsibility of maintenance, restructuring of the public infrastructure, e.g. roads, dykes, bridges, the state buildings, water systems and other necessities.

Political Parties: This should work hand and hand with the church and the Government to promote the development and integrity of the country. They should be limited in order to unite the people and should be well managed. A maximum of three parties is recommendable to enable funding by the Government. Here Madam, we think the party, at least something should be chopped for them.

Structures and systems of the Government: At the church, we recommend a Parliamentary system of Government with a ceremonial President as the Head of State whose responsibilities will be; opening the Parliament, signing of Bills, welcoming state visitors, presiding over ceremonial meetings and other relevant state functions. There shall be the Prime Minister who will be the Head of the Government, appointed from the winning party. He should be attending the Parliament to answer any questions pertaining to the Government and relay the Government policy to the public.

Legislature: Parliament being a supreme body by its serving the entire public, it should be vested with the powers; One, to vet all senior posts including the Provincial Commissioners, the Police Commissioner, the Attorney General, all the senior judges and senior officers of the Parastatal bodies. They should set up all the Commissions including Electoral Commission.

A Parliamentary Remuneration Commission to be established. A two-term period for all Parliamentarians including the President and the Prime Minister. Parliament to be allowed to impeach the President or Prime Minister if need be. No pensions should be granted to parliamentarians at the end of their service. For any very serious and unbecoming case, any Parliamentarian may be recalled by his or her constituency. There should be two chambers of Parliament, namely; Senate and Lower House. Parliamentarians must attend all sessions except with permission. Here we say, cases of irregularities of Parliament attendance-causing lack of quorum must be discarded and the penalty or reprimand be inflicted accordingly upon the culprits. Parliament should be independent.

The Executive: The qualifications of a President; Clean record with public life.

Education: Degree from a recognized University.

Age: above forty five years, a married person. Should be elected after Parliamentary and civic elections. Should be independent with no party affiliations.

We also thought Provincial Administration, the Chiefs and the Assistant chiefs should be elected by the committee for proper service. They should have a minimum of thirty five years of age for appointment.

The Judiciary: There should be a Supreme Court, a High Court and the Constitutional Court. The Judicial Officers to be vetted by the Parliament and appointed by the Judicial Commission. The Lower courts to be established at the divisional level. Here, because very many of these people cannot afford to go to the district headquarters, so we felt it is wise to have at division level, at least a Lower court there to serve the public.

There should be constitutional rights to legal aid for those who cannot hire an advocate, including the disabled, the children and so on, those are the vulnerable.

Com. Kabira: Now we will ask you to summarize because we will read the memorandum in detail. Say your last point.

Peter Omieno: Electoral System: We are now on Electoral system and process. Presidential elections should garner twenty five percent in five Provinces and get more than fifty percent of all votes cast, and there should be a run up in case there is need. Counting be done at the polling station immediately after voting.

Basic Rights: Food, healthcare, security, education, shelter, water and employment should be provided by the Government. There should be freedom of worship, movement, expression e.t.c. Food: Every citizen must be provided with food where there is need and that is incase of disaster or anything like that.

Healthcare: There should be free medical care for all the citizens. Water, the Government to facilitate for easy accessibility.
Education: Compulsory and free education for all citizens at Primary level. Security: This is a right for every human being, the Government should facilitate for its proper implementation.

Employment: One man, one job system to be encouraged.

Shelter: Government to provide for the disadvantaged ones.

We the Abanyala of Budalangi constituency have been displaced by Yala swamp and constant overflowing of Nzoia river, hence the Government to reclaim the Yala swamp to enable the displaced to go back to their land. A permanent solution to curb the cause River Nzoia floods in order to enhance food security in the area. There was a feasibility study by P.H. Okon on Budalangi, which is with the Ministry of Finance and we will request you to refer to that please.

The right of vulnerable groups: The Government should guarantee the welfare of these....

Com. Kabira: Mr. Omieno, Is that the last one?

Peter Omieno: Let it be the last one. The Government should guarantee the welfare of these, that is the vulnerable, in food, education, healthcare and shelter. There should be an allowance for senior citizens either above sixty years on monthly basis for their upkeep. The Government should also allocate some funds for the church activities.

On land: There should be provision for ultimate ownership of land by individual and acquisition of land by Government on compensation. Every Kenyan citizen to have access to land. That is, there should be no Kenyan who has no land. The Government should ensure that every Kenyan citizen has land. The procedure of transfer of land should be mainly be bestowed on village elders who should be mandated to exercise the proceedings at the division level at an affordable fee. I can see you looking at me. The rest you will read. Thank you very much.

Com. Kabira: Thank you. We will read the whole memorandum.

Peter Omieno: Thank you very much.

Com. Kabira: Can you just hold on for a minute?

Com. Yano: Mr. Omieno, on the issue of political parties, you said how many should we have?

Peter Omieno: At most three.

Com. Yano: At most three. How do we arrive at this? You know very well right now we have in excess of forty eight political parties, how do we arrive in getting these three political parties you are for?

Secondly, this issue of the President, that he must be a married person, to me it is a very disturbing issue and when you started giving us your views you said you are a Catholic. Isn't it?

Peter Omieno: Yes I am.

Com. Yano: We know very well Catholics of course they don't marry, the Bishops.

Peter Omieno: Bishops.

Com. Yano: Not Catholics, it's the Bishops or the priests. They don't marry. I have in mind somebody like Archbishop Ndingi Mwana Nzeki. I find him to be a very brilliant chap. If he was given a chance to lead this country today, he can give us very good leadership. I also have in mind the likes of Archbishop Makario, I think you know him of Cyprus. One of the best leaders that this world has had. That is in terms of a religious organization but to me I think we can have a Priest who can be a very good leader. Certainly, what comes to my mind is a country like South Africa, where the head Nelson Mandela, you are aware of that. At one particular time, he divorced while he was still the President. I think you are aware of that. For some time he didn't have a wife and he was a very good President, we cannot deny that. Can I get on the stand really, why you want to insist that a President must be married? Yet, we have had some individuals who have led their countries and they have been very good Presidents of those countries. Thank you.

Peter Omieno: Let me begin with the last one. Here we had in mind that most of those people who would like to come in for this presidential elections would be people who are in political life. Those very much based on political life. But as I said earlier, we would like the church to be very much involved, that is working in partnership with the Government. For that case, I would say that there should be an allowance anyway, whereby we get such a person like the one you have mentioned, Marcalios and so on and even Ndingi Mwananzeki. I think that allowance can be there but for these other fellows that is particularly for those ones who are in that line of the Catholics and so on. But for these other people, I think we should have a mature person who is married and who knows the problems of the society.

For the parties, you see when there are so many as my fellow friends said here earlier, they become useless. Some form them for the sake of....I don't know. But the three would possibly make us to be more united. The only way to deal with it, once it

becomes constitutionally instituted, then we will devise a method whereby we will have the three. The public will have to devise a method and you know we need three and the three must be those that have the majority of the people.

Com. Kabira: Thank you very much. Sign our book. I would like to recognize the arrival of Prof. Ogula who came just a few minutes ago and he will let us know when he wants to present his views. I think he is registered and he has come to give his views. We are happy that he has taken time to do that. Can we have Emmanuel Mayamba? After Emmanuel we will have Jackton Anyande. Is Jackton around?

Emmanuel Mayamba: Commissioners, my name is Emmanuel Mayamba. I am presenting the views of Lugunga sub-location community. I have six topics, which I will discuss upon and they are as follows:

One is the Constitutional framework of the Kenya Government and two will be separation of powers and control of Executive power. Three will be Constitutional amendments from the year 1964- 1990. Number four will be River Nzoia as economic resource. Number five, will be Provincial Administration and number six will be miscellaneous.

To begin with, it is in the format of introductions and recommendations. Number one, Constitutional framework of the Kenya Government. The Constitution of Kenya declares Kenya to be a sovereign republic. The structure of the Government is provided in the Constitution. The powers of the Government are shared by three organs, the Executive, Judiciary and Parliament. The Executive Arm of the Government comprises the President who is the Head of State, Government and Commander-in-Chief of Armed Forces plus Cabinet. Executive power refers to the competence or authority of the President to discharge certain functions under the Constitution. e.g. Keeping internal order.

Com. Kabira: Sorry, Mr. Emmanuel. Can you suggest because of the time?

Emmanuel Mayamba: Introduction first.

Com. Kabira: You do not deal with the introductions because we can read that, you give us the recommendations on each of the five areas. Just direct to the recommendations, what you are recommending. ‘

Emmanuel Mayamba: I was still going on for a while the Executive in Kenya has a wide prerogative powers which include conduct of foreign affairs and approval of registration passed by Parliament. The recommendation, there is need to control the exercise of these powers from abuse. It might be preferable to have a fixed time table for parliamentary sessions and specific dates of general elections to place Parliament in a better position to vet Executive powers. The power to abolish and create offices is vested in Parliament. Meanwhile, Parliament should play a role in confirming Presidential appointments to public offices. Again, there should be reforms called through Parliament to check on those powers of President, declaring state of

emergencies in parts or the whole of Kenya as it may abrogate enjoyment of fundamental rights of the citizens.

Another point, the Executive takes part in law making process.

Bills: Exception of private members Bill otherwise all emanate from the Executive. The recommendation, the entrenchment of the Executive to the parliamentary process dilutes the concepts of separation of power between the Executive and Parliament.

Parliament: The Parliament on the other hand is the Supreme law-making organ with two hundred members including nominated. The Government budget be approved by Parliament through vetting by the public committee. Recommendation, the idea of nominated Members is no longer relevant today and should be scrapped altogether. It is specially frustrating to the concept of representation. Further, most of these nominated members have no professional qualifications to undertake specialized duties in the Government.

This has also proved to be unsatisfactory safeguard for example, the victims of those misusing public funds not having been taken to courts of law for stiff punishment. Since under Section 59, Parliament has the power to declare a vote of no confidence in Government. Although this is arguably the important safeguard against Executive excesses. But in practice, has proved impracticable due to its own peculiarities. Now, we are asking the Members of Parliament to discard their attitude.

Judiciary: For the Judiciary to be a safeguard on Executive's power, it needs impartial and independent. Recommendation, for instance the Judiciary has many limitations that largely dilutes its independence from Government control and influence. Therefore should be left entirely independent.

Separation of powers:

Com. Kabira: Now we will ask you to summarize because your time is up. We have about eighty people to present.

Emmanuel Mayamba: I will try to go fast.

Com. Kabira: But please just give us the recommendations.

Emmanuel Mayamba: The separation of powers and control of Executive power: Recommendation, that no organ should grow so strong as to be in a position to control the other two. Number two, the President is an elected Member of Parliament, entitled to several privileges like those addressing the National Assembly at any time.

Section 30, the Legislative power of the Republic in Parliament of Kenya which shall consist of the President at the National

Assembly. All Bills are initiated by the Executive. Meaning the Executive controls the Legislative programme. When Parliament passes Bills, they do not become a law unless the President them or ascents. Recommendation, a general opinion is that the Executive controls the Legislative programme, therefore there is no need to ascend the Bills. It should be vetted by a special majority, thus straightaway it becomes a law.

Under Section 127, allow the President to gazette, not to temporarily modify laws such as adoption. Recommendation, the amendment these powers should be that Parliament be involved before the President takes an action. The Parliamentary sanctions such as motions, Bills, select committees or questions, criticisms, during normal debate which are not effective to control magnism. Recommendation, because of poor appointment of ministerial personnel to undertake ministerial duties has normally effected a very poor service. Therefore, could be wise in future, the appointment of ministers or the post of their specialities in the field of our economy.

Com. Kabira: Mr. Mayamba, please give us your last point?

Emmanuel Mayamba: Since, I wanted to move to another very crucial one.

Com. Kabira: The last one. Because you have spent ten minutes and we have very many people.

Emmanuel Mayamba: I will skip this and go to River Nzoia as an economic resource. Just give me three minutes. I will talk about River Nzoia as economic resource in Budalangi constituency.

Com. Kabira: But just give us the recommendations only.

Emmanuel Mayamba: The recommendation, first of all I will just introduce what I wanted to say. We would like to request that a Parliamentary Act which integrated seven folks scheme on the Tana River, be also incorporated on River Nzoia. Recommendation for example, if incorporated and implemented, would produce additional quantities of hydro-electric power and store massive amount of water for irrigation and control floods in Budalangi constituency. With presence of Basin irrigation schemes, we will encourage the communities to participate in income generating activities. Such as production of rice, cotton, sugarcane e.t.c. This will be as an example as the one which happened in River Volta in Ghana and Orange river project in South Africa. Also, by building a series of dams on the River Nzoia, will increase Kenya's reserves and help to reduce imports of food.

Provincial Administration: Village elders *likhuru*. We recommend that since the environment in administering modern criminals with A.K. 47 guns, the *likhuru* stands a chance of being murdered at any time without compensation. He should also join N.S.S.F. as a contributor. Have uniform as any other sub-ordinate in the Government. Finally, he has to be paid monthly

wages. So, we recommend the likhurus to be put on the payroll under the Provincial Administration.

Com. Kabira: Thank you very much. I think that was the last point. We are going to read everything that you have written so you don't have to worry. I think I am going to ask the other people, just be very specific. Please do not read because even the people who are listening also find it tiring if you are reading. Just be specific, give us the recommendations so that we can hear as many people as possible. Thank you very much. Jackton Anyande. Followed by Alphonse Malagi. Alphonse Malagi are you there?

Jackton Anyande: Thank you Commissioners and the audience. These are the views. My names are Jackton Anyande, presenting views from Lughala fishermen. First of all I will start with preamble. Kenya is a democratic State of people with whose independence was attained by shedding blood. So, the Constitution should have a preamble. All people should be involved in it as part and parcel. We all must protect, follow it and defend it at all costs. Thus, all Kenyans shall be answerable to it, that is the Constitution.

Citizenship: On citizenship, our suggestions were as follows: anyone born of both parents in Kenya should be declared automatic citizen. The rights and obligations of citizens will depend on the manner in which citizenship is required. That is to say that automatic Kenyan citizens shall get passports and registered Kenyan citizens be given identity cards. The Constitution should not allow dual citizenship but have a single citizenship. Dual or double citizenship brings confusions, havoc and terrorism. For example, those terrorists we hear have dual citizenship.

Documentation: Documentation should be surrendered to perspective office with letters of confirmation from likhurus, local Chiefs and this exercise should be done reasonably.

Political parties: Political parties should initiate development projects. Also political parties should indicate people mostly on health economy, social creation and constitutional affairs. Political parties should be limited and we should have only three in numbers. Political parties should have programs based on plans and activities to be done. Also, political parties should get funds from their members citizens, members of free development funds and also get funds from the Government and funds be audited by Government auditors.

Legislature: The appointment of Government higher posts should be approved and vetted by the Parliament. Such as Ministerial posts, Permanent Secretaries, Ambassadors, High Commissioners, Judges, Provincial Administration and so on. The function of Parliament should be extended to five days, that is from Monday to Friday. They should have two holidays only that is in April and December.

Parliament should have limited powers to control its procedures through standing orders. No age requirement should be

changed for voter, it should as it is, except one eyeing for Presidency should be at age of thirty five years to sixty five years of age.

Com. Kabira: Thank you. Please try to summarize.

Jackton Anyande: There should be changes in the concept of nominating or nominated MPs. There should be preserved seats for youths, that is three seats for youths should be preserved. Four seats should be preserved for disabled. Two seats for military, two seats for NGO, two seats for Unions and lastly three seats for denominations. So, there should be special measures put in place to increase women participation in Parliament. Eight women seats should be preserved. One from each Province is to serve the special purposes or special interests.

The rules to govern the conduct of Parliament in multi-party state is that; politicians should stick to their sponsor political parties ideologies and rules to limit more defections.

Executive: It was said, limit the powers of the President. The powers to be taken away should be: Not to be above the law. Should not dissolve Parliament, should not veto Parliament nor declare war and even not appoint Government higher posts. The Constitution should provide the removal of the President while in office for mis-conduct and corruption. He or she should be taken to court and prosecuted if found or proved guilty, he or she should be imprisoned or fined. The relationship between President and Parliament is that President is answerable to Parliament and should attend Parliament sessions. The President should not represent constituency or should not be a Member of Parliament. Because by being a Member of Parliament, he or she will be bending on her or his constituency and not control the State perfectly.

The Local Authority. The structure of this Local Authority process is not adequate in that we need locals from every division.

Com. Kabira: Is that the last one?

Jackton Anyande: No. Not the last one.

Com. Kabira: Can you make it the last one?

Jackton Anyande: Give me three minutes to wind up.

Com. Kabira: Three minutes? No, that is time for somebody else.

Jackton Anyande: On Local Government, Mayors and Chairmen should be directly elected by people. On fishing, this is on

environment and national resources, this is the last point. Mineral resources mostly lying on the borders should be made known or recognized. They should be protected. In the case of L. Victoria, these boundaries have been neglected and not known. The lake pollution and better fishing methods should be looked into effectively. The Lake boundaries should be followed for security purposes. As the source of income to all the Bunyala, fishermen should be protected and defended from Lake intruders from the neighbours who come, seize and raid our natural resources. Either from the neighboring, mostly Uganda, snatch our fishing materials, fish, torturing Kenyan Lake goers from Kenya. This has become very risky and frightening. Fishing exercise to continue smoothly. The Kenya Government should reinforce security and follow the boundaries to safeguard fishermen from harassment by the Ugandans. The area there, they should remain in Kenya.

Lughalla sub-location is an island in the interior of the great swamp area called Yala Swamp, Lake between Dekwe and Obalo rivers. There are feeders streams.....this is the last....they are feeder streams which subsidize the sub-location. There are small small islands in this great swamp that are un-inhabited because the natives have moved to upper areas in search of pastures and cultivation. The swamps have become habitated by wild animals, such as Hippos, Monkeys, Wild pigs. The swamp has attracted such animals.

These animals are very destructive; they destroy crops planted along the swamp. If the Government will reclaim this swamp and retain it, the natives will come to it, they will crave land and increase food production. The wild animals, the wildlife service should fence around and put the animals together for their protection from illegal hunting. Otherwise, the natives will continue protesting against the destruction of the grown crops. The floods from Yala river should be controlled for easy communication because during the rainy season, these river floods, pour its waters, making communication barrier.

Com. Kabira: Thank you very much Mr. Jackton. What you have not said we shall read and it will be taken into consideration. Thank you. Alphonse Malagi? He is not there? Kolel Odeba.

Timothy Wesonga : *Abanyala ba Bunyala South, murio muno mukhoywora mubungi. Ne ngamumanyire khwosi khuli ano sikha. Khuli nende bandu abola makhumi munane, abadakha oinwa amaliliro kabu. Ne okhula sikha sino, wamala oulira mbu bandu makhumi kabiri bonyone. Bilolokha mbu nikhunachia, mwingira mwa khutsiramo ino, kata isaa ndala yesiro inola nikhorola hata inusu ya abandu, kwa hivyo basaba ngabadikire bandi bwenyu memorandum, niwicha imberi, nokhola isummary, ngayabakhobolera chidakika chirano. No obukula memorandum nibakwandikira ano. Nga babolere, akalimo kosi balasoma, khandi batekere, ne batsia khwandika ne batsia ofunyia ano no ochia olola maoni kenyu. Mani khukholekhe khurio, khulekherane nende baweyango. Kho wecha imberi abakule chidakika chirano chionyene, nolekhera owasio. Khaba sino bulahyi?*

Audience: *Bulahyi*

Timothy Wesonga : *Mube nende mwoyo oko, khulekho obolerwa sikha siosi siosi, lekhera ao, lekhera ao, lekhera ao, abane khwepime sikha. Mana murio.*

Com. Kabira: Thank you. I think I know what he was saying. But I was going to ask whether we can get somebody just to ring the bell after three minutes.

Timothy Wesonga : *Njicha okhubanga sindu siekesia, noulira alama ni ekhubwa no amanya mbu chisaa chao chibwere, no bukula makartasi kwao, nochia wandikisia. Muulire?*

Audience: *Khuulire.*

Com. Kabira: Okay, you will get somebody. You can just ring even the glass. Aphonse is not there? Conel Obada. You have spoken? Jacob Owanga?

Jacob Owanga: Asante sana Commissioners kwa kunipa nafasi kuzungumza. Jina langu ni Jacob Owanga. I will start with seasonal floods in Bunyala. The permanent solution for seasonal floods on River Nzoia and Yala swamp should be found to enable the community to have a stable life. Yala swamp, should be reclaimed for resettlement and farming by local community. Bunyala is over and densely populated due to Yala swamp. Lake Victoria boundary is not known. Bunyala fishermen are harassed by Ugandans. The three States of East Africa should solve the problem. Fish and net factories. Net and fish factories should be built in Budalangi division of Bunyala.

Bunyala South division: Bunyala South should have administrative divisions for close administration. Land inheritance: Inherited land transactions are too expensive to an ordinary person especially old people. It should be left for elders. Trustland: Trustland should be under local councils, be allocated by community those are the problems that Bunyala has.

Parliamentary candidates: He or she must be a resident of a constituency aged twenty five years, married, Form four standard of education, not criminal and vote in the area, the rest will have to wait. Physically disabled and handicapped people. Eight parliamentary seats should be reserved for physically disabled and handicapped people. One person from a Province to present their interests. They should not belong to any political party but to their interests. They must not be nominated by a political party. Some mechanism should be used to select them according to their educational qualifications. Parliament to have two hundred and thirty two Members instead of two hundred and ten.

Com. Kabira: Summarize the point that you have not given us.

Jacob Owanga: Presidential candidate: Candidates of Presidency should be thirty five years of age, has served and gained parliamentary experience of ten years of two terms. Parliament and Senate should jointly elect him. He should be a National President and not a party political President as it is now. He should be Head of State only and not partisan to any political party as it contemplates that there may be two Chambers, the Head of State and Head of Government. Their duties should be devolved by Constitutional experts. Age limit in the candidate of President, should be seventy five. I would like that. He serves two terms of five years each. He should be a person of high caliber, both in education, knowledge, experience and integrity.

Prime Minister: Prime Minister should be(interjection)

Com. Kabira: You talk about the Prime Minister, then the others we will read.

Jacob Owanga: A Prime Minister should be a leader of majority parliamentary representatives in Parliament. He is Head of Government. He should form a Government by appointing his ministers. Attorney General, Minister for Finance and minister for Foreign Affairs should be approved by Parliament. The number of ministries must be approved by Parliament. Every ministry must have only one Minister but not two Ministers as it is the case at present. Two ministers in one ministry reveals lack of planning, expensive to taxpayers and create inefficiency. Irrelevant appointments of ministers should be avoided. To appoint a medicine doctor as a Minister of Finance, that is creation of inefficiency. Appointment of a minister should go with relevant qualifications for a ministry, he or she to manage.

Com. Kabira: Thank you very much. We know you didn't finish but don't worry we are going to read every single word that you have. Thank you very much Mr. Owanga. Can we have Stephen Omende? Thank you very much Mzee Owanga.

Stephen Omende: My names are Stephen Omende and I will quickly read through the memorandum from the(interjection)

Com. Kabira: Please do not read through the memorandum, that is the problem you have. Just tell us we have recommendations on one, and then you give us the recommendations. Because, if you read before you finish the first page, we will ask you to stop.

Stephen Omende: One, I will move to the preamble and the Lwanyange community needs the modern Constitution to have a Preamble pointing on daily life, both personal and collective values, creation, aspirations and the most profound meaning of life and more particularly the lives of those at the local level, national, regional/international.

The Preamble enables all Kenyans regardless of sex, race, colour or religion to discover the deepest meaning of the lives and live according to the collective dignity accepting the responsibility of finding solutions to situations they live in.

Two, directive principles of State policy: Kenya should be a multi-party State with experienced State power shared between the Prime Minister and his two deputies together with the President and his two deputies under the law, enforceable and guiding principles. The elective Prime Minister and the President should serve a two term period of five years. Development, public and part public of share ownership of vital industries and political equality. The State power should govern the following values; faithfulness, respect, trust, just, honesty and hardworking.

Constitutional supremacy: The issue of amending Constitution and conducting the referendum through involving the taxpayers should be in the hands of the constituted Kenyan Constitution Commission to limit the Parliament's power, to increase their salaries, benefits, pensions and extending of the Parliament. To give taxpayers a say in amending Constitution thus practicing justice a step in the values.

Citizenship: a Kenyan citizen should carry a certified identification card / passport, the right and obligation should depend on the manner in which citizen is acquired.

Com. Kabira: Your last point because the bell has gone.

Stephen Omende: I am going to my last point. Legislature: The people should have a right to recall their MPs in case of dishonesty to perform their interests. Through referendum involving the taxpayers, the Parliamentary Commission established should determine the salaries and benefits of the MPs. The MPs should not be awarded pensions since they are contract workers and therefore they have to be entitled to what we call honorarium and the group suggest to have the twenty percent of their annual salary as their honorarium since the contract workers are not entitled to a pension.

Com. Kabira: Thank you very much. I know you didn't read the memorandum, but we are going to read word for word. Thank you very much. Nicholas Ogada. Nicholas Ogada is not there. There is another Nicholas. Omulo? Nicholas Omulo? Ameenda. Nicholas who? Vincent Ogola? Vincent you have three minutes.

Vincent Ogola: Thank you very much Honourable Commissioner. I would like to present my views concerning a number of issues. I would like to start with the supremacy and protection of the Constitution. My name is Vincent Ogola and I am presenting my personal views. I would like to start with the supremacy and protection of the Constitution. I would like the Constitution to be declared supreme to all other laws in this country and it should be protected from amendments all the time because I feel that, that is abusing the Constitution. Whereby parliamentarians sometimes just amend it to suit their own needs. On the structure and system of the Government, I feel that we should have a Unitary Presidential Government and I feel we don't need the post of Prime Minister which will probably be too expensive for this country and end up having a ceremonial President who will not be doing much work.

I feel that this Government should be headed by a President, who is elected and the President should not be a Member of Parliament because that will abuse the idea of separation of powers. If the President is Head of State and at the same time he is an MP, then I feel that we will not be having the separation of powers that we need. The Vice President should also be elected and then the Cabinet I feel should consist of technocrats and not Members of Parliament. Because we have been situations where people of dubious (we will excuse that expression). But then people with dubious academic qualifications end up being Cabinet Minister or sometimes we have a doctor heading the Ministry of Education when we have a Minister of Health, I don't see what this fellow is going to do in the Ministry of Education. So, I feel that we should have technocrats people who are specially trained in the ministries and departments they are going to head.

On the Provincial Administration, I feel that the Provincial administration should actually be retained but then we should appoint people who are qualified. It is only in the Provincial Administration where we have C.P.E. still being considered a qualification. These days even office messengers, they need Form four and above, sometimes University graduates so I do not see why we should insist on picking of very low academic qualifications.

At the same time, I feel that these people should have specific duties to play. At this time, we have Chiefs who are acting as administrators, these same chiefs are acting as judges, these same chiefs are acting as tax collectors so I feel that chiefs should have specific duties to play and they should be trained.

On the Judiciary, I feel that the Judiciary should become more efficient, this idea of having cases with so many mentions. When there is a case you hear of a mention, mentions are going on for several years, I think that is interfering with justice. Because some of these people end up living without hearing their cases being attended to. That means that my time is up.

Com. Kabira: Give us the last one. You have done very well so give us your point.

Vincent Ogola: I would like to say something on Local Authorities also. I feel that Local Authorities should be made more efficient or instead they should be done away with altogether because at the moment they end up collecting taxes for a month and offering no services. So, if they cannot be made more efficient, then they should be scrapped away altogether.

I would like to say if you will allow me, to say something about the power of the people. I feel that the people of Kenya should be recognized. The people of Kenya should be understood to be supreme. I feel that to strengthen this, the people of Kenya should have the power to impeach their elected leaders who are not performing and then the people of Kenya should be provided with Civic Education which should be continuous for a given period of time to enable them to participate very well in the democratic institutions in Kenya.

Public resources should also be protected so that we don't have people doing away with public resources and allocating themselves resources which should remain for Kenyans use. Thank you very much.

Com. Kabira: Thank you very much. You used your three minutes very well. Margaret Okede. She is not there? If she is not there, Levina Ojiambo? She is not there? Levina is not near? She is coming? Then followed by Roselyne Luca. Is Roselyne around? Sabina Nerima.

Levina Ajiambo: *Mera nangwa Lavina Ajiambo. Mwene ndula bukhwanga,*

Translator: My names are Levina Ajiambo and I come from Bubwanga village.

Levina Ajiambo: *Esie, mama yafwa nende baba.*

Translator: Both my parents, father and mother are dead.

Levina Ajiambo: *Halafu bechere balubolera mbwe bandu ba maskini badakhwa Makunda.*

Translator: We were told that people who are disabled were required at Makunda.

Levina Ajiambo: *Nimwakhara khokhoo esukuli sie esikhaya, sia abana ba masikini, abanyala basomakhokhoo.*

Translator: So, you can institute a school for those who are disabled or the orphans.

Levina Ajiambo: *Nende sibitali sie bihaya, siabana bakhatsiakhomo abamasikini, barwerwakhokho bikhaya.*

Translator: And free medical treatment for the orphans.

Levina Ajiambo: *Esie nga mundola endi, ndimurema.*

Translator: As you can see I am disabled.

Levina Ajiambo: *Ndachia musibitali, babola mbu benya okhenga khulu.*

Translator: I went to hospital and I was told they want to cut a part of my leg.

Levina Ajiambo: *Ni badakha okhenga khukulu okho chisende chiaumao.*

Translator: When they wanted to do that there was no money.

Levina Ajiambo: *Nikhuchia khandi khufunya mudala.*

Translator: Then I just came back home.

Levina Ajiambo: *Musibitali siene siali Lupe.*

Translator: It was Alupe hospital.

Levina Ajiambo: *Halafu bandu kama masikini nibidakha barerakho musaada.*

Translator: Disabled people like me we need a bit of help or aid.

Levina Ajiambo: *Mwene ndadong'a nende kukhu.*

Translator: I am left with my grandmother.

Levina Ajiambo: *Murio muno.*

Translator: That's all.

Com. Kabira: Thank you very much Levina for your views. Levina write your name please. Roselyne Luca.

Roselyne Luca: *Mulira nangwa Rose Luca.*

Translator: My names are Rose Luca.

Roselyne Luca: *Lakini esie sindu sinjuna muno,*

Translator: Something which is very touchy on my side,

Roselyne Luca: *Abakhasi banyala khulibalimi muno.*

Translator: We women from Bunyala are really hardworking.

Roselyne Luca: *Lakini amachielo kakerere khulwanga abakara.*

Translator: But the water has made us cold lazy people.

Roselyne Luca: *Khoro khwakhakholakho khurie, khukhabe balimi.*

Translator: What can we do to become competent farmers?

Roselyne Luca: *Khabakho nge bialo bingi khuosi.*

Translator: So that we may be compared to other areas.

Roselyne Luca: *Esio khubiri,*

Translator: Secondly, we want you to open for us a factory for chang'aa like Uganda. \

Roselyne Luca: *Khubere khudakhire mbu khwesi muruikulirekho sa ifactory eya mwala ke ichang'a nga Buganda.*

Translator: How can we get that one?

Roselyne Luca: *Khunyala khubakananakho khuri?*

Translator: That is what I had.

Roselyne Luca: *Ako niko kange konyene.*

Com. Kabira: Okay, thank you very much Roselyne for your views. Okay, Sabina Nerima.

Sabina Nerima: *Mumera nangwa Sabina Nerima.*

Translator: My names are Sabina Nerima,

Sabina Nerima: *Ndisa we Makunda ano.*

Translator: From Makunda here.

Sabina Nerima: *Esinjuna ni sino.*

Translator: Something disturbing me is,

Sabina Nerima: *Khuli nende isanda ikhongo muno Bunyala.*

Translator: We have a lot of problems here in Bunyala.

Sabina Nerima: *Khubera bana befu basoma nibasanda.*

Translator: Because our children are schooling but suffering.

Sabina Nerima: *Walola orungira omwana eschooli no osandire,*

Translator: To pay fees for the child, you will find you have really laboured.

Sabina Nerima: *Nokoya mwala kao, polisi ulechukhira bakhudira.*

Translator: If you brew some liquor you find policemen arresting you.

Sabina Nerima: *Khulwasi?*

Translator: Why?

Sabina Nerima: *Ikwete nende malwa ko lucheke akakoyerwangwa bakhare khare, khulwasi khulekurirwa ibar, fwesi khwakholanga khokho.*

Translator: Why can't local brews be given freedom so that we can do it and get a bit of finance.

Sabina Nerima: *Nikho fwosi bane befwe khwasomiakho bilai.*

Translator: So that we may educate our children.

Sabina Nerima: *Sikhubiri,*

Translator: Secondly,

Sabina Nerima: *Saba khulinende buchuni muno khulondana nende balimu befwe.*

Translator: We are really bitter about our teachers.

Sabina Nerima: *Khubera balimu befwe khwenyere bamedwe imishara, khulondana nende ameko ka bekesia, khubira balimu nibo barukiesiangia khu ni khumanya makesi.*

Translator: We would like our teachers to be properly paid so that they can work effectively.

Sabina Nerima: *Mana khuyore mumedede balimu emishara.*

Translator: We request you to increase the teachers' salaries.

Sabina Nerima: *Ni ako kario.*

Translator: That's the little I had.

Com. Kabira: Thank you very much Mama Sabina. Can I ask you a question? How old should those who are taking brew be, what age should they be?

Translator: *Bakhurebekho lirebo lididi?*

Translator: *Ni miaka kinga kwa balia abangwa malwa, bakhoyere babe nende miaka kinga?*

Sabina Nerima: *Balia abangwa malwa bakhoye babe nende miaka ishirini ne bindu.*

Translator: Above twenty years. Those who take beer should be above twenty years.

Com. Kabira: And not below?

Translator: Not below.

Com. Kabira: Or do they sell to those who are below twenty?

Translator: *Mukusiangakho malwa khubalia bali asi we miaka makhumi kabiri?*

Sabina Nerima: *Khaba.*

Translator: No.

Com. Kabira: Okay, should they drink from morning until evening?

Translator: *Ne wenya mbu banywechenge khurula ichuli mpaka ingolobe?*

Sabina Nerima: *Amalwa mabara bakulanga saa saba.*

Translator: All the busaa places used to be opened at around 1 O'clock.

Com. Kabira: So, you want brew to be legalized but not for everybody and not all the time?

Translator: *Kho wenya kakoywe, hapana khu buli mundu nende sikha siosi siosi khungwebwa.*

Sabina Nerima: *Khwenya kakoywe kengire sa mumabara, okoya ulia ni wilulirue nikho nakoya.*

Translator: Should be legalized so that it is brewed in those areas and only at given periods.

Com. Kabira: I wanted her to tell us about inheritance of girls property.

Translator: *Ne rubolerekho abandu wo omundu na afwirirwe, obindu biame, ne afwirirwe, onyala obolakho amakhuwa ka mbakhana khubukula au khubukula bindu bia abandu, abia bekho baye bafwire?*

Sabina Nerima: *Ebindu bia abama babu bafwire, kata esie ni ndikho, musacha wange yafwa.*

Translator: According to that even my husband is dead.

Sabina Nerima: *Nge yafwa, abindu bia bandekhera ndi sa nabio.*

Translator: The property that I was given, I still possess it.

Com. Kabira: Can she give to her daughters?

Translator: *Onyala obakho bakhana bao au ne basiani bang'one?*

Sabina Nerima: *Ngabakho bakhana bosi.*

Translator: I also give to all the children. She says yes.

Translator: *Okiyakho buli mundu anyolekho siayenya, asianyala khunyola khubana bao basi da.*

Sabina Nerima: *Eee*

Translator: She says yes.

Com. Kabira: Thank you very much. Tafadhali jandikishe. John Sumba? Hayuko. Nicholas Koyo.

Nicholas Koyo: Thank you the Commissioners, I also have my personal views. My names are Nicholas Koyo. On election, I was suggesting that the date should be separate that is Presidential, Parliamentary and Councillors. On Provincial Administration, I was suggesting that Chiefs upto PC should be elected by people. On the side of Local Government, those people who are called Mayors should be elected by the local people, instead of few Councillors who meet together and do that elections. On local brews, I suggest that they should be promoted and increase employment and economic status of people.

On Political parties, I suggest that they should be three and funded by the Government equally. All elections must be vetted by the Parliament especially key positions. On education, every child should be given education while the Government provides all the needed facilities. Those are my views.

Com.Kabira: Thank you very much for not spending three minutes and giving all your views.

Somebody called Kanuti Lwanga?

Kanuti Lwanga: I would like to tell the Commissioners that I was in a group which had prepared that memorandum that has been submitted. It's already in there.

Com. Kabira: Thank you very much. Maloba Vincent?

Maloba Vincent: I am to read from the memorandum of Maloba Feeder Groups.

Com. Kabira: You won't read, you will just give recommendations like the previous gentleman because it is three minutes. Just say, on President we recommend, Prime Minister we recommend whatever.

Maloba Vincent: At first, they recommend about Preamble. There should be Preamble, concessive and enlightened and empowered. Kenya needs to forge ahead in togetherness.

Com. Kabira: You took somebody else's.

Maloba Vincent: On Preamble, this is what they discussed. It should be in our Constitution since the Constitution is the base or foundation of economic, social and political of our country. The new Constitution should involve all Kenyans.

National vision: To eliminate corruption, fraud and embezzlement from all public life. Vision that grants the freedom, liberty of human rights. Freedom from harassment by administration, freedom to trade, freedom of private enterprise in a free market of economy.

Direct principle of the State policy: Modern Constitution should have principle and valued at, the Government has State power should be exercised. The democratic principles that should be in the Constitution is that citizens should be recognized as state drive.

Constitutional Supremacy: We should have retain sixty percent in the Parliament amendment, any part of the Constitution. The Parliament powers should be limited whereby when they want to increase their salaries benefits, they should consult taxpayers through referendum and also not to extend the period of the Parliament and there should be a calendar specifying the dates for elections. It should be involved in the Constitution with agreed terms in office.

On land: Since land is the base of economy development in Kenya, it should be owned by the community or individuals. The land matters should be handled by the council of elders and there should be a set up of Land Commission which should be independent and getting of Title Deeds should be simplified.

The swamp land, after reclamation should remain the property of the owner and in any case, minerals in that land, to a certain percentage, should remain in the community. That is about thirty percent. The daughters of the family are entitled to get a share in the land. Trust land should be under the State or Local Authority that a person who wants to use it from the community can use it.

Environment and natural resources, lakes and rivers: We would like the Government to help us declare the territory boundaries especially in the lakes whereby the fishermen are harassed from time to time by our neighbours in the Lake.

Number two: Above all the fishermen are forced to fish with ear gears since there is no other security in the Lake. Therefore, we urge the Government to safeguard us in the Lake. The Lake should be protected by the Government. The Government should work hand in hand with the community to motivate ways of keeping peace with our neighbour countries. There should be control of some species which are undersize, especially the Nile Perch and Tilapia. But, except Omena, or softhead and others. The levies collected from the sale of fish at the beach should be shared between the Government and the community. The Government should take sixty percent while the community should share forty percent to develop the area and industries should be located where such natural resources are located e.g. Fishing processing industries where the fishing is found to create job opportunities from the communities around.

Com. Kabira: Thank you very much. The rest we shall read. Thank you very much Maloba. Clement Odedo? He is not there. Dismas Okello. Do we have Dominic Okeya? Ni wewe utafuata tafadhali.

Dismas Okello: Honourable Commissioners, our MPs and other dignitaries. Mine will be very short. My names are Dismas Okello Michael. I had about three burning issues.

- 1) The President starting on the office of the President, must share responsibilities with other ministers and should be answerable to the Cabinet. I had, reduction of the powers of the President. It has already been talked here but I would like that his office is not congested with many many departments because he may not perform well. In that connection, I would like to say that the problem of civil servants trotting or running after their President in his rounds, I don't know how we can stop that. But sometimes when the President is visiting Busia, then everybody is busy with the Presidential visit, you go to office, you don't get services. We should look for a way of handling that.
- 2) All legal documents pertaining to birth, marriage, death be given automatically at the nearest health institution or whatever. What I mean is this, when one dies in Nairobi Hospital, he leaves with the death certificate and when dies in Port Victoria Hospital, he must go to Busia and it will take time. So, some families are extremely poor and sometimes they don't pursue these things. But later on they may be needed and it is too late, they must then pay fine.

- 3) Also, on the issue of Civic Education, I would suggest that this continues always even for us elders. Sisi wazee tunataka tufunzwe haki zetu na huduma zetu ili tuwe karibu na Serikali tuelewe makosa yao. Asante sana.

Com. Kabira: Thank you very much Mr. Dismas. Dominic Okeya. Utakuja? Huongei. Victor Musilimba? Hayuko? Paul Maloba? Just a minute. Ibrahim Wangoma ako? Utamfuata Paul Maloba.

Paul Maloba: Honourable Commissioners, my names are Paul Otondo Maloba and I am giving views on behalf of opinion leaders from Magombe Central sub-location. Because of time I will be very brief. What the opinion leaders resolved is;

- 1) President to be elected by Kenyans with a majority of fifty one percent of votes cast and should be more or less ceremonial in his duties.
- 2) The Government should be headed by the Prime Minister elected from the majority party in the Parliament.
- 3) Traditional beer to be legalized.
- 4) Any amendment of the Constitution should be done by the Kenyans and not in Parliament.
- 5) No dual citizenship: This is to avoid swindling of money to foreign countries.
- 6) Political parties should be limited to two; this is to avoid parties being formed on tribal lines and finance in political parties should be from membership subscriptions but not from the public treasury. The Parliament should have power to vet all the chief appointments in the country.e.g. Speaker to the National Assembly, Attorney General, Chief Justice and Parastatal Heads among others. The Parliament should also have unlimited powers to control its own procedures through Standing orders.
- 7) An MP should be over form four level of education whereas Councillors should be at least form four.
- 8) No issue of nomination MPs and Councillors. This is to cut down the Government expenditures. Provincial Administration should be replaced by elected governors. This is because the Provincial administration has outlived its functions. Salaries of MPs and Councillors should be controlled by the Constitution and not themselves deciding what they should earn. The coming Constitution should provide a co-alition Government and a Presidential candidate must be a degree holder or above. For one to contest for a Councillor, he or she must own land. This may help us to avoid lad grabbing by Councillors. Land transfers and inheritance should be done by elected local elders. This is to reduce the cost of land registration as it is of now. The Electoral Commission should also be made of nine members.

9) Lastly, the life of Parliament should be enacted in the Constitution and no one should have any power to reduce or increase its life. On that note, thank you.

Com. Kabira: Thank you very much for that precise presentation. Ibrahim Wangoma.

Ibrahim Wangoma: Thank you Commissioners. My name is Ibrahim Wangoma. We have had a Unitary Government for a considerable length of time, upto thirty eight years if I can consider well. This has now shown that the Government has not functioned so far under that system. I will therefore suggest that we have an autonomous Government. So that the powers that are held by one person or few people are distributed equally.

Election of the President: Since we are going to have our Parliament, then we have more likely regional. If we have got autonomous Government, we must have regional congress, then we have Parliament, then we have Senate. I am suggesting that from the same area where MP comes, we have a Regional Representative also from the same area, which is County, and then we must have a Senate from the district level.

The election of a Prime Minister in the Lower House, this one I am seeing that if it is to be well, then the members of the Senate plus the members of the same Parliament should vote for a Prime Minister who comes from a majority party in the House. The President shall be voted for countrywide and this should be a person who should head the Senate should head the Senate and his duties should be ceremonial.

On land: During all this time we have had a lot of problems on land because; land cases formally were being held in the courts of law and this used to grab land that is the people with money. This stopped and then it has been brought again that you have to pay for your own land a lot of money when you want to make it yours again. When the land is demarcated you have to pay money and when the same land, we want to have a Title Deed, you pay Government money as if the land was not your fathers'. This should also be considered in the Constitution.

When we come to the County Councils, my suggestion is that we have a County within the Constituency rather than the district level. That the six people, as for example Bunyala we have got six locations, we only have these elected from each location to form up a Council. Instead of having the Provincial Administration, we have elected fellows; right from down here to the region congress where we are going to have, after the elections, we have a governor who is going to be in charge of the region.

On the side of liquors: The Government tended to copy or to borrow the European system that anything that is brewed by Africans is bad and is illicit. Which is very wrong because our beer, we do not include any chemicals. It is all that is very right. Because in Bunyala here we use Wimbi and maize and water and no more. This is what is regarded as illegal. Why should they call it illegal? If we put there, as one of our women said here. You put here a whisky person drinking and here we have a

Chang'aa person drinking. Who doesnot get drunk? Both are drunkards and therefore there is no reason why we should legalize this and then this one is illegalized. Therefore, we ask the Government to legalize *Chang'aa*. Yes.

On land as I had said, we would like to have land problems settled by local leaders, not courts. Because a court consists of lawyers and lawyers are coming from Mombasa who do not know what Bunyala is and because it is in the courts, the person owning more money is the owner of that land that is being argued upon and that should stop so that it is solved within a locality.

Com. Kabira: Thank you very much. May be just one question from me. So, how many people do you anticipate will be in the Senate?

Ibrahim Wangoma: In the?

Com. Kabira: In the Senate. According to the number of districts. How many districts do we have? Each district should have one person. But who are these other people you wanted elected at the constituency.

Ibrahim Wangoma: At the Constituency?

Com. Kabira: Apart from the MPs.

Ibrahim Wangoma: The representatives in the regional congress and the MP plus the Councillor.

Com. Kabira: So, there is going to be the Senate with sixty nine, there is going to be the regular House of Representatives with two hundred and ten. What about these other people you are appointing at the constituency? The Regional Assembly?

Ibrahim Wangoma: The Regional Assembly will be according to the number of constituencies.

Com. Kabira: So, it will be another House of two hundred and ten?

Ibrahim Wangoma: Yes. Two hundred and ten but they will differ because two hundred and ten are gathered in Nairobi, but these ones will be on the Provincial level or other present Provincial level.

Com. Kabira: Okey. Thank you. So, the region is the Province.

Ibrahim Wangoma: Yes. Thank you very much Mr. Ibrahim.Can we have Councillor Ouma?

Councillor Michael Ouma: Honourable Commissioners, my names are Councillor Michael Kongo Ouma, Bunyala Central Ward, Busia County Council. The Preamble, I would like that the Constitution should belong to the people of Kenya, not only to the Executive branch of the Government. Therefore, it will be their responsibility to do any amendment in their Constitution if there is need. It will be fair if Kenya should be headed by an Executive President.

The President be elected by the people of Kenya, the Presidential candidate should be nominated by Parliament. The President's power must be controlled by the law and the Constitution. Presidential candidates' age should be between forty-five and sixty-five. But he must be a University graduate. He must be married. That the runner up in the Presidential place should become the Vice President. That there shall be a by-election to fill a vacancy of MPs who later becomes President and Vice President respectively. Anybody who wants to be MP must be a Form four and above of Kenya Education Standards.

I feel we should also have a Prime Minister. It is proposed that there shall be establishment of the Prime Minister. The Prime Minister shall have Executive powers and shall be the leader of the Government. The President shall call upon the party with a majority to form the Government.

That the Speaker shall be in-charge of the Government in the absence of the Prime Minister. It is also proposed that the appointment of the judges, Army Officers above the rank of Major, Permanent Secretaries, Commissioners of departments, to be done by the Prime Minister but subject to the approval of the Parliament. It is also proposed that there should be a total separation of powers and that the Arms of the Government must be accountable to their actions. Also, Provincial Commissioner. It is my opinion that this office should be removed and all Heads of departments at the PC's office be redeployed in the district offices.

That the District Head should be answerable directly to the Permanent Secretary. There shall be the office of District Executive Secretary, not the DC. That the chairman of the district should be District County Council. The District Executive chairman and will be elected by the people within that district. He will be the chairman of all development meetings within the district. That the district chairman must be of form four class of education and above and he must have served in several areas of administration and management.

That, there shall be Executive Secretary at the divisional level who will be the co-ordinator of the division but no the D.O. There shall be divisional chairmen who should be elected by the people of that division. He will perform the duties of monitoring all developments within and chairing all development meetings. He must be able to speak English and write all the languages. The chiefs and assistant chiefs must be elected by the people.

Federalism and place in the Government of Kenya, we in Bunyala do not support federalism yaani Majimbo but support the Government system, for instance all the planning and implementation must be done at the district level. We propose that the

revenue collection system remains the same but ninety five percent be remitted to the districts and in this case to local authorities.

The Central Government to assist in acquisition of loans and grants for developments as requested by the respective districts and councils. Senior citizens, these are people above sixty five years. The Government must take care of these people and they should be earning every month. The Kenya police: The ordinary police must remain police, not police force.

The land and property rights: This is the basis of economic development in Kenya. We in Bunyala Central, it is our concern that land should be owned by the local community. That there should be a board which must be elected by the people within the whole division for all transactions of land but not appointed boards.

That all land appeal cases should be done at the district land boards. Not in the High Courts, e.g. Nairobi and some other places. The most crucial area which I would like to comment on Honourable Commissioners is about the Yala Swamp. It is our concern that the Government should think of reclaiming the Yala Swamp and the indigenous people be given first priority of allocation of land.

About the property inheritance: It is of my concern that men and women should have equal rights to be registered on land and succession of properties. That all Kenyans should own land anywhere in the country through proper procedure that should be followed and not grabbing. Thank you. Yours Councillor Michael Kongo.

Com. Kabira: Thank you very much Councillor. Mzee Wagoma Munyalla. Ako? He is coming. Stephen Omede. Is Stephen Omede here? Amemaliza. What about Romans Philis? Hayuko? Sebastian Osebo? Sebastian hayuko? Okanda Nicholas? John Namia? John Kundobi? Mark Amboyeia. Hayuko? Bernard Omeda? Wanjala Wakoba. Nichola Namuye? Ako? Utakuja Mzee akimaliza.

Wagoma Munyalla: *Esie nangwa Wangoma Munyalla.*

Translator: My names are Nichola Namuye.

Wagoma Munyalla: *Okhubulwa khwange, ndebulwa mwaka ka elfu ndala ninde makhumi nende tsisasaba.*

Translator: I was born in 1906.

Wagoma Munyalla: *Omuosi ko khusasaba.*

Translator: In June.

Wagoma Munyalla: *Esie mbere nende lino,*

Translator: This is what I feel.

Wagoma Munyalla: *Okhurula ninzibulwa miaka eko,*

Translator: Since I was born,

Wagoma Munyalla: *Babukuka befu balikho nibasiri bidiri.*

Translator: Our grandparents who even had some necklaces,

Wagoma Munyalla: *Bali banja tsing'ada mukosi muno.*

Translator: Some had arm rings.

Wagoma Munyalla: *Bandi baboyanga mukosi muno.*

Translator: Necklaces and so on which were decorations.

Wagoma Munyalla: *Bidiyaki bino bialichi emigasa kiabwe.*

Translator: During our birth,

Wagoma Munyalla: *Ne khubulwa khwefwe,*

Translator: We found this land when it was owned by elders.

Wagoma Munyalla: *Khwanyola l iaka lino lialichingi nende bakhulundu.*

Translator: I want to talk about land.

Wagoma Munyalla: *Mbolehe abundu we liloba.*

Translator: One can die and live his son when he is still young.

Wagoma Munyalla: *Mundu anayala ofwa ne alekha mwana nali omudidi.*

Translator: At times, he will be left in the mother's home.

Wagoma Munyalla: *Aundi alekhe mwana nali mumunda.*

Translator: When they have been registered on the land.

Wagoma Munyalla: *Ne omwana oyo sibandikisia khuloba ero khaba mbu omwana wange, ndalekha mwana ufwana arie.*

Translator: Why is it that you leave such a child when you have not registered him on the land?

Wagoma Munyalla: *Khusiri ninyinga mbu, omwana oyo walekha nali mudidi nolandika elarero khuloba.*

Translator: If he wants to register, the owner of the land has to pay a lot of money as if that is not his own land.

Wagoma Munyalla: *Khandi no dukha mbu mwana oyo atsia khubukula liloba khwandikisia liloba lio, ne khandi mbu oyinie amapesa maangi, khubandu balole nga loloba lio lifwana mukusie.*

Translator: And the land is of your grandparents.

Wagoma Munyalla: *Ne eloba lia kukaa wao lino, kika wao niye walekha liloba ero,*

Translator: Your father has left you with that land.

Wagoma Munyalla: *So yakhurekhera liloba ero,*

Translator: Why does it happen that you have to buy that land which you were supposed to own freely.

Wagoma Munyalla: *Ne okenda no kula liloba liao macula, eliloba liao liakuka wao yamba ne ingabo nakhubana niyerusia basuku khusialo khuno.*

Translator: That is why I am wondering.

Wagoma Munyalla: *Abundu awo esiembuka muno.*

Translator: This is what I say.

Wagoma Munyalla: *Ndeba endi.*

Translator: We have an area known as Omudodo in the swamp.

Wagoma Munyalla: *Khuli nende sialo siefwe silangwa mbu Omudondo.*

Translator: We would like that land reclaimed so that we may go back and plant all the crops we used to have there.

Wagoma Munyalla: *Esielo esiokhwenya mbu Serikali khufunye muloba lifwe likhale lilimo ebiakhulia bingi bia maondo, amaremwa, sina kila sindu.*

Translator: Because where we are staying we are not getting enough food.

Wagoma Munyalla: *Khulwe sialo sino esir esendo echo ngakhurukamo ebiakhulia, baikhulia.*

Translator: When it rains, everything gets flooded.

Wagoma Munyalla: *Efula ni ikwa, ni ilia.*

Translator: And when it doesn't rain properly then everything withers out. Whereas in the swampy area we used to grow all sorts of crops and we could get very good yields for the upkeep of our children.

Wagoma Munyalla: *Ne khandi ni ikhaya khukwa ni khandi sifwa.*

Translator: It used to make our children look healthy, physically fit and very very healthy.

Wagoma Munyalla: *Ne efwe khwali musialo silimo omunyu mulai khandi esirimo ebiakhulia bilai, khwaraka kila sindu, amaremwa, kila sindu kila sindu khwarakanga, nende ebiakhulia bilaba khulia, khandi bana befwe*

badindindimanga muno.

Translator: They appeared as if they were those healthy animals.

Wagoma Munyalla: *Khandi biali mundu benya mundu mwerakho na tana ali nga imbusi yayanga miruka milayi.*

Translator: The main reason why we are so keen is because we are not getting enough the way we used to get to make us lead a good life.

Wagoma Munyalla: *Ne esikira efwe nikhulamba no khulakhimera, khali khwali ni khumera muno, khuuma ebiakhulia ebe khulia, khuuma ebiakhulia biakhulisia bayeere befwe khandi khusanda mapesa ka khulindira bayere, sialo sialimo maondo malai nende sina, khwakusisienge kalindira abayere muschooli.*

Wagoma Munyalla: *Khandi nge eng'ombe yaya bunyasi bulai.*

Translator: So, we appeal to the Government to look into that

Wagoma Munyalla: *Kharo Serikali ikhulingalekho.*

Translator: That's the much I had to inform the Commission here.

Wagoma Munyalla: *Bindu bia ndenya biekhwekesia ee Serikali itsie ano*

Com. Kabira: Asante sana Mzee Wagoma. Thank you very much for your views. Nicholas Namuye.

Nicholas Namuye: Kwa majina ni Nicholas Lughoma Namuye. Sitakuwa na mengi kwa maana ningalikuwa nayo lakini sina ile karatasi ambayo niliandika maneno haya. Lakini itanilazimu niseme maneno mawili hivi. Jambo langu la kwanza, ni ajabu ya kwamba tumeanza kubadilisha sheria zile zilikuwa za zamani na ningalifurahi kueleza ya kwamba wakati mkoloni alikuwa hapa, nikiingia shule mwaka wa ishirini na tano, tulikuwa hatuwezi kufundishwa kuandika. Ilikuwa ni watu wa dini tu. Kwa hivyo sheria ambazo tunaanza kutengeneza sasa ziwe zinaweza kutufaa. Maana wakati huo nikiwa mgonjwa nilikuwa napewa dawa bure na wakoloni.

Halafu elimu ilipokuja ilikuwa hatulipi hata hela. Na tena, wakati huo vyakula vilikuwa vingi sana hapa. Kwa hivyo ninaomba ya kwamba sheria zile za zamani, ziondolewe tuwe na sheria zinaweza kuleta sisi tuwe sawa. Hata wakati wote huu, watu wamezungumza, yote ningalizungumza. Kwa hivyo ninaomba yale mliwasikia wote wakisema hapa na vile memorandum zetu

zimeandikwa, zimeeleza yote ambayo inatakikana. Kwa hivyo sitakuwa na mengi, ni hayo tu ambayo ninayo.

Com. Kabira: Asante sana Mzee Nicholas kwa hayo maoni. Tafadhali jilandikishe. Conel Malaeli? Sebastian, we called him earlier. Go ahead Sebastian.

Sebastian Asembo: Kwa majina naitwa Sebastian Asembo, natoka Magombe sub-location. Maoni yangu mengi ningeongea, Nicholas ameongea lakini nilikuwa natamani sana kuongea upande wa elimu. Upande wa elimu, ninaonelea wazazi tuna matatizo sana, nilikuwa naomba, hii Commission imekuja kututembelea, ninapendekeza, kama ingewezekana elimu iwe ya bure.

Jambo la pili, nitaongea upande wa hospitali. Kusema ukweli hospitali tuna matatizo sana na wengine tunakufa kwa sababu ya ukosefu wa pesa. Ukienda hospitali, unaambiwa nenda ununue madawa, na hapo hapo wewe mgonjwa, hakuna njia ya kupata pesa. Hapo tunaomba hilo jambo Commissioners waangalie. Yangu ni machache kwa sababu wenzangu wengine wameongea mengi ningeongezea lakini ninashukuru.

Com. Kabira: Thank you very much Mr. Sebastian. We will give your MP a minute or two and then we will come back to the list.

Hon. Wanjala: Commissioners na wananchi watukufu, ningependa tu kuwaambia mimi naondoka lakini nawaambia mwendelee kukaa na Commissioners na mwendelee kuwaambia yale maneno yote na mapendekezo mmefikiria yawekwe kwa Katiba bila uoga. Msifikirie vile Mheshimiwa anaenda, sasa labda tuachie hapa. Bado inaendelea. Leo mimi sitapeana, hata jana sikupeana nitapeana tarehe saba tukiwa Osieko. Kwa sababu nataka niwe na nyinyi karibu vile mnaendelea kila pahali. Lakini saa hizi naenda Nairobi ndio naenda mapema. Asanteni na muendelee salama.

Com. Kabira: Thank you very much. It is not in every occasion that we have the MP in the three areas, so we are very happy that Honourable Wanjala has been able to be with us at every venue. At least these two venues and he has promised to be with us on the third venue. I also want to say that for the National Constitutional Conference, there will be three delegates from each district. So, there will be about roughly two hundred and ten representatives but we will also have the two hundred and ten, Members of Parliament.

So, it is very important when the Member of Parliament is listening to what the constituents are saying. Because when it comes to negotiating at the National Constitutional Conference, then at least, they are aware. The people within that district and from those constituencies know the issues that the people in their areas are concerned with. So, we are very happy that Honourable Wanjala has been with us for those last two days and promises to give us his memorandum in the next station. Thank you very much Mheshimiwa. We go back to the list and we will call Pascal Onani. Pascal Onani hayuko? Tada! Osogo. Hayuko? Tada! ako wapi? Asante. Atafuatwa na Michael Ngolo ako? Is he there? He is not. Benson Okoch? Yuko? Utamfuata. Okey. Tada!

Tadai Osogo: Kwa majina naitwa Tadai Osogo Laphai. Nina pendekezo kama hili. Pendekezo langu la kwanza, ingawa wamezungumza lakini mimi nalirudia. Mimi ni kama *Likhuru* wa Serikali. Lakini nimeona duniani hapa kote, sijaona mtu akifanya kazi bure bila kitu chochote. Ningeomba Likhuru pia watambuliwe kwa sababu wanafanya kazi ngumu sana. Ndio wanajua vijiji, ndio wanajua wahalifu, ndio wanajua kila aina ya watu wabaya. Likhuru tu. Wanaitwa village leaders. Hawapati kitu chochote, lakini hapo ninapendekeza, Tume ipeleke haya maneno kwa sababu hakuna mtu anaweza kufanya kazi bure na ana watoto, ana wake, anasomesha mtoto.

La pili, mwenzangu aliyetoka hapa alizungumza juu ya hospitali naiunga mkono. Tunakufa kwa sababu ya kukosa pesa. Ukienda unatumwa, nenda ukanunue dawa mahali fulani. Na dawa inaingia, ukiona ma-box inaingia hapo na unatumwa tena nje. Na unaandikiwa nenda ukanunue dawa ya shilingi mia saba, mia nane na hauna na dawa iko hapo. Hapo Tume itukumbuke, tunakufa kwa shauri ya hospitals kukosa pesa.

Upande wa scheme irrigation: Nimeona tulikuwa na scheme, tulikuwa tunajisaidia sana, hata awatoto wetu walikuwa wakisoma vizuri, uniform tunapata vizuri, siku hizi tuna matatizo sana. Hatuna pesa yeyote ya kulipia watoto, watoto wanafukuzwa skuli kila mara. Na ningeomba Tume ipeleke haya maneno ya kwamba, scheme watukumbuke. Serikali itukumbuke kwa scheme. Budget ilisomwa hapa juzi, hatukupata kitu chochote. Wakisema pesa, upande wa Agriculture.

Land: Wanatumiza sana upande wa ardhi. Una mtoto, unataka kumubadilisha jina achukue huu udongo, udongo ni wako, vile mzee mmoja alisema hapa na tena unatoa pesa ili ubadilishe jina la mtoto wako. Hapo tunaona ni ngumu, tena si pesa kidogo. Saa hii wanasema ni elfu saba na elfu saba kama mtu kama ni maskini huna kazi, utatoa wapi hizo pesa. Mimi ni hayo tu, nimekomea hapo.

Com. Kabira: Asante sana Mzee Benson kwa hayo maoni. Benson Okoch?

Benson Okoch: Kwa majina naitwa Benson Maina Okoch. Mimi sina mengi, yote imesemwa. Mimi nasema upande wa Jua Kali kama sisi watu wa Jua kali mimi nilijifunza kazi. Na ningeomba tu upande wa Serikali, kama upande wa licence ya County Council. Sisi watu wa Jua Kali tuna matatizo sana. Nyinyi kama Commissioners mnaweza angalia hayo maneno. Tuna matatizo ya licence. Kazi kidogo, na licence unaweza kupata kama kazi ambayo mimi naendesha shilingi elfu mia moja na mia nane. Na hiyo ni kitu kama sisi ambao tunafanya kazi ya Jua Kali tunaumizwa. Unaweza fanya kazi kwa mwaka hupati kitu na mwaka ukifika unaona watu wa licence wanakuja, wanasema wewe utatoa shilingi elfu moja na mia nane. Kama mimi ni mshonaji wa manguo. Hata niliacha kufungua kazi kwa shauri ya hiyo.

Unaona unafanya kazi, yenyewe hupati kitu ndani yake na licence wakija wanasema wanataka pesa fulani na hiyo ndio sisi tunasema.....majina sisemi, nasema kwa nini. Mimi nimesema County council. Si nimesema County council? Ndio inatumiza

sisi na hakuna kitu ambacho tunapata. Kwa upande wa Serikali yale yote imesemwa, sisi tunaunga mkono, tunataka tupate yale maendeleo ambayo inatajikana tupate. Tumefinywa. Kwanzia Hayati atoke. Kwanzia hapo, zamani sisi tulikuwa tunasema watu wako katika Nairobi. Mzee anasema turudi wapi, turudi mashambani. Mashambani ambayo tulirudi, kazi ya ukulima kama sisi ni wakulima wa mpunga. Hakuna kitu ambacho tumepata ndani yake. Ni hayo tu, yale ambayo ninayo.

Com. Kabira: Asante sana Mzee Benson kwa hayo maoni. Asante. Joseph Wandela hayuko? Peter Bwire. Pascal Dila. Hayuko? Daniel Ojwang'. Daniel hayuko? Odianga Christopher utafuata Mzee Dila.

Pascal Dila: Majina yangu ni Pascal Volu Dila. Ninaishi hapa Bunyala katika Mabonde West sub-location. Yangu ni haya:

Tunaishi katika Kenya lakini tunabanwa kwa njia zingine. Utasema neno la juu sana ambalo mimi niliona nalifikiria kwa roho yangu. Ma-Judge wa Kenya wangepaa kufanywa kuandika na kama watu wa Parliament, kushida President kuchagua Judge. Kwa sababu Judge anaogopa kama President amefanya makosa Judge hatamfanyia, hatamkatia kesi. Ninaona katika Kenya hata mtoto wa President akikosa anatakiwa afike kwa korti, anakataa kwenda huko kwa sababu uwezo ni wa babake. Mimi sina mengi, hili neno ndio mimi nakumbuka limetufinya katika Kenya. Judge awe anachaguliwa na watu kama Parliamentarians, asichaguliwe na President. Hiyo ndio yangu.

Com. Kabira: Asante sana Mzee Pascal Dila kwa hayo maoni. Asante. Tuna Odianga. You are the one coming? Okey.

Odianga Christopher: Asante mimi kwa majina naitwa Odianga Christopher na haya ni mafikira yangu binafsi. Mimi nitaanza na upande wa administration. Ningeliomba kama Serikali ama hii Commission ifanye hivi; Chiefs and Assistant chiefs wawe wakipelekwa katika mafunzo maalum kwa sababu kumetokea visa mbalimbali ambapo unapata mtu kama Chief ama Assistant chief haelewi kazi yake. Ingelikuwa jambo la muhimu kama angalifanyiwa mafundisho maalum ili wajue jukumu yao kwa ile kazi wanayotenda.

La pili naona twaishi Kenya lakini tunaishi kwa viwango mbalimbali. Kwa nini nikasema hivyo, twaishi kwa viwango mbalimbali. Tunaishi kwa viwango ama kwa madarasa mbalimbali kwa hivyo unapata kuna wengine ambao ni Wakenya halisi na wengine tunajipata kama si Wakenya halisi.

Unapata mtu kama saa hii pengine, samahani nikisema kwa ubaya, lakini unapata pengine Madam vile umekaa hapa, saa hizi unafanyia kazi karibu milioni moja utakapofika mwisho wa mwezi. Mtu kama mimi vile nimekaa hapa hata shilingi sina mfukoni hata nikisamama hapa, ukiniangalia mfukoni sina hata hela. Ni jambo la kushangaza ya kwamba, ninapoenda kununua wembe, wewe utanunua kwa shilingi mbili nami ninunue kwa shilingi mbili. Sasa hapo tuko katika Kenya moja ama tuko katika Kenya mbili. Ni jambo la kuudhi. Mngelifanya angalao mwangalilie, mtu kama mimi maskini, ninaponunua shilingi kumi sabuni na wewe ununue angalao shilingi hamsini.

Nikienda kwa upande wa mavazi: Ni jambo la kuhuzunisha sana hata unapata mama ambaye ungemheshimu anatembea uchi. Hivi maajuzi nilikuwa katika moja ya town zetu, hata nikajilaumu kwa nini nikaumbwa kujiita Mkenya, unapata mama, mtu anakwambia 'huyu mama is an executive secretary sijui kwa ofisi gani.' Lakini unapomwona vile amejifaa, ati ni dot come time. Amevaa vitu ambao si nguo labda ni something...ni kitu ambayo inaelekea pamoja na nguo lakini sio nguo kabisa. Hapo ningomba tuwe na national dressing. Tuwe na vazi la kitaifa angalao.

Com. Kabira: Kwa wanaume na wanawake?

Odianga Christopher: Yes. Both sexes. Sijui nikipeana...kama ninakosea nchi mnaweza kunikumbusha kama Ghana, Nigeria. Unaona hata mtu mwenyewe ukitembea unabaki na hadhi yako. Unabaki kama unajisikia kweli mimi ni Mu-Ghana, mimi ni Mu-Nigeria. Unabaki na ile hadhi yako kama mwenye nchi.

Cha tatu, ningeliomba Serikali iangalilie, mtu akishafikisha miaka kumi na minane, angalao awe na pesa fulani anayoweza kupewa for his daily needs. Kwa sababu hata maneno ya kufanya uchokora na wizi mwingi, unakuja kwa sababu mtu hana hata centi mfukoni na Serikali ikifanya mpangilio wa kupata hizi pesa angalao mtu awe anapata kiwango fulani cha pesa nadhania tutapunguza visa vya wizi na hata watoto wa streets hawatakuwako, nadhani hivyo.

Cha tano, ningeliomba mtu mmoja...(interjection)

Com. Kabira: Ni ya mwisho. Si ndiyo? Kwa sababu saa imemalizika. Labda ungenisamehe ukanipatia mbili. Okey.

Odianga: Mtu mmoja kwa kazi moja. Unapata huyu ni Judge, is a Secretary to Commission of what, is a whatever, Ministry of Finance, sasa mtu mmoja na wengine wako hapo. Unasikia graduates wamejazana hata mtu hana kazi. One man one job. Linalofuata halafu nimalizie kabisa, kuna wengine wamezungumza hapa maneno ya pombe. Pombe, kusema ukweli unapata vijana wameingilia pombe kwa sababu Serikali imeikataa na mama hawa wanatengeneza hii pombe kwa sababu Serikali imeikataa na mama hawa wanatengeneza hii pombe kwa sababu wanaficha tena manyumbani.

Sasa inabidi huyu mtoto kuwa introduced kwa pombe mapema pasipo na kufikia ule umri wa kukunywa pombe. Wangeliweka pahali pa hao watu wanafanyia kama bar na inakuwa restricted. Mtu ambaye hajafikisha kiwango fulani cha umri, haingiii hapo. Nafikiria ingalikuwa jambo la muhimu na tena litakuwa jambo nzuri, hao watoto hawajajua pombe mapema. Sasa na iwe itaenda na wakati. Kwanzia saa kumi ama saa kumi na moja, mtu anaingia bar, inapofika saa moja, mtu aende nyumbani, angalao aende na watoto wake mapema.

Upande wa President anapo-retire. Huyu mtu amepewa respect akiwa President, amekula mshahara kama President wa nchi

sawa. Anapo-retire tumpatie heshima yake lakini hapana kumrundikia tena mali. Ya nini? As another fellow has said earlier, huyu mtu ni contract. Tumempatia contract afanye. Tena anapotoka tunampatia magari tano, wafanyikazi kumi, na tena vingine, hospitali ya bure. Hiyo haifai.

La mwisho, tafadhali na huyu tu kwa President tu hapo, awe ameo kwa sababu huwezi ku-lead watu kama hujaoa. How can you lead when you cannot lead your house? Na pia MPs wasiwe wanajirundukia mshahara pasipo na kupata nafasi kutoka kwa sisi kama wananchi. Asanteni.

Com. Kabira: Thank you. Just a minute Bwana Odianga. I don't know, you wanted to give a recommendation. When you were talking about thewas it bread for fifty shillings and you want to buy it for ten?

Odianga Christopher: Yes.

Com. Kabira: It is good. We should give the recommendations, like there should be special prices for basic needs, basic food. Kama vile wanafanya India. Si ndiyo?

Odianga Christopher: Correct.

Com. Kabira: That in some Indian shops, only certain groups of people can buy the rice and that rice is much much cheaper. Which makes it possible for everybody to make sure that everybody in India. Do you know India is more than one billion? I think they are 1.2 billion that everybody can buy the rice because the prices of the poor in the community is much lower than the prices for the other people. So, may be that is the recommendation you should be making. I wanted to tell you I don't think I will have a million at the end of the month. Thank you very much. Did we tell somebody that he will follow? If not, I think I will get the women so that they can go to cook. Florence Oyiel? While she is coming, Pamela Aoko?

Pamela Aoko: Thank you. I have a few points to make. My names are Pamela Aoko and my points are as follows. On education: I feel that it will be better that trained teachers should be employed by the Government. On gender, I propose that the vacancies mostly of the Vice or Assistant should be left for women in all the Government institutions. This will prove that the Government is in real sense supporting gender and it should start right from the Presidential post to the grass root level.

On marriages: I propose that Chiefs and their assistant chiefs should be authorized to be giving legal letters to the come we stay types of marriages and that may have lasted for three or four years without having been legalized.

The other point is that; retrenchment should not be done to people earning less than fifty thousand shillings per month. Another point is that natural resources to be protected by Constitution should include; land, water catchments areas, fish landing sites

and wetlands.

Some issues concerning transfers and inheritance of land rights should be addressed in the Constitution. The other point here is that the procedures for transfers of land be simplified in offices of land adjudication, land control boards, survey and planning should be streamlined and stationed at divisional levels. Kenyans ought to carry out only birth notifications or certificates and ID cards as evidence of citizenship plus their passport.

Lastly, Provincial Administration is important for Government policy co-ordination and mobilization. I therefore propose that they be better paid and trained properly especially in psychology. They should be selected according to their levels of education. Thank you.

Com. Kabira: Thank you very much Pamela for your views. Thank you. Did Florence come? Florence is not there? Maureen? She is not there. Judith Taka? Do we have an interpreter?

Judith Taka: *Khu mera nangwa Jiduth Taka.*

Translator: My name is Judith Taka.

Judith Taka: *Njibulwa Bunyala, emakunda ano.*

Translator: Born here, Bunyala, Makunda village

Judith Taka: *Ne ndi mukenya.*

Translator: And I am a Kenyan.

Judith Taka: *Ne ndi muibusi mukhasi.*

Translator: And I am a mother.

Judith Taka: *Esie sisamba muno,*

Translator: Something which is very burning.

Judith Taka: *Omwibusi mukhasi yabanwa muno.*

Translator: The mothers / women is really exploited or squeezed.

Translator: Especially that woman who has no child.

Judith Taka: *Sasa ulia mukhaye ouma mwana kabisa.*

Translator: Perhaps not having a child is not her own wish.

Judith Taka: *Aundi khukhaya khuba ne omwana mukhaye oyo sini khwenya khwaye.*

Translator: It is because natural factors but not according to her own wish.

Judith Taka: *Oundi ni kwa sababu ya maumbile ama hitilafia namna Fulani katika maumbile yako.*

Translator: Something surprising to me is this,

Judith Taka: *Khoro simbukisia muno ni sino.*

Translator: Our Government today,

Judith Taka: *Serikali yefwe ya Kenya ya saa hii.*

Translator: When it comes to the side of succession, when a husband has say two wives.

Judith Taka: *Mundu ulia lwandu lwene kaba khu musacha nafwire undi musacha ali nende bakhasi babiri.*

Translator: May be a second wife has children while the first one has no child.

Judith Taka: *Oundi mukhasi wo khubiri ulia ne uli na abana nawe mukhusi mukhulundu obula bana.*

Translator: May be you as the first wife you have stayed with this husband for many years while the second one just comes in very late.

Judith Taka: *Khwekadie mbwe ewe mukhasi mukhulundu wamenya bikha bindi no omusacha uno, ne mukhasi uno*

aundi yakhamenyakho sa ebikha bididi ne musacha uno ne achaka khwibula.

Translator: The Government of Kenya started bringing the family planning.

Judith Taka: *Serikali ya Kenya yene ino yainia omupango kwa family planning.*

Translator: May be the second wife here comes and begins giving birth to very many children, one after the other. Say annually.

Judith Taka: *Kwa hivyo mukhasi we enyuma yecha khweicha nachaka khwibula abana ovyo ovyo mwaka baada ya mwingine.*

Translator: Forgetting that she found the first wife there but her not giving birth is not her own making.

Judith Taka: *Ne yebirire mbu yabukana ewasie no khukhaya khwibula sikhwali khwenya khowe aundi.*

Translator: When it comes to distribution of property, you find that one with children gets much more than that one who never gave birth and yet is the first wife.

Judith Taka: *Nonyala lwandu lwe mikabo biliba mbu omukhasi oulali ne mwana uno akabane katikati mikabo kia bakhasi, khandi nende kia abana.*

Translator: The Government should think about this wife who has no child. Is she not a Kenyan?

Judith Taka: *Khoro Serikali eyo iparanga irie khu mukhasi uma mwana uno, si no omukenya?*

Translator: This is my proposal.

Judith Taka: *Esie liparo liange lipara lili,*

Translator: I think the Government that will follow after this one.

Judith Taka: *Eseie mbara mbu Serikali ino indakho baada ya Serikali ino,*

Translator: The succession or the distribution of the property should be according to the time wife has stayed with a husband.

Judith Taka: *Bibe mbu omukhasi arungwe okhulondekhana nde miaka kia yamenyere nende musacha ulia.*

Translator: Secondly,

Judith Taka: *Embosi yekhubiri,*

Translator: Another burning issue is on the wife and husband who works together.

Judith Taka: *Embosi yindi isamba muno abundu wa bakhasi bakhola mirimo alala ne basacha.*

Translator: Perhaps due to bad luck, we may have a difference and then separate.

Judith Taka: *Aundi kwa bahati mbaya khuchie khukorefusiana nende amwange, ne khulekhana.*

Translator: He might have paid dowry but we have separated.

Judith Taka: *Ingawa yakhwa, ndebula naye lakini khulekhane,*

Translator: May be through bad luck, I may die wherever I have gone to.

Judith Taka: *Kwa bahati mbaya nyala khwifwira amba ninjire eyo.*

Translator: These husbands may claim to have my body so that he may burry it.

Judith Taka: *Omusacha uno, yecha khudakha khu claim mubiri kwange khusikha.*

Translator: Because he claims that he has paid dowry and forgetting that he had married another wife when I had left.

Judith Taka: *Okhubera yakhwa ne naulirekho mbu watekhere mukhasi undi ni mbwereo.*

Translator: Why should the Government accept or leave him authority to do that?

Judith Taka: *Khusina Serikali ikhufukirira khukhola endio?*

Translator: Me, as a wife who has left and married another person,

Judith Taka: *Nawe nga mukhasi umbwereo, ninjia ndekha abundu andi,*

Translator: The Government should allow me to claim my husband's body even at one stage or the other.

Judith Taka: *Serikali si ifikirira, okhutsia khu claimer mubiri kwo musacha ulia, kata documents chiaye kata ndala.*

Translator: Why is it that the Government thought of that kind of thing?

Judith Taka: *Khusina Serikali yapara maparo nga ako.*

Translator: The last one, which is a third point.

Judith Taka: *Embosi ye khudaru nayo, ni ya mwisho,*

Translator: I want the Government to think about the issue of ECE teachers.

Judith Taka: *Ndakhire Serikali aparekho balimu ba nursery.*

Translator: Because these are the foundations of education.

Judith Taka: *Balimu bano khubwa dieri bwange ni musingi kwa masomo.*

Translator: They have a lot of work and at times, they do the maid's work.

Judith Taka: *Balio sa balimu lakini khandi sikha sindi bakholanga kio maid.*

Translator: So, the Government should think about them and at least give them something small for their upkeep.

Judith Taka: *Kwa hivyo Serikali ibaparekho nga ibabekho sindu sididi sia inyalilwa.*

Translator: That's the much I had.

Judith Taka: Esie kange ne ako.

Com. Kabira: What is ECE?

Judith Taka: Nursery teachers. Childhood Education.

Com. Kabira: Early Childhood Education.

Judith Taka: Yes.

Com. Kabira: Thank you very much Judith for your views. Peter Lujala. Hayuko? Joseph Njue? Hayuko. Helen Opiyo? Helen is there? Wanga Anthony ako? Hayuko? Yuko. Wanga, then Mudibo Samuel. Wanga utamfuata Helen.

Helen Apiyo: My names are Mrs. Helen Apiyo Gongo. I am a teacher. I have a feeling that our Constitution should have a preamble or a forward and it should be a democratic Constitution. I will say a few things:

1. On Council rights: We should only promote or protect cultural rights that are not a health hazard. For example wife inheritance should be abolished because it is causing H.I.V and AIDS.
2. Early marriages, forced marriages, FGM or Female Genital Mutilation should be abolished because it is infringing on child's rights. Early marriages, both young children who will be found to be marrying each other should be imprisoned. On forced marriages, parents who force their young children to go and get married so that they get the dowry, should also be jailed. Our Constitution should be written in several languages.
3. Basic rights: Education should be free and compulsory in primary schools and I will urge the Ministry of Education to introduce or to prepare a syllabus on the Constitution because I know currently we are not teaching Constitution in our primary G.H.C. Syllabus.
4. Government should also check on girl-child education. We find that most of our girl children are disadvantaged because they might be orphans or they come from poor families. I would wish that the Government of Kenya provides Government bursaries for those able girl-children.
5. On education still, I will urge the Government of Kenya to provide special education need facilities in every division in Kenya.
6. On land: I have a feeling that both men and women should have equal access to land. That is even if it is inheritance,

both girls and boys can inherit their parents' land or even any other asset.

7. On elections: Voting boxes should be transparent and counting should be done at the polling stations.
8. The President should not appoint the Commissioners of elections because they will have little say in electioneering.
9. Affirmative action: A part of the Parliament should comprise of women. For having a balanced Parliament, we should have the affirmative action so that we have a third of the Parliament comprising of women. That's all

Com. Kabira: Thank you very much just hold on Helen for a question.

Com. Yano: Helen, I think you must have heard the other presenter, the lady presenter who talked about inheritance of property or issues of succession where there are two women or more than two women and being the first, on balance, you heard what she said. At the end of the day, the distribution of the property becomes a bit unequal yet she feels that if you were the first wife and you have contributed, you should get equal share. We visited several areas and there are other tribes that what they do, they share property according to women and not according to whether you have children or not. What happens in your society here? What is the traditional way of sharing out property? Is it in terms of children or is it in terms of wives?

Secondly, there is this issue of traditional rules that have been raised by several gentlemen here, that they would want the same legalized. Are you for it or not?

Helen Apiyo: Your first question. On the issue of succession on both wives or even if there are several wives, traditionally it is done that, that woman with many children gets a lot of the property. Then, on your second question, I have a feeling that local brews should be accepted but then Kenyans should be given the time to start drinking. Let's say, if it is working hours from 8-5 p.m. nobody should be found drinking and age. I have heard somebody lie here, that they only give alcohol to children who are above twenty or people who are above twenty years. We see here very many children who are drunk and might be fifteen years or sixteen years. Those sellers of alcohol should also make sure that they give alcohol to adults and not young children.

Com. Kabira: Thank you. How do you propose we get the one-third women in Parliament? What method?

Helen Apiyo: The affirmative action thing. I feel that to get one third of women in the Parliament, the Government should really encourage women during the campaigns. Because you see women are weaker sex and during those hectic times of campaigning that is why might be they are left out. So, during those campaign times, I urge the Government to give the women maximum support during the campaigns.

Com. Kabira: Thank you very much Helen for your views. Do we have Mr. Wanga Anthony? Helen please come and sign the book down here.

Anthony Wanga: I am Wanga Anthony. My first proposal is, at the moment, the President is above the law, this one is not auguring well in that he tends to dictate things and under this dictatorship he has paralyzed a lot of activities more so in schools. You just wake up one-day hearing announcement over the radio, that activity levies have been abolished. You find that a very good student in drama dies like that. Not displaying his talent. You find that a good student in football dies like that not displaying his talent in football. This is due to President being above the law.

Political parties: I propose three political parties and each political party should be given a docket to run its party. This docket should be set aside by the Government. The third and the last point is about business. This one shall be channeled very much to the County Councils and those Councils above. I propose that, let us categorize our towns. Town A, town B, town C. I propose that kiosks in town A, should be paying six thousand. Kiosks in town B class should be paying three thousand. Kiosks in town C, should be paying two thousand. Then kiosks in town C, should be paying one thousand. So that even our poor people here can also have a chance of holding a kiosk management here. Like the other spokesman who said he has been a tailor but he has been barred the work of tailoring because of the licence. Thank you very much.

Com. Kabira: Thank you very much Mr. Wanga for your views, please sign our book. Mudibo Samuel? Do we have Benjamin Rwenge? Is he there? He is not there. Omar Maloba ako? Silalo Oduri? Wilfred Diaga? Dan Wandera? Dan Wandera utamfuata Mundibo.

Samuel Mudibo: Thank you Madam Commissioners, my names are Samuel Mudibo as you have heard and I am a teacher by profession and also participated in the Bunyala South teachers memorandum. But I have this to present as my oral submission. I had wanted the Government to have what we call language policy. This language should be Kiswahili as our national language and at the same time we should abolish what we call official language. We should just have a national language. This is because, this is the most spoken language by almost everybody in our country. Not only in our country but most parts of Africa.

This language therefore, should be used to read very important things like the budget. It is going to help the common mwananchi to understand what the budget means and what it is saying. Another point about the same, to give strength to Kiswahili, recently you have heard that in NEPAD, New Partnership for African Development. They adapted Kiswahili to be used so this means that Kiswahili is a very popular language in Africa. Another thing although it has been previously said was about the dressing. I had wanted our country to also adopt a national dress as it is in most countries of Africa, including Uganda and others. I also wanted to say something about our economy and this is what I wanted.

The total revenue collection should be made public. We should know how much we have collected from the general public and

how it is spent. This will also help us to know the remuneration of the Executive. That is the President, we should know how much the President earns because it is coming from tax, the ministers and other people. It will just be made public. Another point about the same is that if the Government has economic policies, let these policies be sold to the general public so that we know that this policy is going to help us in one way or another. It should also be told when and how it is going to be funded and implemented. Then on the same, we should have these policies being....(interjection).

Com. Kabira: Samuel that is the last one? Please, because of the time.

Samuel Mudibo: This one we should be told, the minister concerned or rather the President should sell the policy to general public where we are given the opportunity to ask them questions. They should come in live broadcast where they sell the policies and then we ask them questions to satisfy our curiosity.

Lastly, let me just talk about land: The land process is so gorgeous and we would like it to be streamlined. You find just an old man who is owning land, he is very poor but somebody who is rich comes and compromises him by giving a few compromising things so that his land letter is taken away. They will come, you bring your title deed, you bring this, you bring this, your land need to be registered. So, this process makes most people lose their land to unscrupulous land grabbers.

So, I want that point to be addressed because just recently when we were doing land adjudication. The land adjudication which was just being done, you will find that some people were missing money. They had put it at the fee of five hundred and you find somebody is having several parcels of land and he wants them to be registered, to make objection. So, you find that somebody misses money to register his land or register on his family members. This thing should be made free because these people who are doing that work, we are being taxed so it is our money which is paying their salaries. So, we want such process be made free to enable each and every person to enjoy as he pays tax. That's what I had to say Madam Commissioners.

Com.Kabira: Thank you very much Mr. Mudibo. Please sign our register.

Samuel Mudibo: Thank you very much for listening to me.

Com. Kabira: Thank you. Dan Wandera? Do we have Councillor Roha? He is gone. Mr. Magoba?

Dan Wandera: Can I carry on? Mimi nampatia asante sana Commissioners. Jina langu ni Dan Wandera. Mimi niko tu na points mbili. Pengine mengi yamesemwa kama mimi nimetoka lakini mtanisamehe. Pointi yangu ya kwanza, ningewaomba Commissioners mkirudi huku, chiefs na sub-chiefs wawe wanapigiwa kura kama Wabunge.

Pointi ya pili, kwa nini Wabunge, wenye sisi tunawapeleka huko, wanang'ang'ania mshahara mwingi na sisi tunateseka.

Tafadhali Commissioners mkienda mnaweza fanya small loan. Hata kama ni shilingi elfu mbili ili tumalize umaskini. Kwa maana hapa Kenya tuko almost thirty million. If at all, mtu above eighteen years anaweza pata loan kidogo halafu anarudisha kila mwezi anafanyia business, halafu anarudisha mia mbili. Tufukuza umaskini. Asanteni kunisikiliza.

Com. Kabira: Thank you very very much Mr. Wandera. Pascal Were hayuko? Peter Magabera? Ako?

Peter Magabera Wesonga: *Esie, Peter Magabera.*

Translator: My names are Peter Magabera

Peter Magabera Wesonga: Wesonga,

Translator: Wesonga

Peter Magabera Wesonga: *Ndi mwibulwa wa ano.*

Translator: I am born here.

Peter Magabera Wesonga: *Ni ndi omundu mukhale khale.*

Translator: I am an aged person now.

Peter Magabera Wesonga: *Emiaka kiangeni ni mingi.*

Translator: I am very many years old.

Peter Magabera Wesonga: *Ndi ne miaka tisini na nne.*

Translator: I am ninety-four years old.

Peter Magabera Wesonga: *Ne esikira ninoma noma, khwakana ka Serikali.*

Translator: The reason why I want to give my views, we got our Government.

Peter Magabera Wesonga: *Ne sirikali ya khwakana,Inaudible.*

Translator: With the Government, we got when we were still green, when we had not known about it.

Peter Magabera Wesonga: *Serikali ebe niubere simanye omukhulundu, khuli nende bayere ni sawa.*

Translator: The Government today does not differentiate between the old and the young and also the able.

Peter Magabera Wesonga: *Eliene ero sikira nimbola,bia Serikali yene bili khumwaka, narao, abandu khubalia buli bushia bushia okhumenya abandu baka barrio buli chikabila.*

Translator: All the time, I see the Government doing the population census to determine the number of its people or its citizens.

Peter Magabera Wesonga: *Khulwe esikera ni babola bario.*

Translator: I thought when they do the census, they determine the first, the second and third and I thought that is beyond the limits, they should be dealing with its citizens.

Peter Magabera Wesonga: *I number indi indi yokhubiri nende yokhudaru, singala mbu chilodananga nganomba ya kwanza, nende yokhubiri ino ilangwa, ni yokhudaru alondakho.*

Translator: The reason why I say so is because here in Kenya, they say the Kikuyus are the leading in population.

Peter Magabera Wesonga: *Ne sikira ninomama, baliwo mu Kenya muno abalangwa mbu, abakikuyu nibo enumber ye emberi.*

Translator: They say the second group is the Luhya.

Peter Magabera Wesonga: *Eliokhubiri babolanga mbu, mu luluhya niyo inumber yo khubiri.*

Translator: When there is a question of the Government, why is it that they don't follow that order?

Peter Magabera Wesonga: *Ne nombamba, ni bweburuki burula, sibalondanga inumber eyo khusi.*

Translator: Now, it is a question of everybody trying to get the positions. Why is it that they don't follow according to the

population.

Peter Magabera Wesonga: *Kharo buruki mbano bulolokha sa mbu, buliuruka, buli mundu ang'ania buli mundu ang'ania sibalindanga imomba.*

Translator: The Executive should have been better if they gave to the people at the boundary.

Peter Magabera Wesonga: *Oburuki bwe eluba ero, bukhoyerokho baberesia bandu bali khumupakani.*

Translator: They should have given the people at the boundary of Uganda and those at the Coast.

Peter Magabera Wesonga: *Bakhaberesiekho bandu basibira Buganda, nende basibira Coasti.*

Translator: People at the boundary are the people who know the way the country is.

Peter Magabera Wesonga: *Abandu bali khumupaka nibo bamanyire sialo, nga sili.*

Translator: The reasons why I say that is that the Government has recognized the people in the central region and forgotten those at the boundaries.

Peter Magabera Wesonga: *Ne esikira ni noma noma endio, Governmenti yabukula bandu ba kati kati yakhwaruka, balurekha abandu bali khumipaka.*

Translator: They have left us but the Lake is our main boundary with the neighboring Uganda.

Peter Magabera Wesonga: *Iyalurekha, khubera inyanza iri khu mpaka kwefu nende Buganda.*

Translator: When the Europeans came, we had our boundary right in the middle of the Lake with the Ugandans.

Peter Magabera Wesonga: *Ne buruki bwa busungu nga bwalio, bwali nende omupaka kwefu munyanza ne ya Baganda.*

Translator: The boundary was at a certain island known as Roduwe.

Peter Magabera Wesonga: *Omupaka oko kwali abundu alangwa mbu lelwe.*

Translator: Today we are being deprived of the Lake because the leadership doesn't know the goodness of the Lake or the benefits of the Lake.

Peter Magabera Wesonga: *Kharo khunyulwanga inyanza, okhubera, omuruki, ali yakorwa khudayira inyanza.*

Translator: Even if there is an outcry, he doesn't come to determine where the problem arises.

Peter Magabera Wesonga: *Nende nokhuba luungu, shiecha yatendakho yamanya mbu ndi ori mpaka kuli ena? Yakorwa.*

Translator: Secondly,

Peter Magabera Wesonga: *Esiokhubiri, imbosi yo khubiri,*

Translator: We people of Busia has nothing which is really an asset which is given to us by the Government.

Peter Magabera Wesonga: *Efwe abandu bali mu Busia, kuumakho sindu siosi siosi siribukhonyi mu Serikali.*

Translator: The Government doesn't recognize us as people of Kenya

Peter Magabera Wesonga: *Serikali sibalilirakho, ngo khuli musialo siabandu balimo.*

Translator: So, there is nothing like even an industry that can employ our children.

Peter Magabera Wesonga: *Ne norebakhasa kata kakiranga mu Busia siumakhoo esiandika mwana mirimo khaba.*

Translator: Now that we are in Kenya and yet we have nothing for our upkeep or for the benefit of our children. Now what are the benefits we are getting from the Government, we people of Busia.

Peter Magabera Wesonga: *Kharo khulwefu mu Kenya ni sina ne kuumakho sindu siosi siosi esia bana befwe.*

Translator: In this Government or Executive, we would like people to vote for a person from the boundary.

Peter Magabera Wesonga: *Oburuki bwe liuba obo khudakhire bakhubire ikura, omundu uli khu mupaka.*

Translator: Because people at the boundary are people who know how they should stay.

Peter Magabera Wesonga: *Khubera bandu bali khumupaka nibo bamanyire bialo nga bakhekhala.*

Translator: So, we Luhya people is time for us also to have leadership from our end.

Peter Magabera Wesonga: *Sakira eliuba ero nge esie, abenyanga baluhya, rero fwesi khwenya buruki.*

Translator: Because we are the second in population in Kenya.

Peter Magabera Wesonga: *Na nefwe inumber yo khubiri mukenya.*

Translator: That's the little I had.

Peter Magabera Wesonga: *Nio kange kongene.*

Com.Kabira: Thank you very very much Mzee Peter Wesonga. Asante sana kwa hayo maoni. Tumeyasikia na tutayaandika. Leo ni wakati wa kupatia Presidency to those at the borders. Mzee, do you want to speak? Mzee at the back there. We wanted the older men of about seventy, we give them a chance so that they can go. T hey did? So, there is no other Mzee who is over seventy? Okey. You are over seventy. You are nearly. Your agemates have said no, so I follow the list. Pascal Osami? Joseph Bangi? Thomas Ogutu? Utamfuata. Huyu Mzee tulimpatia wakati ule alitaka lakini sasa tutarudi kwa dakika mbili. Si ndiyo?

Joseph Bangi: Asante Commissioners kunipa nafasi. Mimi nitazungumza habari ya.....majina yangu ni Joseph Bangi. Mimi nitazungumza habari ya Unitary Government. Tunataka tuwe Government moja.

Education: Mtoto wote wa Kenya yule yuko school going age, apate elimu bila kuangalia eti matajiri peke yake ndio wanapelekwe shule mzuri, ndio wanakaa classes mzuri na watoto wetu wote kwa dust na hii ni Serikali moja tu, hatuoni ni sababu gani watoto wengine wapewe nafasi kubwa na wengine wanapewa nafasi ndogo.

Health: Kama wewe ni Mwanakenya na wewe ni mgonjwa, Serikali mzuri lazima iangalie watu wake na afya yao. Hapa hatuna hiyo. Wewe ni mgonjwa, unaenda hospitali, wanataka pesa na pesa huna. Utakufia kwa mlango. What type of Government is that?

Ya tatu, pombe ya Mwaafrika ni mbaya, Mzungu akileta whisky hapa, inawekwa kwa maduka na ukikunywa whisky iko dangerous kushinda hata Changaa. Kitu tunataka, pombe ya Waafrika iwe legalized na wakati. Kuwe na time. Saa za kufanya kazi, mtu asionekane kwa pombe na ikifika saa kumi, kwa sababu hakuna mtu anaweza kufanya kazi kutoka asubuhi kwa mashamba mpaka saa kumi na moja. Hakuna. Lazima utawacha kazi hiyo. Upewe nafasi ya kukunywa pombe ile unataka.

Appointment of senior posts in the Government: Uwezo huu upewe Parliament na saa ile wana-appoint hawa watu, waangalie qualities zao. Sio President kuingia kwa ofisi, anaangalia tu watu wake. Ukienda wapi ni yeye na sisi pia tuko part of this country. Tunataka appointment of senior posts zifanywe na Parliament na tena ziwe na muda. Chief Justice apewe four years a-retire. Commission of police, four years, Mkuu wa Majeshi, four years. These keyposts ziwe na limits of time. Kwa sababu mtu akikaa twenty years atafinya watu wengine kabisa.

Wanawake, with that I mean our daughters: Msichana apewe nafasi kama mwanamume. Nikiwa na property zangu na msichana wangu naona hana uwezo, apate mali yangu kama vile kijana wangu anaweza kupata.

Assistant chiefs wapigiwe kura na wapelekwe courts kwa sababu most of them ni kama any party anyway. Hawafanyii watu kazi to any party.

Com. Kabira: Ya mwisho.

Joseph Bangi: Madam nipatie nafasi kidogo.

Com.Kabira: Nitakupatia.

Joseph Bangi: Thank you very much for giving me that chance. Agriculture: Agriculture ndio main source ya watu wengi sana. Government iwe na loans, seasonal loans. Mtu akitaka kulima, aende kwa Serikali, apewe loan alimie na akimaliza arudishe.

Watu wengi wamezungumza mambo ya Lake. Lake Victoria. Hii Lake Victoria, Waganda wanatunyanyasa na tunapiga kelele na Serikali imeziba masikio yake. Na ni kweli kwa sababu mtu wa Central hajui kama Lake iko very important kwa sisi. Na mtu wa Rift Valley anajua tu mambo ya ng'ombe ndio ukigusa ng'ombe unafungwa miaka kumi na nne. Lakini mtu akikuibia samaki hiyo ni bure. Lakini to us iko very important.

Mambo ya vyama hapa Kenya: Tuwe na vyama vitatu vile vinaweza kuwa-represented in all communities of Kenya. Mtu mwingine alisema sisi Wa-Afrika tulikuwa tuna-torture wanawake. Hatufanyi namna hivyo. Mwanamke ni rafiki yetu, lakini unajua akifanya makosa kidogo, you merely slap her, don't do it this way bwana. Hiyo sio mambo ya ku-torture. Hata Wazungu wana-slap pia women, I have interacted with them. Kwa sababu anakwambia do this, he comes and tells you,

madam this is wrong and slaps you. I am not torturing you. Thank you.

Com. Kabira: Who slaps you, when I am angry with you?

Joseph Bangi: Unajua Mungu amenipa powers mingi kushida wewe, so, you must accept. That is why he gave us more strength than you.

Com. Kabira: You got the strength to beat us?

Joseph Bangi: No, not beating you. I said I should not beat you, but I slap you, just a friendly thing. To correct small mistakes madam.

Com. Kabira: Hiyo ilikuwa ya mwisho.

Laughter from the audience.

Joseph Bangi: Basi tuendelee. Loan: Loan katika..

Com. Kabira: No. no. Ya loan ulitwambia.

Joseph Bangi: No. Ile ilikuwa Agricultural loan. Sasa nakuja kwa loan, business loan.

Com. Kabira: Unajua ni kwa sababu kuna watu kama thelathini.

Joseph Bangi: I am going very fast Madam. Loan hapa, ordinary man cannot get a loan, only big fellows ndio wanapata loan, anapata hii, anapata hii. Na wewe mtu mdogo you remain poor for years. You cannot get a loan. That one should be corrected.

Taxation: Ordinary men are heavily taxed na hii pesa pale inaenda huoni. You are not given services you needed. You have no roads, you have no what. But you are taxed heavily.

Lawyers and Auctioneers: Hawa watu, lazima Serikali iweke sheria kali. Unaenda kwa lawyer, unamplipa anaungana na auctioneer, pesa yake yote inaenda. Ukienda huko anakuambia, kwenda kwa high court. High court wanakwambia 'you need fifty thousand' a poor man, where do you get fifty thousand. Hiyo inaenda.

Com. Kabira: So, what do you want us to do with them?

Joseph Bangi: What we want is good sheria. If you mess as a lawyer, you are taken to court.

Com. Kabira: Na hiyo ndio ya mwisho?

Joseph Bangi: Ya mwisho ni lugha.

Com. Kabira: Ya mwisho.

Joseph Bangi: Lugha, Kenya should nationalize Kiswahili. Thank you for giving me that chance.

Com. Kabira: Thank you very much Joseph for those views and please give us the piece of paper you have. Thomas Oguto. Is Thomas there? Do we have Paul Maloba? You presented. What about Sarah Anyango? David Oduori? Endelea Mr. Thomas.

Thomas Oguto: Asante sana. Jina langu ni Thomas Ogut, natoka hapa Magobe na neno langu la kwanza ni juu ya powers za President. President akivunja Bunge, awe kama MP yeyote. Awache ofisi. Mambo ya President kutembea na askari wakati wa campaign ni mbaya kwa maana watu hawatasikiza yeye kama mtafuta kura. Watamuogopa na wengine tunapiga tu kura kwa sababu ana bunduki. Kwa hivyo akishavunja Bunge, kila Mbunge akienda kwao kutafuta kura, President awachane na polisi, bodyguards wawe raia kama sisi. Tukishapiga kura, tukimteua basi arudishe wale bodyguards. Ingine, mtu yeyote akitafuta kura na ashindwe na wananchi, ashindwe kura, atakuwa neglected. Mtu kama huyo asiwe nominated kwa maana ameshindwa. Inaonyesha raia hawamtaki, asichaguliwe kama nominated MP. Akae chini.

Vyama viwe vitatu na kwa vile tunatoa ushuru ama tax, iliyo sawa, President akibuni Cabinet yaani baraza la mawaziri aone ya kwamba kila party inwakilishwa katika Cabinet.

Mambo mengine ni Administration: Administration, mimi naonelea ya kwamba Assistant chiefs wawe karibu na watu. Mambo yetu ina shida sana na watu wanaosikia vizuri sana. Anaweza kuelekea Bwana D.O. Na sioni faida ya kuwa na Chief. Kwa sababu unaona sehemu zingine kuna Chief na kuna Sub-chief katika sub-location moja. Huyu Chief anafanya kazi gani. Post of Chief iwe phased off kama ni mzuri. Village elders, wapewe uwezo na wapewe incentives, kitu kidogo cha kufanya yeye afanye kazi na roho changamfu. Na ikiwezekana hata area za sub-locations pia zipunguzwe kwa sababu tunaona ya kwamba kama hapa kwetu kuna sub-locations nyingi. Zingine sijui zinafanya nini.

Kwa hivyo tunaona zipunguzwe na village elders wapewe uwezo na kitu kidogo cha kupatia mtoto maziwa. Vile nimesema kweli nimeona ya kwamba, medical ndio pahali ambapo pana shida. Unaona mtu kama wewe Madam, unakufa tu, kwa sababu

ya shilingi mia moja na kuna dawa. Mtu atakwambia ya kwamba, wewe una Malaria, una Typhoid au nini. Nenda dawa mahali fulani na huna pesa. Unakufa tu. Maisha ya watu lazima iwe katika hali nzuri. Hata kama ni kukopesha, Serikali itafute njia ya kukopesha mwananchi ili atibiwe. Asante sana.

Com. Kabira: Thank you very much Bwana Oguto for your views. Richard Kudu? Bernard Imela ako? He has, okey. Philip Odongo. Philip Odongo ako? He is not there. Crispus Juma? Hayuko. Samuel Opondo Munjolo, ako? Ameenda. Michael Abwori Wangoma. Hayuko? So, we will listen to Richard Kudu. Then Bernard Imela.

Richard Kudu: Kwa majina naitwa Richard Kudu. Haya ndio maoni yangu. Kwanza upande wa ID cards, kwa sababu sisi tukipigania uhuru hapa Kenya, sana sana tulikuwa tunatetea ya kwamba tusiwe tukitembea na vipande. Na kwa hivyo sasa inatulazimisha ya kwamba tutembea na vipande kama wakati wa ukoloni. Naona ni Serikali ijaribu iwe na njia ingine ambayo watu watakuwa wana-identify.

Ya pili, MPs: Hawa wabunge ambao tumewachagua katika constituencies zetu, wengi wao hawana ofisi katika constituencies zao lakini kwa hivi sasa naona wengi wamelilia wanataka offices Nairobi. Sasa, tunastaajabu ya kwamba kwa sababu wanakuwa na ofisi Nairobi na huko kwao hawana ofisi. Inatakikana iwe must ya kwamba, every MP should have an office in his constituency. On schools, kwa skuli mimi nimeonelea ya kwamba B.O.G s zifutuliwe mbali. Hii ni kwa sababu Board of Governors, katika shule huwa wanachaguliwa saa ingine niseme for example kama skuli kama hii. Utaona ya kwamba, chances zinapewa kwa sitting MP.

Nafasi fulani ambayo inachagua watu ambao wana-represent yeye katika B.O.G. Sasa inakuwa ya kwamba, hao watu ambao wanachaguliwa na MP, hawakuji kwa sababu ya kusaidia shule. Wanakuja tu just because of the MP's personal interest. Naona hiyo B.O.G. zitolewe na tuwe na Parents and Teachers Associations ambazo zitakuwa zinalinda masilahi ya wazazi na shule. Kwa sababu hizo B.O.G.s wengine sana huwa wanakuwa tu kwa B.O.G. kwa sababu wana interest ya kupata zile allowances ambazo huwa wanapewa huko.

On appointment of chiefs: Nimeona ma-chief kwa sababu ni watu ambao wako karibu na wananchi na wanatakikana watumikie wananchi. Ingekuwa ni vizuri wawe elected na tuwe tunawapigia kura ndio tutaweza kupata chiefs ambao wako responsible. Ni hayo tu.

Com. Kabira: Thank you very much Bwana Kudu. Bernard Imela.

Atanasi Bernard: My names are Atanasi Bernard Imela. I have a few points to make but they have been said so I would just like to emphasize. When someone qualifies to get an ID card, the time he gets an ID card, he should as well be registered as a voter with a voting card. So, to me I do recommend that the process of getting voting cards should be a continuing process.

On land inheritance: I would say that land inheritance from our dairy farmers mostly, this affects us a lot here in Bunyala. Land inheritance from dairy farming should be free. Right now if you want to inherit your father's land, you are told to pay six thousand shillings at Siaya which is very expensive to local people and to old women and men who do not know the process.

On education: We would like to have primary education and school equipment fund which was there earlier should be re-introduced to all Primary Schools in Kenya.

On Secondary education, we in rural areas are under-privileged because our children even if they pass with so many high marks, they cannot be allowed. Even if they go to Alliance Girls High School, we cannot afford school fees. So, we would like the Government to look into the poor families on how they can get free education in secondary schools.

On Chiefs, if Chiefs are not going to be elected by wananchi, we feel that they should be transferred like any other civil servant. That if they are going to be elected, we should also limit that they work for five years and go back to the elections again.

Appointments of Senior civil servants in the Government: This we feel should be done by the Public Service Commission because the Public Servant Commission is there to look into all the appointments of senior civil servants. Right now, the power has been invested in one person who appoints anybody he likes or anybody he pleases here and there. That's all I have to say Commissioners.

Com. Kabira: Thank you very much for your views. Asante sana. Tafadhali jandikishe. Do we have Crispus Ouma? Crispus Ouma hayuko? Juma Jila? Hayuko. Wilconsen Ouma? Silvester Lucas? Michael Omedo? Ni wewe? Wewe ndio Michael? Silverster Lucas? Why don't you say you are around? What about Michael Omedo? Ni wewe. Utamfuata. Halafu Agatha. Agatha I think we heard? I think we heard Agatha. David Magadi. Okey. Go ahead.

Silvester Lucas: Thank you Commissioners and also those who are here. My name is Silvester Lucas Odemi. Here are my views:

First of all, job opportunities: As far as job opportunities in our country is concerned, younger youths try to get job opportunities to make their lives better but harassment by the Government cannot enable them do well because of 'toa kitu kidogo.' Why toa kitu kidogo even on legal business which you are doing with your own money which imported goods like tiger batteries, vitenge, mitumba and supermatch are said to be illegal. While it is being said that we have free market business throughout East African countries. Instead they should tax them but they let us do the business because there is no earning business apart those ones the Government is refusing us. Human beings have got the right to do any business to enable him earn his living. So long it is not dangerous for human life.

Com. Kabira: Can I ask, what is the business? I have not understood.

Silvester Lucas: The kind of business? The kind of business is the running of kiosks.

Com. Kabira: Running of kiosks?

Silvester Lucas: Yes.

Com. Kabira: Is it forbidden?

Silvester Lucas: There are things we deal with but they say they are not supposed to be dealt with by people owning kiosks.

Com. Yano: Not illegal things?

Silvester Lucas: They are not illegal. What has spoilt the country's economy is corruption but not competition of imported goods to our country. In fact those goods are playing an important role since they enable most of us to enter in business instead of involving ourselves in theft and robbery cases. Therefore, they promote business of common mwananchi like me and life continues. Licence payment is very high for small-scale businessmen of which many of us businessmen cannot afford to pay. No assistance we are given by the County Council for our local market to improve in marketing field. From all these, the style of business in Kenya here is poor due to corruption. It is very hard for businessmen to prosper due to the loss allocated for them. Since they are not favourable.

President should be above the law since people are lacking respect for him and this can cause chaos. e.g. Wars if you get an easy losing tempered President. Caning in schools should be agreed to maintain respect among pupils and students to their teachers and parents. That's the much I had.

Com. Kabira: Thank you very much Silvester for your views. Michael Omedo?

Michael Omedo: Review Commissioners, mimi kwa jina ni Michael Omedo Wanjala. Maoni yalinyonileta hapa ni pointi mbili. Ya kwanza ni ID katika Kenya hasa kupitia kwa upande wa watoto wa 8-4-4 form four leavers.

Ya pili ni nchi kama hii ya upande wa kwetu chemchem....(interjection)

Com. Kabira: Sorry. Unasema tufanye nini na ID?

Michael Omedo: Nasema hivi, Serikali ya Kenya ingalijaribu sana kuona hao watoto wa 8-4-4, mostly these form four leavers, iwapo mtoto amemaliza miaka kumi na nane na yuko katika skuli. Ingalikuwa bora huyu mtoto apewe identity card wakati anapomaliza his form four. Sio mtoto huyu, amalize skuli, apewe his leaving certificate na kisha aondoke pale bila ID. Hilo ni jambo linalonifanya kuwa na mawazo mabaya sana kwa sababu sisi wakati tulipokuwa tukisoma tulikuwa tukimaliza Standard eight, that was colonial time, tulikuwa tukimaliza Standard eight kama umeshafikia miaka kumi na nane, unaruhusiwa kwenda kupata ID na kule unaenda kupata ID, sio eti itachukua almost two months or three months. Ni siku hiyo hiyo, unapata ID. Kwa hivyo ningalipendelea sana, hii Constitution iangalie sana upande wa hawa leavers hata wale wako standard eight. Na wameshafikia miaka kumi na minane, ni yule Headmaster amupe yule mtoto barua ya kumwezesha kuonyesha ya kwamba huyu mtoto ameshamaliza standard eight na anastahili apate ID. Hiyo inaweza kuwa kiwango kizuri sana kwa huyu mtoto kupata.

Com. Kabira: Asante Mzee. Nenda kwa pointi ya pili.

Michael Omedo: La pili, ninasema katika nchi hii yetu ya Kenya haswa wetlands nchi kama hiyo, upande wa Busia district, tuna matatizo makubwa sana kwa sababu tuko katika chemchem na hii chemchem hasa Yala swamp, ndio inaleta mosquitoes nyingi sana katika upande huu wetu wa Budalangi. Ningalipendelea nchi zote zilizoko katika chemchem, Serikali ifikirie wakati tunapopata mafuliko, iangalie sana hawa watu wanateseka sana.

Mostly on the side of malaria control. Iangalie sana, itusaidie hata na net powers. Hizi nets tupewe free. Sio kuambiwa eti nets ziko, ziko na pesa zenyewe hatuna. Kwa hivyo huo ndio ugonjwa mkubwa sana tulio nao hapa upande wa Budalangi. Na ningalipendelea Kenya nzima kwa upande wa wale walioko upande wa mafuliko mafuliko, wawe wakisaidiwa sana. Sio upande mwingine wanasaidiwa kama Mwea Tebere na hali on our side, we don't have free things like net powers. Kule wameshaanza kupea, kwa hivyo Serikali isitutembelee. Itembelee kule kuliko na chemchem, watu wanateseka sababu ya Malaria, wapate free medicine na tena wapewe vitu kama vya kujisaidia, kujikinga. Hayo ni maoni yangu.

Com. Kabira: Asante sana Mzee Michael Omedo. David Magadi?

David Magadi: Mimi maoni yangu, nikianza na ya kwanza, nitaongea kwa upande wa retirement age. Saa hizi Serikali ni kama imefunga watu wengine mahabusu. Unaambiwa ni lazima ufike fifty years ndio uende retire ama fifty years ndio uende voluntary retirement. Saa hizi hasa watu wanakufa kwa sababu ya H.I.V / AIDS. Sasa maoni yangu ni kwamba, voluntary retirement age so long as mtu amefanya for fifteen years, iwe ni forty years. From forty years, you can volunteer kwenda retire. Na ile yenye imekuwa pegged to fifty five, ipelekwe sixty. Anybody mwenye amefika miaka arobaini na anaona ako na nguvu ya kufanya kazi mpaka miaka sitini, aruhusiwe kuendelea.

Kitu cha pili, tuko na kitu inaitwa Liquor Licensing Courts: Those things ziwe abolished. Mtu akitaka kuanzisha bar atume

application kwa public health office na wakishafanya inspection, aende kwa County Council akate licence. Kwa hivyo ile licence ingine ati Liquor Courts. Unaona mtu anaenda Busia kukaa kwa Liquor Court na yeye hata si advocate. Hiyo ni Liquor Court gani? Hiyo iwe abolished kabisa. Kitu ya tatu, ni hii mambo, baba yako amekufa, amekuachia land.

Wanasema uende ushtaki baba yako marehemu kortini ndio ukuje kuchukua Title Deed. Chiefs, area Chief anajua wewe ni mtoto wa yule mzee. Kwa nini Chief asiandike barua akupe na uende ubadilishe upewe Title Deed urudishe ile ya baba yako. Udongo iandikwe kwa jina lako. Kuna kitu kingine tena wale watu wenye wamesoma sana wanasema ati administration letter. Tuseme baba yako ama bibi yako ama mtoto wako. Amekufa na ameacha kwa bank pesa, tuseme hata kitu kama elfu tano. Unaambiwa kwenda tafuta Administration letter na hiyo kitu is over ten thousand kwa High court. How do you spend ten thousand ili upate five thousand? Akili yako itakuwa inafanya kazi?

Lingine, tuko na security: Hii mambo ya security. Sanasana wameacha security kwa mkono wa polisi na polisi wengine wanakuwa compromised kwa hii security. Every village iwe na security team yenye itapewa uwezo wa kuwa-arrest kwa sababu tunakaa nao kwa villages and we know how they behave. Security team ipewe uwezo wa kushika hao watu na kupeleka kwa polisi na polisi akiwachilia, hata twende kwa D.C. tuulize kwa nini aliwachilia. Kwa sababu tunajua wezi wanakaa hapa na hatuna uwezo wa kushika. Tunaambiwa lazima twende kwa polisi. Ukishika yeye, ukipeleka kwa polisi, anapita mlango wa nyuma anaenda anatolea. Kwa hivyo tuwe na village security teams na ziwe controlled na Chiefs wakisaidiana hivyo. Hivyo tuta-eliminate mambo ya wizi.

Labda la mwisho, tuko na hii kitu inaitwa ndoa iliyovunjika. Mnatuambia twende kortini tupate divorce ama separation certificate, na hapa kwa villages imekuwa ni kama routine because somebody marries today, divorces tomorrow na hiyo sasa mnasema it is not legalized lakini sasa inatendekeza vijijini. Kwa hivyo kama ndoa imevunjika wazee wa vijiji wapewe uwezo wa kusikiza hiyo case, wakiona hawawezi patanisha hawa watu, basi ikomee hapa na Chief aandike barua ku-confirm wazee walikataa kujaribu hawa watu pamoja na ikazindikana. Divorce case uende kwa advocate, aanze kukunyonya mwingine iende kortini. Yaani korti ililetwa ku-solve cases ama kunyonya raia pesa. Nafikiri nitawaachia hapo.

Com. Kabira: Thank you very much for your views David Magadi. Is Peter Oduori Juma here? Almanos Oganda. Ambrose Muganda. Bosia N. Karister. Simon Okumu Edward? Simon please come forward. Gramanus ako? Hayuko. Daudi Maloba. So you are on the chair Simon.

Simon Okumu: My names are Simon Okumu. I come from Makunda village. I have few views to express. The President of the Republic of Kenya should not veto power. The power should be given to Parliament. The Government should provide farmers with loans so that they can invest heavily in farming activities. We have got very fertile soil all over the country which are under utilized by the people and as we know agriculture is playing very important roles in the country, it earns the Government foreign exchange.

The money earned from foreign exchange should be channeled to agricultural sectors to uplift the living standards of the local people and the whole country in general. The developing country like Kenya should ensure that their people are having enough food to make sure that the money got from other sources, is directed to other development projects other than buying food. This will enhance the development of our country economically and socially. The Government should have scheme to follow in order to ensure that development is achieved in every province all over the country and to ensure equitable distribution of wealth to its people.

The education for disabled people should be funded by the Government. To ensure that all disabled whose parents are not able to fund their education, are going to school and the disabled should be treated like other people in the society. They should not be neglected by their parents and the Government should make sure that the parents who fail to educate their child are imprisoned for two years in jail. The neglected child should be taken to school with immediate effect. The disabled should be given equal opportunities to participate in various fields.

They should be employed according to their qualifications but not to look at their physical appearance. The disabled are not employed because they are thought that they are dirty and will make office untidy. We should have at least disabled ambassadors representing Kenya outside the country. To ensure that there is balanced Government. There should be limited number of seats in Parliament for elected disabled members of Parliament to ensure that they are also represented properly because of these issues of no representative of a disabled in Parliament. This is why their agendas or things are not debated in Parliament and is not passed because of few disabled representatives in Parliament. The people with disability means more representatives in the Parliament like other people in the country so that their bill can go through. Thank you very much for listening to me.

Com. Kabira: Thank you very much Simon. Please sign our book here. William Josi ako? Hayuko. Sabena Nerima. I think she spoke. Roselyne Lucas. I think she spoke also. Michael Mayindi. Michael karibu. After Michael, do we have Conel Mukongi? He presented.

Michael Mayindi: Commissioners, wageni wetu wote ambao walihudhuria hii committee nampa asante na mimi nina maneno ambayo (interjection). Mimi ni Michael Simbala Mayindi. Kabla sijazungumza jambo lolote, nitakwenda kwa upande wa wanawake. Wanawake ni chombo kimoja ambacho kilichofanya tukawa hapa katika ulimwengu. Mwanamke apewe uwezo wake vile ambavyo mnajua, na tumempa. Zamani elimu ya wanawake ilikuwa chini. Kwa saa hii hakuna mtu yeyote ambaye anaweza pinga habari ya mwanamke asifanye kazi. Kwa hivi sasa tunaona wanawake ndio wako mbele yetu, wanaofanya kazi kuliko wanaume.

Jambo langu ninalosema, likhuru, Assitant Chiefs and Chiefs, hawa watu hawajui kazi yao. Afadhali wapewe watu kama

councillors, madiwani waendeleo na kazi. Kwa sababu nimeshaona councillors wakifanya kazi vizuri, mambo ikiangukia katika villages, tunafanya na madiwani kuliko Assistant chiefs na Chiefs. Chiefs ni watu mojawapo ambao wanagombanisha watu kwa kutaka nini? Hongo. Leta kitu kidogo, baada ya hivyo, hakuna jambo lolote ambalo linaendelea. Hawa watu wapigwe kalamu wasiwe mbele ya watu.

Kwa kusema uhaki, kuna watu ambao wanaosema wengine ni vilema kama vile huyu kijana amesema. Mimi ni captain na kwa kulingana, I am a captain nilipokuwa nimekwenda kufanya mtihani wangu ilikuwa imekatizwa. Lakini baada ya hivyo, ma-director walikaa wakasema ya kwamba, huyu kweli ni chongo. Hastahili kuwa Captain. Walikuja ma-director wakaja wakasema, he can face the line. Ni captain na ni pilot. Kwa nini awe Captain wa ndege na awe President. Kwa nini huwa watu wengine wananyimwa kwa kazi ambayo wanaweza. Government ikatae kusema ya kwamba, huyu ni mtu aina fulani, hawezi hiyo kazi. Nimefanya hiyo kazi, sijagonga meli hata siku moja na wale wenye macho mawili, wamegonga wengine wamefanya kitu gani.

Jambo la pili nimewaona mapolisi wakisema y akuwa mtu akiw achongo kama mimi hawezi kufanya nini? Hawezi kupewa bunduki au afanye upolisi. Na mimi naona Mungu amenipa jicho moja na polisi amepewa macho mawili. Akitaka kulenga kitu, mpaka afunge jicho moja ndio apige hii. Kwa nini?

Clapping from the audience.

Mimi Mungu ameshanipa lile jicho moja na tena bado wewe unapingwa usipewe post. Kwa nini? Hilo jambo, ulizeni Government. Kwa kusema uhaki, mimi nitarudi tena habari ya Bunyala. Bunyala na wale ambao tayari wamepewa nchi moja nzuri sana lakini wale watu ambao walichaguliwa, wale watu ambao wanasema kwamba, wanajua au wamesoma. Wameleta Bunyala chini. Wamechukua sasa kitu kama deck, imekuwa kama ni business. Hili jambo lingekuwa na usawa. Ikiwa kama President amefanyia kitu cha maana, anazingatia kila kitu kinachopitiwa na maji, anazingatia kila kitu. Baada ya hiyo, utapata kuna wale ambao wanajifanya kuwa mstari wa mbele, wanafanya business katika hicho kitu ambayo imekusaidia wale watu walioadhiwa.

Hili jambo tunaweza kukomesha namna gani? Kutoka kwa Assistant chief kwa Likhuru, kwa D.O. Sasa imekuwa hapa kwa hapa. Vitu vyote ambavyo vimekuja, haupewi protection. Tunaomba ingalikuwako ni jambo la maana, unajua watu wa zamani walikuwa na akili. Walikuwa wanakaa karibu na mto. Hapo karibu na mto ni juu. Kule nyuma ambapo watu wamekimbilia ni chini. Zamani hii shark ilikuwa ikipiga karibu.

Wajua maji ikija inianza kuvutania hapo na hapo. Sasa angalia, gari na gari, itoke huko na igonge nyingine, itaharibika zaidi. Lakini ikiwa hapa na hapa, upige side ikifanya hivi, zitaumizana. Ukija ukiwaambia wale waliosoma, wanasema kwamba 'Our technology is here, I mean wewe huwezi kunifundisha.' Mimi ambaye nimekaa hapa najua ufunguo ni kwa mamako na babako.

Si wewe unajua kuliko yule mtoto wa nje? Kwa nini hawatushiki ofisi, tuwaambie wale watulipe.

Hospitals: Hospitals kwa kusema uhaki ndiyo haieleweki. Lakini imekuwa ni kitu ambacho ni biashara kubwa. Imewacha sana watoto wenu ambao nyinyi wenyewe ndio mmesomesha, wasaidie wale ambao ni wagonjwa. Ukienda pale utapata daktari ambaye anahusika ana ku-charge hapo kwa kadi. Hao wengine anakwambia, 'Bwana umetembea aje?' Kutembea hivo, hivi hivi inataka uwe na kitu. Na unapata huyu mtu amelala siku mbili na maji tu. Hajakula, anaambiwa, hata angalao yule mtu alikuwa amesema, wafanyiwe hekima, mtu apone, na wanataka pesa. Hii pesa, na huyu mtu, hafanyi kazi, tena yule ambaye aliyeandikwa kazi ndiyo mmojawapo ambaye anataka pesa kutoka kwa yule asiyefanya kazi.

Kwa hili jambo, Serikali kwa nini haingalii na inajua. Polisi: Unaweza kuona polisi ni mtu mkubwa sana ambaye anaweza kukutatulia maneno vizuri. Unapata huyu polisi hawezi. Unaweza kimbia mpaka uende unaanzia kwa likhuru. Madam kungelikuwa na time ya kusoma, ungesoma. O.C.S. amekwenda kwa O.C.S. anataka kitu akufanyie nini? KANU office ndio chama cha tawala. Nimekwenda kwa KANU, hii barua imetolewa iende kwa watu wanaohusika. Sioni jambo ambalo limefanyika? Nimekwenda kwa PC. Hii ni barua ya pili ambayo D.C. amemwandikia D.O. Anapuuza, sasa ofisi ya maskini iko wapi ambayo mtuambilie, tupate ofisi ya maskini na tulipiwe na councillors kuliko AP, Assitant Chief kutokea kwa likhuru wapigwe marufuku.

Com. Kabira: Asante sana Bwana Michael. Lakini hiyo ofisi ya umaskini unataka iwe wapi?

Michael Mayindi: Kila kituo Kenya. Kwa nini assistant chiefs wanawekwa kila mahali. Kila mahali, ziwe kwa divisions. Ziwekwe katika division. Kwa sababu mahali pengine kama district ni mbali zaidi. Mtu anataka kwenda kwa district, pesa ya kwenda huko, anashindwa. Sasa yeye anabakia hapo na jambo limemudhiri. Mahali ambapo anapokwenda hakuna.

Tunasema umaskini....(interjection)

Com. Kabira: Ni ya mwisho?

Michael Mayindi: Iko moja tu ya jela ambayo nilikuwa nataka iwe ya mwisho. Hii ya mwisho ni habari ya matajiri na maskini. Matajiri na maskini huwa wanavutana lakini unajua ya kwamba, hii habari ya maskini, haamui. Nimeona hapa juzi Busia, niliona magari kutoka hapa, sijui wewe unajua Uluhani. Kutoka hapa mpaka Uluhani, hao matajiri na watoto wao, ilikuwa ukienda pale mlangoni, wanaita majina. Wewe ni maskini, ambaye ana good qualifications. Huyu wa tajiri hana good qualifications, anaitwa ndani. Anapewa ten thousand shillings, anaenda nazo pale ndani. Huyu anatambuliwa vile ambavyo hana good qualifications lakini pesa inafanya atumbuliwe. Je hili jambo totalitoa namna gani katika Kenya yetu?

Jela: Jela kwa kusema uhaki, askari jela ni maskini wa zaidi. Chakula kile kidogo wanachopewa wafungwa, askari wanapigania.

Kitu cha pili, tuseme blanket ambayo imemaliza century, iko pale ndani. Na ina vidudu ambavyo vinaitwa nini? Chawa. Elfu mia nane na.....nasema hivyo kama ambayo niliyeshuhudia. Sio kwamba nasema yale sikushuhudia. Hata yuko mkubwa mmoja aliyetoka Nairobi nilimpa swali, wakaangalia lile swali lakini hawakunipa jawabu. Kwa kusema ukweli, hata afadhali ambaye kitu kinaitwa remand, mtu atoke remand. Akitoka remand, atakuwa yeye amepata somo mzuri kuliko hata kwenda jela.

Kwa kusema uhaki, vile ambavyo watu hao wanalima. Mtu anaweza kulima kutoka hapa mpaka Port, na nilishuhudia. Huku unapigwa kama ng'ombe na kuna watu wengine ambao kwa kusema uhaki nimeoa mwanamke wangu mzuri, huyu mtu mmoja wetu ambaye ni mkubwa, anapenda yule mke wangu. Anakuja anapigia maneno, unakuja kufungwa ili apate yule mke wangu kwa uzuri. Kwa sababu ana pesa, nimekataa, mimi ni maskini, akanifunga. Sasa aje awe akitembea kwa mke wangu. Nikija tena naenda kupigwa, nafanya kazi ngumu na huku huyu mtu anachezea mali yangu. Nikija nikifanya makosa, wanasema, 'cannot understand yale makosa.' Hii taabu tunaweza kuifanya namna gani? Asante.

Ingawa nina mengi ambayo ningelizungumza lakini naona wakati ni mchache. Ningelisema kwamba nenda mrudi na mtutangazie. Tuna mengi. Wacha hao watoto wanaosema mbeleni wengi ambao wameregelea yale ambayo yamezungumzwa, lakini Madam kwa kusema uhaki, maskini hana chake kwa tajiri. Wale matajiri watoto wao wamesoma, yule maskini mtoto wake hasomi lakini amepita yuko pale. Harambee ambazo zinapigwa, hao wanasema kwamba mtoto apewe msaada. Huu msaada wanapewa matajiri, yule mtoto ambaye ni wa maskini hapewi. Je sasa ndivyo nasema hivi, ofisi ya maskini ambayo tunaweza kupeleka maneno yetu iko wapi katika Kenya?

Com. Kabira: Vile unasema Bwana Michael, kuwe na ofisi ya maskini?

Michael Mayindi: Kuwe na ofisi ya maskini ya kuleta hayo mambo. Ambayo inaweza kutatua maneno yetu. Umesikia ya kwamba mashamba yetu ambayo wanamiliki mashamba na ni kusema uhaki. Jambo kama hilo limetunyanya, watoto wetu wanapata taabu na hiyo taabu yote inatoka na matajiri.

Com. Kabira: Asante. Nafikiri hiyo tumesikia. Asante sana. Tutaangalia. Thank you very much.

Michael Mayindi: Nashukuru sana Madam. Mwendelea na hayo maneno myafuate.

Com. Kabira: Asante sana Bwana Michael. Alfred Mayumba? Do we have Maureen Nebo? Si huyo alizungumza. Fred Opiyo? Hayuko. Kwa hivyo tunasikia Alfred Mayumba.

Alfred Mayumba: Your Worships, I dignify your dignity before anybody else.

Com. Kabira: You dignify our dignity?

Alfred Mayumba: Yes. Kwa majina ninaitwa Alfred Mweya Mayumba. Mimi nitaongea kwanza kabisa niko na mawazo mengi lakini nitafupisha nitakuwa tu na matatu hivi. Wazo langu la kwanza, ningetaka kuwe na age limit kwa wanasisia. Kwa mfano unapata jamaa yuko na seventy years, eighty, yeye bado anang'ang'ania kwenda Bunge. Hasa ni vizuri kama tungelikuwa na age limit ya at least sixty five years old ambapo huyu jamaa akiwa na sixty five years old kama yuko ndani ya Bunge, the next general elections, he should not participate. A-resign.

Wazo la pili, pia tu-reduce political parties. Because we have so many political parties halafu zinaleta zingine kama ni biashara. If we can have three political parties and to be financed by Government. Halafu these political parties, the winning party should produce President, the second party in general election, to have first Vice President and third to have second Vice President. Na ingelikuwa vizuri kama Serikali before wa-dissolve this Parliament, tungelikuwa na President because the winning party ilikuwa na Kanu. Then, the leader of the opposition angelikuwa Vice President. Halafu huyo Second Vice President tungelikuwa.....(interruption)

Clement Ochieng: My names are Clement Ochieng. I wish to talk on the issue of our land, mosquitoes have really invaded us in the highland. Thus, we would ask the Government to consider the floods which has really affected people living here in the highlands. Thank you.

Joanes Baraza: Majina yangu ni Joanes Baraza. Ningependa cheti cha kumiliki mashamba kiandikwe jina la bwana na bibi yake. Kila Mkenya lazima apate mali ya shamba. Ukulima ndio uti wa mgongo wa Kenya. Kwa hivyo Serikali izingatie kilimo ili kuendeleza maisha ya watu wa Kenya. Serikali haifanyi pamoja na viongozi wa makanisa, ningetaka kanisa ishirikiane na Serikali katika kuongoza nchi. Asanteni.

Francis Tumbo: My name is Francis Tumbo. I wish to talk on scarcity of job opportunities in the country. I would like the Government to create jobs in every district where school leavers can be employed. Thank you.

Jacob Oyogo: Majina yangu ni Jacob Oyogo. Ningependa kuwe na uhuru wa kuabudu katika Kenya. Kuwe na kipengele kama hiki, 'free registration of colleges'. Watu wawe wanapelekwa na Serikali katika hizi colleges na tena mtu ambaye maisha yake ni ya kidini, awe akiangaliwa. Asanteni.

Raphael Nabali: Majina yangu ni Raphael Nabali. Pendekezo langu ni kuwa Serikali iwe ikitulipa wakati maji inaharibu mimea yetu. Hii ni kwa maana hapa Budalangi tuko na shida sana na maji ambayo inaharibu mimea yetu, yaani floods. Tungependa Serikali iwe ikitulipa wakati maji haya ya floods inaharibu mimea yetu. Asanteni.

Michael Juma: Majina yangu ni Michael Juma. Jambo langu la kwanza nitazungumzia juu ya uhuru. Ninasikia kila mara

tunaambiwa tuko na uhuru lakini huo uhuru bado hatujauona. Kwa sababu mtu anapotembea njiani, akikutana na askari tawala, anashikwa na kupelekwa ndani na saa hiyo unashikwa, ulikuwa unatoka kazini. Kwa hivyo hatuna uhuru wa kutembea katika nchi yetu na ningemba Serikali, itupatie uhuru wa kutembea bila kushikwa ovyo ovyo na askari hata saa ile unatoka kazini. Asanteni.

Michael Ndimu: My names are Michael Ndimu na sana sana nataka kuzungumzia juu ya education. Ningetaka Serikali iweke elimu ya watoto wa Primary School kuwa free. Yaani free Primary School education. Kwa maana malipo ya shule iko juu na watoto wengi hawasomi juu ya ukosefu wa karo. Kwa hivyo ningemba Serikali yetu ifanye elimu ya shule za msingi iwe ya bure. Asanteni.

Nicholas Kadiedo Mainya: My names are Nicholas Kadiedo Mainya. My proposal is about polling dates. The Government should make clear the dates when the elections will be held. That is, the polling dates should be known by the citizens. It should not remain as a secret. That is my proposal. Thank you.

VERBATIM REPORT FROM NOTES ENDS HERE.

Patrick Oloo: My names are Patrick Oloo. Today we heard that President Museveni was with Moi, but still when you go there, it becomes another thing. Secondly, you will find mostly the orphans around, after their parents have died. To make the follow up of the inheritance right from the trustee is another thing. Because whenever you go to the trustee house, they need kitu kidogo, so this kitu kidogo, I can say it is not good. Just that one.

Com. Kabira: Thank you very much Mr. Oloo. Jacob Ogutu?

Jacob Ogutu: I am Jacob Ogutu and I have some few points to put across. First I will start on MPs / Councillors. I mean our representatives. I feel that the idea of voting of making a vote of no confidence to the mentioned guys should exist. Suppose we happen to pass an MP or a Councillor and during his period, we feel that he is not working with us properly, the Constitution should allow us to cast a vote of no confidence. On trustee and inheritance of beneficiaries, my opinion is that the family members or the boma should also be included in the decision making. Also, the aged and the disabled people. We normally here over the media that, the Government is sending a lot of money to disabled and able people.

But, it has just come to my notice that it is not countrywide. So, there should be a way to make sure that the aged people and the disabled people countrywide are being considered. Not in a section of the country. About currency, we are still in a situation whereby after every election, we will be having a new President. So, my opinion is, we introduce a currency that will not interfere with a new President. Suppose we get a new President after every election, the currency should be the same. Not that when we get a new leader, he comes with his own currency. Just to finalize, I want to say that the President should be given

some limited powers. Not that the President should be the overall of all decisions. He should meet even some limited powers in the country. That's all.

Com. Kabira: Thank you very much Mr. Ogutu for your views and I think you are the last person, you are the one who has closed the session for us. I want to take this opportunity to thank all of you. Particularly those who have sat here the whole day from morning until now. We want to thank you for your views. We have a file full of memorandum and we have also recommended all the information of those who did not have written memorandum. We want to thank you very very much and to promise you that the views that we have collected as I said in the morning will be reflected in the constituency committee report. That constituency committee reports will come back to you through the district co-ordinator for you to confirm that what you have said is what is reflected in that report. As I said in the morning, we are also going to bring to you, the national report together with a draft Constitution. So that you can look at the recommendations that you gave and the recommendations that were given by other Kenyans and how those have been used to come up with a Draft Constitution.

Again, that draft Constitution as I said in the morning, will be debated during the national constitutional conference where you will be represented by your MP and the three district representatives as well as civil society members. So, we want to thank you very much. I also want to thank the headmaster, the primary school headmaster and the secondary school headmaster for giving us a very conducive environment under this tree where we have had the views. Thank you very much. I will hand over to the district co-ordinator.

Timothy Wesonga: Asante sana Commissioners Prof. Kabira, Commissioner Yano. Ninawashukuru sana. Nafikiria tumefikia kilele tunamalizia. Mimi nataka kuchukua nafasi hii kumpatia asante, wale watu wote kutoka Makunda na Bunyala South. Kusema kweli, nimefurahia leo lakini zitazungumza mengi. Ninafikiria ninataka niite Bwana Chairman Mr. Haman Ogura, a-introduce CCC members na CEP's wenye wako na atatumaliza programme. Mr. Haman Ogura. Professor I want to tell you something about this chairman. I think I have worked very nicely with him. We have one more hearing center but he has been exceptionally helpful to me, Mr. Haman Ogura.

Haman Ogolla: Asante sana. Bwana Co-ordinator. Commissioners wetu ambao tumeshirikiana nao katika kikao hiki. Nadhani sina mengi ya kusema kwa vile co-ordinator amesema, tunawapongeza sana kwa kuvumilia na kukaa hapa nje nasi, kutokea saa nne ama saa tatu hadi saa hizi. Tukielekea kumaliza, asubuhi hii tuliwajulisha tu kwa ufupi kwamba hii kazi ya mafundisho ya Civic Education ni kazi ambayo imetuchukua muda sasa karibu miezi sita na si kazi ambayo imefanywa na mtu mmoja. Ni kazi imefanywa na watu ambao walikuwa wamejitolea.

Kwa hivyo nitachukua nafasi hii kuwauliza hasa wale ambao walikuwa wamejitolea, kama inawezekana mnaweza kuja mbele. Commissioners hawa vijana, hii kazi yote ni kama wamejitolea. Kwa sababu tukianza kuongea mambo ya malipo itakuwa pengine ni jambo lingine la aibu. Ni jambo la aibu kwa sababu ukichunguza hawa watu wote, wamefanya kazi miezi sita na

sidhani kama kuna yeyote hapa ambaye amepata juu ya shilingi elfu mbili ama elfu moja mia tano kwa miezi sita. Hii ni kusema ni kama watu wamefanyia shilingi mia mbili kwa mwezi tangu tuanze. Sisi tunajiuliza hapa Kenya, shilingi mia mbili unaweza kufanyia nini siku hizi Kenya? Hata soda peke yake haitoshi.

Hao wazee ambao wameenda sasa, kila wakati tulipokuwa tukija mikutano, kitu cha kwanza walikuwa wananiuliza Chairman leo utatupa soda, leo utatupa transport. Na sisi tulikuwa tunawaambia hii kazi ilikuwa ni kazi ya kujitolea. Kwa hivyo kama sijawapa nafasi ya kujijulisha wenyewe, hili ni jambo ambalo ningeomba Commissioners mkirudi, najua inaelekea kwisha na hata ikikwisha, ikiwa mtapata pesa kidogo, msisahau watu. Kwa sababu hawa watu wamefanya kazi hizi miezi sita na hawana furaha hata kidogo.

Hapa kuna vikundi viwili. Kwanza ni CCC members of Constituency Constitutional Committee. Tulikuwa watu kumi. Jana mlipata nafasi ya kuona watu wanne kule ng'ambo hawakuja leo. Leo tuko hapa watu watatu, upande huu tuko watu watano. Wawili mtawaona kule Osieko kwa sababu ni representatives wa kule. Hapa tuna huyo wa mwisho kabisa, ni member wa CCC, huyo mwingine ni member wa CCC. Hawa wengine ni members wale ambao wanatusaidia CEP, education providers. Wengi wao ni waalimu na walikuwa wakifanya kazi hii kwa kujitolea wakati wana nafasi yeyote. Hii ilitokana kwa sababu zile NGO's mlizochagua kufanya hapa, nyingi za hizi NGO's hazikuja. Walipogundua kwamba hakuna pesa wengi wao hawakuja kwa hivyo ilitubidi kuchagua waalimu hapa karibu kutusaidia. Kwa hivyo nitawapa nafasi, kila mtu dakika moja moja ajijulishie mwenyewe.

Councillor John Roha: Commissioners. Mimi nilikuwa mmoja wao wa Constitutional Review Committee member wa Budalangi na kwa majina mimi naitwa Councillor John Roha ambaye ni Chairman wa Busia County Council. I was representing the Councillors from this constituency. Asanteni.

Fred Dimo: Kwa majina naitwa Fred Dimo. CCC member Budalangi constituency.

Haman Ogolla: Hawa wawili ni kati yetu waliokuwa kwa Constituency Committee.

Com. Kabira: National report and appreciate may be the draft Constitution. This is before the National Conference. We are having workshops for the Councillors because it is the councils that are going to be responsible for the nomination of the three district representatives. So, we know that you will still have a lot of work to do before the end of the process.

Haman Ogolla: Asante sana Commissioner. Sasa nitamwomba Bwana John Roha ambaye ni member wa CCC na pia ni Vice Chairman wa Busia County Council atoe vote of thanks na tutamwomba atumalizie na sala ya kufunga, maombi.

John Roha: Commissioners wawili, Busia District Co-ordinator, Chairman wa Constitutional, Review Budalangi, councillors

