

CONSTITUTION OF KENYA REVIEW COMMISSION

(CKRC)

VERBATIM REPORT OF

CONSTITUENCY PUBLIC HEARINGS,

FUNYULA CONSTITUENCY AT SIO PORT HEALTH CENTRE

ON

1ST AUGUST 2002

CONSTITUTIONAL HEARING, FUNYULA CONSTITUENCY AT SIO PORT

HEALTH CENTRE ON

1ST AUGUST 2002

PRESENT:

Com. Alice Yano

Com. Prof. Wanjiku Kabira

SECRETARIAT STAFF IN ATTENDANCE:

Millicent Achieng

Programme Officer

Elisha Ongaya

Asst. Programme Officer

Regina Obara

Verbatim Recorder

The meeting started at 10.00 a.m. with Com. Alice Yano in the Chair.

Esther Nakholi: Asante Baba kwa mapenzi yako ya siku ya leo kuandalia kufika mahali hapa, Baba unajua sababu ya sisi kukutana hapa, ukaweze kutusimamia kwa mipango yote, tuanze nawe tumalize nawe, na ni katika jina lako safi nimeomba na kuamini. Amen.

Dennis Moko: Asante kwa maombi, kabla hatujaanza mkutano ningependa kuwaonyesha watu wenye walikuwa wanakamati na wale wenye walikuwa wanafunza elimu ya uraia, 3Cs. Tafadhali ningependa muamuke tu, ili watu waweze kuwaona. Na tafadhali utasema tu jina lako penye uko.

Introduction 3Cs:

John Wanjala Makonda: Mimi naitwa John Wanjala Makonda, Kabelege constituency Bunyala.

Dennis Moko: Tafadhali ukiongea ongea kwa Kiswahili kwa sababu tuna record huko.

Stephen Ogale: Mimi naitwa Stephen Ogale nilikuwa civic provider, elimu ya uraia.

Joseph Muguthia: Mimi ni Joseph Muguthia, nilikuwa civic provider.

Joseph Wabudala: Mimi naitwa Joseph Wabudala, mimi ni mmoja wao natoka Sio Port Constituency.

Reinson Ochieng Oduke: Kwa majina Reinson Ochieng Oduke, community based non-professional lawyer but with legal knowledge and skill.

Dennis Ogwena: Mimi naitwa Dennis Ogwena, mimi ni mmoja wa civic education providers. *Luhya dialect* .

Okinda Kiduor Hillary: Majina yangu ni Okinda Kiduor Hillary nikiwa civic education provider kutoka YMCA.

Dennis Moko: Asanteni sana, na kwa vile chairman ako mbali, ametoka kidogo na hatutapoteza wakati, nitamwalika bwana councillor kuja kukaribisha wageni wetu aseme maneno machache.

Cllr. Peter Nakhobero Nakhobero: Asante Mama Commissioners, mabibi na mabwana, na mimi langu ni kusema hamjambo, pengine hapa tulipo tuko kwa location na tuna mkubwa wa location hii, ningependa pengine aje atuwakilishe au atukaribishe kwa location yake.

Chief: Thank you Bwana Chairman, Mama Commissioners, wahusika wote, wananchi hamjambo? Mimi nachukua hii nafasi kirasmi kukaribisha wote ambao wamekuja kushiriki kwa kazi hii ya muhimu. Mama Commissioner tumeshikiriana na wale wote ambao walihusika tangu mwanzo wa hii kazi, na nina amini tutaimaliza kikamilifu, asanteni na mjisikie mko nyumbani hapa Nakua location, asanteni.

Cllr. Peter Nakhobero: Mama commissioner, asante bwana chifu ametukaribisha kwa location yake, na mimi nakukaribisha pia kwa niaba ya division officer, haja kuja na kukaribisha kwa division yetu, na kazi ni yako leo, sisi ni kukuletea mawazo yetu. Asante.

Com. Alice Yano: Asante sana nimeshukuru, viongozi wetu wote, mabibi na mabwana na pia vijana wetu hamjamboni, leo ni siku kuu kwetu hapa, Sio Port, kwa sababu leo ni siku ya kupatiana maoni yenu, ili hayo maoni yakatumika kurekebisha Katiba. Leo nikiwa hapa, sio vile niko hapa peke yangu, tuko na Prof. Wanjiku Kabira ako njiani anakuja, nilionelea ni afadhali tuanza tukiendelea tukimwongojea, hata kuwa hapa wakati sio mrefu. Pia tungekuwa na Prof. Okoth Ogendo, lakini juzi hivi akaitwa aende Nairobi, ashugulikie kazi ingine ya Tume. Mimi naitwa Bi. Alice Yano, mimi ni Mwanatume, na ndivyo leo tuko hapa kuchukua maoni yenu vilivyo. Kabla hatujaanza kazi yetu, ningependa niwapatie masharti ama taratibu zenye tutafuata ili kurahizisha hii kazi ya kuchukua maoni yenu, ya kwanza ni ya kuwa tafadhali mjiandikishe. Kama unapatiana maoni, ama haupatiani maoni, jiandikishe hii ni jambo la ki-historia: na tungetaka ya kuwa hata pengine Mungu kutusaidia miaka ingine ijayo mia moja, tutaweza kuangalia na tuseme kweli bwana Wanjala alipatiana maoni yake, ama bwana Wanjala alikhudhuria mkutano wa Tume wa Kurekebisha Katiba, ni ya maana sana kujiandikisha. Tuko na list yetu, nafikiria ndio ile iko huko nyuma, na ukimaliza unaandika unaweka jina lako, kama unapatiana oral presentation, ama written presentation unaandika, ama kama hupatiani presentation yeyote, unasema wewe ni observer ama tu participant. Tumeelewana hapo?

Ya pili ni lugha yenye tunahitaji wewe utumie ukipatiana maoni yako, na kwanza naomba radhi nafikiri nimesahau jambo muhimu sana. Sikufanya introduction ya wale watu tumekuwa nao kufanya hii kazi yetu. Poleni sana, t uko na Programme Officer wetu

Millicent Achieng, tuko na Assistant Programme wetu Elisha Ogoya, na pia tuko na Verbatim Recorder wetu Regina Obara. Nimewaomba pole sana niliwasahau.

Lugha yenye utakayo tumia kupatiana maoni yako, waweza kutumia lugha ya Kingereza, ama Kimombo, waweza kutumia lugha ya Kiswahili, ama waweza kutumia ile lugha wewe mwenyewe unayo elewa. Kama ni Kijaluo, kama ni Kiluhya, Kisamia, hiyo ni lugha yako na tutatafuta mtu wa kutafsiria sisi ili tuchukue maoni yako sawa sawa. Na pia ukipatiwa nafasi ya kutupatia maoni yako, waweza kuitwa unaketi hapa, waweza kutupatia maoni yako kwa nakili ama memorandum yenye wewe mwenyewe umeandika, utasema haya ni maandishi yangu na ningetaka kupatiana kwa wanatume. Waweza kuchagua kutupatia hayo maoni bila kuongea, kwa hivyo utaenda kwa Millicent na unajiandikisha na kupatiana hiyo written memorandum. Kazi yetu kama Tume tukishamaliza kuchukua maoni hapa kwote Western, tunaenda kuketi chini na kusoma hizo nakili ama memorandum. Pia waweza kuwa na nakili ama memorandum, lakini kuna maneno ungetaka kuguzia guzia, tafadhali usikaisome, kazi yetu ni kwenda kusoma hiyo memorandum. Pengine kuna yale maneno ungetaka tu kuguzia guzia, tuseme ukisema citizenship, ungetaka tu kusema jambo moja kuhusu citizenship, lakini sio kusoma hiyo yote, hiyo tunakupatia dakika tano kutupatia hayo maoni. Na pengine kuna wenzetu hawana nakili hawajaandika chochote, na wanataka kupatiana maoni yao mko na uhuru kupatiana hayo maoni kwa jinsi ya kuzungumza, pia tunawapatia dakika tano kutupatia hayo maoni.

Halafu jambo lingine ningetaka kusititiza ni ya kuwa, ukipatiana maoni yako, tafadhali kama ni shida fulani, utupatie shida yako na pia useme kutatua hiyo shida ni hivi. Ili usikatupatie ugonjwa na hauna tiba. Ukisema hii ni shida pengine napatiana mfano, mtu aseme ya kuwa, kwa hali ya mashule tuko na shida, school fees inatusumbua hivi na hivi, ningependelea sana kama ungeweza kusema ya kwamba tungetaka masomo ya bure. Tumeelewana hapo? Mimi mwenyewe sikubaliwi kuwasaidia kutatua shida hizo, ni shida mnajua nyinyi wenyewe na mnajua kutatua ni vipi. Halafu pia mko na uhuru leo ya kuongea, hakuna kuogopa mtu yeyote, usiongope eti pengine serikali itasikia vibaya ukisema jambo fulani, usikaogope pengine MP wenu atakasirika, ila tu kuzuia mzojana ama kuzui chuki, kama pengine uko na shida na Assistant Chief wenu tafadhali sana usikaseme jina la mtu, waweza kusema ofisi ya Chief, ofisi ya Rais, ofisi ya MP wetu, au Mbunge, hapana taja majina, ili kila mtu awe na huru ya kuongea, na pia kusikuwe na mzozo.

Na pia kama mwenzenu amepatiwa nafasi kupatiana maoni yake, tumesema ya kuwa tuko na uhuru leo wa kupatiana maoni, tafadhali hata kama hayo maoni yanakuudhi wewe hauja furahia hayo maoni, mpe huyo mtu nafasi yake, kimia mpaka amalize, ukipatiwa nafasi yako, kama unataka kukanusha, unakanusha, tumeelewana hapo? Tafadhali tusikapigiane kelele, eti huyu amesema maneno mabaya, hatutaki yeye kuongea hapana, yeye aseme maoni yake vyenze anataka kusema, amalize, ukipata muda wako unakuja kusema yako. Sasa hiyo inasema ya kuwa lazima tuwe na heshima kwa kila mtu, tuwe na heshima ya maoni ya kila mtu. Na pia tuko na list yetu, tutafuata hii list vilivyo, kama wewe ni number one, utakuwa number one, leo hakuna rigging, pengine tu saa zingine tutaweza kufanya rigging kama kuna watoto wa shule, wangetaka wasikizwe haraka haraka warudi shule, kama kuna walimu, kuna wagonjwa na pia pengine kuna madaktari wangetaka kwenda kufanya kazi ya tiba, hatuwezi kuwakataza, lakini tutafuata hii list yetu strictly. Halafu pia tutaketi hapa kuchukua maoni yenu, na tafadhali

tuwache kelele kuna recording, Obara onyeshana hiyo recording machine, hiyo ndio tunatumia kuchukua maoni yenu, namnajua kazi ya recording, recorder itachukua maneno yote kama ni kelele, kama ni maoni yote yatakusanyika ndani. Na sitafurahia sana siku yenye tunaketi kwa Tume kuchukua maneno yenu ili tuyaandike chini, tupate ya kuwa ni kelele tupu, hakuna maoni kutoka kwa watu wa Sio Port. Na bila kupoteza muda mrefu, sijui kama kuna swali yeyote? Kuna mtu ako na swali? Kama hakuna maswali na pia pengine kama kuna wenzetu wenye wako na shida ya kusikia, kama mnajua wenye wako hapa, tuko na wenye wanatafsiri.

Thank you very much, sasa tuanze na mwenye amejandikisha wa kwanza, Christopher Maloba, karibu. Nilisahau kuwambia kuwa uanze na jina lako. Asante.

Christopher Maloba: Thank you commissioner, I am called Christopher Maloba, I represent the Ex. East African workers in Samia. I have written most of these things, so I would not like to read them, but there a few things that I would like to say. First I would like to talk or say something about communication, lack of communication is like a river without a source. You cannot go very far, or a country cannot improve without communication. You have been on our roads here, and you can see the status of the roads. It is impossible, say if you have your own cassava or fish or anything, you would wish to move your goods, from point A to point B as fast as possible. Because, say in Samia here, most of our goods are perishable and we require good roads, because we cannot depend on handouts, we would like to work with our own hands, so roads and any form of communication is very important for us, the rest we can do if are provided with proper communication.

Two, I would like to talk about our lake here; we are given to understand that we cannot use this lake of ours. That it is only Egypt that can utilize. Madam, the lake is a natural resource for Samians that are here, we cannot survive without that lake, it is not good as I said before to live on handouts, we want to work with our own hands, we should be enabled to use the water that is in the lake here, e.g. we have hills here we can build reservoirs on our hills, we have quite a number of hills in Samia here. We can pump water from the lake to the reservir and this water can go back to the people for irrigation, so I do not see why only one country should be given the privilege of using our natural resources. Another thing I would like to say is, now they talk of retirement, somebody who retired ten years ago or twenty or thirty years ago, if he was getting a pension of Kshs. 500, he will remain on Kshs. 500, time has changed and so every time whenever time changes, that Kshs. 500 should be forgotten so that the retirees should be able to enjoy the present standard of living. It is not good for one to remain where he started, because the retirees have worked very hard for our country, they should be looked after.

Last and not least, we have worked with the community; we would wish our constitution to allow our state to join the federation of the East African region. Why do I say this, it will enlarge the market, we shall have a very large market and whatever you have you will be able to move to any country that you go. So it is imperative that we should join the other East African Community; and if it is made possible in our constitution, so that it is easy to join our brothers in East Africa, we shall not be the losers, but the gainers in economic terms. Thank you.

Com. Alice Yano: Thank you Maloba, please do not leave because we will have questions for you. Prof. Wanjiku Kabira has arrived, she is chairing this session, so after this I am handing over the microphone to her. Maloba that I have seen that you are an Ex. East Africa Community Worker, and now you are aware that the three East African Countries have come back together to join sought, now can we kindly know, or can you tell us especially in terms of this lake you are talking about, Lake Victoria, from experience, when we went to Port Victoria, some of the participants said that they would rather not have boundaries in that lake, they would rather have the East African Community manning the whole lake on behalf of the three Eastern Countries. What would you say about it, do we have to have boundaries? And if we have to leave it to the East African Community, do you think it will be much more viable to Kenya as compared to now? Thank you.

Christopher Maloba: Thank you commissioner, once we leave it to the East African Community when we have a federation of East African, I think the federation should be able to look after the lake for our benefit, because say, for example we need, we talk of tourism, we have a lot of tourist attraction areas around the lake, for example we can build five star hotels, we can build roads around the lake, and East Africa stands gain if we have say attraction like five star hotels, we have birds, we have fish, we have a lot to gain if say, we manage that lake as a region, instead of individuals, it would be too costly to attract tourists.

Com. Alice Yano: Thank you very much, and thank you for answering my question.

Com. Wanjiku Kabira: Thank you very much Mr. Christopher Maloba, I want to say, I apologize for coming late, I got caught up in something as well as watching a baby delivered on the road, so I am sorry we arrived late. So we will listen to John Magoda.

John Magoda: My name is John Wandera Magoda, kutoka Funyula town council, mimi nataka kuzungumza juu ya marijuana, marijuana huu ni mumea ambao unajulikana sana kua unatoka Busia, na huu mumea unatajirisha mtu mmoja hapa Kenya, au watu wawili. Ningependelea kuwa huu mumea pia uhalalishwe, na upandwe kwa wingi hapa Busia na factory ijengwe na maji yake au whatever is taken out of it, ipelekwe ng'ambo wale wa ng'ambo pia wanunue badala ya kuchukua huu mumea raw material, unapeleka ng'ambo, tena inarudi hapa, naona hii ikifanywa hivyo italeta nchi yetu kazi na foreign exchange. Jambo lingine vile watu wamezungumza zaidi juu ya chang'aa, chang'aa pia nikama huu mumea, inatajirisha mapolisi peke yao, hata haileti pesa kwa serikali, maanake polisi wakikupata njiani na huu mumea, na hii tembo, wanakushika wanakufanyia kangaroo korti, hapo hapo njiani, unalipa pesa hapo badala ya kukupeleka kortini ulipe huko, ulipe serikali unalipa polisi. So badala ya hii kitu kuwa inawekwa ati inakataliwa na serikali na watu wengine wanapata pesa ndani ya hii tembo, afadhali hii vitu vihalalishwe na serikali ipate pesa yake kihalali.

Jambo lingine nitazungumza juu ya daraja, sisi tuko karibu na watu wetu wa Uganda na inakuwa ni ngumu sisi watu wa Samia kutoka hapa ukitaka kwenda Uganda ambayo iko tu hapa, unapita mpaka Busia, ningependelea kuwa serikali ikubali mtu

akiwa ana pesa zake na anataka kujenga daraja, sasa tuko kwa East Africa Community, tumesikizana, serikali ikubali mtu anaweza jenga daraja yake, watu wapite katikati hapa karibu karibu wakienda Uganda kuliko kupitia Busia. Kama si hivyo, serikali yenyewe inaweza kutujengea daraja hapa katikati, hapo pia ni pesa zitakuwa zikiingia kwa revenue na mambo mengine. Jambo langu la mwisho, mimi nasikitika sana maanake naona traffic offences barabarani, kuna kesi kidogo kidogo ambazo serikali ikikubali ingetia fine zikajulikana, so that driver akipatikana amebeba watu zaidi wawili au watatu anakatiwa hata fine hapo hapo, anasonga mbele na safari yake. Kuliko kesi kidogi, umebeba mtu moja, badala ya kulipa pesa kwa serikali, utalipa kwa mabuda hapo barabarani, hiyo pia ni njia moja ya kutoa hii corruption. Fine za petty cases kama hizo za barabarani, zinaweza kuwa stipulated properly in the law, zijulikana ukipatikana umebeba watu watatu, unajua tu fine yako ni shilingi kadhaa.

Com. Alice Yano: Sema mabuda ni nani kwa hile lugha inajulikana.

John Magoda: Mapolisi. Lingine, hao watu tunawaita manamba wa magari kwa stages, sasa hiyo imekuwa kazi, ningenelea kwa sheria, hao watu waweze kujulikana kama pia wameandikwa kazi, waweze kuwa registered na kwa serikali na hao pia wakatwe pesa wakitoa revenue kwa serikali. Na wapewe uniform au wambiwe wanunue uniform, so that mtu akikushika akikwambia ingia gari hili, unajua ni nani amekupeleka huko. Kuliko kuwawacha wanahangaisha watu na huku wanapata pesa kwa wenye magari, na hakuna faida ambayo serikali inapata kwa hao watu. Ningependa hili jambo lihalalishwe, na hao watu wajulikane wanafanya kazi, maanake hakuna kazi nyingine wanafanya hiyo ndio kazi wanaofanya, na miaka yao inakwisha, na hawalipi revenue yeyote kwa serikali. Hayo peke yake.

Com. Wanjiku Kabira: Asante kwa maoni yako, hebu niulize kwanza marijuana ni?

John Magoda: Bhangi.

Com. Wanjiku Kabira: Unataka tupande bhangi?

John Magoda: Ihalalishwe na wa watu wapande, Busia hapa inafanya vizuri sana. Maanake hata tukikataa, bado inakwenda huko ng'ambo na inarudi hapa, na inatoka yote hapa, na bado inarudi kuaribu watoto wetu hapa. Kwa hivyo afadhali itoke hapa kama imehalalishwa, imepadwa, pesa itapatikana ya foreign exchange, na iwe processed, mitambo ijengwe, iwe processed here.

Com. Wanjiku Kabira: Na tu license watu watumie?

John Magoda: Kama imehalalishwa itumike, maanake hata tukikataa siinatumika.

Com. Wanjiku Kabira: Asante sana bwana John, Wesonga Oduke.

Wesonga Oduke: Mimi kwa majina naitwa Wesonga Gabriel Oduke, na nimekuja hapa kwa maoni yangu binafsi kuhusu upande wa kuajiri watu. Hapa katika kuajiri watu mimi naonelea ya kwamba, kama upande wa kupea na watu kazi, kama chairmen wa parastal body au chairman wa organization yeyote, tufanye kazi iwe kazi moja kwa mtu moja, badala ya kuwa chairman wa firm A, chairman organization B, sijui yeye secretary general wa idara ingine fulani. Hiyo inaleta ukosaji wa kazi kwa watu wengine ambao wanaki-pawa pia wanaweza kufanya kazi. Kwa hivyo ningepomba kama constitution inaweza kuudwa, kazi iwe kazi moja kwa mtu moja ili watu wengine ambao pia hawana kazi wapate nafasi.

La pili, nikutoa watu hao wanaitwa manamba, rafiki yangu hapa amesema manamba wahalilishwe, hapo ni ukweli, lakini ningepomba kama sheria inawezwa kuundwa, manamba hawa wenye magari ya PSV ihusiane na serikali, ili manamba waajiriwe na wenye magari, wawe wakifyeka barabara, au wawe wakifagia hizi busparks na wanalipwa, badala ya kung'ang'ania abiria, unakwenda uko kama wewe uko na familia yako, unakuta manamba wanachukua pengine bibi yako wanapeleka kwa gari ingine, watoto wanapelekwa kwa gari ya kwenda Meru, na bibi yako ingine inapelekwa kwa gari ya kwenda Mombasa, sasa unapoteza vitu vyako, watoto wameenda sijui Meru, bibi yako sijui yuko Murang'a sasa unashidwa ni kitu gani kinaendelea. Kwa hivyo manamba wana-embarrass sana abiria. Manamba watolewe katika bus parks, au waandikwe kufagia stage, na wanalipwa mishahara kuhusu kazi ile wanafanya ya kufagia na kutengeneza bus parks, hao wengine waajiriwe na Ministry of Roads and Public Works kama zamani, wanafyeka barabara upande na upande, na walipwa mishahara badala ya kujiandikisha ati hao ni manamba. Hiyo pia itapunguza hali ya ukosefu wa kazi, na hiyo pia itawezesha watu kuwa na mapato.

Jambo la tatu, ni hawkers, hawkers pia sasa wamekuwa nuisance, ukienda kama Machakos bus park au unaenda Kisumu refurbished bus park, unakuta wanaingia kwa bus, wanakutupia huko vitu, nunua hii sijui mzee shilingi kumu, unasema sina pesa, anatoka nje kidogo anarudi tena, mzee niko na jembe nunua, sijui nini, sasa hii ina-inconvenience mtu, hata unakuwa na hasira, hata mnakorogana, saa ingine ukimwambia sina pesa anasema, “ nakuona kweli wewe ni mzee hauwezi kuwa na pesa”, sasa mimi naona hawa hawkers pia, wasiruhusiwe kuwa katika buses zile abiria wanaenda, na hawkers wengine hata hawaogi, wakipita kwako, unakuta harufu ile ambayo unapigwa mwenyewe hata unashidwa, na hauwezi kumjibu wewe unanuka, mtapigania hapa anaweza kuumiza. Sasa mimi naona kama sheria ingeundwa, hao hawkers watolewe katika buses za public service, wapewe kiosk nje hapo wauzie hapo, na akikutwa kwa bus, hapo ashtakiwe, kwa sababu anaingia kwa bus ya abiria. Hilo ndilo jambo langu la tatu.

Jambo la nne, hao ambao watu wame-retire, mimi nilikuwa naomba kweli mwenzangu mwingine hapo awali amesema, hao watu wawe wakifanyiwa annual increment ya pension; au kama si hivyo alternatively, serikali iwe ikifanya review ya salaries, hawa pia wafanyiwe review yao ya pension, ili wapate nyongeza kutegemea na economy, economy inaenda juu na hao retiree wanabaki tu kwa kile tu kiasi cha pesa kile ambacho walistaafu nacho. Kwa sababu hakuna hata faida ambayo inaweza kuwasaidia.

Halafu jambo lingine la tano, lile mimi ningeomba, hii Commission yenu isaidie sana hao Liguru, au headmen, hao watu ndio macho ya serikali, hao watu mimi nafikiria tena hao wanaweza kumpa President information 100% kuliko hata DC, hao watu ndio wanajua hasa kila kitu, kama sisi tuko hapa kwa mpaka, tuko katika maboma mengine hatari, kwa kuwa hao watu wanaweza kujua ni mtu gani ame-cross kutoka border, kuingia kwa boma ya hapa na hawamjui, lazima watajua huyo mtu, huyo ni mtu halali, au ni mtu anakuja kuharibu. Pengine ni mtu yule wa kukuja kuuwa watu, halafu ana-cross anaenda huko. Kwa Liguru ndio wanajua watu kama hao, wanajua watu ambao wanafanya mazuri na mabaya. Ningeomba hao Liguru waandikwe permanently, walipwe mshahara. Wanafanya kazi nyingi kuliko hata Chief mwenyewe. Usiku unaweza kuwakuta wanaenda kwa maboma ya watu wanataka kujua nini inaendelea. Ndio wanajua watu wanaweka vitu, vibaya au vizuri. Kwa hivyo ningeomba serikali ifanye Liguru walipwe mishahara permanently, wawe pia tu wafanyikazi kama wa serikali, kuliko kuwawacha hivyo wanategemea tu watu, ukienda unawakuta unawapatia mayai au gorogoro ya mahindi. Wanajua mambo ambayo yanaweza kujenga serikali na yale ambayo yanaweza kubomoa serikali kuliko hata wale wako juu. Kwa hivyo ningeomba serikali to consider Liguru sana. Ni hayo tu.

Com. Wanjiku Kabira: Asante bwana Wesonga, Mohammed Mubale.

Mohammed Mubale: I am Mohammed Mobale, I represent the Muslim community of Sio Port, we have written a memorandum but I wish to briefly talk about Judiciary and then present the memo. Regarding the Kadhis it is the view of the Muslims community of this area, that courts of the Kadhi should be extended to most levels, and it is also the wish of the Muslim community here, that the constitutional court should be established so that it is given an opportunity to continue considering cases of the violation of the constitution by either the political leaders, or any other person within the country. It is also our wish that the Judicial members should be appointed by the Judicial Commission. But regarding the Kadhi, it is our wish that his duty should be limited to the court, not like it is today, a Kadhi goes even out of the court to listen to local disputes in the Mosque, this should not be his work, he should work like any other magistrate or judge, so his work should be limited to the courts.

We have had a number of problems regarding the time of fasting, the holy month of Ramadhan, Idd Fitr celebrations, we have had a lot of anomalies in our country here. It is therefore our wish, that the government should not interfere with our prayers and celebrations in any way. It is at that point that we wish to propose, that we have a national Islamic leader by the title Mufti, this will be the person who will be in charge of the day today administration and religious affairs within the country, to affect all the Kenya Muslims. The government however should not employ this person. This will be like we have an Arch Bishop or something of the sort. Regarding the duties of the Kadhi in court, it is our wish, that if this Kadhi is to be given respect like any other magistrate or judge, he should also study the ordinary law, that is to say if he wanted to be appointed by the Judicial Commission as the Chief Kadhi, he should have a degree in ordinary law, and a diploma in the Islamic sharia law. So that this is the person who can seat in any community and serve a good purpose. It is also our wish that apart from the succession, divorce and marriage duties that the Kadhi has been handling, it is our wish that cases regarding moral mis-conduct be also

allocated to the Kadhi, cases regarding child abuse, where muslims are concerned be extended to him, and cases regarding women abuse, say mis-conduct of some kind intended to suppress the women in Islamic homes, should as well be handled by the Kadhi.

Regarding these lawyers, from time to time we have experienced a lot of corruption in this area, it is therefore our wish, that there should be a Judicial tribunal court to listen to the grievances of whoever may be concerned, regarding short comings pertaining to a judge or a magistrate. I am through.

Com. Wanjiku Kabira: Thank you very much bwana Mohammed, please sign our book, Mr. Kennedy Oduor?

Kennedy Oduor: Kwa majina naitwa Kennedy Oduor, nina maoni yangu hapa nimeandika, lakini nitazungumzia machache, nitazungumza juu ya wale watu ambao wamedharauliwa katika serikali hii yetu ya Kenya. Watu kama walemavu, haki yetu haitekelezwi vilivyo. Tuna manyumba mengine ambayo yanajengwa kama za ghorofa, kupanda ni ngumu, sasa ningelipenda kama watu wanajenga majumba kama hayo, hasa ofisi za serikali, wasijenge kwa hali ambayo hata wenye wana wheelchairs wawe na nafasi ya kupanda kiurahisi. Tuna vitu kama vyoo, choo za maji zimejengwa kwa hali ile ambayo mtu kilema kuitumia si rahisi. Mahali kama kwa magereza ni chafu sana, hata hatutakikani watu kama walemavu wahudumiwe huko, ninataka wajengewe nyumba maalum, hata kama wanaenda huko, waseparate na watu wale ambao wakawaida. Ningaliongezea hata kwa posta hapa kupiga simu ni ngumu, mtu kufikia hiyo handle yao walioweka juu, sijui kama walijua hatuna walemavu katika Kenya hii. Kuna viti vingine kama kilema anaweza kuwa na wheel chair, mtu kama kipofu ni lazima aambatane na mtu mwingine ndio aende safari, mtu kama huyo kwa serikali yetu, ningalipenda mtu kama huyo awe akilipa nauri ya mtu mmoja tu peke yake na mtu kilema asiwe akilipa na wheelchair, pia kwa sababu si kutaka kwake kutembea na hicho kiti. Alipe tu mwili wake peke yake.

Elimu, mtu kilema ya faa apate elimu ya bure mpaka the last level. Mtu kilema akiwa na familia yake awe akipata huduma ya bure katika hospitali za serikali. Mtu kama huyo akiwa na biashara yake, kwa serikali yetu asiwe akilipa ushuru. Vitu vya walemavu visitozwe ushuru, hata ikiwa zinatoka ng'ambo, ziwe free of taxation.

Tukija kwa upande wa kazi, kama nafasi ya kazi yeyote imepatikana mahali, kwa serikali yetu, ningalipenda watu kama hao washugulikiwe kwanza, wawape first priority, waangalie kama tuna watu hao, na wana-qualification kama zile wanataka, waangaliwe kwanza. Tukija kwa nomination appointment, wawachie watu wasiojiweza. Tukirudi upande wa watoto, watoto wetu wapewe elimu ya bure kwa primary level, na iwe ya lazima. Tunawatu wengine wanatumia watoto vibaya, unapata mtu kwa hii serikali yetu anamnajisi mtoto mdogo sana, na huyo mtu ni normal person, mtu kama huyo awe castrated. Tunaona tuna watu wengine wanaoa bibi akiwa na mtoto, halafu hatimaye anakaa na anaanza kusema huyo mtoto si wangu, anaanza kumbagua, mtu kama huyo pia serikali inwekelee mkazo na kumpa hukumu fulani ama kumlazimisha antimizie huyo mtoto vile inavyotakikana kama wale wake. Kwa sababu aliharibia mama yake wakati ule wote anakaa kwake, na anaishi pale hajui

anaenda wapi na anatoka wapi. Tukija kwa upande wa wanawake; wanawake wawe wakilipiwa mahari, ili ndoa ziwe zile ndoa za kutopayuka payuka, unajua mtu kama haukumlipia mahari mnaweza kugombana na msiishi vizuri kwa nyumba. Watu waishi pamoja wa wavumiliane. Ni hayo tu.

Com. Wanjiku Kabira: Okay, thank you very much bwana Kennedy, ngojea swali.

Com. Alice Yano: Kennedy tumeenda mahali kwingi na wakati mwingi tukipata walemavu kutupatia maoni yao, wengine huwa wanasema eti kama ingewezekana sana, wapatiwe pia kuwakilishwa Bungeni na pia kwa county councils ama municipal councils, uko na jambo kwa hayo?

Kennedy: Asante Bi. Commissioner, hiyo ningalisema ningeonelea walemavu tuwakilishwe kutoka vijini mpaka kwa Parliament. Hilo ni jambo nzuri sana, kwa sababu hao watu ambao wana miguu wanatembea, na wanauwezo wa kuona ama kusikia; hawatushuguliki wanatudharau sana, na vitu vikitoka huko, eti walemavu wanatakikana mahali fulani; ama wanataka watendewe hiki, hatupati. Ni kwa sababu hatuna ofisi maalum ambazo tunaweza enda huko na tuangalie mambo yako namna gani.

Com. Wanjiku Kabira: Thank you very much, watakuletea kitabu u-sign. We want to recognize the presence of the former Member of Parliament for this area, Dr. Julia Ojiambo who has arrived, and I do not know whether Julia we should be welcoming you, you know we are in your place. If you can say a word then we will give you time later.

Julia Ojiambo: Thank you very much commissioner Prof. Wanjiku Kabira, Commissioner Wanjiku ni rafiki yangu sana, huko Nairobi tunafanya naye kazi nyingi ya maendeleo. Nataka tu kusema pole nimekuja nimechelewa, nataka kukukaribisha na wenzako katika area hii, huku ndiko nyumbani, na nina furaha sana ya kwamba mmekuja kuleta kikao hiki hapa, ili watu wa hapa nao wawe na nafasi ya kuongea na nyinyi, tulikuwa kwa muda mrefu tukifikiria hii mambo ya Katiba itakomea huko tu, na watu wa hapa walikuwa na hofu wakifikiria hawatakuwa na nafasi ya kuongea, hata kuwaona nyinyi. Hii ni furaha kubwa kwa sisi, nitaweza kuwa ya kusema tukiendelea, asante sana kufika.

Com. Wanjiku Kabira: Thank you very much Julia, we are glad to come to your homestead. Mr. Dickson Ouma?

Dickson Ouma: Thank you Commissioner, I have got some several write-ups. my names are Dickson Ouma, from Mbobolimba.

Com. Wanjiku Kabira: What do you mean, by you have got several write-ups?

Dickson: I have written two papers, but I will just have to pin point some points.

Com. Wanjiku Kabira: Just highlight some issues; they're both from you?

Dickson: They are personal contributions. I am summarizing, this is what I felt, I will start with the government and the President. The President should be subject to the laws of the land. The Executive arm of the government should be checked by the Legislature. The President and the ruling party should not use a public funded media for their propaganda. The three arms of the government should have separate powers and their functions defined. I come to the armed forces: the disciplined forces, the military, police and so on, should be established by the constitution, and their recruitment be based on the constituency level, not that we go to the district and then four are recruited to the air force and other districts there are representing 20. The Commander in Chief of the armed forces should be the President. The Executive should not have exclusive powers to declare war. All forces be independent, neutral to political parties and professionals. A commission of all ranks should check salaries in the armed forces. Police force; no officer should arrest a man or a person from the village without the leaders consent, for he knows the person better. The commissioner of police should be approved by Parliament. All public appointments should be vetted by Parliament. No officer should be allowed to use uniform when not on duty; by uniform I mean the dresses, the gun and the handcuffs.

Local councils: Mayors and chairmen of councils should be elected directly. 70% of the taxes collected by councils or municipalities, should be used to develop the area they have been collected from. Any business below poverty line, by poverty line I mean the pay as you earn level, should not be licensed, should operate free. Local councils should manage their affairs without ministers or Presidential interference, unless when checking. Natural resources: there should be fair and equitable distribution of our natural resources. Ministry concerned with the resources should have its head quarters close to the source, so that there are able to know exactly what is happening at the source. The directors of the natural resources for example the fishery department, should come from a lake area, not somebody who does not know anything about the lake. Taxes collected from a natural resource operators, should be used to develop that area with the resource. If a natural resource is not beneficial to the government it should be destroyed and something beneficial introduced, e.g. the crocodiles in River Siyo, they have only proved a danger to the community and nothing has been done. A useful natural resource should not be destroyed by anybody, whether Kenyan or a foreigner. For example most of the factories have decided to dump their sewage to the rivers flowing to Lake Victoria, at the end of the day the fisheries complain about the low catches and yet they do not identify the problem. The government should protect the environment, conserve natural resources, and ensure sustainable utilization. In brief that is what I can present.

Com. Wanjiku Kabira: Thank you very much for such detailed presentation, please sign our book. Mr. John Okumu?

John Okumu: Without wasting your time, I John Okumu Odame, worked for the bank seven years, Barclays, Worked with Disability Society two years, Kenya government 27 years, I retired at 52 years. I have been an official officer and I am saying

anything. I am talking on defense and security, police not to protect the lake. Improve wealth without government practitioners. Politicians should speak the truth and fail the death. Police are arresting the people who drink chang'aa and they are also taking.

Com. Wanjiku Kabira: Thank you very much Mr. Okumu, for your views on security and many other issues. Mr. Frank Wakavi?

Frank Wango Wakavi: Mama kiongozi na watu wote wale wamekuja kusikiza maoni yetu, mimi naitwa Frank Wango Wakavi, mtawala aliye staafu, kwa sasa mimi nimhuduma katika neno la Mungu. Sasa mambo yangu nitaanza hivi, naomba wale wazungumzaji hao wale watakao nifuata tafadhali inatakikana tuwe pamoja sisi sote. Tuko hapa na watu walisoma, tuko hapa na Hon. Dr. Julia Ojiambo, tuko hapa na Professors, kwa maana nataka hiki kikao kiwe kikao kile kiko na umuhimu kwa maana tunataka sisi sote tuwe pamoja. Jambo mimi niko nalo ni kuwa, tuko na vitengo vitatu, tuko na kitengo cha ofisi ya Rais, tuko na kitengo cha mahakama, tuko na kitengo cha Bunge, sasa mimi ningependa kama hivi vitengo viwili Bunge na ofisi ya rais ziwe kama zinafanya chini ya mahakama, kwa maana ikiwa kama Rais anakuwa juu ya mahakama sasa hapo maneno mengine yanaweza kuwa yanafanyika kwa njia ile isiofaa, sasa ni vizuri kama mahakama ndio inakuwa juu, ili ofisi ya Rais na Bunge zinakuwa chini ya mahakama, ndiposa wanafanya chini ya amri, ili wafanye kazi yao ikiwa kwa njia nzuri.

Jambo lingine ni hili la kuwa, mimi vile nilikuwa kwa utawala, mimi naonelea watawala kama machifu, assistant chifu hao ni watu wanakaa katika kijiji kile siku zao zote. Sasa ningependa, ikiwa wanachagua chifu, au assistant chifu awe kama anachaguliwa na wananchi wale wanakaa pale; kwa maana yeye hatakuwa anapewa transfer, yeye atakuwa kama naishi pale siku zake zote. Sasa ikiwa kama anachaguliwa na wananchi, sasa hapo kazi itafanyika kwa njia ile nzuri. Jambo lingine ni ya kuwa tunataka, kwa maana saa hii tuko na wizara nyingi sana, ningependa kama tunaweza kuwa na wizara kumi na nne, na kati ya hizi wizara, wizara moja iwe ya neno la Mungu, kwa maana hapa Kenya tunasema sisi ni watu wanao patywa uhuru wa kuabudu Mungu. Sasa ningependa kama tunaweza kuwa na Wizara ile inayowakilisha neno la Mungu, kwa vile tuko na Wizara ya utamaduni, na naonelea inaweza kuwa vizuri tukiwa na wizara ile inawakilisha neno la Mungu.

Jambo lingine ni hili ya kuwa, sisi kama watu wa Busia district, au sisi kama watu wa Samia, watu wa Sio Port, tuko na bahari hapa, na mimi naonelea maji haya hatuyatumii katika kunyunyiza mashamba. Sasa mimi naonelea Msudan anatumia haya maji, mtu wa Misiri anatumia haya maji, hata inaendelea inafika Israel pia wanatumia haya maji na sisi tunaishi na haya maji, na hatutumii, inaweza kuonekana kama yule nyang'au anaishi katika miwa na hajui uzuri wa miwa. Jambo lingine ningeweka mkazo ya kuwa, tunataka watumishi wa serikali, wawe na kile chama chao cha kuwatetea. Hapo ndipo kazi inaweza kuendelea vizuri. Ile mimea tunayopanda, kwa mfano kama pamba saa hii, watu Wasamia au watu wa Funyula au watu wa Busia district, wamehangaika sana jinsi vile wanaweza kuuza pamba, sasa ningependa kama serikali iwe kama inashugulika vile Wasamia wanaweza kuuza pamba yao, kahawa yao na vitu vile viko cash crop vyote.

Elimu: kwa upande wa elimu mimi naona elimu ya msingi iwe ya lazima, na inaweza kuwa ya lazima halafu tupata mtoto amefanya vizuri na kwa vile ana uhaba wa pesa, hapo anaweza kukosa kuendelea, sasa mimi ningeonelea tuwe na elimu ya bure kutoka kwa msingi mpaka kwa secondary, university mzazi anaweza kugharamia.

Kwa upande wa matibabu, upande wa matibabu mimi naona watu kama out-patient, inatakikana wawe wanatibiwa bure, kwa maana out-patient ndiye anatoa ushuru, sasa akitozwa ushuru inafaa ushuru wake umuhudumie.

Upande wa mashamba, mimi naona mimi niko na shamba langu, sasa nikienda kwa title deed ninaulizwa nilipie hiyo title deed kama vile hiyo shamba nilipatiwa na mtu mwingine. Sasa ningeonelea kupata title deed, hiyo ni shamba lako, upatiwe hiyo, certificate free.

Lugha ya mama, mimi ningeonelea hiyo lugha ya mama iendelee, na vile wanasema Kiswahili iwe kama lugha ya Taifa, lugha ya mama iendelee kama vile watu wengine husema ya kuwa tuko na ukabila, sasa ningeonelea jambo lile nzuri la kutumika, hatutakikani katika Kenya tuwe na ubaguzi, sasa mtu akija ati wewe unatoka South Nyanza, hautakikani hapa, wewe unatoka Maragoli hautakikani hapa, sasa hapo jambo nzuri lile lingeweza kutumika ni ya kuwa hatutaki kuwa na ubaguzi kati yetu sisi Wanakenya.

Jambo lingine ni ile ya kuwa tunatakikana tukiwa katika Bunge, waakilishi wetu wakiwa katika Bunge wawe wanatumia lugha mbili, Kiswahili na Kiingereza, inatakikana Mbunge pia, na rais, na madiwani wawe katika uakilishi, akipata bahati akienda safari ya pili, iwe hiyo ndio safari yake ya mwisho. Rais awe kule kwa mihula miwili, hata Mbunge na councillor, kwa maana mtu mmoja anaweza kuendelea kwa miaka mingi kama thelathini, na tuko na watu wengine hapa ambao wanaweza kufanya hiyo kazi.

Jambo lingine, kura ya maoni, tuko hapa na viti vingine watu wananyanyaswa na tukiwa katika Katiba na kura ya maoni, inaweza kuwa kama inatusaidia tumalize maneno mengine machafu machafu ambayo yanafanyika.

Com. Wanjiku Kabira: Thank you very much tafadhali jiandikishe, Mr. Augustine Makina.

Augustine Makina: Madam Commissioners, naitwa Augustine Makina, mimi ni elected councillor kutoka katika Buiru ward, here in Funyula constituency in this good land of Samia. Nitaenda haraka haraka kwa sababu ya time, neno la kwanza wananchi wanaonelea ya kwamba mnamo mwaka wa 1980, walitoa shamba kubwa hapa, shamba hilo lina ekari mia moja sabini na mbili, na kwa maana hatuna vita vyovyote na nchi ingine jirani, na tunaelekea katika muungano wa East Africa, wananchi wanaonelea ya kwamba, army barracks ziondolewe area hiyo kwa sababu shamba ziko nyingi tujenge teacher training college zisaidie wananchi.

Natural resources kama lake Victoria, tungelionelea ya kwamba iwe katika Katiba ya kwamba watu wenye wako katika ukingo wa baharini wahudumiwe vizuri sana, kwa maana wanashida za magonjwa kama malaria, dysentry na vitu tofauti, wapewe huduma ya kutosha na maji haya, hatutafuata maneno ya wakoloni, agreement yao yenye walifanya na watu wa Egypt na watu wa Sudan, sisi tuko katika Republic of Kenya na constitution yetu inatupa nafasi tutumie natural resource yetu, tupige maji kutoka ziwa Victoria, tuweke kwenya milima tunyunyuze yafike katika mashamba, watu wapate chakula na walime na wasomeshe watoto wao. Maji ni yetu, tuko karibu na ukingo wa maji, samaki ni zetu hatutaki samaki zitupite na tunapata maradhi bila kukula samaki, ati kwa maana wame-dictate.

Ikiwa kama vita vimetokea, nataka kuzungumzia vita, vita zimetokea na watu wamepigana vita, na barabara iko hapa, na shamba langu liko karibu na barabara, na bomu imeuwa watu, kama kilometer tano, kilometer sita, halafu wanasomba maiti na lorry na wanafika kwa shamba langu, na wanalima shamba langu hilo kama ni eka mbili, kwa maana iko karibu na barabara, na wanamwaga maiti hapo kama watu elfu moja, wakisharundika hapo mass grave, na wakifunika pengine kwa siku mbili au tatu, ama wiki moja, vita vinatangazwa vimeisha, mwananchi huyo mwenye walizika maiti katika shamba lake, atakaa namna gani? Kiafrika hauwezi kukaa na maiti hapo chini, na wewe unalima juu, walipe huyo mtu million tatu per acre kama wamezika watu katika shamba la mtu.

Com. Wanjiku Kabira: Can you be more specific on that issue, because we do not understand what you have just said? Hii maneno ya mass grave tujue historia yake kidogo.

Augustine: For example, vita vinaweza vikawa, kwa mfano unasikia Nigeria wanapigana ama pengine Rwanda waliwahi kupigana. I am talking about the future, in case anything happens, naitendeke karibu na kwangu na wemeweka watu katika shamba langu, the constitution must care for me with my shamba and my children, because I will have nowhere to go, kwa maana wamezika watu kwa shamba langu.

Com. Wanjiku Kabira: Are you saying that we should have allocated areas for burials?

Augustine: No I am saying, in case it happens and then the mass grave happens to be my land, let me be compensated properly so that I go and buy land somewhere. That's how I put it.

A Ugandan lady, a Tanzanian lady, ama mwanamke yeyote akitoka nchi yeyote akiolewa na mimi, wampe identity card of this country, kwa maana atazaa a Kenya citizen, atanunua chakula katika Kenya market, atatengeneza vyote for the benefit of Kenya; hapana discriminate kwa maana yeye ametoka ng'ambo fulani sasa hakuna kitambulisho.

Presidential post, mpaka itembee kwa kila mkoa, we cannot have one Jesus Christ in Jerusalem, while Christianity is also in Rome. Now Madam, kama watu wa Rift Valley ama Central province waliwahi kuwa President, wawache. Ingawa watu wa

central walipowacha, waliwachia watu wa Rift Valley, Rift Valley wawachie hata watu wa Western wanyonye, because uhuru is uhuru wa a good Kenya citizen.

Another thing a vice President, asichaguliwe na President, Vice President akichaguliwa na President, President anaweza kuwa na bibi yake, na anachagua bibi yake kuwa vice President, so we cannot have two Presidents in one bedroom, tunataka vice President achaguliwe na Parliament of the country. Minister achaguliwe na Parliament according to the education. Hakuna tuchukulie a class 3 dunderhead of 1945, anawekwa Minister of Education na hawezi kukamata chalk, unaweka yeye Minister of Health na hawezi kujua what is a combination of malarquin and what is malarquin. Ministries pia zikichaguliwa na Parliament ziwe na condition ya kwamba kama Minister of Education ametoka Western province, Minister of Defense atoke mahali fulani, sio kurundika a team of Ministers halafu pengine walikuwa born in the same year in 1945, when Hitler was pouring a lot of ammunitions halafu watu wakawa wagonjwa, so half abnormal Ministers from one region ndio wana-lead country of 10 or 20 years we are dead. So wagawanye per province.

Com. Wanjiku Kabira: You summarize now.

Augustine: Mtu yeyote mwenye anataka kusimama kwa kura, atuonyeshe mali yake alipataje, kuna watu wengine wanaweza kuwa walinyakua, wakanyakua mali kwa njia ya wizi, mpaka mahosipitali zikaanguka na anatakakutumia hiyo mali, tena kwenda kukaa juu ya wengine azidi kunyakua. One should show us his wealth. Certificates of good conduct pia tuone. Huenda ikawa alikuwa mmoja kwa jambazi waliokuwa wakikata kata watu.

The government should allow people to take pombe freely, I am talking to you because have taken something good, kidogo, to release shame out of my brain, but I am not abnormal. Wapatie watu time, wakianza saa tisa mpaka saa kumi na mbili, it is good, naukifunga mtu mpaka umemkataza, ni the space haendi, in lake haendi, on the dry land haendi, then he is in the prison, in the Republic of Kenya, which is pretending to be a republic but it is a prison. In Africa wanaita hii pombe yetu pombe haramu, in Italy they call it Vodka, in Russia they call it Rum, but in the State House, we see Whsiky which is much more hotter than this chang'aa, sasa turekebishe chang'aa iwe open, iuzwe, lakini government iende I-distill, mara nyingine ifanye packing watu wanunue kwa bar, watu wetu watakuwa wakipata pesa na wanafundisha watoto.

Watoto wa shule, hata kama ni msichana, hata kama ni mwanamme wampe nafasi asome from class one upto form four freely. Any worker in the civil service akipatikana kama ameiba pesa ama ameritire na amemaliza miaka kumi na aliiba na imeguduliwa ameiba, wamuite wamuweke ndani, kwa maana alinyakuwa pesa sizizo zake. Wanawake ni wengi katika Kenya. Women should be given equivalent chance kama wanaume wenye wako katika Parliament. Ukihesabu population ya wanawake in Kenya, are more than men. Wapewe nafasi, so that they can represent something on women affairs.

Com. Wanjiku Kabira: Can you give us your last point, and then the others we shall read? So we give other people chance.

Augustine: Honourable Commissioner, I was told when I came here, that we shall be here upto six.

Com. Wanjiku Kabira: It is okay but so far we have listened to nine people, and we have another 60 the once recorded here.

Augustine: I am a democrat; I must go by the people. Thank you very much.

Com. Wanjiku Kabira: We ask you to give us your most very important point.

Augustine: I wanted to talk about Chokoras. Chokora ni wale watoto wa streets, the government should be careful namna ya kuwakamata na kuwaelimisha hao, kwa maana binadamu ni binadamu, anaweza kuwa ni chokora, and when well cared for and educated he can also be a good leader. One person should not be allowed to own 50 acres of land when other people have no land.

Any elected councillor, akubaliwe to defend his seat, regardless of the education. But the incoming councillor wawe educated from eight upto form four. The government should be paying money to any old person. Kuna wazee wenye hawajiwezi, especially wengine bread earners wao walikufa kwa ugonjwa, huu mkubwa, wampe kila mzee wa miaka sitini, Serikali iwape shilingi kama mia tano per month. Sikumaliza lakini thank you very much.

Com. Wanjiku Kabira: Thank you, please councillor, can you please sign our document for us. Thank you very much. There is a question for you.

Com. Wanjiku Kabira: I wanted to raise the issue of chang'aa, though you were talking about legalizing local brew, is there a difference between chang'aa and local brews.

Augustine: There is a difference, local brew is something that depreciates, it is most like food, but chang'aa is much more ----- according to the colonilists, believed that chang'aa is a dead drug, is a drug that kills, and that then they decided to mark that it is illegal. I wanted to be legalized so that whatever distiller they will use will be good kufika kwa mdomo wa mtu.

Com. Wanjiku Kabira: What are you recommending to make sure that the young people are not going to take?

Augustine: Yule mtu mwenye atakuwa akipika chang'aa, atakuwa supervised na watu wa area, because they will be creating a job, kwa watu wa area, kwamba ukipika chang'aa usiwape watoto, na ukiwapa watoto, you will be arrested for having given a small child chang'aa. Lakini sasa chang'aa yako haitauzwa katika government chemist, kwa maana itakuwa kama ile pamba yenye imetupwa ama samaki imeoza. So that person be well disciplined.

Com. Wanjiku Kabira: Thank you very much Augustine, Mr. Nichodemus Namde.

Nicholas Namde: Kwa majina naitwa Nichodemus Namde, mimi ni mzaliwa wa hapa Sio Port Juang'oa sub- location. Nanitatumia Kiswahili, mimi nimepata nafasi kidogo ambayo nimepewa kuongea juu ya utamaduni wa Wasamia. Sisi tunaona Katiba ya sasa imetupilia mbali sana utamaduni wetu. Kwa hivyo upande wa utamaduni, naomba Katiba mpya hii izingatie sana utamaduni wa Msamia, kwa maana asiye zingatia utamaduni wake ni mtumwa. Sitaongea mengi kwa maana mengi nimeandika hapa yatapeanwa huko na nitagusiagusia maneno mawili matatu tu. Tukiwa na utamaduni wetu, tutakuwa na nafasi nzuri ya kuelimisha watoto, desturi na tabia nzuri, ili wawe na nidhamu mbele ya wazee. Tunataka katiba ya sasa iruhusu msimamo kamili wa kuwachia wazee wakae kwa vijiji, na kufundisha watoto njia njema kwa maana ndio watakuja kuwa viongozi wa siku zijazo, wawe wakiongoza kwa mfano mwema. Kulingana na utamaduni, tunakazia ya kwamba watoto wadogo wenye umri mdogo wasikubali kuolewa ama kuoa. Hiyo ni mwiko kwa Wasamia. Mtoto awe kijana, awe msichana, na watu wa familia hatutaki waoane, washtakiwe kisheria kwa maana wanaharibu sifa ya utamaduni wetu. Ningependelea kwa utamaduni, watoto wetu wasiolewe tu ovyo ovyo kwa maana Mjerumani alitoka Ng'ambo na pesa nyingi na aje hapa achukue mtoto Msamia na pengine akose njia ya kuhudumia kitamaduni kanuni. Watoto ambao watazaa pengine watakuwa Wajerumani, wengine watakuwa Wasamia, utamaduni wetu utakuwa unapotea. Ningependelea kwa utamaduni, Katiba ya sasa iruhusu tuwe na vazi rasmi la kitaifa.

Jambo lingine, karibu namalizia tukiwa tunaendesha utamaduni, watu ambao wanatumia lugha za ujanja ama ahadi za ujanja mbele ya jamii watu hawa washtakiwe ki sheria. Kuhadaa akili za wazee. Na la mwisho sisi wazee kama tunafundisha vijana mambo ya kijamii, ningependelea mtu kama polisi akinikuta kwa boma langu, na watoto wangu na jamii yangu; na atokee mlango wa nyuma, nataka serikali ya sasa watu hao washtakiwe trespass, kwa maana wanakuja kushtua sisi na kuharibu masomo yetu ya kiafrica. Basi yangu ni hayo.

Com. Wanjiku Kabira: Asante sana mzee Nicodemus, niulize swali, unasema ni lazima tuangalie traditions za Wasamia, ningetaka kuuliza kama, unafikiri ni vizuri wasichana waridhi shamba la baba yake?

Nicodemus: Mambo ya kuridhi shamba, mimi nikizaa watoto wote ni zawadi kutoka kwa Mwenyezi Mungu, kwa hivyo siwezi kubagua watoto wangu, lakini ataridhi kama angali msichana na akiolewa, kuwa na shamba kwangu na kwa bwana hapa tutarekebisha tena.

Com. Wanjiku Kabira: Kwa hivyo aridhi akiwa hana shamba kwa bwana yake?

Nicodemus: Ndio kwa bwanake.

Com. Wanjiku Kabira: Akiwa bwana yake ni masikini?

Nichodemus: Bwanake ni masikini, lakini bwanake amepata uridhi kutoka kwa babake, tena mimi nigawanye langu tena na baba ya yule mkwe wangu.

Com. Wanjiku Kabira: Si hata kijana wako atapata?

Nicodemus: Kijana wangu atapata kutoka kwangu.

Com. Wanjiku Kabira: Kwa sababu bibi yake ataridhi kwa baba yake.

Nichodemus: Ndio, kwa sababu yule pale atakwenda atapata babaye, na shamba hakuna masikini, serikali ndio inapatia watu umasikini. Haifikirii watu wote kwa jumla.

Com. Wanjiku Kabira: Asante sana mzee Nichodemus. Tafadhali jandikishe, Mary Mweno.

Mary Mweno: My names are Mary Mwekisa Mweno, I am here to talk on land and property. There are some few things I have drafted down here, I will just present, but I would like to comment on a few things. About land: men and women who purchase land together, they should have equal access, and both should appear on the title deed. The reason why I say so, is because one should say this is my wife, is your property. I do not see why we should have land title deed only on the man. Supposing you pass away before the woman, look into that. How will the woman feel, or how will the family remain.

The elders should handle succession of land, this are the elders who know this people. Kenya citizens should be allowed to own land anywhere in Kenya. Non-citizen that is foreigners, they are not allowed to own land anywhere in Kenya, unless it is an industrial development. Inheritance: women should not agree to be inherited. Because nowadays we now have what we call HIV/Aids, if your husband passes away from an accident, and the person who come in to inherit you is a victim carrier of HIV/Aids. Boys and girls have equal share in the property. All these are your children and I do not see why you should only favour boys.

Women who are not married should inherit land from their fathers, and those who are married inherit from their husbands. If you happened to have ancestral land before marriage and you get married after, leave the land to your parents, because where you are going there is land for you, you cannot have both, unless you are a widow, you may come back to your parents. That's all I had.

Com. Wanjiku Kabira: Thank you very much Mary Mweno for your views, please sign our book. Redempta Anyango.

Redempta Anyango: I am known as Redmpta Onyango Odombo from Busembe, I am a farmer. Nitaongea kuhusu basic rights, I will use Kiswahili. Ya kwanza ni kuhusu pombe; sisi Wasamia sana sana, sisi wakulima tuna pombe inaitwa chang'aa, ningelipende tuwe na factory, tuwe tukipika pombe yenye inaitwa chang'aa, na tunauza ili tupate pesa za kutoka ng'ambo ndio tupate namna ya kusomesha watoto wetu. Tena tuna bahari, tungelipenda sisi wenyewe tuwe na factory kando ya bahari yetu, ili tuwe tukipeleka hapo samaki zetu sisi wenyewe. Tuna vijana school leavers, pia tungependa waajiriwe kwa hizo factories, kuliko tuwe na factory Thika na kule Thika hakuna bahari. Lingine ningelipenda kama mimi ni mkulima tuwe na factory ya kuuza vyakula vyetu vyenye tumelima hapa karibu, sababu tuna maharagwe, kama French beans, we have dubes, -----, pili pili hoho na vinginevyo. Tungalipenda pia sisi tuwe na factory huku Samia, kwa sababu tunajua kulima hivyo vitu; pia sisi tuuze hapa karibu, sababu watoto wetu ni wengi hawana kazi.

Lingine tuna pombe yenye tunaita kwete, tunatengeneza kwa mahindi na mtama. Ningelipenda tena tuwe na uhuru wa kunywa pombe yenye inaitwa "akovure" kwa Kisamia, hiyo ni pombe ya mchanganyiko wa wimbi na mawe. Sababu tukinywa hiyo pombe nivigumu sana upate mtoto wa miaka kumi na nane anashika mrija na mzee wa miaka arubaini. Tena hii pombe yetu 'akovure' huwa inatuunganisha sisi akina mama na wazee, ukiwa umegombana na mzee wako bomani, na unatengeneza hii pombe ya "akovure" tutakaa pamoja na tutakunywa mrija moja itupatanishe.

Kuhusu matibabu: ningependa kuwe na matibabu ya bure. Tena ningependa tusiwe na private hospitals sababu unaweza enda kwa hospitali kama hapa na hapo kando kuna private hospital, ama kuna duka la madawa, unaambiwa hakuna hapa dawa, lakini nenda pale utapata hiyo dawa, mbona hiyo haiko kwa hospitali na pale iko? Kuhusu elimu: ningelipenda mtoto wangu asome kutokea nursery bure mpaka form four. Lingine ningelipenda kuwe na training colleges kila mahali. For example huku Samia ama niseme kama Funyula division, hata sisi tuwe na college ya uwaalimu. Ningelipenda tena katika mafunzo yetu kule shuleni, watoto wetu wafunzwe kuhusu ukimwi. Na lingine, ningelipenda yule mwenye anatenda maovu sana sana kama ako na kesi ya murder, auliwe direct. Hayo tu.

Com. Wanjiku Kabira: Thank you very much Redempta for your views, please sign for us, I think the issues are very clear. Rachael Omigango.

Rachael Omigango: My name is Rachael Omigango from Aking'a location, Sigalame sub-location. In our exercise of teaching civic education, we encountered a lot of things and I will only highlight the very sensitive ones and the once that were brought forth as I present my written memorandum. Rights: the current constitution has spelt out the rights for the Kenyans, but it has given us rights, but they have not put measures to ensure that this rights are two way, the way the constitution says. I will touch the education institutions, and I will also touch on the girl child. We have cases in our girls' schools, whereby if you ask the girl, what would you like to be? She will give you all forms of answers but by the end of the day she says, I know I can only go upto class eight, because after that my parents will not sponsor, or will not encourage me to go on. We saw there, there is a

big problem especially on our girls, because we were saying that we put something as my colleague Redempta said, education should be compulsory and free, the boy-child knows his right, the boy-child knows he is the one who remains at home, so he knows even if I do not make it, there is somewhere to go. But the girl-child has nowhere to go or what is in her is that I am going, so there is nothing to put or to invest while she is with her father. We recommend that, you introduce in our curriculum, from our primary school, you introduce basic rights and the rights of the girl-child, because we are saying women rights are basic rights, their human rights, so let us introduce a curriculum where the girl knows her rights from primary, so that we do not have the difficulty we have right now.

Property and inheritance rights: we are saying we should be allowed to inherit our fathers land together with our brothers, we are not taking anything less, we are inheriting together with our brothers. And that is the message we want to take round. This way we are only assured that we have an inheritance, we want to have an indentify where we come from, ukitunzwa kwenu na mahali unaenda utaangaliwa, lakini kama hauna chochote kwenu, hata kule unaenda ukipigwa hauna chako. Tunataka tukuwe na mali nyumbani. Mtuzwa kwao, that is the football term. Wakati msichana anaolewa tunataka title deed iandikwe majina yote mawili. Hatutaki jina liandikwe Mr. and Mrs Odongo, Ochieng, hapana, tunataka title deed iandikwe, Rachael Omigango Omollo and George Ochieng Awino, majina yote, ili mmoja wetu ikiwa ni Rachael, George in automatic. Ikiwa ni George ataondoka Rachael ni automatic. Hatutaki kusema automatic itakuwa yangu, hatutaki hisia, tunataka Katiba iseme wakati mmoja wetu hayuko, ni ya huyo mmoja, automatic. Hiyo tunasema tunakitu ambacho kinafanya tunakaa kwa ndoa. Yule yeyote amkae asubuhi kulima shamba lake, anaamuka kwa sababu atapata mapato, na mimi ambaye nimeolewa, ninataka kuhakikishiwa ya kwamba kwa hiyo ndoa, sitatupwa kwa sababu mume hayuko. Hayo ni kuhusu mashamba. Tunataka joint, natunataka mali, mali yeyote mke na mume wamepata wakiwa katika ndoa, iwe ya wote wawili, hatutaki kitu ambacho mmepigana ukiwa kwa ndoa na mwanaume, mwanaume akisema aoe mwingine, wewe hauna chako, tumeona kwa wamama tulipofundisha wakitwambia wananunua vitu kwa merry go round, hii ni mfano ya akina mama, hata akinunua glass na viti katika hiyo merry go round, wakati mwanamume anampiga teke, hivyo viti na vikombe hatabeba, kwa hivyo tunataka muke kitu kwa Katiba ambayo itaruhusu mwanamke anapolewa anajua nilipoolewa hatukukuwa na hiki, hii tulipata tukiwa wawili na hii ni yetu wawili. Tafadhali ni Katiba itafanya familia iwe na umoja na iwache kutegana. Ningependa tena kuguzia kitu ambacho tunaona kimefanya mwanamke wa nyumbani hasa, hawezi kupata mkopo wa kujiendeleza kibiashara. Tunasema ya kwamba mkiweka katika Katiba ya kwamba, financial institutions that are women friendly to be introduced, kwa sasa akina mama hawana title deeds, lakini Katiba tunarekebisha tunajua tutakuwa nayo. Kwa hivyo muweke hii mikopo mahali mama anaweza kuchukua loan ili anajiendeleza. Ukitembea ama kama ungefanya survey ama research, enda kwa mashamba, uanze kuhesabu kwa hii area, akina mama wako katika mashamba na wanaume, kwa hivyo ningependa muweke kitu ambacho kitahakikisha mama kazi ambayo anafanya sio ya bure.

Kitu kinginge ambacho ningependa kuongea juu yake ni citizenship, tupewe haki ya uraia, msichana na mwanaume, Katiba ambayo ilikuwa ilipatia mwanaume peke yake, lakini hivi tunasema tunabadilisha, na yule mtu anajua maana ya kubadilisha tayari ana mabadiliko ndani yake. Mimi napendekeza ya kwamba, tupewe usawa katika uraia. Kitu cha mwisho

ningependekeza ni ya kwamba, wa mama walihusishwa na kupata uhuru wa nchi ya Kenya. Tunaweza kuwa Funyula tulikuwa mbali, lakini waliokuwa karibu na Nairobi walihusishwa. Mama ambaye aliweza kwenda kwa uhuru, Priscillar Abwao, akafungiwa nje. Inamaanisha mama alikuwa na haja na nchi ya Kenya. Kwa hivyo wakati tulipewa uhuru, tukasahauliwa kuhusishwa, haimaanishi hatukuwa, tulikuwa ni mlango tu ulifungwa, tunasema affirmative action, ambayo ni enforcer ya gender equity, ni chombo ambacho mama atatumia kupata equal representation kwa nyadhifa zote za uongozi za serikali ya Kenya tukianza na Bunge. Mama katika Bunge ya leo, ni tisa kwa wanaume mia mbili kumi na tatu. Hakuna uongozi hapo kwa akina mama, tunajua Bunge kura ni mikono na hakuna mikono mia mbili na kumi na tatu na mikono tisa ambayo italeta mabadiliko kwa mama. Tafadhali akina mama tuko wachache.

Political Parties: Tuweke kitu kwa Katiba na kusema Political parties lazima wa-field women candidates fulani. Parliament itutengee viti katika Bunge. Inaweza kuwe ya kwamba, wa mama hatupigiani kura kwa maana pengine hatuelewi tutaenda kusema nini huko, lakini mnapotengea akina mama viti katika Bunge ya leo, akina mama wenzee wakiona miswada ambayo akina mama wanapigania katika Bunge, itawatia moyo, lazima msisitize ya kwamba tunataka tupewe viti kwanza, tutengewe baadaye tuingie katika ile inaitwa proportional representation, ile tunaweza sasa kushidana na wanaume. Lakini tukianza tuseme tunataka kupewa.

Com. Wanjiku Kabira: Thank you very much for your views, sorry Rachael, let me ask you a question. The affirmative action for Parliament, how do you propose we can get to the representation for affirmative action in Parliament? Do you propose a method for achieving affirmative action for Parliamentary representation?

Rachael: We came up with an idea that every district to give 3 seats for women, we have about 70 district, we are saying every district to give there representative. We were proposing three, but that is a proposal.

Com. Wanjiku Kabira: Three from each district? So we have 201?

Rachael: Those are proposals that we will vote. Every district will produce three women, and then we will select one from every district.

Com. Wanjiku Kabira: So we will have 70 women in the Parliament? And the local authority?

Rachael: The same. I only looked on the Parliamentary issue.

Com. Wanjiku Kabira: Thank you very much Rachael for your views, and for presenting so strongly. Mr. Justice Okochi.

Justus Okochi: Basi ameta kanga nende wemenyere.

Com. Wanjiku Kabira: Mr. Okochi utazungumza na Kiswahili au na Kisamia?

Justus: Kisamia.

Com. Wanjiku Kabira: Okay ngoja kidogo.

Justus: Basi esie ndula mbu sub-location Agenga.

Translator: Mimi natoka sub-location ya Aking'a.

Justus: Muramba ndibwo bwikhola bwange yaani lidala lineage.

Translator: Mlamba ni mahali na kaa.

Justus: Elita lineage niye Justice Okochi Maloba.

Translator: Jina langu ni Justus Okochi Maloba.

Justus: Okhutula nawo nindiano ninjibulwa obola bulano ndakhanyola obutinyi khutula khusikari

Translator: Tangu nizaliwe pahali hapa nimepata taabu nyingi kutoka kwa serikali.

Justus: Kwa maana esie ngandiano ondi.

Translator: Kwa vile niko hapa.

Justus: Ne ngalwamu njikhale.

Translator: Vile nimeketi.

Justus: Mbona obudinyu sana.

Translator: Naona ugumu zaidi.

Justus: Nobwaukhane musikari yatsaka okhutula omwika amakhumi kasasaba ne chidatu

Translator: Na nitofauti nyingi kutoka serikali ambayo ilikuweco tangu mwaka wa elfu moja mia tisa sitini na tatu.

Justus: Abwanewo nikhunyola obukhuru khwabolerwa mbu khuchonyola education ya free

Translator: Pale tulipopata uhuru tuliambiwa tutapata elimu ya bure.

Justus: Nikhwamala okhuchichirira okhwola amakhumi saba ne menane khwanyola obwaukhani otula khusirikari.

Translator: Sisi tulipoendelea hivyo mpaka mwaka wa elfu moja mia tisa sabini na nane, tulipata tofauti kwa serikali.

Justus: Serikali isaiyino khubolerwa nyanga ino ne busia muchuli khandi biechenjere.

Translator: Siku hizi serikali inatwambia leo kitu kingine kesho wamegeuza.

Justus: Omwika kuno omwosi kwa January tarehe saba khwabolerwa mbwe abaana becha okhusoma bila building fund nende kila kitu.

Translator: Mwaka huu tarehe saba mwezi wa January tuliambiwa na serikali ya kwamba watoto wetu watasoma bila kulipa chochote cha ujenzi.

Justus: Khwaba nikhutamala ewiki ne bulano khandi amukhuwa kahageuzwa.

Translator: Baada tu ya hatujamaliza wiki, maneno yalikuwa wamegeuka.

Justus: Nikaguzwa khunyolanga mbwe abaana berushwa isaino khaba si basoma khulwa serikali yatuchanganyisa nende abalimu befwe bulano sikhulirisiana khaba.

Translator: Baada tu kidogo, watoto wanafukuzwa na serikali wanatutofautisha na walimu wakuu wa shule. Watoto wetu wamefukuzwa hawasomi. Naomba kwa hiyo neno.

Justus: Ne bulano buti

Translator: Saa hii

Justus : Esie nange saba mbu khukhuwa elienerio

Translator: Naomba kwa hiyo neno.

Justice: Serikali ikhaye otibacha.

Translator: Serikali iwache kutudaganya.

Justus; Serikali batusibisia bibe ebiadieri bikhaye khuba biobubacha.

Translator: Serikali ikitwambia neno liwe neno la ukweli, sio neno la kudaganya.

Justus: Nanga saba mbu ebinud bino ndakhire bibe free ngotu batubolera.

Translator: Na mimi ningomba masomo yawe bure vile walisema.

Justus: Eria khubiri nimbola.

Translator: Neno la pili ambalo nitasema.

Justus: Efwe koti batenyala khuli ne obudinyu bileka we koti.

Translator: Sisi ambao hatujiwezi tuko na matatizo katika korti au mahakama.

Justus: Koti nochamo.

Translator: Ukienda kwa korti.

Justus: Ochakanga statement lakini jirani wao yesi chakanga naye nibiri mbu binyalikhana anakuhkira omusango khulondana mbu ewe sonyala -----

Translator: Ukiandika statement yako kwa jirani yako, utaona tu anakushinda kwa sababu wewe haujiwezi.

Justus: Ebindu bina niteba mbola bwe eliloba okhutula khubukhuru bwachaka bwali nikhusitakaniranga shilingi kabiri emia

chibiri na makhumi kabiri na tsisasaba.

Translator: Mimi najiuliza tangu tupate uhuru, tukiwa tumegombana juu ya shamba tulikuwa tunashtaki na shilingi mia mbili na ishirini na sita.

Justus: Iano nikhunyola elfu saba ne mia chitano khuba khichitusiaye ngefwe.

Translator: Saa hii ukishtaki unashtakia na elfu saba mia tano, sisi tutatoa wapi?

Justus: Awo obwo bwosi nobukhuru kweli.

Translator: Huo unafikiria ni uhuru kweli?

Justus: Nano.

Translator: Tena.

Justus: Nimbaira.

Translator: Ni kiangalia.

Justus: Ebilika wa ebitambulisho.

Translator: Nikiangalia upande wa kitambulisho.

Justus: Bitambulisho batuboleranga mukhuchakha khwabio onyolenge bikhaya

Translator: Tuliambiwa kwa njia saa ile tulianza kupata vitambulisho tutapata bure.

Justus: Iano cha muo-office ama ya sub-chief paka bakhusaba mbweleta harambee.

Translator: Sasa saa hii ukienda kwa ofisi ya Assistant Chief ama Chief, utaulizwa na hao uwapatie harambee kidogo.

Justus: Echo ne sende tsokhukula esitambulisho nomba ne cha.

Translator: Hiyo pesa ni ya kununua kitambulisho au ni vipi?

Justus: Basi khandi nimeda mbolanga mbu.

Translator: Nikiongeza.

Justus: Abaana okhutula nikhu nomba obukhuru nibwanza khwali nende ekhuwa liabulekhule mbu.

Translator: Watoto wetu tangu tulipopata uhuru tulikuwa na neno ya kwamba.

Justus: Khulanyola ebitabo bia baana.

Translator: Tutapata vitabu vya bure vya watoto.

Justus: Khulanyola ekalumu cha ebikhaya khusirikari.

Translator: Tutapata kutoka kwa serikali kalamu za bure.

Justus: Ne bwino pia.

Translator: Na wino pia ya kuandikia.

Justus: Bulano esiyani nikhuba nikhubusiakho sa ebindu ebio biosi afew masikini sikhunasomesha ama khaba.

Translator: Saa hii sasa tukipewa hiyo mzigo yote tununue hivyo vitu vyote, wanafikiri sisi masikini tutafundisha watoto wetu kweli?

Justus: Lano esindi ni sino.

Translator: Ingingine ndio hii.

Justus: Ebireka wa tribunal koti lwa khwabawo siyali yamanya obubacha.

Translator: Siku zile tulikuwa na korti ya tribunal, ilikuwa imeondoa ugomvi wote kati yetu, kwa sababu.

Justus: Khwali nende sindu mbu mbira.

Translator: Tulikuwa na kitu inaitwa bilaha.

Justus: Yamalanga bubacha akati wefwe nende wositakane naye.

Translator: Hiyo bilaha ilikuwa inaondoa ugomvi wetu katika wale tumeshtakiana.

Justus: Nekhwaba khwolawo nikhuboserwa mbu bulano nocha-----

Translator: Bilaha is an oath, traditional.

Justus: Basi nikhwolawo khwauka sana mbu balano esikha sino khwokho biafinywa biakota

Translator: Siku hizi hivyo vitu vyote vimetolewa na serikali.

Justus: Ne bulano nibiamala okhubwa nobubacha bwingira bulano ifwe khuli ngabanywilwa sa ebindu kata ebiawo

Translator: Sasa siku hizi vile wameondoa hiyo ni uongo mtupu, sasa unanyang'anywa tu shamba lako.

Justus: Basi ako niwo maoni kange.

Translator: Hayo ndio maoni yangu.

Com. Wanjiku Kabira: Asante sana mzee Justus, kwa hayo maoni. We will bring you the book. Na leo tutaomba ruhusa tusikize watoto wa shule halafu warudi shuleni. Michael Oduor, will you tell us your name and your age and class and the school.

Michael Oduor: Distinguished guests, I am Oduor O. Michael, from Sigalame High School and I have come to represent the school in this constitutional review proposals. I am in form four, 19 years of age. I am going to start my speech on talking about citizenship. I would like to say that acquiring of IDs should not be so labourious and taxing. There asking for various point, signing a forms, looking for some very minor information that sometimes it is not even helpful in life. You are told to go back to Siaya yet you are residing at Busia, just to go and ask for a village elder somewhere of your clans, such like things are time wasting, because the ID you might be looking for, may be so urgent that if you miss it within some span of time, then you are losing something like a job. My recommendation is that this process should have very few stages to undergo in order to get.

The stages should be cut down.

Then I would like to talk about the students in school. When we are in school then we get to the required age to get an ID card, I think it is my comment that the students should be given ID cards in school freely, not leaving a student to go back to the village to start looking for an ID, he may even by pass that age and get into 20 which is not advisable in the country. So when you get to that age, those things should brought to school freely to the students who have attained the age of taking an ID.

Being at the border as a citizen in Kenya, sometimes you might have relatives across, but in Kenya you will be told, you have to get a passport when you want to go and see those relatives, then you come back again. They might be so close that you almost visit them daily, but in Kenya you will be told, every time you go to see your relative you have got to have a passport. I think this thing should be in such a way that when you have those relatives of yours there, they should give you are passport that will allow you to move freely as you want, to go and see your relative.

I will also want to talk about those who get married in Kenya while there citizens of across. I think even Christians tell us that when you marry a woman you marry her body and soul, so you become one, this issue of saying that a woman is a Ugandan citizen so she does not have a right to acquire Kenyan citizenship quite easily, should be done away with. When you marry a Ugandan, it should be just automatic that she gets Kenyan citizenship almost immediately.

Com. Wanjiku Kabira: What about if a woman marries a Ugandan man?

Michael: It should be the same. I have come with my brother who is going to preside over the next pre-topic then I will come in for the other.

Com. Wanjiku Kabira: Thank you, Oduor please sign our register.

Owen Osinyo: My names are Owen Osinyo, I come for the same reason as Michael Oduor, to talk about a few points that we raised in school.

Com. Wanjiku Kabira: Please tell us your class and your age? Do not say the same one, because the recorder will not pick that, say the actual name of the school.

Owen: My names are Owen Osinyo, I come from Sigalame High School, I am 17 years of age, and I am in form three. I have come to contribute a few points that our students raised for the Constitution Review. Let me go straight to my points.

Education: we propose that education should be free and compulsory for all, from primary to university. There are a lot of

boys and girls seated at home, who have completed their primary but cannot cross to secondary level because of the problem with the school fees. The government should avail facilities to school in terms of books, lab-equipment, and others. The same also should apply to human resources, that is teachers. Those teachers hanging in the cold should be hired to fill the vacancies in primary and secondary schools. There over 40,000 trained teachers who are unemployed, and yet the number of teachers in schools is very small. The requirement that 85% of the admission in form one be from the local area leads to tribalism and results in little student exposure, should be done away with. Thank you.

Com. Alice Yano: I wanted something to come out very clearly, when you talk of equipment, there is a time we used to have a programme by the government called Kenya School Equipment Scheme, could that be what you are referring to? In that Kenya School Equipment Scheme, what used to happen is the government used to equip schools, do you want a return of the same?

Owen: Yes.

Com. Alice Yano: Thank you.

Com. Wanjiku Kabira: Thank you very much Osinyo. Who is the next one?

Oduor: The first presenter.

Com. Wanjiku Kabira: Why are you talking a second time?

Oduor: There four points we are talking about each individual talking on two points,

Com. Wanjiku Kabira: Then what you should do is remain there and you finish.

Oduor: He has taken us through the points on education; I am going to take you through employment. I would like to talk about the factories in Kenya. My point is, the factories should be located exactly where the raw materials are, I would like to give an example with Rivatex in Eldoret, that factory deals with cotton that is textile, as an industry, then you find that the cotton that they are using is mainly collected from various parts of the nation. If you go around that textile industry, there is no raw material, but the industry is existing, yet in Busia we have the cotton but no industry, so our farmers have just to work then carry their loads to Rivatex, which is quite unfair to the producers. We should be brought the factory here so that we farm and get the products, then take them to our own local factory for total production.

I would like to talk about, we should have social welfare scheme for those who are unemployed , that is touching on

unemployment. We may not be trying to get into some other people's shoes but in most countries you will find that when people are unemployed, then the government takes that initiative, to at least subsidize them to some extent. So that they can pay for medical care and food and such like things. Not leaving people to starve with hunger yet the government has a lot of money which sometimes just goes to waste. We do not see the need of wasting money when people are crying of unemployment. So they should subsidize those people who are not employed. By the way I think it is impossible, we are not giving impossible views.

I would also want to talk about ministerial headquarters in Kenya. I think if I may ask any of you, to tell me just one ministerial head quarter that is out of Nairobi, the capital city in Kenya. I do not think there is any. All the ministerial headquarters are right in Nairobi, I do not know why they are not decentralizing this ministries so that all parts of the country have equal distribution of this ministries, and all members or all the citizens have the right and accessibility to them so that equal job opportunities can be given to all the citizens. They can utilize all of them, not only the Kikuyus at Nairobi, to enjoy and utilize them. The Kikuyus and those who are lucky to get to Nairobi, I do not encourage that, so the ministerial headquarters should be decentralized to all parts of the the nation.

I would like to talk about every province having a university. I think most universities have been centralized in Nairobi, name; Nairobi University, Kenyatta, all of them are right there. Why not in Western province, not even one. The most nearest Maseno, and Maseno is just one out of many of them that are in Nairobi. These universities should be distributed to all parts of this nation, so that they can provide employment to our local members here. Not that there only utilized by those who have a chance to go to Nairobi.

I think I will leave my brother Owen to preside over the next point.

Com. Wanjiku Kabira: You have finished?

Oduor: Yes or incase you have any question you are allowed to proceed.

Com. Wanjiku Kabira: It is okay; we will wait for him to finish first.

Owen: My next point is about reinstatement of the stroke of the cane. I know this may sound strange, or may be some students ' will shrink. I think this should be re-introduced to schools; because ever since they banned the corporal punishment, there has been a lot of unrest in the schools, students have become defiant, rude and you might find a student who has committed an offence and when you take him to the teacher, the teacher will just give him a mild punishment. The student just walks away smiling. Knowing that he will complete it and go back to class. But I think a stroke of the cane makes, knocks some sense in the head. But should only be applied sparingly for us, for its absence leads to many cases of indiscipline in schools. That is all.

Com. Wanjiku Kabira: Thank you very much, that was Osinyo and the other one was Oduor. You see what you are proposing is not impossible, and it is also happening in other parts of the world. Like in Malawi the government does not seat in the same place through out. The Parliament is in one area, so decentralization is not something that cannot be done, infact one of the mandate of the commission is to look at decentralization as well as devolution of powers, and power goes together with resources, structures and so on. I think what you are recommending is not out of this world.

The issue of the social welfare which you are raising also, is something that is happening in many other parts of the world, where you have food stamps for instance for those who are poor, like they have in the US, and in the other parts of bureau trust or even where free medical are available which a lot of people are talking about. So you are the future leaders, you are making the constitution for yourselves and your children. So we appreciate your contributions and we want to assure you that you are putting your school in the map, in terms of the history of this country. Do you want to say any thing? Thank you very much, please sign our book, and you know you have to sign it now twice, because you had two different presentations and we can get a confusion with what is recorded on the tape, so you sign first, then you sign second, then you sign again, for the purpose of recording.

Thank you, there is a young man called Peter Baraza, from a primary school. Let the student present, the teacher will wait for a while. Peter please give your name, your age, your class and your school.

Peter Baraza: My names are Peter Baraza, I am in standard eight, I am aged 14, in Mamasafi Primary School. I have few comments to make here, first of all, bursary funds are not given to needy children, and instead it benefits pupils from rich families. In this way it hinders the proceeding of pupuls from poor families, and as you know very well in the coming years, we will need many doctors, many commissioners, and even the President. But those who come from rich families cannot serve people alone. So my recommendation is that bursary funds should not be given to rich family pupils but the needy; so that they can continue with their education.

Secondly, there be free education in all public primary schools to reduce high rate of dropouts. This is because we have many levies in primary schools, and these dropouts in involve themselves in bad company, which leads to drug abuse which is a health hazard. They also turn into robbers and thugs who attack people. Thirdly, food production in our district is very low, and it really affects pupils who run out of school, mostly in lower primary schools, because of hunger. We want the government to establish a certain co-operative in our district to enable us to have a standing food supply that can enable even small children to be fed well and thus be educated.

School uniform should not be compulsory in schools. This is because many parents are poor, they not even able to raise even a hundred shillings to buy their children school uniform; and so when they go to school the teachers are so harsh in such a way

that they send them home, and due to that they drop out of school because they feel that they are not part of the other team. Lower primary classes, standard one to three should be equipped with all facilities to enable them to have a good foundation, so that when you start from standard one, without a good foundation even when you reach university you will just be doing nothing. They should have desks to sit on and other facilities like charts for learning. In most cases in our country you find standard one to standard three pupils sit on the floor and write on their legs. When they reach standard four there is a problem, because of poor learning in the lower level.

Com. Wanjiku Kabira: Thank you very much Peter Baraza for your views, and once again like the others you will put your school on the history of this country; and thank you very much. Now we can have the teacher Joseph.

Joseph Obwogo: Thank you very much, my names are Obwogo Joseph, of Sigala High School, the age is crucial here 32 years. Now I will be very brief to mention the areas that are very crucial.

- I will request the presidency to be rotational, so that we do not have people of the same tribe ruling us year in, year out. The other time it was from Central it is going back to Central after having a short stint in Rift Valley. Time is coming when, it will be the same thing, father, son, father, son. So we are requesting that the presidency should be rotational so that it comes to Western province, so that we can have our own, we have doctors and what have you, down here who can lead this country.
- Another thing we might have to mention is about retired people should not be allowed to work again. These are people who are rivalling us in the field of employment. We have very many graduates languishing outside there, with wonderful degree papers; but they do not have work, because many of you have worked and are continuing to work. At the same time we also caution people against having more than one job. We have people being commissioners, being head of state, at the same time they are Commanders of the Armed Forces, at the same time they are heads of government. We should have people cling on one type of job, that way we shall at least tame the high rate of unemployment.
- Dual citizenship: People should be allowed to have more than one citizenship. Here on the border we have many of our sisters who have crossed into Uganda, married there, our aunts are also there, but a time comes when they are not allowed back here in Kenya because they are considered to be Ugandans, when their roots are here in Kenya. Time came when all Ugandans were sacked from Kenya. So they had to be sent back to Uganda, just because they're Ugandans, the fact that their grand parents came from Kenya was not put into consideration. So why send your aunt packing just because she is Ugandan, so in this case we should have dual citizenship.
- Local resources: the local resources must be used to develop an area, we have a big resource here, the Lake Victoria, most of what comes from the Lake Victoria we do not know where it goes, it makes billions and billions of shillings; the money should be used to develop Samia in particular and not to be used to put up wonderful buildings in Nairobi, how it gets there we do not know. In the papers we learn that billions and billions have been made, but how we benefit nobody can explain.

- East Africans should be allowed to stay anywhere they choose, we should not have that, this is a Ugandan, and this is a Kenyan.
- The caning of students must be re-introduced, we should have a true course then that thing must be re-introduced. There is a lot of indiscipline in schools. Let me tell you, I have the experience that is why I am speaking from experience, many of you will jeer, when the boy spoke about it, but then no discipline no academic excellence can be attained without a stroke of the cane. Punishment, slashing and digging and what have you, can never change the child and the stroke of cane is instant, and the fact that it inflicts pain on the victim it makes a lot of sense. Thank you.

Com. Alice Yano: Mwalimu this issue of dual-citizenship, is it only for the border people, those people who border may be like now Samia you border Uganda, and Kenya or for anybody else.

Joseph: It would apply to everybody, but it will be more beneficial to us, because most of those from Cental might not make meaning out of it.

Com. Wanjiku Kabira: The issue of caning as a teacher you know that, I want to assume the reason why it was banned is because of the excessive caning of children. We know children who have died from being caned in school, how do you separate caning for discipline and caning to kill or maim, which has happened in many instances.

Joseph: I would say that the deaths that have resulted from caning must have been accidental. We have so many road accidents on the road, but you cannot remove all the vehicles from the road to clear the road accidents. So one bad effect, one sorrow does not make summer, one such effect should not generalize from that to remove the whole caning. How many Kenyans have died, you can count only ten who have died out of the stroke of cane. At times it may be accidental, at times it might be the course of cane yes, but does that warrant removal of the cane.

Com. Wanjiku Kabira: Thank you very much, I thought some of the recommendations have been that there must be a way of ensuring that caning is not on the head, for instance where those accidents have occurred. But if you are going to cane a child, if it is girls you cane the hands, or if it is boys you cane the buttocks. But if you leave it open, I do not know whether we are thinking of the rights of the children.

Joseph: I think there should be specific places for instilling discipline, not all over the body. I am sure if any teacher instilled on the head, it must have just been an accident. Thank you very much.

Com. Wanjiku Kabira: Before you go, how do you determine which tribe should get the next President if we work on rotational basis.

Joseph: I am not talking in terms of tribal; I am talking in terms of province. The provinces harbour very many people from different areas, the other time it was Central, it was then Rift Valley, it is again going back to Central, It should have come to Western.

Com. Wanjiku Kabira: It has not gone.

Joseph: It is going back. The big man has already paved the way, and he is campaigning without rest, to ensure that the Central will take the seat. So this should not be the case.

Com. Wanjiku Kabira: Thank you very much mwalimu for your views, can we allow Dr. Julia Ojiambo to speak and then we will go back to the list, mheshimiwa welcome.

Dr. Julia Ojiambo: Asante sana, commissioner Prof. Kabira, na Commissioner Yano. Jina langu ni Julia Ojiambo, mimi ni mzaliwa wa hapa, tena nimeolewa hapa, nimekuwa kiongozi hapa, na kwa wakati huu mimi ni chairperson wa Labour Party of Kenya. Ningependa kuguzia machache isipokuwa ni mengi sana ambayo niko nayo, na wakati hauwezi kuniruhusu. Kwanza ningependa kuongea juu ya ugonzi na ningependa kutaja juu ya kiongozi wa Taifa. Ningependa kupendekeza ya kwamba, ambaye atakuwa kiongozi ambaye sasa tukielekea kiongozi awe mtu ambaye ni mtu anapendwa na watu wengi kwa wingi, kwa hivyo ningependekeza ya kwamba apigiwe 50% ya kura ambazo zinapigwa. Ili awe na uwezo wa kuongea kwa niaba ya wengi. Ningependa kusema ya kwamba umri usiwe ndio kipimo kwa kuwa kunaweza kukawa kijana au mvulana ambaye ni kiongozi mwema na anaweza kuongoza, ikiwa anapendwa, anaweza kupigiwa kura hiyo 50% kama vile nimesema. Pia kuna viongozi wazee ambao niviongozi kamili na ambao ujuzi wao unaweza kusaidia sana, na utasaidia. Kama vile tunajua katika maisha yetu ya Kiafrika wazee walipewa uongozi kwa hivyo lugha ya kusema vijana wasipewe uongozi; sikikamilifu na hiyo ningependa kusema rika isiwe ndio kipimo. Ningependa kusema ya kwamba huyo Rais akipigiwa kura, aongoze kwa miaka kumi kama vilivyo sasa. Napendekeza ya kwamba mamlaka yake ing'olewe kidogo ndio nasema kwa kimombo, devolution of power iwe muhimu sana kwa sasa. Na kwa hivyo ningependa kupendekeza nafasi ya Prime Minister, ili hiyo mamlaka yote ya kuwa kiongozi wa serikali na pia kiongozi wa taifa ipunguzwe. Serikali, iongozwe na Prime Minister.

Kwa serikali yenyewe ningependa kupendekeza Unitary Government, ambayo ina-strong centralized local authority, na hiyo local authority ipewe pesa kutoka kwa consolidated funds, ili nayo iweze kuongoza mipango ya taifa katika areas. District councils iwe na mamlaka na nguvu ya kuongoza mipango ya elimu, ya afya, ya maji, ya barabara, hiyo social welfare kwa wale ambao hawajiwezi, school feeding programme, mipango ya wazee, na hata bursary funds, hiyo kazi yote ifanywe na local authority; district council ambazo ni strong, ambazo zina nguvu, za wizara zile ziko kwa central government. Na ningependa kusema na Central Government nayo ichukue mamlaka ya kuongoza mambo ya security, ya barabara kuu hizo, ya stima, na mawasiliano.

Ningependa kuendelea juu ya uongozi, vile huu uongozi utapatikana na sema ya kwamba kuwe na independent autonomous Electoral Commission. Ambayo commissioners wake wanateuliwa na Parliament. Sio mtu binafsi ili aweze kuwaambia hivyo ndivyo nitataka mniongozee uchaguzi mwaka huu. Time table ya election iwe katika constitution, ili uchaguzi usiitishwe na mtu mmoja.

Ningependa kuguzia juu ya uwezo wa wananchi kwa jumla wa kuchagua, na kuhimiza ya kwamba kila Mkenya awe na nafasi ya kuchagua. Na hapo ningependa kusema hapa nikiguzia usawa wa Wakenya na hasa zaidi wanawake na wanaume. Katika uongozi ningependa kuhimiza constitution iweke affirmative action, kuhakikisha ya kwamba wanawake na wanaume wanauwezo kamilifu wakuchagua na kuchaguliwa katika uongozi.

Ningependa kupendekeza ya kwamba, katika political parties kuwe pia na huo huo muelekeo ili areas zote za Kenya ziwe represented katika uongozi vizuri; na hapo ningependa kusema, the programmes of personal representation ihimizwe katika constitution ili nafasi zigawanyike sawa.

Ningependa kuguzia juu ya security na hasa sana tukifikiria sisi pale tulipo leo tuko mpakani, na constitution ingefaa kufikiria sana maisha ya watu wa mpakani, hasa zaidi sisi ambao tuko hapa na Uganda, tumekuwa na shida kwa kuwa tuko mbali kutoka huko kwenye utawala. Hata hatujulikani tuko wapi hapa. Kitu chochote kinaweza kutokea na labda Nairobi ikajua wiki mbili zimekwisha, hapa watu wamekufa, kwa kuwa hata hatuna gari. So we would like to see that the security system for this nation is equally distributed and taken interest by the Central government. The borders of Kenya must be well protected. Hakuna haja ya kuwa na DOD kule Nairobi, na ikiwa huku hakuna kitu, mtu anaweza kutoka Uganda akafika huku. Another reason why so many fire arms have moved into this country upto to Nairobi, without control is because hakuna mtu ana-control hapa, halafu ukifika Nairobi huko unakuta road blocks kila mahali na hakuna haja.

I would like kupendekeza kazi ya polisi iwe ya kusaidia wananchi kufanya kazi sio kuwafungia, kwa wengi imekuwa kufungia. Usiku wakati wanalala polisi wanakuja ku-check, search, na kama imependekzwa, polisi wasiingie nyumbani bila warrant, au kielelezo kuonyesha ni nani na pia usiku si vizuri Raia wachiwe kupumzika ikiwa ni search zifanywe mchana. It is a right na inatakiwa iwe emphasized ya kwamba citizens of Kenya must have their rights.

Nikienda kuguzia mambo ya ID, na kusema ya kwamba watoto wasiwe punished. ID zimekuwa punishment kwa watoto, it should be a responsibility of parents. Mama wakati anazaa mtoto, mtoto anajulikana ni mtoto wa Kenya, kwa hivyo automatically ni Mkenya, kwa hivyo ID apewe mahali popote alipo. Unless there is any reason to doubt. Watoto wa border wamekuwa na taabu nyingi sana hapa kupata ID, na tungependa watoto ambao wanazaliwa kwa border of Kenya wapewe special consideration ya kwamba wazazi wao, wawe ndio hasa zaidi wanawatambua. Ikiwa birth certificate wakati midwives wanapeana ile certificate, ndio itumike kwa mtoto akienda shule na apewe huko ID yake.

Kwa upande wa property hasa ya wananchi kwa upande huu, ningependa kuguzia hii maji yetu ya Lake Victoria, hapa tuko kwenye mpaka sana; na hapa maji iko hapa, lakini 51% ya haya maji yako Tanzania. 43% iko Uganda, hapa Kenya tuko na 6% peke yake. Lakini maji yenyewe kwenda huko kufanya Lake Victoria 50% inatoka Kenya.

Jeremia Odhuli: Jina langu ni Jeremia Odhuli kutoka Nanditresas sub-location katika kijiji cha Nyahiro. Mimi yangu nitasema machache tu, na itakuwa mapendekezo. Baadaye nitapeana yale nimeandika kwa Kisamia, kwa sababu commission imekuwa Samia. Na nitajaribu kuongea kwa Kiswahili. Katika Katiba yetu ya Kenya kuandikisha watoto, registration of persons ID, iwe katika kila boma, kila boma liwe na kitabu cha kuandikisha watoto, haya ni mapendekezo yangu. Boma likishaandikisha watoto, mtoto ambaye amezaliwa apelekwe katika clan.

Fr. Andrew Wabwire: Some people do not enjoy privileges from the government. I would propose that the new constitution makes it possible for the church to import somethings duty free. My last point is on what we would call the local council: many Kenyans are not aware of what is happening in Kenya, and this is because most of the ministries have their offices far away from the people, and people do not know what is happening in the Ministry of Agriculture for example, in the Ministry of Health, the Ministry of Education, so I would say that we have what we call the local councils and under these local councils, under the chairmanship of the village elder who is also trained and civil servants to have various departments in the local council. A representative of the Ministries in the government so that people can be informed locally of what is happening in the country.

Com. Wanjiku Kabira: Thank you very much Fr. Wabwire, please sign our book for us, can we have Loise Mugwang'a.

Loise Mugwang'a: Jina yangu ni Loise Mugwang'a na natoa maoni ya akina mama kutoka Angeng'a Navua location. Hao akina mama walikaa wakasema ya kwamba, mahari iwe ikilipwa sababu inaleta uhusiano mwema kati ya jamii mbili. Akina mama hao pia walipendekeza kupigwa na mabwana zao kuondolewe, na ikipatikana kesi yeyote kuhusu hili jambo litatuliwe na judge mwanamke. Wamekataa kuridhiwa, sababu hii inaongeza ukimwi. Akina mama hao pia wanataka watoto wa kike nao wao wawe wakigawiwa shamba na wazazi sababu watoto wote ni sawa. Wanasema title deed ziwekwe jina la bwana na bibi na bwana akioa bibi, wa pili, anunue shamba na ajiandikishe na huyo mama.

Wakapendekeza pia watoto wanaozaliwa ng'ambo na wasichana wa Kenya, hao wasichana wakikosana na bwana zao wakirudi hapa Kenya, hao watoto wakubaliwe kuingia hapa na kukaa kama wananchi wa Kenya, ni hayo tu. Asanteni.

Com. Wanjiku Kabira: Asante sana Loise kwa hayo maoni. Alex Odinya.

Alex Odinya: I would like first of all to thank you commissioners for having come here to take our presentations and remarks. My name is Alex Odinya, I come from Wangeng'a location. The remarks I am going to give, I am sorry a lot of them have

been said, and I may be going to emphasis on a few that were left out. First one I would like to talk about hospital charges and this is particularly addressed to Nangina hospital. Nangina Hospital when you have a patient, you may feel like not taking your patient to that hospital. Charges are too high, I do not know what the government is looking into about that hospital, if a patient stays there for about two days, you will actually find yourself in a worrying state on where you are going to get money to foot the bill. This is one is a serious matter that the government should look into. And the government if it is fair, should interfere in this situation. You find that a patient has been released and but because of the unpaid high charges, he will continue staying in the hospital which accumulates more money which you are not going to afford. I pray to God he should keep me steady not to become sick and be admitted in Nangina hospital.

I come to police force; a lot has been talked about these officers. Police force has made a private judging court on the way, in the streets and bushes, if for example you find that people are sitting somewhere in a place taking their brew, when the police find you with only a glass or a tot of that brew, he will walk with the around, without taking you to the police straight to be judged. He will start asking for TKK on the way, this TKK kama hauna, my friend you will the taken as a very serious criminal even worse than a murderer. When a person has been arrested, please charge them according to the crime they have committed, not just walk with them like a slave trader.

Local Government: small business industries in this area, owned by women in the market, like trading in selling fish. If an officer of local government, or local authority goes there he will demand a lot of charges from this small seller of small business; he wants about Kshs. 30.00 per day and yet that business the person is doing is not worthy to earn her that money. I want the local authority to adjust the payment, or to find out the ways and means of making money rather than from such kind of primitive collection of funds.

I come to one man one job. Salaries of MP, this is where I have found it painful. If an MP is elected to the Parliament and he has a form four level education he should earn a salary like somebody in civil service with the same qualification. Because there are people who have degrees and are on the streets looking for a job. The government should adjust the salary structure for members of Parliament, and should be approved by the Public Service Commission, if not then another organ should be formed to approve the MPs salaries, instead of they themselves approving; because nobody is going to defend on the huge salaries they decide for themselves.

Com. Wanjiku Kabira: Thank you very much Mr. Alex for your views, now Chief Clement Oduke.

Clement Oduke: Madam Commissioner, I have just a few points to make, I will talk about protection of the girl- child. I am Clement Oduke Matho, I come from Nongova. During colonial days the pre-independent courts in Kenya recognised various customary laws e.g. under Samia/Luhya customary laws, if a girl was made pregnant outside wedlock, this man was fined three cows, and now valued at between Kshs. 30,000 to 36,000, he was also made to maintain this child upto between

six and ten years of age, and the child was given to him. The girl was free to enjoy her life again, such as getting proper education. And therefore I request this constitution to consider re-introducing such a law.

Court process: courts in Kenya today take too long to hear and determine cases. Some of such cases take even more three years pending in courts. This commission putting and seeing maximum period cases should pend or be determined in the court.

I propose a maximum of six months for a case to be in court, and finally determined. I also suggest that subordinate courts to be decentralized and we have one at constituency level.

Provincial administration: this arm is very important in government, but I feel it should be re-structured particularly I recommend provincial commissioners to be abolished, DOs to be abolished and Assistant Chiefs also to be abolished. I recommend in provincial administration, sublocations to be upgraded to locations, and be manned by Chiefs, and then we have DCs. Also in villages, I recommend village elders to be civil servants and those will be the lowest administrator to village level. Thank you madam commissioner that is all I had.

Com. Wanjiku Kabira: Thank you very much bwana Chief. Issa Bagoya?

Issa Bagoya: Kwa majina najulikana kama Issa Bagoya, natoka area ya Wakhungu Odiado location, Samia, ambayo imebadilishwa kuitwa Funyula constituency. Jambo la kwanza; ikiwa haiwezekani tutumie Katiba kubadilisha jina ya Funyula Constituency iitwe Samia constituency, hata nikiwa Mombasa nitasema Samia kwetu. Nikisema Funyula ni town tu, sio Samia mzima. Funyula ni town within Samia.

Kabla sijaingilia mambo mengi, nitaanza na mwananchi; mwananchi ni sharti awe mzalendo, yaani patriot, awe ni jicho la serikali, sikio la serikali, na awe mguu wa serikali. Nikumaanisha mwananchi akisikia jambo ambalo linaweza kuhatarisha serikali yake, au kusikia, akimbilie walinda usalama awapashe habari, tusiwe ni wenye kuachia polisi peke yake ama security officers ambao wako employed.

Katika Katiba yangu nitaanza kuongea juu ya President, kwa yale ambayo watu wameongea sana sana sitaguzia, machache ndio nitaguzia. Nitasema hivi: Presidential trips outside the country be endorsed by Parliament. Rais hastahili kutoka nchini na kwenda kutembea nje bila Parliament kujua anaenda shughuli gani. Halafu anachukua ndugu zake, dada zake wanakuwa katika msafara, wanatumia mali ya nchi na utasikia ameondoka na fulani na fulani. Kwa hivyo wenye kuondoka na Rais pia wawe endorsed by Parliament. Meaning that kama ni habari ambayo inahusu security wataenda na minister for internal security. Kama ni mambo inahusu health, wanaenda kuongea juu ya Aids, wataenda na Minister of Health na wanao husika katika ile department. Idadi ya wale ambao watasafiri pia, lazima iwe limited kwa sababu itagarimu pesa nyingi sana.

Naingia katika mambo ya retired President. President aki-retire, baada ya ku-retire anaweza kushtakiwa kwa makosa

aliyofanya akiwa ofisini, maanake yeye ni mwanadamu anaweza kosea. Na hakuna mwananchi anayestahili kuwa juu ya sheria.

Na President aki-retire asihusike katika siasa ya nchi baada ya kustaafu. Hiyo ni kumaanisha ya kwamba ikiwa ume-retire na umekuwa mwanasiasa kwenda kaa tulia, usije tena kufanya mambo mengine ambayo inaweza kuleta vugu vugu ambalo laweza kuharibu pengine mipango ya baadaye ya wale ambao wanataka kuingia katika uongozi. President kabla haja-retire, tafadhali naomba, kabla hajastaafu, yuko katika kazi, kabla hajavunja Bunge na kutangaza ya kwamba watu wanaenda katika uchaguzi, asifanyie mtu yeyote campaign kwa sababu Bunge halijavunjwa, na yeye anafanya campaign, hiyo ni kumaanisha ya kwamba anachukua short cut za kuvunja wengine, ili ikifika wakati wa kuvunja Bunge, mwingine ashajijenga tayari. Yangu inahishia hapo kuhusu President.

Wacha niende kuhusu watoto: maanake mimi ni mzazi, kila mtoto, katiba iseme anahaki ya kujua wazazi wake wawili, sababu ninauhakika Yesu Mwana wa Maria peke yake ndio alizaliwa na mwanamke peke yake. Lakini kwa kizazi ambacho kimebaki.

Kila mtoto anazaliwa na baba na mama. Nimesema namna hivyo kwa sababu kuna watoto ambao wanaitwa chokora, wana baba zao, wengine ni Wajumbe ambao wanatuakilisha, wengine ni wadosi tu, lakini wamejifanya kama kwamba hao watoto hawana wazazi. Kwa hivyo mtoto ana haki ya kujua wazazi wake wawili, na atakae muelezea mzazi wa pili ni yule mzazi ambaye atakuwa mmoja huyo ambaye yuko na yeye kwa wakati huo. Atasema mimi nilikupata na fulani. Malezi ya mtoto: lazima wazazi wawili Kikatiba waajibike, maanake mimi ninauhakika wazazi wengi especially wanaume kama mimi, wamesahau familia zao, na wanashugulikia familia za nje, kwa hivyo wazazi wawili lazima waajibike. Mama akienda kujifungua, akipewa maternity leave, na taka Katiba iruhusu mama Mkenya ambaye anaenda kujifungua apate nafasi ya kumtunza mtoto wake mchanga kwa miezi mitatu ndio awachie maid. Na baba wa mtoto apewe leave ya mwezi mmoja, ili naye aangalie maisha ya huyu mama mwanzo ya huyu mwezi amejifungua.

Naenda katika mambo ya kuoana na kuolewa. Kila mwenye anaoa ama kuolewa aolewe ndoa ya halali, na ndoa ya halali katika sheria ya Kenya, iwe ameolewa kiutamaduni ambacho kinatambulika na customary law. Awe ameolewa kisheria ya Kislamu kama yeye ni Muislamu, na awe ameolewa kwa sheria ya Kihindi kama yeye ni Mhindi, ama kikanisa kwa English law, kulingana na Katiba ya wakati huu. Kwa hivyo hatutaki mambo ya kuweka kimada, watu wanakaa hawajaoana kirasmi, bwana akifa wengine wanataka wafukuzwe, wengine wanakaa na yule kutaka kuridhi mali. Unajua wanawake wengine siku hizi ni kutafuta vinono peke yake, ati wanaitwa dot com ladies.

Kuridhi mwanamke iondolewe, na mwanamke bwana akifa aolewe ndoa ile ambayo mimi nasema ni ndoa ambayo iko legal. Yaani ijulikane mtu mwingine ashamchukua.

Nitaguzia dini kidogo kwa sababu nimekatiziwa short. Dini ya mtu lazima iheshimiwe, hata kama ni ya utamaduni iheshimiwe. Kwa mfano, utapata mwezi wa Ramadhani Waislamu wakifunga mtu anavaa kazu, yeye si Muislamu na kofia aingie katika hoteli akule, isemekane Waislamu wako katika hali fulani, hiyo nimetoa tu example.

Ardhi; naomba namna hii, watu wengi wa Kenya wameshindwa kumiliki hali ya ardhi. Kwa hivyo kwa miaka inayokuja hii, ambayo ni mwanzo wa Katiba mpya hii ikifanya kazi, please watupe muda wa miaka mitano kila mtu ashugulikie ardhi yake, iandikishwe na tupate ardhi kwa bure. Na mwenye ambaye hataandikisha kwa huo muda wa miaka mitano ndio iwekwe ada fulani, maanake tunajua wengi watakuwa wameandikisha na huo mzigo utakuwa umeondolewa.

Wanawake wanatafuta uongozi, mimi nasema namna hii wasitengewe, kwa sababu na jua hata hapa kwetu kuna mama ambaye hakutengewa uongozi, aligombania na akapata, tunataka mama shujaa mwenye uwezo asimame kura, apewe kura ashinde mwanaume, mwanamume amshinde akae. Wanaotengewa wawe tu walemavu, vipofu na viziwi, kwa sababu hawajiwezi.

Kuna jambo moja ambalo linanikera kwa ajili ya Samia, maji, wamesema tuwe na maji safi, isitoshe nasema vyanzo vya maji vyote vitunzwe Kikatiba, natuko na dam zile ambazo zilichimbwa wakati wa ukoloni, sasa hizi zimezibwa, matope imeingia, tunakosa maji, natungetumia hayo maji even for irrigation. Kwa hivyo Dam zilizokuweco zamani, zifanyiwe ukarabati ziendelee kuweko, na zingine zichibwe for irrigation.

Lugha ya rasmi katika nchi yetu ya Kenya ina-sink, iwe Kiswahili ndani ya ofisi na barabarani, kwa sababu hakuna mtu katika eneo la Kenya asiyejua Kiswahili, lakini kuna wale ambao hawajui Kiingereza, kwa hivyo Kiswahili kiwe lugha rasmi.

Na mtu ambaye anaitwa youth, defination of a youth should be below 35 years of age, mtu ambaye yuko about 35 years yeye anaingia katika uzee kwa sababu anakizazi cha kutunza, mambo ya ujana imtoke. Ningesema mengi lakini nita-hand over memorandum yangu.

Com. Wanjiku Kabira: Thank you very much Bwana Issa. Mary Obote.

Mary Obote: My names are Mary Obote, representative Mothers Union, Sigalame Parish. The Sigalame Parish Mother's Union comprising of 11 churches in Funyula division, Busia district.

Com. Wanjiku Kabira: Mary kwa sababu kunaonekana kama kutanyesha, tungetaka usisome, utupatie tu zile points, tutumie dakika tatu, na kila mtu tutampatia dakika tatu, kwa sababu tuna watu wengi na ninaona kama kunaweza kunyesha.

Mary: Mimi kama mwakilishi wa akina mama katika Parish ya Sigalame, tunawashukuru akina mama ambao wamechaguliwa katika constituency hii, wale wakina mama saba tunawapa shukurani na nambari ki-kristo tunaamini ina-represent kupuzika kwa mama. Maana Mungu alifanya kazi kwa siku saba na akapumzika kwa siku ya saba. Kwa hivyo tunawashukuru nyinyi akina mama saba, ambao mumefanya hii kazi ngumu ili sisi akina mama ambao tuko nyuma yenu, tuweze kupumzishwa.

Zile points ambazo ziko hapa ni nyingi ambazo zimeguziwa na nitaenda kwa point moja ya makanisa. Makanisa yetu

yamekumbwa na shida za watu kama walemavu, na wale ambao wameachishwa kazi kama hawajafikisha miaka yao, na tribal clashes. Hayo yote yanaangalia kwa makanisa kwa usaidizi. Lakini makanisa yetu hayana, especially pastors wa hayo makanisha hawana pesa ya kutosha, kwa hivyo huwa wanapata shida kuwatumia communities kama hizi. Ninaomba serikali iweze kuunda rules ya kusema kwamba wataweza kuwasaidia watu kama hao. Wale wamekuwa retrenched ama wale ambao hawajiwezi kinyumbani, wawasaidie badala ya kutupia kanisa, kwa sababu makanisa hatuna uwezo. Ni mengi ambayo tumeandika na yako kwa memorandum kwa hivyo tuta-hand over.

Com. Wanjiku Kabira: Thank you very much, na nitaambia hawa commissioners wale wengine watano vile ulisema. Asante, Councillor Duncan Odhiambo.

Cllr. Duncan Odhiambo: Kwa majina naitwa Duncan Odhiambo Ngoro, councillor Naguva ward, ambayo ndio hii Busia County Council. Nina yangu ambayo nimeandika kama councillor na nitagusia mawili machache ili niendeleo. Nanitawacha memorandum. Langu commissioners, na viongozi walio hapa jambo hili ambalo tunataka na wengine waliguzia na nianze nalo ni Samia kutokuwa katika map ya Kenya. Constitution ya Kenya iruhusu Wasamia wawe na jina lao kamili kama Wasamia. Watambulike katika map ya Kenya. Hata ulipo hapa Wasamia wanasema culture ya Wasamia, kwa hivyo iwe included.

Nikiingia kwa uongozi nataka kuzungumzia wadhifa wa President. Kuwa na President, tunataka tuwe na President yule ako independent na vyama. Ambapo akiwa haingii katika chama fulani, atakuwa President ambaye ataangalia masilahi ya Kenya nzima kama kiongozi. Hapa unaona President ametoka katika ofisi, ameenda kufanya campaign kwa kiti cha councillor kwa area fulani ward fulani, inakuwa ni aibu kwa head of state. Kwa hivyo constitution iandike ya kwamba tuwe na independent President, even MPs, even councillors wawe wengine, Constitution ya Kenya iruhusu mtu kujisimamia na aingie kama independent.

Jambo lingine ambalo nataka kuzungumzia ni mali ya serikali. Serikali hii ambayo inaondoka tunataka constitution hii tuondoe ya kwamba Kenya yote iangaliwe mali ikigawa igawiwe pamoja, sababu tuna wakati mwingine wanatwambia ati ile sehemu ni ya opposition, maendeleo haiwezi kwenda pale, na watu wa pale levy yao inakatwa ikiingia katika serikali, mfano kama barabara zetu za Western region hii, west-end hata constitution mbila Mbunge kusema, ama councillor; zitengenezwe na mali ya serikali kufuatana na constitution.

Jambo lingine ambalo nataka kuguzia kidogo ni constitution ya Kenya iandikwe katika lugha arubaini na mbili, naigawiwe kama bibilia, mtu yeyote akifika miaka kumi na nane, awe na uwezo wa kusoma ile constitution yake inavyomlinda katika nchi yake na aijue. Sasa hii ukiita watu wa kanisa, ukisema ati unataka verse fulani unapata muumini anakwambia hiyo inasema hivi, na hapa mwanaKenya hajui constitution yake inasema nini juu yake.

Jambo lingine, constitution ikiandikwa isiandikwe kwa vipengele, vipengele, yaani ni sheria, mtu anaandika A, B,C. A inasema

fanya hivi, fanya hivi, ukirudi kwa B nayo inasema huyo mtu anaweza kushikwa na apigwe na polisi na aende ashtakiwe. Sasa B tena inakanusha ile ya A ilikuwa inasema. Tuandikiwe constitution ikiwa ni 1, iwe 1A basi.

Maneno ya hosipitali, hosipitali kama sisi mahali ambapo tuko hapa, sub-division hospital zitibu watu bila malipo kwa sababu mwananchi wa Kenya, levy yake inatoka kwa kila jambo, hata hii maji tunanunua, hata ile soda tumenunua, ameshalipia ushuru, na hiyo watu watibiwe.

Education inaongezea vile wenzangu wamesema na nimeandika hapa from nursery to university, mtoto wa Kenya awe wamepata elimu ya kutosha, na iwe ya bure na ya lazima.

Maneno ya shamba, kuandikisha title deeds katika wa mama na wazee, nataka kusema hivi, na akina mama wanisikie vizuri, jambo hili linakuja hivi, leo mimi ndani, naoa Magarita Onyango, na andikisha katika title deed yangu, baada ya miaka miinne Magarita Onyango amezaa na mimi mtoto na ameniwacha kwa sababu either nimelemaa, either nimekuwa mtu ambaye hajiwezi, ameenda ameolewa na Okumu, tena kule anaenda andikishwe kule? Kesho atatoka kule anaenda tena kuolewa na mume mwingine, hii itakuwa ni makosa, yule mama akijua ataweza kuwacha ndoa yake, hasiandikishwe katika title deed; na hiyo napendekeza iwe hivyo katika constitution.

Mengi nimeweka hapa, nitawachia hapo, ili mambo mazuri yatengenezwe na constitution, isije iwe ya kwamba, tunasema na tena Parliamentary vile inaitwa supreme, inaeda kuharibu mambo yale Wakenya wamechanga na wameandika, hii ndio yawe ya mefuatwa, sio maneno ya supreme, kama vile kesho mjadala unaingia ya kwamba President apewe hii, apewe ile, na wananchi hatuja endorse hiyo hapa, sasa tunataka hii constitution ambayo tunaunda, ndio iwe tutatengeneza nchi yetu.

Com. Wanjiku Kabira: Asante councillor, lakini umesahau kama kuna mwingine alikuwa hapa akasema wanaume leo wanapitia njia ya vichoro choro, kwa hivyo sio mwanamke tu anatoka, si wanaume pia wanatoka wanaenda?

Duncan: Sawa madam, ni wanaume lakini kama wewe mama umetosheka kwako ukidaganywa, umeshaandikishwa, umevaa pete yako ile umefanya arusi, imeandikisha majina yako kwa certificate yenu ya land, sasa huyo anakubebeza na ukubali kwa nini?

Com. Wanjiku Kabira: Sinikama vile wewe umekubali kwenda kwa mwingine.

Duncan: Sio hivyo.

Com. Wanjiku Kabira: Thank you very much, Jared Ochieng.

Jared Ochieng: Mimi kwa majina ni Jared Ochieng, mimi ni mkaaji wa hapa Samia, vile ambavyo nataka kusema mimi hapa, katika Katiba yetu hii ya Kenya, na waongozi watakao kuja baadaye; ni kwamba watu wetu wakifanya kazi na mtu aende nyumbani amemaliza kazi miaka hamsini na tano, wanataabika sana kupata pesa zao. Na hali serikali inaona hivyo, na hawachukui hatua yeyote; katiba yetu inayokuja irekebishe jambo hilo. Watu wapewe pesa zao wanapomaliza kazi hapo hapo waende wafanya maendeleo nyumbani walikotoka.

Langu la pili, kuna watu wetu wazee ambao wanaitwa Liguru hapa nyumbani kwetu, wanashugulika sana na kazi ya serikali, lakini hawapati mshahara na wanafanya kazi bure. Na hao ndio wanajua wezi na watu gani ambao wanaishi hapa, hilo neno nalo hawa wazee wetu watawala hapa kwanzia mashinane, wafikiriwe wapate kitu cha kuwatia moyo waendeleo na kazi vizuri.

Jambo langu la tatu, wazee wetu hapa wapewe mamlaka wananchi kama wanavyofanya huko Ng'ambo, hata jirani zetu Uganda. Polisi wakae tu na hao wazee ndio wanajua watu ambao wanaishi nao, wanajua watoto wao, wanajua kila kitu. Hao wapewe mamlaka kushughulikia kazi hii, polisi wapate mambo kama imekwisha iendeleo vizuri, kwa sababu polisi wanapokuja neno likiwako wanawacha kuelekea kwa nyumba ile au boma lile ambapo mna maneno, wanaenda tena kupekua pekua chang'aa katika maboma ya watu na hii, haipendezi kwa serikali yetu inayokuja, Katiba irekebishe jambo hilo.

Jambo lingine, la nne, wazee wakongwe waliokuwa wamefanya kazi ya serikali lakini sasa wameshindwa kabisa, ingekuwa vizuri kama wangepewa kitu cha kuendeleza maisha yao. Kama Chief, DO, sub-Chief na wengine. Sina zaidi ya hayo, yangu ndio hayo watumishi wa serikali.

Com. Wanjiku Kabira: Okay, asante sana mzee Ochieng kwa hayo maoni. Can we have Stephen Ogale Ochoka.

Stephen Ogale: My name is Stephen Ogale Ochoka, from Angeng'a location, Liboti sub-location. Haya ni maoni yangu, nimepewa nafasi ya kusoma mbele yenu na mengine yameshapitishwa pitishwa, nitajaribu kufupisha. Imefika miaka arubaini tangu tumepata uhuru, na kwa hiyo miaka arubaini ile maongozi yalichukua serikali wakati wa jamhuri, iliahidiwa kwamba adui wa tatu wa Mwafrika, magonjwa, kutojua kusoma na kuandika, na umasikini. Tumefika leo mbele yenu na ile Katiba ilioandikwa na Muingereza, na Katiba ingine katika hapa na WaBunge wetu, wakafanya amendments ndio taabu hizi tatu, wanasema the main enemies zimekalia katikati yetu. Na tunaomba Katiba hii tunaandika leo na haya maoni tunaandika leo, yawe yakiangalia hayo mambo matatu.

Adult illitracy ilikuwa na programme ya elimu ya gumbaru, hiyo sasa ilikuwa idea nzuri sana ime-collapse. Mimi napendekeza elimu hiyo iingie kwa Katiba na iwe kama law.

Kulikuwa na idea ya district focus for rural development. Hii ilikuwa idea nzuri tena ikaangushwa, na viongozi, naomba hiyo district focus, iwe kama part of devolution of power, zirudi kwa district level, division level, location mpaka kwa village level.

Tunajua Katiba nzuri haiwezi kuandika kila jambo, lakini tunaomba zile loopholes na gaps, ndio wananchi wamesema, they should be sealed.

Com. Alice Yano: The ruling party and the opposition party, and also a party to monitor both the opposition and the ruling party. You know very well we have more than 48 political parties right now, how do you end up having two, from all these many other political parties.

Stephen: This one, we have put it into our constitution, and should be stipulated that in Kenya we do not want to be confused because of so many parties which actually will not be effective and influential. Let us have three political parties and we put this in our constitution and it will work.

Com. Alice Yano: Thank you very much Joseph Oduor, hayuko? Karibu harakisha, William Okumu? Uko? karibia William, nakupatia dakika chache sana mzee wangu, sema haraka haraka.

Joseph Oduor: Naitwa Joseph Oduor Osong'oe. I will talk about the rivers in Western part of Kenya. We have got almost five rivers in Western part of Kenya, and these are the very rivers that make up the effective operation and making of electricity power in Uganda. So my request will be that along these rivers, our government should provide dams, so that we use these dams for reproduction, that is Yala, Nzoia, Sondu and Nyando. So these rivers are the only rivers that drain in Lake Victoria, and when we go to Uganda, we have got only one river that takes away this water. And these people that are having only one that takes our water here; and are the only one's who have benefited a lot here. So it should be in our constitution that we utilize our water properly. Samias should be given a chance of selling this water to semi arid places like North Eastern, they can be loaned billions of money to transport this water where it is needed and we make money and we also improve resources.

Manambas in our bus parks: it is really a menace to the public, the touts should be removed and operators have their own people.

We go to the Ministry of Home Affairs, I recommend prison warders to be qualified people, because it is under the Ministry of Home Affairs, they should not just be kabuti na rungu. These warders should be trained technicians, should be protective people and should also be trained so that when they come out they be good citizens not just training a junior who has very little to think.

Christianity and the government: Christians are doing a lot of work but they have been forgotten, they preach for people to change, and they really change; and those who do not change are arrested and charged. Juniors should have their prison homes, where they can be trained and made to be responsible people.

The last point is about parents, in the present constitution a parent is charged for neglecting his children, but it is we the parents that make our children grow and even get education, but there is no clause where we can charge our children when they do not help. And also it gets so difficult to take your child to an approved school and to get a judge to approve your child to go to an approved school is too difficult. The people around who see the behaviour of the children and approve there and then so that the child goes for further discipline should supervise approved schools.

On the side of medical we had said we need the medical to be free, but we also require that operations, gynaecologist wawe wakitembelea sisi kama kwa health centers. Serikali itenge pesa, badala ya kutu-charge maiti wale wako kwa mortuary. Kama umekufiwa utatoa elfu tano wapi kutoa maiti?

Ya mwisho, ningomba kwa hii sheria, mwamamke ku-inherit estate ya bwana yake awe anajulikana, ana watoto wakutosha kulinda hiyo mali, muda ambao wamekaa na huyo bwana, na awe na witness mmoja kutoka upande wa bwana, na mwingine upande wa bibi, shauri haya mambo yanaharibika, hata yule nimeoa jana nikifa saa hizi ana become automatic.

Com. Alice Yano: Lakini kama umeoa yeye si ni bibi yako?

Joseph: Huyu ni wa siku moja.

Com. Alice Yano: Tumeshukuru: Kwa hayo maoni. William Okumu?

William Okumu Onyango: My name is William Okumu Onyango I come from Angeng'a location, Sigalame sub-location. I am going to address the Commission regarding environmental and natural resources. To start with, environmental protection that should be included in the constitution are water pollution; people do not understand that polluting the water is dangerous and it creates a lot of diseases which they suffer themselves. Deforestation has created a lot of poverty and less production of food stuff, because people have made our hills very naked by cutting down all the good trees. Soil erosion; people have not done much on soil erosion because nowadays we do not see our agricultural people around coming to check the farmers.

Com. Alice Yano: Mr. William what do you recommend?

William: I would like to say that this people should be told that they should stop polluting their water. Poaching; some people carry on poaching for their benefits and this sometimes reduces the production in the country, by killing very profitable animals that bring tourists around. Escavation of minerals: some people go on escavating good minerals which would bring very profitable money to this country. The local people should have powers to enforce laws on the protection of the environment. A body should be formed by the locals to protect the environment that they have in their villages. The government and the community should own all the natural resources they have. The role of the local communities in the management and protection

of environment should be:

- To make sure the environment is not polluted and damaged by an individual who wants to profit him or herself within or without the community.
- To protect and conserve the environment for future generations and for future use by the future generations.
- All natural resources should be protected by the constitution of the country. These resources are rivers, lakes, dams, forests, minerals, and wildlife. Some of the wildlife are very harmful to man and there I say the locals should be allowed to hunt and kill down those dangerous wildlife.

The government and the communities should be responsible for the management and protection of the natural resources.

The natural resources should be managed and protected as follows:

1. Industries and factories pertaining to any given natural resources should be constructed within the resource area to avoid excess transportation.
2. These resources as well can be beneficial to the natives of a particular area where they are produced.

Com. Alice Yano: Mr. Okumu your time is up.

William: And the last, they should conserve the natural resources and the factory be constructed within the catchment areas where they are.

Com. Alice Yano: Thank you very much Mr. Okumu, it is like you are a real natural conservationist, we are very proud of you, Godfrey Matofu, kama Godfrey hayuko, Cornelius, yuko karibu, yes karibia.

Godfrey Matofu: I am Godfrey Matofu, I am a Samia. The constitution should provide clear and independent office, where the public can be reporting the evil affairs done by the police officers. This office should be empowered to investigate and take court action to discipline the officers concerned. Currently an officer wrongs you, you report in the same station where he comes from, whereby the action is not fairly taken.

Police excessive force should be reduced, because they use this force to disturb the entire public from enjoying their individual rights. This force has made police officers so powerful that they are now corrupt and thieves in our homes, and are always looking for bribes. So we ask the constitution to limit this extraordinary powers in that if a police officer is found in someone's home without an arrest warrant or search warrant should be accused of trespass and he should also come in police uniform and service number to prove that he is on duty.

Lastly, the police exhibit like chang'aa and bhang should be kept outside the police station, because police officers use this exhibits to prosecute to innocent people. Thank you very much.

Com. Alice Yano: Thank you very much, you are clear and your points were very clear. corllenius, atafuatiwa na Nicholas Aduli. Raphael Obola.

Cornellius Adeya: Jina ni Cornellius Igesa Adeya, makao yangu ni Rudie, sub-location katika ----- . Nimeandika katika sehemu nne, kwanza moja inahusika na Parliament and utawala. Halafu ya pili nimeandika Judiciary, mlinzi wa Katiba yetu, ya tatu nimeandika uchumi, ya mwisho nimeandika habari ya Wasamia na ardhi yao, hali kadhalika, ndugu commissioners ninasema hivi katika mamlaka: mamlaka yetu kutoka mwaka wa sitini na tatu mpaka wakati huu tunapoenda kutengeneza Katiba ya sasa, imekuwa kama ni chombo cha mtu mmoja, maana ilikuwa inabadilishwa kila wakati, wimbo huu leo, wimbo ule kesho. Na sisi tunataka amani, na amani hiyo inatokana na vita vile ambavyo tulipigana kabla hatujapata uhuru, ndivyo hivyo unaona amani inaendelea. Kama Mau Mau haingetangulia watu wa Kenya, tungalikuwa na vita hapa katikati lakini naomba Mwenyezi Mungu aendelee. Kwanza sisi wenyewe katika Katiba ya sasa haimanishi ya kwamba sisi ni watu wa Kenya. Na mimi nitasema hivi, kama Katiba hii inakwisha kutengenezwa, nitasema hivi, "we people of the Republic of Kenya, in order to form a more perfect Republic, establish justice, ensure domestic tranquility for common defence promote the general welfare, and secure the blessing of liberty to ourselves and our prosperity and establish this constitution for the Republic of Kenya. Kwa maana hapa sisi sote tumehusishwa, hakuna mtu ambaye hatakuwa amehusishwa.

Kitu cha pili, hatuheshimu Katiba yetu, kitu cha kwanza ukitaka Katiba yeyote ifanye kazi ni heshima. Tutaiheshimu Katiba yetu kwa maana imetokana na Wakenya wenyewe, ndio tunaiunda, wacha ile iliotoka Lancaster House, sasa hii tunaiunda wenyewe. Lazima tuipe heshima, tuilinde katika kila njia, na wakati wowote tupatie Judiciary, ndio mlinzi wa katiba, maana Katiba ikishatengenezwa na Parliament inaenda kwa Judiciary, Judiciary inajua mamlaka yake, ndio mlinzi wa katiba yote. Hata mkiandika leo, mkiimba leo wimbo gani, Judiciary lazima ipewe mamlaka ya kulinda katiba yetu.

Tukija katika uchumi, hapa uchumi umeharibika kwa sababu ya kutoendelea kuheshimu Katiba yetu, imegeuzwa kuwezesha mamlaka ya dola kwa mtu mmoja. Sasa uchumi leo umekuwa hivi, leo hivi, Wazungu wanasema leo hivi, katika wakati wa budget, uchumi umeendelea hadi uchumi unaniginia. Sasa hiyo lazima mamlaka ya Parliament iheshimiwe, kwa vitu vyovyote kwa sababu ndipo utawala wa mamlaka makuu ya Kenya unatoka.

Sasa nikimalizia katika nchi yetu ya Samia, tunahitaji mambo mengi, mengine yamezunguziwa na sitazungumza sana yote nimeandika hapa; sitaki kuendelea sana. Katika mwisho kabisa nitazungumza habari ya harambee. Mwito wetu ulikuwa harambee, ilianzishwa vizuri, lakini sasa nataka ile court of arms, kama mapendekezo yangy mimi mwenyewe, isome service to God and my country. Kwa sababu Wakenya 99% yao ni wale watu ambao wanamcha Mungu kila wakati. Sasa harambee ibakie katika mamlaka tu ya kukusanya pesa. Kitu kingine nikija hapa katika hii mambo ya uchumi, mambo ya uchumi ni lazima

tuwe na wale watu ambao walisomea na ni watu wako na experience, na watu ambao wanaweza kutafuta njia ya kutekeleza na kuheshimu vile uchumi unavyoendelea, sio kuvuruga, maana ukivuruga Constitution umeleta mvurugano na mvurugano mwishowe inatokea vita. Ndugu commissioner mimi yangu yangekuwa mengi lakini sina uwezo kwa muda ambao ulionao asante sana .

Com. Alice Yano: Asante sana, tutahakikisha ya kuwa tumesoma memorandum yako, na pia kama kuna wale wako na memorandum, na hawangetaka kuongea tafadhali mje muipatie hiyo memorandum Millicent aanze kuziandikisha. Raphael karibu, Raphael atafuatwa na Alex Ouma Ogesa.

Raphael Obola: My name is Raphael Obola, from Nabudu sub-location Vubua village. I would like to mention a few things here. Problems came up as a result of somebody being above the law. People in the Ministries took the advantage of being above the law, and I would recommend this man above the law should be removed in our new constitution.

Second, checks and balances, in any country, you must face these problems we are facing now, especially if finance management as well as in voting procedures. Because here is a situation where a candidate calls especially those he trusts, he gives them voting papers and tells them okay ----inaudible----- so when you reach there you dump a whole of those things there. Already marked, so in the end this man goes, because he has his people, I recommend that in the voting system every paper should bear ID card number, we should have an independent Judiciary so that the President, Ministers, those people should not interfere with the Judiciary at all, it should be very independent.

The fourth one we should have a coalition government, all parties must participate in the running or governing of this country, because we are leaving very bright people just because he is in an opposition party, when he is very useful to us.

Limitation of parties, we should have five parties only, because we cannot have 48 parties and expect those parties to give any help. We should have five parties only. We should have free education; right from standard one to university level, because we have left so many children who are very bright to help Kenyans, so it appears education has been there for the rich.

I recommend that aged people especially from 60 years, should be given allowance because they have been working for the government, and as such I recommend that not less than Kshs. 2,000 per month. The natives to elect Ligurus, so that after five years we can do away with them. I hope you can add me one minute.

Com. Alice Yano: I cannot add, because we have about 80 more people who are due to give us views, please register yourself, we are very grateful for that. Wilson Osore, kama Wilson hayuko, Peter Ojiambo, karibu, halafu Alex Odongo uko? Karibia.

Peter Ojiambo: Thank you madam, I won't say a lot because I have a written memorandum here, but I will have to highlight on small points here. My names are Peter Ojiambo Masurubu, I come from Sembe sub-location, Wele location. I will suggest that in this new constitution it must be evaluated very clearly that, we at least nominate a person with any disability to be represented in the councils and also in the Parliament. I would like to say that the government should support this people. When it comes to factories: factories must be built where the raw material comes from, for example this lake of ours, Lake Victoria here, we should have factories to process the fish from Lake Victoria, not to be taken to Nairobi or to Kisumu for processing. That will enable the locals to get employed.

Com. Alice Yano: Tafadhali, tulisema ya kuwa tukianza tangu asubuhi tulisema jambo la kwanza ni heshima, na kama ukiwa na jambo lolote hata tukafika kiwango nikauliza kama kuna swali, hakuna mtu alisema ako na swali, lakini ninataka kuwaeleze ya kuwa hata hii maneno yenye tunasema ya kuwa uongee kwa lugha yako, lakini tunataka kutafsiriwa ni kwa sababu hayo maoni inachukuliwa na Wanatumbe. Ni sisi wenyewe ndio tungetaka kuwaelewa na hii sio kama baraza, nafikiria you are making a mistake today, sio kama baraza vyenye tutakaa na tunataka kila mtu aelewe ile maneno Chief anasema, ile maneno DO anasema, hapana yetu ni kuwa ya kuwa ni sisi tunataka tuyaelewe maneno yenu. Tumelewana hapa? Kwa sababu hata tukiwaambia kama wewe mwenyewe uko na shida ya kutoelewa lugha yenye unataka kutwambia hayo maoni. Tutataka uongee ile lugha yako lakini tutatafuata mtu kutafsiri ili sisi wenyewe tuelewe na recording yetu. Ni sisi tunataka tuelewe na sio vile ati ni lazima nyinyi muelewe. Sio kwa ubaya, tunataka kusikia maneno yenu, tuchukue maneno yenu ili tutengenezee nyinyi Katiba. Tumelewana hapo? Asante.

Peter: Nikimalizia tu naguzia mambo ya hawa wazee wa vijiji wanaitwa Ligurus, nataka hao watu wawekwe kwa mshahara. Halafu la mwisho ningeonelea kuwa tuwe na qualification fulani za councillors, awe form four level. Thank you.

Com. Alice Yano: Asante sana Peter, na wewe mzee unataka kutupatia maoni yako? Hana maoni tumeshukuru mzee, tulijua wewe hauna maneno, Alex Odongo? Clement Ochara? Mangleta Were, Lelisa Mkada, Clement endelea.

Clement Ochara: My name is Clement Ochara, I am from Lumbie sub-location, Nagumba location, I have a few points to say, there are some which have been said, but I will just pass through. People talked about free education, this also agrees with them on what they have said, but it should be actually free education, the government similarly should provide free medical care which every mwananchi is in need of very much.

In Kenya we have too many religions, some of them are for devil worship and such sect should not actually be allowed to operate in Kenya.

I would also like to point out that the posts of sub Chiefs should be abolished because these people are doing similar jobs with Chiefs. We should create Ligurus to take over from the sub-Chiefs so that they can serve wananchi in a proper manner.

Native beer as some had talked about, we should have industries for chang'aa in Samia, because it is the liquor which educates some of the people whom we have seen here.

Land registration in actual fact has become very expensive, this is due to corruption in the Ministry of lands, and even it has been a burden for some of the parents to register their land because of the corruption in the Ministry of Lands. The new constitution should reduce the number of political parties. Surely we have so many political parties, some have got no members and they are operating. We do not know why the government is registering them, such things should be stopped. The present police force in the actual fact is corrupt, this Kangaroo courts in the police station should stop, the public should actually be honoured not be asked so much from the police. If you go and report theft in the police office, they ask you for fuel for transport. But when you go and report chang'aa they just go without asking because they know there are going to benefit from chang'aa. So I end up by saying that they should be one job, one man and this will reduce unemployment in the country. Thank you very much.

Com. Alice Yano: Thank you very much, Alice Ogano, Duncan Ojiambo Ogoro, amemaliza na Richard Wandera? Karibu Richard.

Richard Wandera: Mimi naitwa Richard Wandera, natoka Ojuang'a sub-location. Mapendekezo ni kadhaa, lakini yale ambayo yamezungumzwa sitarudia. Nitajaribu kwenda haraka. Kwanza ni juu ya ufisadi: ningependekeza ya kwamba, katiba iandike chini vitendo vya ufisadi, maana wananchi wengi wanafahamu ufisadi ni kutoa pesa. Kwa hivyo Katiba ingeandika hivyo vitendo ili wananchi wapate kusoma na kuvielewa. Vitendo vya ufisadi ni kama kwa mfano, hongo, ufujaji wa pesa, upendeleo, kupendelea katika kazi, kuficha watu katika ufisadi, kutojali kazi ya kuajibika, kutumia uwezo kupita kiasi, kuharibu fedha za serikali na mali, kuwa na mali ambayo haijulikani imetoka wapi, kuchukua pesa ambazo zilikuwa za mradi fulani na kupeleka kwa mradi mwingine. Kupiga maji ambayo watu wameweka nje ya nchi. Kuweka vizuwizi vingi barabarani. Kupendelea kisiasa, kuficha madaraka ya mtu, kuwabagua wasomi katika sehemu fulani fulani kwa sababu hawako katika chama cha kisiasa.

Corruption: Katiba itunge sheria ambayo itakubali kamati ziundwe kutoka juu mpaka katika village level. Ili katiba itunge sheria kwamba wananchi waki-report ufisadi wasinyanyaswe. Katiba vile vile pia, ikubali sheria kuanzishwe sehemu za ku-report ufisadi kwa kutumia simu, telegram, barua na mtu binafsi. Katiba ianzishe njia ya kuweza kuchunguza report za ufisadi, ili ijue uongo na ukweli.

Com. Alice Yano: Umemaliza muda wako sema ya mwisho. Nitakuongezea dakika.

Richard: Ningetaka kuzungumza juu ya watu wachache na sehemu zao, Katiba iseme kwamba watu wachache katika area

zao wasaidiwe kuendelea katika uchumi. Pili mila zao zihifadhiwe, tatu, sehemu hizo ziendelezwe, zisiwachwe nyuma, minority people wapatiwe usaidizi wa pesa, vitu, vifaa na elimu, wapatiwe elimu ya bure kutoka college mpaka university.

Com. Alice Yano: Asante sana, tumeshukuru Richard Wandera kwa hayo maoni umetupatia. Kuna watu wenye bado wako na memorandum na mngetaka kuongea, muko wangapi? Chukueni mikono juu nione. Tafadhali mje hapa mbele wenye wako na memorandum na mnataka kupeana maoni. Kila mtu nitapatia nambari. Jihesabini. No I will give you time, I want to deal with the memorandum first. Sasa memorandum tumefikisha ngapi? Nane kila mtu anajua namba yake? Namba moja aje mbele, sema jina lako na uendeleee.

Silvester Ojiambo: Mimi naitwa Silvester Ojiambo, nitazungumza machache tu kwa sababu mengi yameshazungumzwa and I will talk in English.

- No one should be above the law including the President, because many leaders have abused their offices by not knowing how to manage resources. The law concerning Kenya Power, Telkom, Water, whereby when you need their services you are asked to buy materials, after buying material and work is done, that material still remains the property of the company or the concerned. The people should be allowed to pass a vote of no confidence for a seating MP if he or she does not perform.

Com. Alice Yano: Please highlight, I am only giving you two minutes to highlight.

Silvester: Anybody who tampers with the economy of this country must be brought to book. Anybody mis-managing the parastatal bodies should be prosecuted not promoted or transferred to another body as it is at present. Land matters be left to local elders of the area, because law courts decides on facts as presented before the court, not the truth of the matter. All seating judges should not be going for leave at the same time; leaving cases pending in courts and people suffering. Let it be like any other civil servant going at different intervals. Let the agricultural sector be supported fully by the central government; and when there is a natural calamity on the crops, farmers should be compensated by the government. Also let the government be aggressive in the marketing of farm produce.

Com. Alice Yano: Thank you very much, say your name.

Sebastian Wandera: My name is Sebastian Wandera, I will be short, mine is that in the new constitution, they should enact a law to abolish the so called political districts, those districts which have been added to the former districts that we had after independence. I think we had about 42 districts and now you find that there is a division which is bigger than a district, I will give you an example, Ugenya division is bigger than Teso district, it is very much disturbing to have a district with only one MP, such a district should be abolished totally, because those were called political districts. The seating President when he retires, let

him go home and rest. Because there is no need of being given other securities and his people will still be compensated by the government.

Let anybody who vies for Presidential election be around 50 years, be very mature because hata vijana hawatosheki, I am young, but I would not like any young leader because they are not satisfied, I will give an example of many counties in Africa, like Bukina Farso, so that one I think somebody mature should rule this country. We do not want somebody young, and we do not want any particular whether he has ruled or not, we need somebody productive, be it Kikuyu, whatever, we do not want to say, that the Kikuyu had ruled, the Luhyas now should be there, we are going to have useless Presidents.

Com. Alice Yano: Thank you very much Sebastian, those are very good views, who was number three or I can call upon number four? Aanza na jina lako.

Everline Aduori: My name is Everline Aduori; I just want to talk on nursery teachers. Nursery teachers are very much neglected and I would wish the Constitution to consider them, and employ them like other workers, they be given their dues as any other person. They are the foundation and I think this one has not been considered in life, infact since morning I was here and I have not heard anybody comment on that. Everybody was just starting from standard one to university, they are forgetting that the ECD is the foundation. How do we build a house starting from the middle, let us start from the foundation, I think if we consider that even this teachers will be able to work hard, and they will bring up this children nicely and it will be a success in life. These cock that grow they were eggs and then they came to chicks, and they became those big men you see with vehicles. You see this Presidents, you see the Ministers, they came from nursery, why do they forget that?

Com. Alice Yano: Thank you very much Evelyne, fifth.

Achila James: I am Achila James a teacher by profession. Commander in Chief of the armed forces, presently is the head of state, I suggest that the Commander of the Armed forces should be somebody who has gone through the training. We should not have somebody who does not even understand how to operate a pistol.

Coming to the universities, we have the so called chancellors and the vice chancellors, presently is the President who is the chancellor of the public universities, I suggest that the constitution should provide whoever is made to be the chancellor, or vice chancellor should be an academician or a scholar for that matter; and chosen by the senate which should seat and decide on that person, because many a times, we see the President putting on that ceremonial attire and of course appearing like the one who is most versed with what goes on in the university, when he is actually not capable to be one. And that is why we have very many problems in our universities, because he cannot be able to advise accordingly. So in future the constitution should provide one to be an academician for that matter.

My last point is about the currency, as we come to the new constitution, I suggest that we should have a currency without a portrait of the current President. Iwe tu pesa ambayo yeyote ambaye anakuja uongozini kwa vile tutakuwa tunasema katiba to provide President akuwe na two terms; sasa iwapo ata-perform vizuri pengine ndio atakuwa na the second term. Otherwise may be going after serving for five years and that becomes too expensive for the government. I recommend that pesa hiyo iwe bila picture ya President. The last one on by-election; the by-election in Kenya has become unnecessarily expensive; na nikulingana na ule ubinafsi, I suggest that mtu akitoka party moja akitaka kuelekea ingine wamkataze, kama ameshidwa na anatoka aingie katika chama kingine atoke kabisa. I suggest tuwe na sheria ya kusema kwamba kama wewe umekaa na kiti, usije tena kuomba tena wananchi wakupigie kura kupitia kwa chama kingine.

Com. Alice Yano: Jiandikishe tafadhali, naono huko na memorandum kweli. Karibu number five.

Samuel Lukong'o: Kwa majina naitwa Samuel Lukong'o mimi nafikiria mengi yamesemwa sitataja yale yamesemwa ila tu nitasema mawili. Nimengependelea tuwe na mahakama ya uhuru, nikisema mahakama ya uhuru, namaanisha ya kwamba; ukiwa labda umeenda mahakamani wakati unasomewa mara ya kwanza ukubaliwe kujitetea siku hiyo. Kwa sababu mahakama tulio nayo ya sasa niyakusema ukisema la, na unapelekwa ndani siku kumi na nne.

Jambo la pili nagusia upande wa uchaguzi. Wakati tunapiga kura, hizo kura zihesabiwe kwenye kituo. Jambo la tatu ningependelea tuwe na serikali ya mseto. Ni hayo tu kwa sababu mengi yamesemwa sitakirudia yale yamesemwa.

Com. Alice Yano: Asante sana jiandikishe na u-record maneno ya nakala yako. Anayefuata numba sita. Naona uko na memorandum ya kutosha guzia guzia tafadhali.

Kuvo Raphael: I will just highlight on a few topics, one I will begin with citizenship, what I will say on citizenship. Those who will be considered automatic citizens for the constitution to formulate a way of just letting them know that they have attained the age of acquiring passports, so that they do not be vetted. Automatic citizens should not be vetted, they just get the constitution within the area of registration, just allow them to be registered automatically and the passports to be issued. Then on citizenship, I will say this on burial permits, I do not see why Kenya's automatic citizens should be issued with burial permits yet they are automatic Kenyans or yet they're Kenyans. Why are they being permitted to be buried in their own land?

On Legislature, cum councils, I would say this, the National Speaker and the clerk to the council, should communicate to all constituencies in the republic; and to all councils in the public to depict the activities of the various MPs from all those concerned constituencies. And to those nominated MPs they will also be given to their various regions or areas of interest that promoted them to be nominated. A TV programme to be introduced to cover all Parliament activities over the weekdays and this programmes to be screened over the weekend to enable all Kenyans to see how their representatives are participating in the Parliament.

On the Executive I would say this, much has been said but I will say this, there is no need to give homes for retiring Presidents, they own homes, what should be done, security should be just provided like any other Kenyan and pension of 5% of their salaries to be given to them depending on how long they served as President.

Com. Alice Yano: Thank very much, I think you over short your time; I think I will give you half a minute.

Raphael: There is something very important on natural resources, and this is the Lake Victoria. I would like the following things to be done. The Kenyan government owe the constitution to make us be sure that this is Kenyan fish, should it be caught in Uganda water, then it should be brought to Kenya for marketing. And then the fisheries personnel should be employed from those people along this region, not Kalenjin or not Kikuyu coming as fisheries and 50% of the income should remain to the community.

Com. Alice Yano: Thank you very much, and a clarification I want, I know you are using it as a riddle, now can you get us to understand, really what you meant by if Kenyan fish is got in Ugandan waters it should be brought back to Kenya. Can you now go to the point directly, what do you want to be done?

Raphael: What I wanted is this, we are told by the scientific or the fisheries personnel that most breeding places are found in Kenya. So if this fish are bred in Kenya, can they be identified, so that when they go to Uganda at least there should be a scientific method to identify this fish, so that when they grow up, they can either brought to Kenya.

Com. Alice Yano: Thank you now we understand you very well. Seven?

Judith Odeda: Kwa majina mimi naitwa Judith Odeda, ningependa kuongea juu ya uridhi wa wanawake. Uridhi ukuwepo usiondolewe lakini usiwe ule wa lazima. Kwa maana kunao hao wasichana wanaoleka, lakini baada ya miezi sita hivi, mume naye akaaga, kwa hivyo mtu kama huyo akiwa akikubali kuridhiwa na mume mwingine akubaliwe. Lakini vile ugonjwa upo ni vyema wakienda kupimwa, ndipo waishi pamoja, na saa zingine unapata mzee amekufa, tuseme wenye wamekaa miaka halafu wakapata watoto. Sasa mwenye kumridhi ataonea hao watoto wengine, ni vyema mume akiridhi mama mwenye ako na watoto, akubali hao ni watoto wake.

Upande wa watoto walemavu: hao watoto walemavu ningependa wajiunge na shule hizi za watoto wakawaida; ambapo hao wengine wakiwaona wasiwe wakiuliza huyu naye aliumbwa namna gani. Ningependa hao watoto wawe wanasoma tu kwa shule moja, ijapokuwa tu wale viziwi na vipofu ndio watengwe kwa shule zao, lakini viwete hawa wasome na hao watoto wa kawaida, ndipo sasa pia hao watajisikia wakiona hao wengine na wale wengine pia wakiona viwete they will be used to. Kwa maana kuna watoto wengine wakiona kiwete mara ya kwanza, huwa anauliza naye huyu naye aliumbwa namna gani? Kwa

hivyo tunataka wao pia wajue tu, ni viumbe vya Mungu. Halafu la mwisho watoto walemavu wawe pia wanakuwa na sports. Hawa watoto wakiwa na sports pia ni vizuri kwa maana wakicheza wao pia wanajisikia ni binadamu. Halafu watoto wa nursery schools; nursery pia zingekuwepo za hawa watoto walemavu, unajua kuna zingine lakini ziko mbali. Sasa haswa kama hapa Samia tungekuwa na nursery moja ya watoto walemavu, at least mtusaidie. Ni hayo tu asante.

Com. Alice Yano: Asante sana Judith, namba saba? Karibu, unakaribishwa kuja utupatie maoni.

Emma Akuku: Kwa majina ni Emma Akuku kutoka Samia, kuna mengi yameandikwa hapa lakini naenda kuongea tu juu ya mambo matatu peke yake. La kwanza, ni kwamba all senior appointments be vetted by Parliament, kwa mfano ambassadors, Attorney General and Permanent Secretaries. Kwa sababu hapo kitambo ungesikia tu kwamba pengine Moi ame-appoint mtu kuwa ambassador, na ukifika usiku ana-announce ya kwamba kazi yako imekwisha tumechagua mtu mwingine, lakini sasa hii ikiwa itakuwa vetted kwa Parliament mambo yatakuwa tofauti.

Jambo lingine ni kuhusu candidature, unaona kwamba tangu tupate uhuru from 1963 tumekuwa na President wawili peke yao na wamefanya kwa muda mrefu, lakini ningenelea ya kwamba this time President akichaguliwa afanye kwa miaka mitano, tena aruhusiwe miaka mitano mingine akiwa atapita kura na akishamaliza akae nyumbani. Hata akiwa mzuri ama awe mbaya arudi tu nyumbani, na achie wengine nafasi pia.

Jambo la mwisho: there should be special measures put in place to increase the number of women participation in the Parliament. Their number should be one representative from every district. Tunaona ya kwamba kweli wanawake kule Bungeni ni wachache sana, na wengi huwa wanasema ya kwamba wanawake hawawezi, lakini kurudi huku nyumbani utaona ya kwamba mwanamke ndiye anaongoza jamii mzima, pengine hii jamii na wanaume watano ama wanaume kumi, mwanamke anawaongoza na mambo yanaenda sawa. Sasa ninahakika ya kwamba hata wanawake wakipewa nafasi watazidi tu kufanya kazi vizuri. Ni hayo tu.

Com. Alice Yano: Asante sana Emmah anayefuata?

Wanyama Oduor: My name is Wanyama Oduor.

- All Presidential candidates must have their running mates, who will be voted in simultaneously by voters as vice President from those winning parties.
- All elected Chief Executive officers be it in cooperatives, trade unions, have to serve for ten years. Let us not look for President alone, let us stream line everything. Let them be given each term of five years, and after the first five years if they go through, let them serve for the last term of five years and that is all.
- Since the President can prop up ment that every member of Parliament should be a degree holder. We do not want a situation where a standard four chap wants to be a President, and yet he cannot explain anything about international

issues, about economic situations of the country.

- Local municipal and city councils are very crucial and by giving example of Kisumu and Mombasa, where we had Najib at the coast and Shabir at Kisumu. We have found out that highly qualified people can really give best services, so I will propose that in this positions we better have people with degrees to do this. It is now long overdue to have mediocre people being in this position and serve nobody.
- Those who want to vie for councillorship a minimum requirement should be form four (C-) we are tired of people who cannot translate issues into development matters. We want people who can grasp what is on the ground, who can explain things, who can do things.
- Government appointees should be distributed equally, the DCs, PCs should be vetted and since we are 42 tribes at least let us have those 42 PCs being distributed equally, let us have the ambassadors being distributed equally. Is that the end of what you want from me?

Com. Alice Yano: Thank you very much, and when you talk of the 42 tribes, the other day when we went round the country, the Elmolo, there is a small group of our people about 100 calling themselves the Elmolo, they also want to be recognized as a tribe in this country. And also the Swahili, Swahili we have always taken it as a language but Swahili there people called the Waswahilis, and they would also want to be recognized as a tribe. So we will not be talking about 42 tribes.

Com. Wanjiku Kabira: The Okiek community and the Indians want to be the next tribe.

Com. Alice Yano: So we may have more than 50 tribes in the country. Number nine now.

Allan Oundo: My names are Allan Oundo Onandi, from Sigalame sub-location, Ageng'a location. I will be very precise in my memorandum since I have covered a lot of it in writing. Post of Chief and Assistant Chief should be scrapped, and replaced with sub-locational and locational committees, who will have to form a committee with elected members. Police officers should not be allowed to operate in the locality without the knowledge of the local leaders.

The President should not be a Member of Parliament since he is representing the nation. The President should not be above the law. The constitution should also limit on Presidential powers, i.e. closing the Parliament for example for the next election. This should be referred to the Parliament to decide on the date and time. Presidential tenure should be fixed to two terms of five years each. The constitution should specify qualification for the Presidential candidate. This should be diplomas and degree holders and above.

Mayors and council chairmen should be elected directly by the people. The two-year term for mayors and council chairmen is not adequate. They should serve for the term of five years. Councillors should have at least minimum qualification of form four with a certificate.

Com. Alice Yano: Wind up your time is up, please.

Allan: The people should have the right to recall their councillors if he is not performing to their expectation and the procedure should be that such cases should be communicated to the appointed commissioners who will do the same to the members of the affected areas. More is going to be found on this paper.

Com. Alice Yano: Thank you very much, and that is why we gave you a priority because we knew you have a memorandum. Now we are through with those who have the memorandum. We are going to have those ones who want to do oral presentations. How many do we have? Hands up please? Counting.

Nelson Ochieng: Asante sana mama commissioners, na kikao, kwa majina Nelson Ochieng Oduke, kutoka Naguva, Ojuang sub location, Omubure. Kitu cha kwanza Busia district itangazwe hardship area, nasema hivyo baada ya kufanya uchunguzi wa kutosha na miaka yangu nikiwa na miaka karibu arubaini. Kifo, hasa hii janga ya ukimwi, imekuwa watu wanakufa sana, sasa ni jukumu la serikali to compensate watu wanao kufa, kwa sababu wamekuwa tax payers kwa muda huo wote na sasa serikali in return ilipe.

La tatu, corruption imekuwa nyingi sana hasa kortini, na maneno ya land, ningependekeza korti za zamani, maanake ikiwa old courts zitakuwa huku nyumbani maneno ya udongo inaweza kushughulikiwa vizuri sana, kuliko huko juu ambao corruption imezidi.

Jina harambee limekuwa kama gamblinig watu wanatumia ofisi kutumia sana sana maneno ya harambee, especially niguzia ofisi kama ya DO, watu wamekuwa na tabia, mara kwa mara wakiwa broke wanakimbilia mpakani vijana wenye wanapeleka mafuta, leta harambee kidogo elfu moja kesho namna hiyo. Maneno ya harambee imekuwa too much, kwa hivyo jina lingine libuniwe, Kenyatta alileta hili jina na limekuwa sasa gambling.

Ningependekeza namna hii, tumekuwa passengers hawana haki kabisa, wakati unapoingia gari, utaweza kukuta roadblock, askari akiwako kazi zao, na hii imekuwa ni area ya Bondo on your way to Kisumu, unaweza kusimamishwa kwa muda wa masaa mawili na askari ati wanakagua gari. Hii tabia tafadhali tuwe na special commission kuchuguza maneno ya askari na corruption. Thanks a million.

Com. Alice Yano: Asante sana Nelson tumeshukuru kwa hayo maoni yako.

Boniface Machiyo: Majina yangu ni Boniface Machiyo, mimi ni Executive officer wa Kanu Busia district. Najua maneno yamesemwa mengi, mengine si kuwako nikasikia, lakini nataka nisamehewe kama ninalotaja limeshatajwa. Mimi neno langu

linahusika na international boundaries, labda ningepende kuwakubusha tu ya kwamba kabla ya uhuru serikali hizi zikiongozwa na serikali ya Uingereza walitangaza namna ya kupanga boundaries za Kenya na Uganda. Kenya ilipewa jukumu la kufanya survey towards the north, lakini Uganda ikapewa jukumu la kufanya survey katika bahari, Kenya ilitimiza yake lakini Uganda walichukua railway line ya stima ambao ilikuwa inatoka Uganda kufika hapa Sio Port, kwenda Port Victoria na halafu huko Port Msoma wakafanya hiyo kama ndio boundary ya Kenya na Uganda. Watu wengi wanapata taabu sana, kwa sababu ya mpaka hapa baharini. Right now hizi ni islands ambazo ziko supposed kuwa katika Busia district I am enumerating them:

1. Suba.
2. Hama.
3. Lolwe.
4. Siro.
5. Wayasi.
6. Nusu ya highland ambayo inaitwa Sigolo.

Katika Suba district kuna highland ya Rusinga, kuna island ya Mfangano na kuna island ya Remba. Katika Siaya kuna island inaitwa Mageta lakini hizi island ukienda kwake nikutoka kwa hiyo island labda ufike tu kilometer kama moja umefika Uganda.

Lakini hizi za Busia zote zimekuwa na zimechukuliwa na Uganda. There is no country ambayo ina Constitution yake, constitution ambayo ina define sovereignty of a state and it does not recognize its international boundaries. Napendekeza ya kwamba within our constitution there must be a defination of our bondaries within which we call ourselves Kenya, na boundary katika Lake Victoria ni lazima ichunguzwe upya na serikali hizi, ili watu wetu wasiwe wanaumizwa ovyo ovyo. Kenya does not have a boundary here na wakati tulipiga makelele wakati mwingine, Ministers wa Kenya tena ndio walisema hiyo ni kuchokoza Uganda and yet these are our islands. Thank you.

Com. Alice Yano: Thank you very much, that was a very good presentation, tupe majina yako tafadhali.

Silas Odongo Oundo: My names a Odongo Oundo, Chairman Kenya National Union of Teachers, Busia branch. Ningependekeza ya kwamba kila shirika la wafanya kazi au wafanyi kazi wote nchini Kenya, lazima wawakilishwe na union. Tunaka every worker in Kenya be represented by at least a union. Na tena tungependekeza ya kwamba all the unions should have at least a representation in Parliament to take care of union matters. We would like all the agreements that have been agreed between the workers union and the government the government of the day should respect. We do not want where a union has passed an agreement with the government and the government does not respect the union.

I would like as a unionist to say, ukitaka kusimama kura, there is no need if you area government servart to resign, you only take leave, go and try your luck, if you fail go back to your duty; if you succeed God bless you.

Lastly, madam Commissioners I want in our education system, as an educationist; kila kabila iingize mila zao katika syllabus. Kwa maana hapa Samia wanawake wetu walikuwa ukija kwa boma, wanachukua baisikeli yako, wanapiga magoti kwako, siku hizi they do not do that. We want our kids to be taught all those milas, halafu waendeleze na hizo mila. Ukienda kwa bus, mtoto alikuwa anakusimamia anasema mzee karibu uketi, siku hizi ukija, ana kuuliza buda huyu anataka nini. We want all our customs to be taught in all our institutions. Thank you.

Com. Alice Yano: Asante sana for your presentation, nilikuwa nafikiri buda tu ilikuwa ya hawa polisi, inaonekana inatumika kila mahali. Anayefuata tafadhali, sitaki kutaja manambari, ingekuwa mzuri kama ungeamuka ufuatilie.

Gilbert Makhoha Ulunga: Jina langu naitwa Gilbert Makhoha Ulunga, kutoka sub-location Anging'a. Nimekuja kuongea upande wa Katiba. Katiba ikienda kuundwa iseme upande wa pesa, pesa iwe pesa ambayo mzee Kenyatta alianzia, ilikuwa pesa mzuri, rangi yake ilikuwa mzuri, kuliko kubadilisha pesa kila Rais akichukua kiti, pesa inaharibika sana. Pesa ya mzee ilikuwa rangi yake mzuri sana.

Upande wa serikali, tuko na uoga sana, polisi akikuta mtu au ukipita mahali iko chang'aa lakini wewe si mnywaji wa chang'aa, inabidi pia ukimbia, kama ukisimama lazima utashikwa tu. Utalipa mzigo ule ambao hauujui. Napendekeza mtu asikamatwe bila hatia. Upande wa kupiga report kwa polisi, ukienda kwa polisi ukiwa na tatizo, ukisema umepata majeraha au umepigwa, polisi badala yake wanakupatia uoga: kwanza, wanakwambia “ sema vizuri, unatoka wapi? Au unasema nini” lakini ukisema chang'aa iko mahali fulani, hakuna polisi yeyote atauliza maswali, atatoka saa hiyo kwenda kukamata. Lakini upande wa majeraha, umeuliwa, umeingiliwa na majambazi, polisi hashughuliki. Nataka polisi mtu akienda kushtaki wasitie mtu uoga.

Upande wa bishara: ukienda barabarani unaweza kuwa na kitu umelima kama mandizi maharagwe, machungwa na kadhalika, ukisimama hapo barabarani, lazima utaulizwa usafi, umepima na kitu gani, kwa nini unauza hii? Na wewe unaenda kutafuta hapo sabuni, lakini serikali inakubidi usiuze hiyo kitu.

Ya mwisho upande wa elimu, iko watoto wengine wa standard eight, wamemaliza eight, lakini hawezi kuendelea mbele, lakini kazi ikitokea yeyote hakuna mtu atakupatia kazi kwa sababu haujaenda secondary. Inatakiwa kazi kama hii ikija kwa kijiji watoto wale walisoma mpaka standard eight lazima wapewe wajaribu bahati waendele kazi kama ataweza.

Com.Yano: Asante sana jiandikishe, mwenye anayefuata tafadhali kuja upatiane maoni yako.

(Samia Dialect)

Wanyama Awili: Esie nangwa Wanyama Awili

Translator: Mimi naitwa Wanyama Awili.

Wanyama: Esie ndakha Katiba ino itukhonye.

Translator: Na mimi nataka hii Katiba itusaidie.

Wanyama: Abundu wa omusiani wange niyakhafa.

Translator: Mtoto wangu wa kiume alikufa.

Wanyama: Yaberege niyangosia muno buli khandu andetara.

Translator: Alikuwa akinisaidia kila kitu akiwa hai.

Wanyama: Bulano ngayalekha saa mbwe bulano ngayakhafwa esindu siwakanirakho sio ne sio mukhasi nende abaana baya.

Translator: Serikali imesema uridhi ya hiyo mali ya mtoto wangu, ni ya bibi yake na watoto wake peke yake, sio mimi.

Wanyama: Lano ngwechanga saa machi.

Translator: Mimi hunywa tu maji peke yake sasa.

Wanyama: Naye alire.

Translator: Na huyo bibi ya mtoto wangu na watoto wanakula.

Wanyama: Elindi Ndakhekomba balingisie mukatiba muno mani simwani omundu yesi alichengekho sididi nende.

Translator: Angependa kwa katiba hii, iwekwe percentage fulani ya baba au mama kwa uridhi wa mtoto wake akifa.

Wanyama: Eliakhubiri ino ya KANU yatufikirira mbwe mbu buli mundu esindu sioli nasio omwene niwe otushe obukusi ebio niye ingira ndala yokhunyala abandub lwa mubungi.

Translator: Serikali ya Kanu imekubalia sisi ya kwamba kila kitu unacho wewe mwenyewe ndio utoe bei yake. Hiyo ni kunyanyasa wananchi sana.

Wanyama: Khale ngabiebechanga.

Translator: Zamani vile ilivyokuwa.

Wanyama: Abamaduka batengushwangakho.

Translator: Watu wamaduka walikuwa wakifuatiliwa.

Wanyama: Nende ingobo.

Translator: Na watu wa nguo pia.

Wanyama: Nino okusianga otie iyadi ino.

Translator: Selikali ilikuwa inauliza unauuzaje hii bei?

Wanyama: Basi bulano abundu batemanga muno okhutia.

Translator: Watu walikuwa wanajaribu sana, na kuogopa.

Wanyama: Nga ndabolelera basikari babomakha ano.

Translator: Kwa vile askari walikuwa hapo wengi.

Wanyama: Nomundu yecha akula esindu awo.

Translator: Na mtu ananunua hapo kitu.

Wanyama: Ne bulano ngakula ne abasikari bechera khubwenekho wakosia otie.

Translator: Askari anakuuliza umenunua namna gani.

Wanyama: Ndakha abundu awo serikali isu ngakhale babe nende ingira ya control board.

Translator: Anataka serikali irudishe price control, ili watu wa maduka waangaliwe.

Wanyama: Akange kabwerawo.

Translator: Yake imeishia hapo asante.

Com. Alice Yano: Anaye fuata?

Nicholas Ochola: Majina Nicholas Ochola, from Musichwa sub- location, Muvilo location Samia, la kwanza ningependa Katiba ya kesho iondowe ushuru wa kupeana katika medical services, medical services iwe free kwa kila MwanaKenya kwa sababu inaeneza rushwa na masikini wanakufa wengi. La pili, kufuatana na mambo ya land dispute, ningependa mambo ya land dispute ishughulikiwe na mobile courts. Ni kwamba court hizi ziwe kila pahala kwenye mabishano ya ardhi, hatupendi kesi za ardhi zipelekwe Nairobi. Jambo la tatu, kulingana an Judiciary ya leo, mimi napendekeza hivi, tajiri na msomi akifanya makosa, asipewe bond, kwa sababu akiwa nje na ni tajiri atavuruga upelelezi, atahongana na hatafanyiwa chochote. La nne ni kuhusiana na mambo ya polisi, polisi wawe na heshima kulingana na mila za watu. Polisi akipelekwa mahala lazima apewe mafunzo kulingana na vile watu wanavyoishi. Kwa mfano ni hivi, kulingana na mila za Samia, mimi nikioa msichana lazima nimpe utiifu mwingi baba mkwe na mama mkwe. Na askari atakuja kunishika pamoja na baba mkwe kunipeleka mahala kama katika cell moja, tuvuliwe nguo tuwe uchi, hiyo ni aibu kubwa sana, hata inaweza kutokea kifo kulingana na mila zetu za Kisamia. That should be abolished and looked into very seriously.

Ya mwisho ni kuhusika na traffic act, drivers wanamaliza watu leo, mtoto mdogo anavuta bangi anaendesha gari vile anapenda, anasababisha vifo, serikali haipeani adhabu kali, adhabu iwe ni kwamba driver akipatikana amevuta bangi, anaendesha gari carelessly afungwe miaka kumi na tano, na anyimwe driving license for good. Mob justice: katika Katiba tuondoe mob justice, kwa sababu hii inafanyisha mtu ambaye hanipendi, ataniwekelea kitu halafu watu watakuja kuniua bure. Tuachie mambo haya serikali asante sana.

Com. Alice Yano: Asante sana Nicholas, nafikiri ungefaa kujua mob justice sio halali. Asante. Mwenye anayefuata tafadhali.

Millah Wanjala Bwire: My names are Millah Wanjala Bwire, I have five points concerning my recommendations:

1. On Cap. Section 26 (3C) concerning the AG's power to enter a nolle prosequi I would say it is very unfair for the Attorney General to wait for a proceeding to reach in court only to come in later, may be acting on somebody's advice. My recommendation is that that subsection 3 paragraph C be removed completely. Because the AG is a political

appointee, he is appointed by the powers that are, and if he is given that power then I think there will be unfairness to somebody else.

2. Judiciary: we have had many problems in Kenya concerning our Judiciary. Like supposing you have my debt of Kshs. 500, I would go to court, because of the filing fees, all the bureaucracy will cost me a lot of time, which is unnecessary, I therefore would say that we have market courts like it used to be long ago, you owe me a thousand bob, you and I square it outside the court, less cost, less time, and efficient.
3. Section 3 of the constitution of Kenya, it is the supremacy clause, but given that this is the time when each country needs to be internationally prepared, for instance Kenya can be found in Comesa, Kenya can be found in the East African Cooperation, now supposing that its being in the EAC, and it signs the East African Cooperation treaty, then the East African Cooperation treaty act will be any other law in the meaning of section 3. And that one will mean that Kenya is a separate entity from the lot out there. I recommend that something be added on that section.
4. Chapter 5 constitution of Kenya, freedom of worship, I find that section very ambiguous, it simply says freedom to worship, but I think right now, it is towards the end of the world, and I would say it is good if something was added there. Some religions have been very dangerous, but you see you cannot prosecute the person because he quotes to you that there is freedom of worship. The other day the Devil Worship Commission was set up and disbanded, before we knew the results. That money could have even been given to teachers.
5. Licencing: It is my opinion that a shopkeeper in a retail shop, in a whole year can earn Kshs. 6,000 as net profit, so if the license is Kshs. 6,000 itself, then I think that shopkeeper is doing nothing in the market. It would be my recommendation whatever that law falls that those levies be reduced. Thank you.

Com. Alice Yano: Thank you very much, I think you must be a law student, and we are happy for new points that you have brought in. The next one please?

Kefa Were: Kwa majina naitwa Kefa Were, Mhemba, Senior Liguru Juang'a sub-location. Senior village elder. Yangu kulingana na wakati, watu wamesema mengi, yale ambayo ningesema, lakini sitaki kurudia. Nitaenda tu namna hii, upande wa administration nitasema hivi, upande wa Chief na Assistant Chiefs wao, mimi kwa maoni yangu nataka hao watu wakuweko, hizo post zikuweko, lakini wawe wakipigiwa kura na watu kwa sehemu wanazotoka. Sio wafanyiwe tu mambo ya mtihani na mtu pengine hakupita na amependekezwa na mtu fulani na anachukua tu uongozi. Tunataka watu wenyewe wawachague. Ya pili, nilikuwa nimeonelea sisi, sana sana upande wa Samia, watu wanakufia nyumbani, kwa maana gharama ya matibabu kwa hosipitali zetu, hata ziwe za serikali gharama iko juu sana. Mama anaweza kuwa na shilingi mia moja kwa mfuko, na hii pesa akienda kwa hosipitali inaishia tu kwa madirisha, akifika kwa madawa, wanamwambia aende akanunue kwa chemist na zile pesa alikuwa nazo amemaliza. Sasa napendekeza hizo gharama zipunguzwe na mama wengine wapate matibabu ya bure kwa hosipitali za serikali.

Jambo la tatu na ya mwisho, sisi kama Ligurus, tuko na kazi nyingi sana ya kufanya usiku na mchana, hatulali, hata mvua

ikinyesha unaamuka hata ukiwa unakula chakula unawacha wanaenda kufanya kazi. Natunafanya hii kazi bure, bila malipo yeyote, sasa sisi tunataka tupate mshahara, hata ikiwa ni mdogo, lakini tupate mshahara kwa mwezi. Na tena tupate uniform, ili tuwe tukitabulikana mbele ya watu, wao wajue huyu ni Liguru ama ni village elder. Kuliko kukaa tu fuua, kwenda tu na hizo nguo zetu ambazo tumenunua.

Com. Alice Yano: Mngetaka mshahara wa pesa gapi?

Kefa: Vile uchumi bado ni mbaya, tunataka liguru apate ikiwa kidogo sana elfu tano kwa mwezi. Na mwisho tafadhali, points, mimi napendekeza hii pombe ya kienyeji ya wazee wale walikuwa wanakunywa ya mrija na busaa, wazee wawachiwe wakunywe, hiyo ndio pombe ambayo wazee wanakaa na kujadiliana maneno yao ya kinyumbani na ya baadaye, ndio tupate utamaduni wetu, tufuate vile utamaduni unatakiwa ufuatwe.

Com. Alice Yano: Kuna swali hapa Senior Liguru ngoja kidogo.

Com. Wanjiku Kabira: Senior Liguru ningetaka kuuliza kama kuna akina mama Liguru?

Kefa: Wako, hata kwa hii sub-location tuko nao.

Com. Alice Yano: Asante sana, lakini hii line inaongezeka na nilikuwa nimesema ni wanane, wa mwisho ni nani hapo? Sasa mko wawili? Okay.

William Ngeke Otigo: Kwa majina ni William Ngeke Otigo, Ojuang'a sub-location, Nagova location. Kitu ambacho mimi nataka kusema, wale watu wadogo sana wale ambao hawajisaidii na kitu kama pesa, yule mtu ambaye yuko na pesa au ukipakana na yeye, huyu mtu anachukua shamba lako na Chief au sub-Chief wanajua shamba ni lako. Lakini wanachukua hiyo shamba na kugawiya yule mtu ambaye yuko na pesa na wewe uko masikini. Hiyo kitu inasema ya kwamba sisi ambao hatujiwezi tusaidiwe tuwe na ile kitu ambayo ilikuwa ya zamani ambayo ilikuwa inaitwa bilaha, ilikuwa inachimba kama kaburi, halafu hiyo kitu mtu alikuwa anachukua anaweka, halafu mutungi mtu anaweka kwa kichwa halafu anaweka maji juu yake, sasa kama wewe unasema ya uongo hayo maji yanatiririka kwako, na hiyo ilikuwa vizuri kwa sababu, mtu akishika bibilia anasema hiyo haiwezi kumfanya kitu, kwa sababu hiyo kitu ilikuwa inafanya kitu ya maana sana, akibeba juu yake, halafu hayo maji yanatiririka kwake, sasa wale watu ambao wanaona wanasema huyo kumbe alikuwa anadanganya, shamba kumbe ni la huyo.

Kitu ambayo mimi naongeza tena, tuko na wale ambao walikuwa wameenda vita mwaka wa thelathini na tano mpaka arubaini na tano, walikuwa wanafanya na wakoloni. Hiyo kitu tuliuliza pesa ilikuwa inakuja, lakini sisi ambao tuliobaki lakini wazee wetu walikufa, hatupati hiyo pesa. Hiyo tunaona serikali ifanye uchunguzi na kama hiyo pesa inakuja lazima waulize wale watu ambao waliobaki. Hata form tuliandika majina yetu, lakini hatukupata pesa, kutoka mwaka jana. Katiba ambayo inafanywa

warekebisha hayo mambo sisi tupate pesa, wengine mama wako, lakini hiyo kitu hawaoni. Asante sana.

Com. Alice Yano: Ngoja kidogo, umesema mlfuata hayo maneno na nani? Haya maneno ya kupigana kwa vita?

William: Tulifanya wakaleta form.

Com. Alice Yano: Nani alileta form?

William: Serikali ndio walituletea form, tukajaza, tukapeleka Busia, tulipopeleka Busia, wakasema majibu yenu mtapata, hatukupata mpaka wa leo, kutoka mwaka jana mwezi wa tano. Tulipeleka kwa ofisi ya DC.

Com. Alice Yano: Lazima mtapata kwa sababu kuna ---(inaudible)

William: Wakili atakuwa pesa na sisi hatuna pesa.

Com. Alice Yano: Nimeelewa, asante.

Angatia Ayaya: Jina langu ni Angatia Ayaya. I am going to be very brief, nina-point tatu peke yake, ya kwanza, tumeona serikali imekuwa na watu ambao imepanga, this are the bureaucracy, people who plan for the economic growth and development. Sasa hao watu tumeona mara nyingi, there people who are very much entrusted upon by the tax payers. Kama watu ambao wanaweza kufanya mipango mizuri ili hii nchi ikue, lakini tumeona mara nyingi tumedaganywa. Kufika mwaka wa elfu moja mia tisa na sabini, kila boma itakuwa na electricity, we shall have piped water in all homes, lakini wanazidi kusongesha the goal post, unapata we have now come to the year two thousand, lakini still all through things that we were being promised haziko. The recommendation is these people should be censured before they are appointed to this post. Inaonekana they are incompetent and this one should be provided for.

Another thing is that the cooperative movement in the whole world, ndio imefanya maendeleo, watu wakakuwa wanamapato kidogo kidogo. Employees wana entrust co-operatives kupata mikopo na kufanya maendeleo, lakini in Kenya, utapata that we need laws on the co-operative movement, kwa sababu zimeanza mara nyingi hizo co-operatives after sometimes watu wanakuwa embezzled pesa zao then they just collapse. So something should be done, so that before any co-operative movement takes off, they should actually look at the establishment wajue ni watu wanaweza kufanya kazi. Lastly, there is animbalance on the distribution of national resources in terms of employment. Hiyo ilikuwa imesemwa lakini ningengezea hivi, the current situation ni hii ya waalimu, teachers have not been employed since the year 1998, upto date. Lakini sasa vile inaonekana they are being employed in bits, unapata, they are not systematic in the way they employ these people. Unapata mtu ametoka college the year 2000, amepata kazi, someone who left 1997 amewachwa nje, I think they should be considerate,

actually not worrying who knows who and who has what. Nafikiria ni hayo tu.

Com. Alice Yano: Thank you very much Ayaya, anayefuata? Nafikiria sasa huyo ni wa mwisho, sivyo?

Mark Wangira Okumu: Jina langu ni Mark Wangira Okumu, kutoka Pisembe sub-location. Box yangu ni 141 Sio Port. Mimi nimekuja hapa kuzungumza maneno ya Judiciary department, Judiciary department ya siku hizi si nzuri sana kwa sababu imewacha vitu vingi nje. Ukienda kortini wewe uko na surmon, unakwenda kupeana evidence, korti imekuita, wewe wakati unamaliza kupeana evidence yako korti haikupatii wewe transport ya kurudi nyumbani, je hizi pesa tulikuwa tunapokea zamani zilikwenda wapi? Katiba ya sasa irekebishe sasa. Ya pili, mtu akifa hapa baharini, anabebwa anapelekwa Busia kwa postmortem, anawachiwa watu wake, polisi wanasema wamemaliza kazi yao, hawawezi kubeba maiti huyo wakarudishia huyo mtu kwa sababu huyo mtu ni masikini, hawezi transport ya kubeba maiti kurudisha nyumbani. Mimi napendekeza ya kwamba serikali to provide transport ya kumrudisha nyumbani sawa sawa vile walivyopeleka yeye.

Ya mwisho mimi nasema ya kwamba mtu akishtakiwa katika polisi hapa, ni kitu mbaya sana, polisi wanasema useme, mtu huyu atasema nini na anatakiwa aseme maneno yake kwa judge? Ni kwa sababu gani Katiba haiwezi kuruhusu mtu huyu aseme kwa judge au kama hajui apewe free lawyer atetee yeye. Hayo tu ndio mimi niko nayo.

Com. Alice Yano: Asante sana Mark, tumeshukuru kwa hayo maoni yako, na wa mwisho sasa?

Jiandikishe.

Leonard Ojiambo: Kwa majina naitwa Leonard Andrew Ojiambo Makioni. Mimi ni mzaliwa wa Sio Port. Mimi nachangia upande wa Jua Kali, kwa maana nchi yetu ya Kenya imesahau Jua Kali. Wakisema wanaandika prison, tuko na Jua Kali ndani kwa prison, lakini wanachukua watoto watajiri wanapelekwa mbele, wanaenda kujifunza hiyo kazi kwa prison na mimi nimejifunza huko college, mbona waniache nje. Jambo la pili ni misaada kutoka nje, sisi hapa Sio Port hatujapata msaada wowote na tuko na chama, cheti cha Jua kali, tunasikia tu habari, na tunaona watu wa tumbo wanaingia wanatoka na hatuoni pesa zozote za Jua Kali. Tunataka tafadhali mtusaidie kidogo kama tunaweza kupata hizo pesa tupate na tuko na certificate za trainee.

Jambo la mwisho kabisa, nimeona watu wameongea kwa mambo ya chang'aa; mimi nimeonelea wangekata ushuru kusudi kwa mambo ya chang'aa badala ya polisi kumanga manga kwa maboma za watu saa zingine wanatoka wezi wanaingia. Sasa sisi tunaonelea hao watu wakatishe ushuru ili watu waendele tu na mwenendo wao, ikifika mwaka fulani wanatoa ushuru na wanaendelea.

Com. Alice Yano: Asante sana tafadhali jiandikishe, na sasa nambari ya sabini na wa mwisho.

Rose Ogesa Aluda: Asante mimi yangu sio mengi sana, majina ni Rose Ogesa Aluda, nilikuwa safarini kwa bahati mzuri nimerudi kama bado mko hapa. Na ikiwa nitarudia yale yamesemwa tafadhali muniwie radhi kwa sababu sijui. Nitasema kwa kifupi, jambo langu la kwanza ni kuhusu kesi za kortini, naona kama huwa zinachukua muda mrefu sana. Unapata kesi inachukua labda hata miaka kumi au zaidi, na labda wale watu wanaohusika katika hiyo kesi kwa mfano kama hizi za shamba vile watu wametaja hapa mara nyingi, unapata labda huyo mtu ni mzee na kila mara wakienda kortini unasikia imeairishwa mpaka mwezi ujao pengine miezi miwili na miaka inaenda hata huyu mtu atakufa kabla hiyo kesi haijakwisha. Sasa nilikuwa ninapendekeza kwamba kesi zinazopelekwa kortini wajaribu kuzifanya kwa haraka zaidi, zimalize labda hata kama mwaka mmoja ama miwili.

Halafu jambo lingine, kuna negligence sana kwa hosipitali, unapata kuna vifo vingine vinatokea tu kwa sababu wale watu wanatakikana wafanya kazi pale wame-neglect. Kwa mfano labda mtoto ana malaria, na hao watu labda hawachukui steps za haraka vile wanaona labda yuko kwa hali mbaya ile anatakikana audumiwe haraka bado wanataka sijui pesa, wanaitisha vitu vingine ambavyo vinachelewesha mgonjwa kuhudumiwa halafu anafariki. Na ni mgonjwa ambaye pengine angeweza kutibiwa akapona kama wangetangulia kwanza kupeana matibabu, kabla hawajaangalia hayo mambo mengine ambayo ni minor, yanaweza kulipwa baadaye. Na tena jambo kama hili likitokea unapata tu mtoto amekufa ama mgonjwa amefariki na inawachwa tu hivyo, hakuna mtu atafuatilia aseme vile mtu fulani alisababisha kifo, kwa sababu ikiwa ulitakikana ufanye kitu fulani kama pengine ulitakikana to advice, mtoto hana damu ya kutosha, peleka mahali fulani ili aweze kuongezwa damu na wewe unaangalia tu na unapeana labda tablet kidogo na mtoto ameishiwa damu halafu anarudi nyumbani na anafariki, inapatikana alifariki kwa sababu hakuwa na damu ya kutosha, na wewe ni mtu ulisomea ile kazi, sijui kama watu wanafanya kazi ambazo hawazijui ama ni nini. Kama jambo kama hili litatokea, mwenye kusababisha ajibu maswali kwa nini amesababisha kifo, hata kama ni kunyang'anywa license ya kuendelea na kazi kama hiyo.

Halafu jambo lingine ni unaweza pata kwamba unaishi katika community na labda mtu ataku-threaten kwa njia fulani, akwambie wewe ukifanya hivi tutakuja tuchome nyumba yako ama tutafanya kitu fulani, sasa unajua jambo kama hili ukienda ku-report watasema nyumba imechomwa ama umepigwa, vile mtu alisema atakupiga, sasa inakuwa vigumu hawawezi kuchukua hatua, lakini unaweza pata mtu amelalamika juu ya jambo fulani halafu baadaye linatokea mtu anaumizwa ama anauwawa kwa sababu hawakuchukua hatua kwa sababu wanasema mtu alikuwa hajaumizwa ama haja uliwa. Sijui hapo wanaweza kusaidia watu kwa njia gani.

Halafu mwisho ni upande wa kusaidia wananchi ambao ni wa chini kwa grassroot level. Utapata vitu kama tuseme committee ya AID's wameweka watu wakubwa huko mbele na hawajui ni watoto gani ama ni watu gani ambao wako affected na ugonjwa kama huu. Sasa hata misaada ikija wale watu wenyewe wanatakikana wapate hii misaada hawana hata habari. Kama juzi tuliitwa kwa semina tukambiwa kwamba kuna mtu ambaye hata amepewa pesa ambazo zinatakikana zisaidie watoto ambao wazazi wao wamefariki na ugonjwa kama huu. Raia hawa wadogo wachini ndio wanajua watoto kama hao, kwa nini wasitumie hawa raia ambao wanajua hawa watu kuliko kutumia mtu ambaye anaishi huko Nairobi; mkubwa ana tembea kwa

gari hata hajui. Naona kwamba jambo kama hili, wangejaribu kutumia watu wa grassroot level, wawache kutumia hao watu wakubwa ambao hawajui ni nani ana shida. Asanteni.

Com. Alice Yano: Asante sana Rose na nafikiria pengine tunasema majibu ni hapa hapa duniani, ukipatiwa pesa kusaidia wale wenye hawajiwezi, na uzitumie kwa njia zingine ni vibaya. Asante Rose tumefurahia kwa maoni yako. Na sasa napatia Prof. Wanjiku Kabira, aendelee.

Com. Wanjiku Kabira: I want to take this opportunity to thank you all, tumechukua memorandum nyingi na maoni mengi na tumefurahi kwa sababu watu wamekuja kwa wingi na vile tunaweza kuwambia ni tukimaliza Western na tutamaliza Jumatano wiki ijayo, tutatengeneza report za constituencies. Na kama report ya Samia Constituency, nafikiri mtu mwingine alisema Funyala Constituency iwe inaitwa Samia Constituency, kwa hivyo tutaleta hiyo report na mtaiangalia, pengine mnajua tunatengeneza report, what we call the National Report, ile tutaweka maoni ya Kenya nzima pamoja; na tutaandika the Draft Constitution or recommendations vile watu wa Kenya wote wanasema. Na hiyo itakuwa tayari na tutaileta through the district coordinator mtaungana tena na mtaiangalia muone kama vile mlisema ndivyo wale wengine wa kutoka Central, Eastern, Coast, Rift Valley, muone kama watu wamesikiliza na muone ni maoni gani wametupatia, lakini hatukupata kutoka upande huu.

Na hiyo ikimalizika pengine Commissioner Yano, aliwaambia asubuhi, tutakuwa na National Constitutional Conference, na National Constitutional Conference itaangalia hiyo draft bill, unajua haiwezi kuwa constitution mpaka tuipeleka kwa Parliament and Parliament waizungumzie na iwe constitution. Lakini ile tutapeleka kwa Parliament itakuwa draft bill, proposals towards the constitution, but it will have been agreed upon at the National Constitutional Conference, that is where people are going to negotiate, they will discuss what they will do with the police, the issue of the police is a major issue, what they will do with international borders, like what you are presenting today. All they will do is decentralization of power, what they will do is decentralization of institutions of the government and so on. And then after the discussions, what they will have agreed upon will be put together again by the commission and then submitted to Parliament for enactment. Kwa hivyo ndio taratibu ile tutafuata kutoka leo. Na tumefurahi sana kwa sababu mmekuja kwa wingi na mmetupatia maoni yenu. And I think with that I will hand over to the chair of the committee, having thanked him very much and we are very proud of the committee, as well as the civic education provider; and the people of Sio Port. Thank you very much.

3Cs: Asante sana wageni wetu nafikiria Wasamia wamewafurahia leo na mmetoa maoni yenu, kwa hivyo leo pia mimi nimekuwa mgeni, nitamuita chairman wa 3Cs.

Justice Achoka, Chairman 3Cs: Bwana Commissioners, wale walioandamana na commissioners, CCC members Civic education providers na wananchi kwa jumla. Yangu nikuwarudishia asante kwa kuvumilia kwenu hadi wakati huu. Na kwa vile tumekamilisha kazi yetu, nitaomba moja wetu wa 3Cs member aje atoe shukrani kwa niaba ya Kamati, halafu apeeane mwingine naye afunge kwa maoni. Bwana Akode Amacho.

Akode Amacho: Madam Commissioners, yetu ni shukrani kubwa kama kawaida, na mimi najua ya kwamba hawa Wasamia ambao wamebaki hapa wanayo furaha kubwa kwa sababu nyinyi mumevumilia na nyinyi mumetuongoza, na nyinyi mumesikia yale mazuri na mabaya, na nyinyi wenyewe ndio mnajua yale mazuri ambayo mtapeleka na hata mabaya yale muyapeleke nayo pia yasikike huko. Lakini jambo lenyewe kubwa ni kwamba, mimi nimepewa tu jukumu na chairman wangu kwa niaba ya kamati ya 3Cs kuwatolea shukrani kubwa sana, kwa kuja kwenu. Na kwa vile hapa Samia huu ndio mkutano wenu wa mwisho nataka sana kusema ya kwamba Mungu aliyewabariki mkafika hapa salama, huyo huyo Mungu ako na nyinyi mrudi popote mnapokwenda na mfike salama. (Luhya dialect) Wamesema wamefurahi sana. Na kama mmefurahi, mimi ningependa mtengeneze makofi sababu hiyo ndio njia ambayo, hatuna kondoo ya kuvuta na kuwapa, hatuna ng'ombe, hatuna mbuzi, tuwapigie makofi matatu yale ya juu kabisa. (watu wanapiga makofi wakisema, commissioners asante kwa kuja kwenu). Asante sana, hayo yalikuwa ni makofi ya kusema ya kwamba wamefurahi, lakini pia hii kamati ambayo iliteuliwa kufuatana na kifungo fulani cha act ambayo imefanya hawa wakaja, ya kwamba watachagua kamati fulani ya 3Cs na hiyo kamati inaongozwa na Bwana Justice Achoka, kuko Mayor wafunyuha kuna mama yule bibi wa councillor, kuko kila mtu, kuko mama Salome, hao nao wamefanya kazi nzuri ya ku-motivate nyinyi ili msiseme ya kwamba wale waliokuja wamekuja kufanya campaign ya Kanu, au wamekuja kufanya campaign ya Ford Kenya Walikuwa tu waki-motivate nyinyi mje mtoe maoni kama haya ambayo mmetoa, siwamefanya kazi nzuri? (makofi tena).

Kuna wale Civic Education Providers, wale ambao wamechukua jukumu la kufundisha Wasamia kila mara ya kwamba mkienda, muende na msemi yale ambayo mnaona vile mtataka constitution yenu iwe, hao nao wametembea kila mahali kwa vijiji na kila mahali. Naona kina Freddy ako hapa, naona rafiki wangu na mama Rachael. Hao nao wamefanya kazi nzuri. (Makofi tena). Kuna coordinator wetu hayuko hapa, Mr. Wesonga, huyu ni kijana shupavu, kijana ambaye bongo zake zinafanya kazi, yeye ndiye amekuwa ana coordinate Busia nzima, kuona ya kwamba hivi vitu vitakuwa, lakini bahati mbaya hayuko nasisi hapa, ameenda kuangalia maneno fulani fulani huko nje, ambayo imemkumba huko nje. Amefanya kazi nzuri, tumpe makofi. Hao waliotembea na commissioners, hao wasichana wamefanya kazi nzuri, kulikuwa na kijana hapa, sijui naye simuoni, makofi. Nanyinyi wenyewe najua mnajua hapa mahali hii ni jumba la serikali, la matibabu, la wagonjwa, kuna wakubwa hapa ambao wanalinda hapa na ambao tuliwauliza specially ya kwamba kazi hii tutaifanyia hapa, kwa hivyo hawa wanaolinda hapa, hao wako incharge wa Sio Port health center tunawapigia asante sana, kwa ukarimu wao na watusamehe kama kazi yao tumekuwa tunawasumbua siku ya leo mzima. Lakini kwa vile tumefurahi kwa makaribisho yao, tuwape makofi. Assistant Chief akiongoza nyinyi watu wa Sio Port na watu wa area hii yote mjipigie kofi moja.

Mama asante sana sina swali lolote sina chochote, mimi nashukuru sana Mungu awabariki.

3Cs Member: Tusimame na tuombe. Kwa jina la Baba, la Mwana na Roho Mtakatifu, Mungu Mwenyezi wa milele, tunakushukuru mfalme wa ajabu kwa sababu umeweza kuwa na sisi, tazama Baba tulikuuliza wakati tuliwakaribisha wageni wetu commissioners kutoka Nairobi katika tarafa yetu ya Funyuha, tukasema ya kwamba ukawalinde na hata ukatupe nguvu na

maarifa ya kutoa yale ambayo wanahitaji. Baba yetu haujatuacha, umekuwa na sisi tangu jana mpaka wakati huu. Mungu tazama wakati wajakazi wako wametenda na wamesema yale ambayo wanahitaji ya rekebishwe. Tunajua kwamba kwa mkono wako wa uwezo na upendo yale ambayo tumesema yatatimizwa. Baba yote ambayo yamebaki katika roho zetu ukazidi kusema kwa wenzetu ambao hawajasema ili tunapokutana wakati mwingine tufurahie yale tumesema ikiwa yatatendeka. Mungu waajabu wengine wanataka kuondoka natunajua kama tunaenda kuwachana kimwili roho zetu zikuwe pamoja. Safari wanazosienda ukazidi kuwabariki ili watakapofika na kurudisha habari na kusema walifika salama tutakuinua na kusema asante.

Baba wabariki wote ambao wanakaa katika mkoa huu, uwabariki wale wanakaa kwa hosipitali hii, ili yote watakayo tenda yawe ni kwa uwezo wako, tukawachane kimwili nasi tukakuwe ndani yetu. Ni katika jina la Yesu Kristo tunaomba na kuamini.

Ni katika jina na Baba, la Mwana na la Roho Mtakatifu. Amina.