

**CONTITUTION OF KENYA REVIEW COMMISSION**

**(CKRC)**

**VERBATIM REPORT OF**

**CONSTITUENCY PUBLIC HEARINGS,**

**KIMILILI CONSTITUENCY AT NAITIRI HIGH SCHOOL**

**ON THURSDAY 1<sup>ST</sup> AUGUST, 2002**

CONSTITUENCY PUBLIC HEARINGS, KIMILILI CONSTITUENCY, HELD AT NAITIRI HIGH SCHOOL,

ON 1<sup>ST</sup> AUGUST, 2002.

**Present:**

Com. Zein Abubakar  
Com. Isaac Lenaola  
Com. Mosonik Arap Korir

**Secretariat Staff-In attendance:**

Hassan Mohamed - Programme Officer  
Joyce Wamucii - Ass. Programme Officer  
Marion Nekesa - Verbatim Recorder

The meeting started at 9.30 a.m. with Com Zein in chair.

**Mr. Joshua Simiyu The Chairman of the 3cs :** Asante sana. I would like to welcome you to this session for giving views on the Constitutional of Kenya. We want to reform the Constitution of Kenya because we have had for now about 40 years. Before we do that let us have a word of prayer from one of the teachers. Mr. Oluoch please lead us in prayer.

**Mr. Oluoch:** Okay let us pray. Our father God we want thank you this morning for the grace you have given unto us to assembly this please today we pray that your peace is going to prevail in this meeting that you are going to give us understanding you are going to the unity and co-operation that we need in this day. We pray my father that even as we gather here we are going to give views my father that are going to help with the Constitution for the peace and prosperity of our nation in Jesus name we belief and pray amen.

**Joshua Justici Simiyu :** Kwa majina naitwa Joshua Justice Simiyu. I am the Chairman of CCC Kimilili Constituency. We have three Commissioners they will introduce themselves at an appropriate time. May I recognize the presence of the DO of this division Mr. Cherop Cheron and the EAO Mr. Simiyu is in charge of this area. Of course we should not assume that the host is the Principal of Naitiri boys high school Mr. Wekesa perhaps he can say a word or two .

**Mr. Wekesa:** Thank you very much the Chairman of the CCC the Constitution of Kenya Review Commissioner other official of Commission who are present, our Education officer EAO, my fellow wananchi hamjambo. On behalf of the Naitiri High School community I want to take this community to welcome you to this venue and this is very important national exercise. We really feel privileged as an institution to host you this time the second round. The first round you were here for civic education and I want to belief you did some good work and we have been well educated. We are now in a position to present to you

what we feel should go into at the Constitution.

I want to say Bwana Chairman that on the ground we have a gentleman called Mr Masika ---- somebody you can call upon any time when you need any assistance. He will be on the ground to assist you otherwise I want to say feel most welcome and thank you.

**Joshua Simiyu :** The CCC stands for Constituency Committee for Constitutional Review. They are ten members including the MP and the Councillor of the area plus the Co-ordinator whose is the overall district officer in charge of the Constitutional Review matters.

Today, right now Mr Otsula who is in charge of Naitiri location another lady whose supposed to come any time now and perhaps Mr. Wafula in charge of Tongeran and Kimilili down location of Kiminini . Now jambo la mhimu leo ni kupeana mawaidha yetu

Kwa kubadilisha Katiba ya Kenya. The Constitution is the supreme law in any country and the law should be for the welfare of the people. We have been independent from 1963 and the independent Constitution has been amended many many times. Now we have has given a historic opportunity to change or reform, tubadilishe zile sheria ambazo tumeona sio nzuri kwetu so today mko na hiyo fursa ya kubadilisha sheria mbaya. What you think has been oppressive has not been for our welfare this day say and suggest give suggestions. It will be useful as the Commissioners will tell you to be brief, precise. Sema vile unajua makosa gani iko. You give your proposals. Mnataka tufanye nini ili tubadilishe mwenendo wa Katiba ya Kenya. So feel free even if the Chief is here or the DO is here and you think we want to remove Provincial Administration, he will not follow you for having said that. You are saying because you have the freedom. It is a life time opportunity which you must exploit. With those few remarks may I hand over to the Commissioners to do their work.

**Com. Zein:** Goodmorning , My first duty and responsibility is to officially recognize this as formal sitting of the Constitution of Kenya Review Commission for the purpose of collection of view from Kenyans in order to facilitate the amendments of our Constitution. Fursa yangu ya kwanza ni kutambua kikao hiki kama kikao rasmi cha Tume cha kurekebisha Katiba ya Kenya, kwa minajili ya kukusanya maoni ya Wakenya ili tuweze kubadilisha Katiba yetu. My second duty is to introduce my staff. My name is Abubakar Zein. I am one of the Commissioners and allow me to ask the fellow Commissioners to introduce themselves and greet you before you we go on, thank you.

**Com. Mosonik:** Hamjambo wananchi. Ladies and gentlemen how is everybody I would like to introduce myself as Commissioner Mosonik Arap Korir.

**Com. Isaac Lenaola:** Hamjambo nyote mimi taitwa Commissioner Isaac Lenaola.

**Com. Zein:** Dr. Mosonik and Commissioner Lenaola and myself will form the panel which will receive your submissions today. Allow me to go through procedures which could allow us to have a session which is organized and disciplined. When

I first said that I recognize this as a formal sitting of the Constitution of the Kenya Review that meant that we have now a formal gathering for the purpose of collection of views but also it entails that the certain responsibility that must be discharged. One of the most critical aspects of our work today will be to respect the views of all those who will come to present them. One aspect of that will be to maintain silence, complete silence when somebody is making submissions. There will be only two speakers two microphones in this hall at any given time. That microphone and this one. And those who will be speaking will either use that microphone or this one. No one else will be allowed to speak while that is going on. If you feel you need to consult your neighbor ni zile tunasema Kiafrica, you want to consult your neighbor, please walk out quietly, make your consultations and you will have to make them quietly outside because the classes are going on in the school. Then when you are done you quietly come back so that you can participate in the session. I don't know if that is clear. Thank you. Na sisemi hay kwa kukosa heshima nasema haya kusudi tuwe na maelewano na tuwe na nidhamu kwa vile tuna-record, we are recording everything, hatungependa baadaye isemekane watu wa Naitiri kelele zao ndiyo zilingia kwenye record.

Jambo lingine la muhimu mimi kuwajulisha kwenu kwa wafanya kazi wa Tume waliokuja na sisi na kuwaeleza wamekuja hapa kufanya kazi ya aina gani I would start with the leader of the team which we come with from the Headquarters of the Constitution of Kenya Review Commission and that is Bwana Hassan. Hassan Mohamed is the Programme Officer. He will be the leader of the team. He will also be the custodian of our register and the memorandum which you give today. When you come through the back door there is a registration desk just next to the door. When you register there it means that you are signifying that you are participated in this session. You could even be an observer but the record will show that you came to this important function. When your name is called to come and present views you come and sit on this Chair and once you finish giving your views this panel might want to ask you a question or two to clarify things which we need clarification. And then when you are done you will go to Hassan and sign a register which is holding up in the sky. Then we will indicate that you have given views in the Constitution of Kenya Review Commission and if you have a memorandum then you will hand in officially that memorandum and it will be placed in this file. We have a file for every sitting. We had a file for yesterdays sitting which is closed, we have a file for today's which will be closed at the end of the day today.

Nitakuwa nikisema Kiswahili na Kingereza ndiyo tuwe tunapata mambo hayo pamoja au si sawa hiyo. Ukisha fika pale kwa Hassan ukaandika jina lako kwenye register yetu na ukatoa mswada wako au mandishi uliyokuja nayo utakuwa umameliza kazi yako. Unarudi either ukae uwazikilize wenzako au utoke kwenda kujenga taifa letu kwa njia nyingine.

Nitafika hapa kwa dada anayefutia ambaye ni assistant Programme office Joyce Wamucii.

Joyce kama unaweza kuinua mkono wakuone. Joyce yeye ni assistant Programme office na kazi yake kubwa katika kikao hiki cha leo yeye atakuwa akiandika kwa mkono mambo yote yanayotekea leo. Mtu akisimama akisema jambo kama Chairman aliposimama anaandika Chairman alisema hivi na hivi mpaka mwisho. Haya ukianza kutoa maoni pia atakuwa akiandika kwa mkono. Hiyo ni record moja ya Tume ya kurekebisha Katiba. Anayemfuatia anaitwa Marion Nekesa. Marion ni verbatim recorder maana yake kama unaweza kuonyesha tape record and tape recorder kadha na unaona amekaa karibu na speaker moja iko tayari pale ina-record kila kitu. Yeye atakuwa aki-record kila neno na sauti itakayokuwa inatoka katika kikao hiki.

Ndiyo nikasema hata ukipiga kelele sauti yako itaingia hapa ukicheka kicheko chako kitatokea hapa . Tuna record kila neno. We are keeping a verbatim record, hiyo ni njia ingine ya ku-record mambo yanayo tendeka leo. Halafu ma-Commissioner watakuwa wakiandika notes zao lakini usione kama Commissioner amepita haandiki anakwangalia anakuzikiliza ukasema mbona hachukui huyu maneno yangu kwa sababu maneno yatakuwa bado tayari Wamucii na Nekesa wanayashughulikia tuna-record kila kitu. Sijui mpaka hapa kama tumefahamiana. Ni sawa.

Mambo mhimu ambayo tutatumia leo katika kutoa maoni, la kwanza kabisa ni kwamba utakapoitwa utakuja ukae hapa utahitajika kutaja jina lako. Hata kama sisi tumekuita fulani wa fulani, ukifika hapa lazima utaje jina lako kwa sababu tuna-record, tunataka sauti yako mwenyewe usema mimi ni Fulani wa Fulani kwamba haujashurutishwe na mtu kuja kuzungumza. Ukimaliza kutaja jina na hili ni mhimu sana, uanze kutoa maoni yako useme mapendekezo yangu ni haya. Moja mbili tatu kwenda hivi. Sisi kama wafrica tunafahamu kwamba mila, desturi na ada zetu kama wafrica hatukukubali mwafrica kuja kuzungumza hivi tu anze maneno kabila haja yapamba kidogo au si hivyo. Ukifika hapa utaanze useme bwana DO ningependa kumtambua bwana DO, ma- Commissioner muliofika hapa tunawashukuru sana kwa kutoka uko Nairobi, pia tungependa kushukuru Tume yenu kwa kazi mnayofanya na Chief wetu yuko hapa na Bwana principal mimi maneno yangu hayatakuwa marefu kwa sababu leo ni siku nzuri kama mnaona Mungu ametupa jua, na uendelea namna hiyo hiyo ndiyo mila yetu au si hivyo? Ukianza kusema mapendekezo ni haya, watu watasema huyu hajajua mila na desturi zetu na hajui kuzungumza. The idiom of our people demand that we do not go straight to the subject matter. Lakini leo kwa leo, tu kwa sababu hiyo ni mila nzuri mila yetu hiyo ni nzuri lakini kwa leo peke yake tutageuza hiyo mila. Leo utakuja useme tu mimi ni fulani wa fulani mapendekezo yangu ni haya. Hatutakubali ukae utosemee, hatutakubali uanze kutuambia unajua Kenya kuna ukosefu mkubwa wa kazi na hali ya uchumi ni ngumi. Nani asiyejua hayo kuna, mtu asiyejua hayo? Kwa hivyo ukianza kusema hivyo mimi nitaomba ruhusa kwa sababu mimi ndiyo nitaanza kukuwa mwenye kiti tutabadilishana baadaye, mimi nitawaomba nyinyi ruhusa nimusimamisha nimurudisha kwa laini. Akianza kutoka kidogo nawaomba mnipa ruhusa mnanipe ruhusa, hiyo? Kwa hivyo utakuwa unasema kwa maneno ya mapendekezo peke yake.

Kuna njia tatu za kutoa maoni, njia ngapi? Ya kwanza ukiwa una maandishi you have a memorandum au mswada, unaweza kuinuka hapa sasa hivi ukaenda kwa Hassan uka-sign register na kuwacha huo mswada bila kuzungumza unaenda unaulizwa maswali kidogo unaandika jina unaacha memorandum. We have a sequence procedure of handling each and every memorandum. Kila mswada unayotupa tutaushughulikia kikamilivu, tutasoma kila kitu ndani yake, hiyo ndiyo njia ya kwanza. Njia ya pili you have a memorandum lakini unataka kuja hapa useme yaliyo muhimu katika memorandum yako ili watu Wakenya wengine wajue unapendekeza nini kwa Tume ya kurekebisha Katiba, si nisawa hivyo. Basi we are not going to allow you to read the memorandum we are going to give you five minutes to highlight to tell us what are the important points the important recommendations you are making to the Commission to the point precisely concisely; sijui kama mnanifahamu. Njia ya tatu ya kutoa maoni ni kwamba wewe huna maandishi unataka kuja kuzungumza hapa yaliyo moyoni mwako na yaliyo kichwani mwako kwa kutumia mazungumzo au kauli, hiyo pia inaruhusiwa lakini pia wewe utapewa dakika tano hatutakufinya sana ikiwa baado una maneno mengine muhimu unasema sisi tunajua tutakuruhusu uendelee ndelea kwa dakika moja mbili zingine. Lakini ikiwa unatao mapendekezo ukisikia sisi tunasema kwa hivyo unatakaje toa mapendekezo inaamana kwamba

hujafika kwenye mapendekezo. Sijui kila mtu amefahamu mpaka hapo.

Lugha itakayotumika hapa kuna lugha tatu ambazo zitakazotumika ya kwanza ni Kiswahili lugha yetu ya taifa ya pili ni Kiingereza mimi naelezwa kwamba watu wengi hapa wanasema Kibukusu ni kweli hiyo, pia unaruhusiwa kuja kuzungumza Kibukusu lakini si hivi tungependa kuwaomba wale wote wanaojua Kiswahili au Kiingereza watumie moja ya lugha hiyo kwa nini kwa sababu ukitumia kibukusu utakuwa unatumia nafasi ya watu kwa sababu wewe utasema halafu mtu mwingine atatafisiri ikiwa humudu Kiswahili au Kiingereza una haki ya kutumia Kibukusu ikiwa kuna jambo ambalo unasema wewe huwezi kujieleza isipokuwa Kibukusu una haki ya kutumia Kibukusu. Hiyo tunaelewa hivyo;

Lingine kwa vile Bwana huyu amenikumbusha ikiwa una simu ya mkono unatakiwa uizime siyo tu kwa sababu itaingiliana na watu fikira zao lakini kwa vile tuna-record simu ya mkono ina-interfere with our recording na kufikia hapo lazima niangalie yangu imezimwa tayari.

Jambo lingine unalindwa kisheria kwa maoni yote unayotoa hapa. Una haki ya kusema lolote unalotaka wewe lakini hiyo haina maana una haki ya kuja kutukana watu au kuwaharibia majina ya watu na sisi hatutakubali wewe kuja kututajia watu majina useme,mwenye kiti 3Cs Bwana Simiyu ni mtu mbaya sana hayo si mambo ya hapa au uje useme yeye ni mtu mzuri sana hayo si ya hapa ukitaka kutumia mifano kama kule walitumia jana wanasema ikiwa, kuna mtu wa aina hii na mtu aina hii sijua kama tunaelewana.

Jambo lingine ambalo limebaka imebakia mambo mawili ya mwisho, moja ni kwamba ukisha kuja hapa ukitoa maoni yako una haki ya kukaa au kwenda, ningesema hivi siyo lakini ukikaa usitufanyie fujo sijui kama mumelewa mtu akaja hapa akasema jambo ---- mtu kimila hapa kwetu hapa tulipo sasa mtu akisema jambo likafarahisha umati kama huu watu hufanya nini? Hebu tupige makofi tuone (makofi) Basi hayo ndiyo makofi ya mwisho kuingia kwenye hii ripoti. Ukiwa umefurahi furahi moyoni mwako, ikiwa mtu amekuja amekukasirisha kasirika moyoni mwako ngojea nafasi yako ili useme mimi sikubaliana na aliyosema mtu aliyekuja akasema hivi na hivi. Na la mwisho kabisa, tunaomba msijuridie rudie sana. Ikiwa kuna mtu amekuja akazungumzia jambo ambalo unalipenda wewe na umefurahia na akawa amesema kwa kinaganaga wewe ukija useme mimi naunga mkono jambo fulani, na ikiwa kuna jambo la kuongezea uongezee. Lakini siyo urudie tena kinaganaga vile alivyosema mwenzangu au si sawa hivyo.

La mwisho kabisa ni mimi kuuliza kufikia hapo je kuna mtu yeyote ana swali kuhusu mambo, nisikize vizuri kuna mtu yeyote ana swali kuhusu mambo niliyosungumzia hivi sasa. Nimesema hivi sasa kwa sababu nimeona wenzetu wengine wemebeba vijikapo vyetu vyekundu tulivyoita sisi maswala na maswala, issues and questions. Na ukiwa umebeba kitabu hicho sisi leo si siku ya kuliza maswali tu, au uje utuambie the current Kenya Constitution does not have a preamble. We know that, sisi ndiyo tumeandika hapo hivyo tueleze tu kama unataka preamble sema unataka preble inayosema hivi mzee tafadhali uje hapa utakuwa wa kwanza kushika microphone, uulize swali yako tuendelea na kazi. Utaje jina uulize swali na utumie microphon.

**Anthanas** : Mimi ni Anthanas retired teacher swali langu ni hivi umetupa dakika tano na nimeandika memorandum, je ninakubaliwa kusoma hiyo provided I am within five minutes.

**Com. Zein:** ----- (inaudible)

**Abdulzizi:** Kwa majina naitwa Abdul Azizi. Swali langu limekuja kwa wa mwisho vitabu ambavyo kwamba mlitupa na kulingana na Katiba ilikuwa ni jambo gumu sana tunataka a very high technical knowledge, sasa ikiwa kuna badhi ya watu wengine wame-concentration tu kwamba mswada kama haya yatataka tu chini na wengine wemeandika katika memorandum na wengine wanakwenda na hiyo so that to avoid messing ya Katiba na sheria ni vibaya ikiwa tunatumia hizo vitabu.

**Com. Zein:** Si vabaya---- swali la kwanza ninauliza halafu utusomea swala kwa sababu sisi ndiyo tuliandika maswali hayo sijui kama umenielewa. Asante bwana Azizi. Haya sasa tumuite mtu wa kwanza, au kuna mtu ambaye ana swali ambalo litamfanya ashindwe kukaa chini kufikako, hakuna. Bwana H. O. Ondwasi na mtaniwia radhi ikiwa naita majina nateleza kidogo katika kunyambua, mtaniwia radhi kwa sababu mimi najifunza bado. Bwana H. O. Ondwasi, karibu bwana na utaje jina tafadhali naona una memorandum utupe highlight tafadhali.

**Henry Ondwasi:** My name is Henry Ondwasi. And I have made my memorandum without any given order. The issue of citizenship - I propose that Kenyans should no longer carry Kipande instead they should carry local passport in the national public .

The powers of declare war but in consultation with the defence council for proposing for Minister for Defence in terms of security foreign affairs finance and Chief of General staff.

Structure and system of government; I propose in this section that all Presidential appointment be vetted by Parliament before endorsement.

The office of the Attorney General, Chief Justice, Auditor General , Commission for refugees be appointed by the President and entire cabinet .

The cabinet size of the cabinet should be created and established by an Act of Parliament. This is because we had problems we have Parliament a lot of Ministers like now I don't know how do we have ---

Parliament should also have a schedule of work which should be prepared and given to each Parliament and complete date of the sitting and so on.

For coalition government I am against coalition government simply because seem that they are going be based tribe because be should have tribes supporting each other but you will find that Kenya we are just a few. And aparty with majority - should be the part that forms the government.

The Executive, I would wish to recommend the Executive should have a limit point that which limitation must come in, therefore I recommend that we have limited powers.

Tenures should be five years and on the limit of Presidential powers I propose that the years should be limit through vetting of Presidential appointment through vetting and in the use and disposal of public property. I suggest that they be specific bodies dealing with that whoever is making the final decision to seek advice from Parliament.

On Electoral system I recommend that once again we impose of we follow of simply majority rule that each Presidential candidate the 25% from every province.

For nominated MPs I feel we should not have nominated MPs but we shall reserve ten seats for vulnerable groups. I suggest that two seats go to women, three seats go to the youth three seats go to disabled person and two seats go to members of the public --- this is just to bring them in so that they are represented in making of laws in this country.

Constituency I suggest very strongly Constituency should be demarcated according to the number of people that we have definite number of voters per Constituency. Basic right the basic rights that I am reflecting on are areas of health, education , free access to information and shuter.

Now that is why I want to talk of the area of land right. I think land in Kenya should be own by the individual because this is what happens elsewhere.

But there should be a tax levy for all the land of private because some people are just a amassing of land, lying idle and doing nothing.

Anybody who own over 50 acres and wishes to be a fulltime farmer should meet professional qualifications. There should be a diploma course and we have the Constitution that can do that. Those people who want to own very small and productive pieces of land should not be denied should be allowed. These pieces of land should be allowed in urban center and market so that if it is for the government to provided the necessary facilities in terms of water other services.

The Kenyans should own land anywhere in Kenya.

Now how shall we have our succession and transfer of power that is another area of concern. I think at the call of the elections, Executive power should be trasfered to the spkeaker and once the election has been finished, the Chairman of the Electoral Commission then declares the winner and I would suggest the winner assume office within thirty days. The swearing should be conducted by the Chief justice.

The retiring President should be given pension and I suggest that he should be given 30% of his salary in addition to other benefits.

**Com. Lenaola:** Thank you Mr. Ondwasi. The question the ten seats should be preserved for the vulnerable groups is it by nomination or by election?

**Ondwasi:** What I have recommended instead of nominated MP being nominated by the party they be nominated by Parliament and these ten seats which have been reserved it will be nominated by the groups concerned.



**Com. Mosonik:** What I just wanted to ask, I was just taking down. He said that general election to be held under the current Constitution. The cry for a long time is that Kenyans wanted the new Constitution. So the general election are held this under the current Constitution and then the Commission its work by April next year so what happens once the new Constitution is ready?

**Com. Zein:** I have very small clarification you said that a retiring President should be entitled to pension plus other things you said security, housing etc but you put a caveat you said if that retiring has been effective. How do you define or how do you access this?

**Ondwasi:** I want to start by finishing of the question about nomination. I have also recommended that people who are nominated to sit in Parliament. Hence the issue of Constitution and election. It is true that the Kenyans for a long time have wanted new Constitution before the election. The question who delayed the Constitution? Is it these Kenyans or is it the other Kenyans? If it is the other Kenyans, and now that you have reached this stage there is no reason why we should wait. We shall elections because even after you have finished your recommendation there are many other stages to go through before we come out with this Constitution. So whether you finish in April or you finish in September, there is no chance that the Constitution will be fully involved before the term of Parliament. Why do we want to make risk.

**Com. Mosonik:** I asked you maybe I made a mistake by saying people wanted a new Constitution, all we are asking is we have elections this year, the new Constitution is ready we have made a broad name. What happens when the new Constitution is ready, in another words when does it come into force is all we are asking.

**Ondwasi:** It will wait until the following year.

Now I may have not clear about the President what I meant is we shall give him a house if he requires a house but the other thing he will tell us if he needs a house

**Com. Zein:** Thank you very much for your views. You will see that I was a little generous with him. I give seven minutes because he is the one who opened the floor for us please go and sign in our register and give us our memorandum and we process, it thank you.

The second speaker is going to be Rev. Robert Wakhungu. Karibu Rev.

**Robert Wakhungu:** Jina langu ni Rev. Robert Wakhunga. Maoni yangu, katika nchi yetu watu wana uhuru wa kuwabudu na vile tumeendelea imekuwa na hali isiyo nzuri hali ya kutatanisha kwa maana Mungu tunayestahili kumwabudu haeleweki vizuri. Kwa hivyo pendekezo langu ni kwamba tuwe na team katika office ya usajiri wa makanisa ama vyama – pale anajulikana ama anayekubalika na wote kusudi tusiwe na hali ambayo watu wanaabudu miungu ama Mungu asiyekubalika na wote.

Pili katika usajiri wa makanisa tuwe na team ambayo itahusika na kuchunguza madhehebu ambayo yatasajiriwa ndiyo ijalikane vizuri maana kuna mtu ameondoka tu na family yake na anandikisha dhehebu. Kwa hivyo jambo kama hilo si nzuri.

Jambo la pili ambalo nataka kuguzia ni juu ya muundo wa serikali yetu. Napendekeza kwamba serikali yetu iwe ya coalition government na tuwe na office ya Waziri Mkuu na huyu Waziri Mkuu awe ndiye yeye atakayechagua baraza la mawaziri na watafanya chini ya President. Jambo lingine ambalo nataka kuguzia ni raslimali ya nchi yetu kuwe na ugawaji uliyo sawa kutokana na raslimali ya hii nchi yetu Kenya maana ni raslimali ya nchi yetu na sisi wote tunatakikana tufaidike katika sehemu zote za nchi yetu.

Jambo lingine ambalo nataka kuguzia ni utawasushaji wa kama decentralization of our economy. Utawasishaji wa raslimali yetu katika nchi yetu. Maana katika nchi yetu raslimali zetu nyingi tumeandelea kuzirunduka mahali pamoja na katika hali hiyo. Wakenya wote hawafaidiki na hiyo mali ya nchi yetu ya Kenya. Nata pia kuguzia juu ya wamama katika uongozi na utetezi. Kumekuwa kwamba wamama watengewe nafasi maaulumu ama viti, lakini mimi napendekza wamama wahamamasishwe wapewe tu elimu ya kutosha wajua kwamba wana nafasi ya kung'ang'ania viti mbali mbali, wasitengewe nafasi kwa maana wanapotengenewa nafasi ndiyo wataandelea kuwa wadhaifu zaidi. Lakini wanapopewa elimu wahamasishwe vizuri watajitokesha na watapigiwa kura kama ni kura watapigiwa ama kama ni kazi ya office wachukuliwe kulingana na vyetu ambavyo wako nazo ama certificate walizonazo. Katika nchi yetu kuna kitu ambacho nataka kuguzia President wa nchi yetu amekuwa na uwezo wa kufanya kazi nyingi kwa hivyo napendekeza kwamba uwezo huo upunguzwe kwa mfano, zibuniwe Wizara ya Ulinzi na Usalama. Kwa hivyo mambo kama ya security, police and kadhalika iwe chini ya wizara hii. Majeshi yetu na kadhalika pia yawe katika wizara hii. Na wanajeshi wetu wasiwe wakikaa tu hivi wakipata mushahara bila kufanya chochote. Waulizwe, ama wapewe jukumu la kufanya kazi kuzudi wazalishe mali kwa nchi yetu maana hata tangu labda sisi tuwe na uhuru hatujapigana vita mali popote na hao watu wanajeshi wetu wameendelea kupata tu mushahara lakini kama wangepewa kazi ya kufanya watazadia nchi yetu na itaendelea kwa njia iliyo nzuri. Ni hayo tu ambayo nilikuwa nayo. Asante.

**Com. Zein:** Asante Rev. nina swali kidogo Rev. Unapozungumzia kuhusu haki ya kuabudu unapendekeza kwamba kuweko team au kamati ambayo itakuwa inashughulikia uandikishaji wa makanisa ndani ya team hiyo. Kutakuweko nani na watu hawa je watakuwa na imani tofauti na je kutakuwa hakuna malalamiko kwamba watu hao kwa kutumia imani zao wanazuia kuandikishwa au kusajiriwa kwa makanisa mengine mapya? Swali la pili ndogo ni kwamba unasema wanawake wasitengewe viti washindani tu kama wanaume, lakini kulingana na historia na mila zetu wanawake hawapati fursa juu ya kuchaguliwa na mila ambazo unasema huwezi kumpigia kura mwanamke. Tutampigia kura mwanamke? Nchi zingine wanawatengea viti wanawake wenyewe kwa wenyewe washindani lakini wewe unasema wasitengewe.

**Robert Wakhunga:** Swali la kwanza ningejibu hivi. Ningependekeza kwamba team ambayo itahusika na usajiri wa makanisa iwe kutokana na, iwe ni team ambayo itakuwa na ufahamu juu ya imani kadha wa kadha kuhusu Mungu ambaye tunastahili wote kumwabudu katika nchi yetu. Maana tusipofanya hivyo kuna imani zingine kweli ambazo haziwezi kukubalika na watu.

Na kuhusu wamama nashukuru Mungu kwa sababu kwetu tumekuwa na tabia na desturi ama mila zetu ambazo zimewafanya wamama hawapati fursa ya kupatikana katika uongozi though mila zingine tunaposichambua hazina maana kabisa zimepatwa na wakati na ikiwa labda tutafuatana tutaweza kufuata mambo kama hayo hakuna mama yeyote ambaye anaweza kuwa kiongozi. Kwa hivyo kwa sababu ya mila zingine ambazo hazina maana tusiweke kando na wamama wapewe fursa sawa na kungangania viti sawa na wanaume.

**Com. Zein:** Asante sana Rev. asante sana uende pale ujiandikishe kwamba umetoa tu maoni yako kwa Tume ya kurekebisha Katiba. Naomba kumuita Sebastian Makokha karibu mzee.

**Sebastian Makokha:** Bwana DO wangu, Tongeran Division Chief wangu nafikiri yuko hapa wananchi wengine wote na wanafunzi nawaona hapa mwalimu mkuu wa shule hii kwanza siku ya leo ningependa kuwasalimia, hamjambo; Hamjambo tena; Hapa mkiniangalia ninaonekana kuwa ni mzee lakini wengine wameniliza pale chini wewe mzee ulikuwa katika wakati ule Kenya inapata uhuru mbona hakutunga Katiba. Nawambia hapana unajua mimi sikukuwa na uwezo wa kutunga Katiba. Mimi majina yangu ni Sebastiana Makokha mukaaji wa Naitiri sublocation kaka ndogo.

Sasa yule msemaji wa kwanza alienda na maneno mengi hapa tutazungumzia tu maswali proposal zangu ni kuhusu uchaguzi. President achaguliwe na watu wa Kenya wote. Na wakati wa kuhesabu kura siku ya election kura zihesabiwa katika ile polling station ili tusiwe na matatizo pengine, kura zilibwa nini na nini. Tunapoweka katika Kewa au wapi, kura zihesabiwa hapo hapo yule candidate atawa ngoja mahali pa central place ataona candidate wale agency wake watamwambia ni kweli. Jambo lingine ni kwamba tumesahau hawa walemavu wasiojeweza tukifanya mambo ya election, tunasema watu wa Kewa wamesama hao watu walemavu nao wapate mtu wa kwao mlemavu achaguliwe na serikali hawana representative wao na hao Youth pia wapate representative akichaguliwa. Vijana hawana representative ingawaji wengine wote ni vijana lakini awe special kwa hao watu.

Jambo lingine ni kwamba sasa hivi kuna maneno kwamba yule President ambaye anaondoka ajengewe nyumba au nini na nini lakini serikali ilioko ilikuwa ni ya President, haikuwa ni Parliament. The President ilikuwa ni serikali yake mwenyewe. Mimi naona labda kumpatia mshahara nusu watu wa Kewa wamenituma mimi niambie Commissioner apate mshahara nusu, lakini mambo ingine nyumba mshahara na watu na magari hiyo asahau.

Jambo lingine la mwisho kwa sababu yule alimalizia mimi maneno yangu, huyu bwana hata simjui lakini alimalizia mimi maneno yangu mengi, sitaki ku-repeat. Jambo lingine ni kwamba mtu anakufa halafu anasema kwenda shitaki huyu mtu alikufa marehemu, nini na nini na mtu asipokuwa anajiweza je huyu mtu au kama ni mama amebakia atapata pesa wapi ya kupeleka hii mambo ya succession na mambo mengine wazee wachache katika mtaa katika area hiyo wachaguliwe halafu waangalie muridhi ataenda namna gani, atakaa namna gani katika hiyo shamba. Kuliko mambo ya koti nini na nini mambo marefu ambapo hata mimi, nilishindwa kufanya succession juu ya ndugu yangu na hiyo ni mbaya sana. Nafikiri yangu ni machache huyu

mwingine alimalizia mimi, thank you very much.

**Com. Zein:** Asante sana Mr. Makokha

**Com. Lenaola:** Asante mzee Makokha ukisema kwamba vijana wapate viti vyao katika Bunge na katika serikali vijana wawe na miaka mingapi maana kuna wale wajiita young turks lakini ni wazee.

**Makokha:** Hawa ambao wanakwenda katika Parliament wawe above 35 years lakini hao wengine 25 years. Wapewe tu nafasi yao wachaguliwe wapewe mtu wao 25 years.

**Com. Zein:** Mzee Makokha uende pale utuachie hiyo memorandum tutaitumia na uandikishe jina. Unajua tulikuwa tumekutana na bwana DO kwa Principal kule tukazungumza na nini lakini isije ikaonekana sisi tunamvunjia heshima yake. Nafikiri bwana DO bila watu kusikia sauti yako hapa itakuwa tunaonekana tunakuvunjia heshima tu ndiyo watakuwa waje waseme bwana D.O wetu chief wetu, Nakuomba kwa hisani yako bwana D.O usalimie watu halafu ndio tuendelea, siyo ati tunamkosea heshima ati kumtambua kwamba tumeingia kwenye boma ya watu bwana D.O tafadhali watu wanataka kusikia sauti yako ndio mzee Makokha asisema tena bwana D.O wetu

**D.O:** Nafikiri Commissioners nafikiri leo siku hii ni ya kutoa maoni kwa urekebishaji mambo ya Katiba so na mumelezwa vizuri sana tangu mwanzo jinsi mtakapotoa maoni yenu. Nafikiri wale walifika labda mlichelewa lakini wale walikuwa mbele na wengi niliona ni wanafunzi Commissioner amesema wazi kwamba yale makofi mlipiga wakati yeye alikuwa hapa itakuwa mwisho na nimeona mmekosea. La pili Commissioner amesema kwamba mambo ya kusifu na mambo ya labda kushutumu hiyo haitajiki kwa sasa.

La pili tufuate ule utaritabu Commissioner ametuambia otherwise asante sana kwa kufika kutoa maoni yenu siku ya leo kwa sababu ni la muhimu kabisa uone kwamba maoni yako yameshirikishwa kwa hii Katiba mpya ambayo itatengenezwa ili wakaaji wa Tongeren wote wahuzishe katika Katiba mpya asante sana Commission.

**Com. Zein:** Asante sana Bwana D.O nafikiri watu wamekusikia sauti mnaweza kumpigia bwana D.O yale makofi nilisema tusipige kwa sababu tunataka tuwe na midhamu lakini Bwana D.O nafikiri mzee Makokha aliwafurisha sana ndiyo wakajisahau. Si vibaya. Pia sasa ningenda kumuomba bwana Mourice Wanjala. Na kwa ruhusa yenu, naomba niwe nikimuita mtu mara mbili akiwa hajaitika twende kwa anayefuata, si hiyo ni sawa. Bwana Mourice Wanjala ndiyo anakuja karibu Bwana Mourice una dakika tano kama wenzako.

**Mourice Wanjala:** I am Mourice Wanjala. I wish to begin from the preamble. The preamble should have a statement like this

one we aspire to build a society where government agents and policy decisions are responsible to the concerns of all citizens especially the historically oppressed groups like these ones of women, children and indigenous people.

On structure and systems of government we should adopt a Parliamentary system of government in which a Prime Minister is appointed from the majority party in Parliament and the President remains more or less ceremonial. In this capacity the President will not have any form of power to preside over national governments. On the other hand the Prime Minister should not be empowered by the Constitution to alter or make any decision without the consensus of the Parliament.

About the protection of the fundamental rights, concerning this current Constitution --- its weakness and limitation most particularly under Chapter five which defines the protection of fundamental rights, because the introduction of the opening of the chapter begins by threatening rather than deliberating freedom. On quotation 'Whereas every person in Kenya is entitled to the fundamental rights and freedom of the individual, that is to say, the right to whichever his race, tribe, place of origin or residence or other local connection, political opinion, colour, creed and sex, but subject to mitigation' This statement should appear under a sub-section and not the introduction part of the chapter. Secondly the current Constitution dwells much on the protection of the Executive, Legislative and Judiciary powers including Provincial Administration and even sidelining the emergency Constitutional issues of gender equity, disability, marginalized communities, children rights, minority, cultural and civilizational rights, social justice, ethics and moral values only to mention a few. We wonder whether the Constitution is there to protect men and women in power or Kenyans as a whole.

About gender equity however I would like that the sub-section should indicate or prescribe calling for women to respect and submit to their husbands.

Wanawake wasilite vichwa sana kwa nyumba. About succession and transfer of power we would like to remind Kenya that our nation has been governed by a Presidential system of government since independence and not monarchical. Therefore what is going in the state house is about to push you to succeed the Excellence is equally shocking it should be noted that Kenya is a wide nation with diverse tribes having their (interjection)

**Com. Zein:** Sasa wewe unaingia kwa siasa na mimi nilisema mapema sana hatuko kwa siasa. Let me help you. If you want to comment on the transfer of power and you have pacific recommendations, then you say I want this or I don't want this. Lakini ukiendelea na commentary na kitu ile inaendelea na nini hiyo haingii kwa Katiba yale yataingia kwa Katiba useme mimi sitaki transfer of power to be handled this way au unataka iwe handled this way that what we would include in Constitution, lakini si siasa.

**Mourice Wanjala:** Now, concerning that we wish that the government that the Constitution should frame government state values, values of sharing power and decision making.

About Provincial Administration we would like to call on Provincial administration to respect the public or the members of the society because they are their immediate bosses in the offices. We realized that in most of cases when go to offices we get harassed by people who are office bearers. I am sure they have forgotten that they are there to render a service. What I am proposing is that a common mwananchi should be empowered to either suspend or effect a compulsory as a disciplinary measure, measure or can make taxes of the office bearer in question through the assistance of the Judiciary board.

Concerning agriculture, we realized that the current Constitution silence concerning the suffering of the so much unrelated issues. Now here we would like the Constitution to ensure that Kenyans agro- economic sector are given to a suitable, stable and conducive environment with a set of market oriented policies and signal. This should be so in order that farmers from all agriculture sectors can plant crop and prosper.

Prioritizing farmers, need an interest is a fundamental prerequisite to ensure that the consumers also get a fair deal in terms of uninterrupted supply of competitive prizes and that their economy of as a whole benefits. By the forth coming in this case should seek to develop a sound investment environment for farmers by inter alia expanding access access to the seasonal grade to loan through farming bank and government founded insurance against crop failure and occasional calamity.

I want to talk of the jua kali sector about the jua kali sector. We realize that these are people who are neglected most particularly in the present Kenya.

We want them to be given enabling environment to carry out their activities, to be given active encouragement. I think that is through small scale business development mechanism to be supported by public donor and private sector fund and personnel. An advisory group of private sector business and advice government involving policy need to further strengthen the diversify the informal sector. There should also be a frame work credit finance and promotion of projects.

**Com. Zein:** Thank you very much bwana Wanjala subiri kidogo.

**Com. Lenaola:** Mr. Wanjala on the you are not very clear when you talked about the Provincial Administration and the role of the public. You talked about through the judiciary can you try to explain to me how that can be done.

You talked about the supremacy of the present Constitution, part 5 on fundamental rights. It says that Kenyans shall have all rights and freedom but subject to respect for others and for the public interest what's wrong with that.

**Mourice Wanjala :** About the first question is about the Provincial Administration and the Provincial Administration, here I am finding a place whereby policemen are harassing members of (interjection) I see

**Com. Zein:** Why are the students leaving when the next person whose is speaking is Manyonge . W. who is a student ?

Okey he is here? Okay.

**Mourice Wanjala:** What I am trying to quote is that the Judiciary body which is responsible for I mean protecting citizens. I think that is the body of Judges. Okay I think there maybe I don't have that specific recommendation.

The second question was about section 70 of the present Constitution. I was trying to say say that the way it is opening up it is coming up with threat, threatening Kenya or threatening citizens. But as far as they are giving such and such freedom they also restricted that they should not be interrupted my argument was that we allow for such like a statement to come at the sub-section because here are talking mostly on freedom.

**Com. Zein:** You have no problem.

**Mourice Wanjala:** I don't have any problem.

**Com. Zein:** Please sign our register one of the other things which I need to share with you is that, when we ask you for a point to be clarified or if you have any opinion on particularly matter, if you have not thought through on that matter please just tell us I have gone through. Then we will process it the way we know how to process it.. Ikiwa tumekuuliza swali na ulikuwa hujalifikiria usiache kufikiria saa hii. Sema tu sijafikiria kama alivyofanya mwenzetu amesema hilo nilikuwa sijafikiria ni siwa. Naenda kumuomba mwanafunzi Manyonge . W. sasa ni zamu yako wewe ndiyo mwanafunzi? You are a university student if you could tell what university you go to and then speaker out your name then---

**Wanyama Wanyonge Peter:** I am Wanyama Wanyonge Peter a second year bachelror of Law students at Moi university. Okay my submission today center on the bill right the supremacy clause on the Constitution being adopt co-religion intergration and efficient administration of justice among other things.

In terms of the impendiments to the enjoyment of fundmental rights and freedom we see that the society must form a government for itself and it can only do this through the Constitution which is the cornerstone of that particular societ. In this respect then it must given respect to the fundmental rights and freedom and I feel that the in current Constituion there are unnecessary qualification to such a right, for example, section 72 of the Constitution of Kenya which deal with right a person to be represented by advocate for his on choice This is severed by the Advocate Act which provides that the AG has no descretion shall admit and appoint advocate to that in Kenya. So this, I feel there is an obstacle.

Then another obstacle in the protection of such rights by the high court. Today there was a deal in Kenya legal epoch whereby Judges had to interpret the Constitution not generousty favouring the public. In this respect I propose that the Constitution be interpreted generously. Regarding the section of the Constitution which is an abstacle to regional intergration that section three of course let me point out this first of all section three of ther Constitution, of Kenya read earlier that this law shall be supreme and any Constitution any law rather procedure or something which is constituted within Constitution shall be null and avoid to

that extend. So in this respect I feel it is an abstacle to regional intergration, and I feel that we have authority to that effect in the Kenyas jurisprudence in that any law whether community law, Africa union law, which is consistent with the Constitution by virtue of section three is null and void so I propose that that when it comes to the community law this issue shall be checked into. The community law shall pursue the Constitution in this respect subject to qualification which are necessary.

On Provincial Adminstration I would like to call upon you the Commissioners to create or rather formulate a Constitution which does not involve the AG and the police in the realm crime prosecution. Because of lack of protection department that is for police and indeed the prosecution of crime should be illegal, because how can it dedicate Constitutional power which bases at the AG for execution? So I propose the crime classification shall be undertaken by separate agency depending of the AG a served by some lawyers not police officers.

I also propose that a legal Aids scheme be established Constitutional function to cater for immediate client, immediate persons or if the government cannot afford then they at least there should be a legal Aid scheme to cater for capital offenders.

Then other issue which I would like to touch on regard the qualification of high court Judges. The current Constitution should be strict in terms of qualification. We need fresh minds to the bench. I would like to call upon the new Commissioners to give the requirement of seven years experience for a person to be appointed as a high court Judge for four years. We need fresh to the you cannot tell me that the Commission----- sorry sorry

Parliamentary and judicial proceedings should be televised . That is another recommendation and also I call upon the abolishment of death penalty this is where the state kills.

Okay it should be abolished. It should be only imprisonment either by life or something like that;

I call for the establishment of the Supreme Court which shall be the highest Constitutional court in this country. The high court should not be a Constitutional court. In any event if the high court is a Constitutional court the court of appeal must appeal that.

My last point will be section 84 of the current Constitution I recommend that other law for example where somebody has to attain a right of remedy in the high court in the event of of this Constitutional being infringed you find that the section provide that a person shall only avail himself only the he has not taken recourse to other law. So that other law should be abolished because this is impendment. It should be absolute right not subject any qualification

Like other law or any remedy that through that section of 84.

**Com. Lenaola:** Thank you Peter I don't think I got you properly presentation okey when you say that regional should perceive our Constitution what I am trying to say that -----

**Peter Wanyama:** Only if you give me sometime to explain then I will explain it. You find that what if a national court is coordinating law and thing that be include from that thing I think is a rule of national law in that respect what do you see.



In my view I feel that the (interjection)

**Com. Zein:** I think the clarification which is required is in terms of principle vis a vis the principle of sovereignty. If I have understood the Commissioner correctly. Is there other way you could put of mechanism to use to allow the rectification of instance of whatever agreement that are there in the region without saying that you circumvent the Constitution and you say it is below or subordinate to the regional agreement.

**Peter Wanyama:** Okay if now the current Constitution that through that section three supremacy clause it provide that any law which is constituted in this Constitution shall be narrowed and going to the extent or inconvenience, I feel it is an obstacle in that it will actually hinder the enjoyment of community right, for example when a national court is still in the dispute of a national law and in this case there is an authority the effect republic----- which actually ruled the high court ruled that they create African community expression . As so far as the Constitution of Kenya, it is null and void.

**Com. Lenaola:** I think you are taking me through the Constitutional law and you are not getting the Principle. The question is this section three says this is the Constitutional --of Kenya and should have the force of law throughtout Kenya what you called was Constitutional is groonly now you are telling me that this groonal of Kenya is subordinate to what ----

**Peter Wanyama:** I am saying with considerable qualification.

**Com. Zein:** Add to that with exception of the European union where the ratification process of the European charter had to go through the referendum in Europe how did you for instance justify and subordinating the sovereignty of a nation or of the republic to intergration of regional agreement and before you go there do you envisage a process where other situations where our Constitutional will be subordinate to other regional or international convectional agreement .

**Peter Wanyama:** Actually it should not be the provision by the Constitution I am not saying that the national severinity must be subservient region, but what I am saying is that for example what if a Kenyan citizen takes a dispute to the high court of Kenya starting on the community law, and the high court after analyzing all the relevant parts comesto the conclusion that, okey that the only thing which is inclusive to that particular issue is a rule of a national law whether administrative , Judicial or Executive.

**Com. Zein:** In that case then if is it a hypothetical situation, if a Kenyan is agreeing whatever terms, or conditions of the East Africa trinity which would be inconsistent with the Constitution of Kenya it would be null and void to the extend of that contridiction.

**Peter Wanjala:** That is why I said it is an obstacle to regional intergration

**Com. Zein:** No, maybe what you should do, you should not restrict yourself to the provisions of the current Constitution but think of a mechanism in the new Constitution where regional integration can be domesticated.

**Peter Wanyama:** Again you have taken to the right point

**Com. Zein:** You should have taken us there in the first place, thank you very much please sign our register and give him your memorandum. Athenus Tswala. Karibu mzee.

**Athenus Tswala:** My name is Athenus Twala. I have listened to your instructions and I will not go to my preamble, I will go straight to the point about three aspects of the politician that I would like dealt with.

The first one is on corruption: Mr. Chairman this is the worst cancer and it occurs in Provincial Administration offices, police, land, Judiciary and other offices I had the following points

I would like you to formulate a Commission for Constitution that it shall never sympathise with a government, a President, an individual no matter whether he is of what status or even a Chairman like you.

When a Commission of Enquiry or Parliamentary select committee is formed it must be sufficiently empowered sharp or strong teeth and big haws to bite and chew the perpetrators undue interference or impediment.

A Minister, a Permanent Secretary a Civil servant or anyone implicated or found condoning covering or sympathizing with corruption culprits must be fired pending investigation outcome.

If the Ministers and PCS of the incumbent President or Prime Minister are guilty of concurrently or consecutively a vote of no confidence must be areas of corruption be passed against the entire cabinet.

I go to the next one, education. Again this one is the center of problems in this country for the previous point I have made. We have had several Commissions in this country but most of the recommendations they have made except a few have ended up in the national archives which means our educational system has been tampered with and hardly have we had a consistent educational system.

The 8.4.4 to be disbanded in total with a complete written statement of the status quo, that is to say, standard one to eight primary, form one to four secondary form five to six higher secondary and last of all and not least, three years university.

In case of very changes in the Constitution our educational professors and academics must be involved and not an individual at the apex of the regime.

There recommendations there of of to be implemented immediately. That is to say when any changes are necessary (interjection)

The government is too theoretical and non-committal on free education. Let us without delay introduce free and

compulsory education with sustainable equipment service.

**Com. Zein:** (inaudible)

**Athenus Twala:** To avoid conflict and ambiguity in role and responsibilities in our higher learning institutions, let us maintain the BOG only. Hitherto to the PTA has not had a parliamentary enactment.

The sponsors must be given more autonomy in their schools particularly in the area of leadership, discipline and spiritual aspects.

Promotion of academic strength should be revived as an incentive to our teachers who should let be more efficient and masters of their subjects.

The teacher once trained the state must employ him or her, within the country itself or even the state should provide prospects for jobs outside the country.

**Com. Zein:** Your time is up so I will give you one more minute to summarize.

**Athenus Twala:** Thank you. Then I summarize on the agriculture and I have the following

When a farming is eminent, like now the government ought to subsidize the farmers effort with the necessary farm inputs even if it means paying later on .

The government has to be indignant and strict enough to curb the illegal importation of commodities such as sugars, rice , wheat and so forth which have hitherto too circulated in our market and impoverished impoverished our wananchi. The state should resume control over the food produce to balance the prizes and make equitable payment as opposed to the present situation whereby farmers in one region are paid earlier and higher than others.

The infrastructure must be put in place and maintained regularly to facilitate easy transport and marketing, revive the railway services and the defunct Parastatals and co-operatives. In order to re- conserve the soil and protect the rivers from undue encroachment our Constitution must contains specific measures and strictly enforce them to combat unscrupulous distraction.

**Com. Zein:** Thank you very much sir. I just hold on there is a question.

**Com. Mosonik:** Here I wanted to ask when you were talking about reports of Commissions, you said that they ended in the archives. Presumably you meant they were not implement because all government records they have to end up in the archives. And if they were not there we should be worried. In other words ended up in the right place when they ended up in archives because all records you know have to end up in the archives.

**Athenus Twala:** I meant when they have not been implemented the only place go to is in the archives and that is not the right thing.

**Com. Mosonik:** Okay what you meant to say was they were not implemented, but the archives like I am telling you, I work I went there, is the right place for all documents to end up.

Secondly you said when you recommended scrapping of the 8.44 then you said we should have another system, I think the old system, and you said it was 8.4.2.3 and ended up adding one year to the total system because eight plus four is twelve plus two is fourteen plus three is seventeen so you are recommending we add one year to the educational system. Seventeen years that is what I mean, instead of sixteen.

A. Twala: I beg your pardon, let me take you back.

**Com. Mosonik:** Let me just explain to you you, said 8.44 you know it is sixteen years and the system just before that was eight four two seven four two three for make sixteen. Now you are saying we should have seventeen years.

**Athenus Twala:** I get you. What is happening right now is that when our children have finished standard eight they run to other countries like Uganda where the education system have remained intact, and the Tanzania, to go and and proceed with form five and six before they proceed to the university. So this system which have explained is the one in which I came up so I thought that it is the right to go back to.

**Com. Mosonik:** So this is not the A- level system? No because you have added one year to make seventeen years

**Athenus Twala:** We can shorten that one.

**Com. Mosonik:** How do we shorten ?

**Athenus Twala:** By breaking, we can back to seven.

**Com. Mosonik:** And then maybe just the last one, because you said the system which you came up was it the A level system or the sytem which was there before the A level that is the system of Dured ile hesabu ya zamani and if this, which one of the two when you compare the one around up to 65 or the A- level

**Athenus Twala:** Up to 65

**Com. Mosonik:** So which one how was that organized, can you remind us.

**Athenus Twala:** Was eight years and by that time I remember they were calling it Cambridge instead of what we call it, form two. That is when we had after standard five you had to go secondary one that is five to eight, and five you finished that one you go form two which was up to secondary two.

**Com. Mosonik:** So it was eight year and then secondary school how many ?

**Athenus Twala:** Four

**Com. Mosonik:** And then you went to the university direct, how many years do you spent in the university.

**Athenus Twala:** That time I am sorry I didn't make up to the university

**Com. Mosonik:** It sounds like 8-.4-4 you know what I am saying

**Athenus Twala:** But what I am strictly asking and I would like you to be very fair to us because I would like the old system of education to be restored.

**Com. Zein:** Thank you very much mzee tafadhali utupatie hiyo memorandum tutaitumia u-sign pale. Na kwa vile nimeona wanafunzi kadhaa wemerudi ningependa kumpa nafasi mwanafunzi mwenzao awakilishe lako, utaje shule yako utaje miaka yako na utaje daraza uliloko sasa. You start with you name, your school , your age and then the class you are in.

**Isaac Makokha:** My names are Edward Makokha student from St. Patrick Naitiri High school I am eighteen years old and on behalf of the students body I would like to present their recommendation to Constitutional Review of Kenya.

The first recommendation was that the freedom of worship should be limited because it can encourage devil worship.

We should have the policy of one man one job so as to solve unemployment problems.

Students should be allowed to specialize in subjects of interest right from form one to university.

The capital punishment should be removed in Kenya.

Electricity should be a basic need and therefore should be supplied in all areas however remote in Kenya.

And for us to create employment for our youth the retired people should not be employed by the government.

Aids patient should be confined in special homes to reduce the preading of the disease.

Those who spread Aids deliberately must be punished by the law.

Also those guilty should be arrested and prostitution outlawed because it spreads Aids.

On corruption is a Kenyan problem. It should therefore be our responsibility to eradicate it, instead of spending more tax

payers money to hire foreigners to solve it.

Identity cards should be issued in school to all students attaining eighteen years. Now I have attained eighteen years but I have no power, I am not free to vote for my MP.

We should have an Executive President with reduced powers.

The specified masses should be employed in our institution.

The government should employ qualified security personnel from security companies to guard our institutions.

For us to have equality between students in schools the Constitution should remove everything that creates enmity among the students. The law should take care of those parents who are unable to take the children to school by providing free education to them.

The government should provide facilities like books, laboratory equipment etc to our schools. And lastly there should be equitable distribution of infrastructural network like tarmacked in all areas in Kenya. That is all I had.

**Com. Mosonik:** There is a question that we like asking students. To reinstate or not reinstate corporal punishment in schools.

**Isaac Makokha:** The ones I have given are just the views of the students as well mine. But about corporal punishment it should just be abolished completely maybe in primary should be necessary.

**Com. Zein: Okay** asante sana Isaac. Isaac munaweza kumpigia makofi sababu ni mwanafunzi amekuja. Asante sana Isaac uende pale ujiandikishe kwamba umetoa maoni na utupatie hiyo memorandum. Thank you very much. I am going back to the list I had given him priority so that he can make his submissions and if he needs to go back to class he can ----- Sasa Arch Bishop Stephen Makhanu. Hilo la pili limecharashwa sana siwezi kuliona bwana.

**Stephen Makhanu:** Mimi kwa majina ni Arc Bishop Stephen Makhanu Pajero anayejulikana kwa majina mengine Mukibi Sitawa, Wamusambwa cultural travelers religion. Na ninayo maoni haya juu ya Katiba . Kwanza uhuru wa kuabudu. Katika Katiba iliyoko sasa inasema kuna uhuru wa kuwabudu lakini hakusiki chochote kuhusiana na vile makanisa yalivyo. Nikisema hivyo ni kwamba nimenyama fursa na kanisa ya kiasili katika kuwabudu katika Kenya sasa makanisa mengi yalioko katika Kenya ni yale makanisa ya kutoka ng'ambo sasa napendekeza ya kwamba iwe wazi katika Katiba mpya.

Kusajili kirasmi dini za kiasili yaani indigeneous religion. Nikisema indigeneous religion ni kwamba kati ya indigeneous religion na zile za kutoka ng'ambo, ikiwa ni wakristo hizo ni dini za kutoka ng'ambo na Ki-islam, lakini indigeneous religion ni zile dini ambazo hazitoki ng'ambo yaani si wakristo wala si wa-islam.

**Com. Zein:** Nadhani Bishop ngoja, nadhani tulikuwa tumekubaliana kwamba kila mtu ataheshimiwa kwa kutoa maoni yake. Ikiwa hukubaliana na Arch Bishop ngoja upate fursa yako na wewe uje useme yako na yeye atakusikiliza vile unamsikiliza wewe Tumekubaliana hivyo.

**Stephen Makhanu:** Sasa katika hiyo sehemu madhehebu zote zisajiriwe kisawa. Hiyo sijasema wapinge zozote.

Nikienda katika mila na desturi za nchi hii napendekeza ya kwamba mila na desturi za wajamii za wakenya lazima ziheshimiwe na kulindwa katika Katiba mpya. Kila kabila ziandikishe desturi na mila zao na kuwekwa na kulindwa chini ya sheria za nchi.

Nitasumulia juu ya koti za kia-asili inayoshugulikia maswala ya mambo ya kia-asili. Koti ya kia-asili zipewe nguvu sana kulinda mila na desturi za jamii ya Wakenya. Mahakimu wa koti kama hizo wawe wakuwaji halisi wa dini za kia-asili na wapendekezwe na dhehebu hizo kama ilivyo kwa wazee wa dhehebu za ki-islam. Kweli hakimu mwenye imani ya kidini ya kikirsto hawezi kufanya kazi vyema katika koti za kia-asili yaani anafanya kazi katika mahali kinyume na imani yake.

Kuhusu utawala wa mikoa; Kuhusu Katiba mpya napendekeza utawala wa mikoa uondolewe kutokea kwa naiba wa chief had kwa mkuu wa mkoa baadala yake Diwani aliyechaguliwa na wananchi afanye shughuli zote katika kazi yake pamoja na wazee wa vijiji.

Katika Wilaya awepo mwenye kiti wa wilaya anayechaguliwa na wananchi na kufanya kazi kwa miaka mitano halafu uchaguzi ili madiwani wawe na kazi ya kufanya.

Kuhusu police wa utawala; Police wa utawala waondolewe kabisa katika Katiba mpya kwani hawana kazi mahali pale ili wapatiwe nafasi mahali pengine.

Kuhusu Mazingira, katika kulinda mazingira miti ya ki-asili ipandwe na kuhifadhiwa katika sehemu za umma hapa kando kando ya barabara, mito, mijini na milima na sheria iwe kali iwapo miti kama hiyo itakatwa, na kila mwananchi katika shamba lake asiwe na miti chini ya ishirini iwe katika chini ya kifungo cha sheria.

La mwisho ni kuhusiano na kulinda Katiba. Katiba mpya ya Kenya ilindwe na wananchi ili iwazuie wabunge wasiwe na uwezo wa kubadilisha na kutoa vifungu fulani vya sheria na kuharibu Katiba iliyo pendekezwa na wananchi, lakini baada ya miaka ishirini Katiba ichunguzwe upya na wananchi na iwapo chochote kuongezwa au kutolewa kwa Katiba wananchi waulizwe na wafanye hivyo. Asante.

**Com. Zein:** Asante sana hakuna swali kwako. Tafadhali utoe hiyo memorandum kwa officer wetu na usaini register asante sana. Sasa namuomba Bwana Makhanu Geoffrey karibu.

**Geoffrey Makhanu:** Kwa majina ni Geoffrey Makhanu. Natafuta udiwani Naitiri North. Mapendekezo yangu ningependa ma-chief wote na manaibu wao wachaguliwe na wananchi.

Halafu sheria kama the rape cases wangeweka maximum sentence at pengine fourteen years, lakini hakuna minimum kwa hivyo waweke minimum. Iwekwe minimum.

Halafu baada ya kifo cha diwani ama mbunge party iliyom-sponsor ile sa ile amekufa ifanye nomination immediately kabla by election.

Halafu armed forces na police wa kawaida pia waanze kulipa fee, karo ya shule kama vya zingine na hapo watakuwa wamerudisha.----

Halafu la mwisho tu- legalize local brew so long as the pass the requirements of Kenya Bureau of Standards (KBS)

**Com. Zein:** Asante sana hakuna swali uende pale usaini register yetu na uandike, utuwachie hiyo memorandum. Augustan W. Nambale karibu nafasi ni yako na kama nilivyosema mimi nitakuwa nikitumia uhuru wa kuchagua. Mpaka sasa hatujapata mwanamke hata mmoja. Nitangalia kwenye list mwanamke yuko wapi niite mmoja na yeye apate fursa ya kusema, endelea bwana.

**Augustan Wanyama Nambachi :** My names are Augustan Wanyama Nambale I have the following proposals to say.

Those disabled people in our country should have their own MP to represent their grievances in Parliament.

Freedom of worship should be eliminated because some people are worshipping animals some are worshipping idols. It is a fact that God is not a lamb.

Land ownership acts or tenure should be looked at

Maximum justice in our residential courts and prisons should be looked at by the government.

Government loans to farmers should be restored. This is to say those loans that will formerly issued by the government should be intensified once more.

Afforestation in our country should be compulsory to every citizen. That is to say many people are cutting and are not planting anything. That is enough.

**Com. Zein:** Asante uende pale uandikishe jina lako kwamba umetoa maoni kwa Tume ya kurekebisha Katiba sasa ni wakati wa Abdul Azizi.

**Abdul Azizi:** Kwa majina yangu mimi ni Abdul Azizi Mtande. Supreme representative na Imam wa Sirakaro Jamia Mosque.

Maoni yangu nitatao kwa njia mbili upande moja itakuwa ya kidini na upande mwingine itakuwa kama raia wa Kenya.

Nimeandika memorandum tuna wenzangu ambao kwamba naonelea kwamba ni ndefu siwezi kuisoma yote na natumai nitataja tu moja tu na hizi zingine nitazungumzia kidogo mtanisemehe wazee wangu kwa sababu mambo ni mengi na wakati ni chache.

Nikija katika jambo la preamble nilipata muelekee amtoa uko katika hivi vitabu vya maswala na maswali nilitangulia na hilo, kwamba Katiba ya Kenya itakuwa na utangulizi kweli kufuatana na taritabu za uandikishaji wa vitabu na Katiba na aina mbali



mbali kote ulimwenguni ili Katiba ya Kenya inahitajika kutaja na kueleza msomaji afahamu Kenya ni nini, na iko wapi, na imekuwa ikiendelea katika hiyo Kenya tangu ijulikana kuwa ni nchi au mji, historia yake watu, kabila zake, serikali za hapo awali kabila ya ukoloni na baada ya ukoloni.

Na nini imesabibisha kuwa na Katiba mpya au kurekebisha ile ya awali. Na kupendekeza kuwa Tume inahitajika kuongoza Katiba, kuonekana raia Wakenya katika shughuli hii ya kurekebisha au kutunga Katiba yenye manufa ki-democrasia.

Mwisho ni historia fupi ya nchi na watu, wakenya na wakolini siasa vyongozi, watu mashuhuri na serikali yake. Natarajia hiyo ni pendekezo kwamba itapitia kwa preamble hizi zingine nitatuma.

Serikali ya majimbo tunaonelea ya kwamba Kenya haitaweza kutufaa kwa wakati Katiba isikubali seri kali ya majimbo kwa sababu ingelikuwa nzuri hapo mwanzo mwanzo. Sehemu zinine za nchi zimenufaika zingine zina ukame North Eastern, na Western na wapi na wapi utakuta kwamba kuna badhi ya sehemu zingine hata ukambani majimbo vile tunavyofahamu haitaweza kuridhisha Wakenya wenyewe wengine.

Pendekezo lingine ni kwamba Tume ziwe Katiba iruhusu Tume ziwe zikiundwa kikatiba Inaweza kupitia bungeni ama mahali popote na tume hizi ziwe iwe na sababu maulumu kuhusiana na kulinda wakenya wanufaika na Katiba yenyewe na nchi na maisha wanayohitaji.

Maoni kuhusu kubuni wilaya mpya ,Katiba isiruhusu wilaya mpya kubuniwa ikiwa idadi ya watu haitoshei na serikali haijapata pesa za kujenga district headquarters za wilaya inakuwa ni aibu na ni siasa bichi.

Katiba iruhusu tuwe na supreme Chambers za ki-Parliament kuweza kutatua mambo fulani fulani ambayo yanaweza kuwa inawakumba pengine wabungu, ama iwe ni chamber ambapo ni neutral au independent kando kutoka kwa bunge kufuatana na masala ile ilikuwa mle ndani.

Tuwe na supreme board ambayo itakuwa pia ni jicho kwa mambo fulani fulani kikatiba katika serikali yetu . Katika mahakama tuwe na independent court ambayo pia tunaweza kutumia hilo neno supreme court ambayo kwamba ikiwa kuweza kutokea na mtu aone shida hapa anaenda mpaka wapi, hiyo supreme court iweze kushughulikia jambo Fulani fulani.

Katika sehemu za chini Katiba ya sasa iweze kuruhusu kuwe na Constitutional Chambers au court au Constitutional cases ambazo kwamba huenda mtu mmoja akafanya jambo ambalo kwamba litakuja liwe kinyume na matakwa ya Wakenya wengi popote pale katika tabaka mbali mbali jijini ama katika ma-reserve.

Na nisiende mbali sana, kuhusu kilimo katika mwongozo sikuona, hatukuona kwamba kilimo kizungumziwe kilimo kwa sehemu ya saa hii ni kitu muhimu matakwa ama ni jambo muhimu kuhusu Wakenya sababu njaa ina shida. Kilimo cha Kenya kinazoroteka upande mwingine kwa sababu wale waliopewa mamlaka kutengeneza mbegu wamegeuka na Katiba ijaribu kumlika sector hiyo. Ni kwa nini mbegu huja mbovu na mazao huwa machache, wananchi wakapata shida.

Kuhusu watoto sisi Wafrika, Katiba itaje masilahi mazuri ya watoto either siyo kuingiza tabia na desturi za nchi za kigeni sababu imeleta chokora wengi katika nchi. Kwa mfanao mtoto anaweza kuamrisha kwamba akataa kusudi alisema mimi msiponipa shilling tano au shilling tatu siweze kwenda shuleni kabla sijapewa. Napendekeza kwamba mtoto, Katiba iruhusu kwamba watoto wetu kikenya walelewe kwa desturi na hali ya standard ya uwezo wetu kiboko kiweko siyo cha kua

wala cha kutoa damu kiboko iendelea.

Political parties inatakikana zisajiliwe kulingana na uwezo wa mtu na ukweli na demokrasia vile inatakikana.

Gender equity : Wanawake wangaliwe kimasomo iwe ni jambo la muhimu kupata uongozi na kazi. Na isiwe na licence Katiba isuruhusu kwamba mwanamke akiajiriwa ama akipewa uongozi iwe ni licence ya ku-dispute mara kwa mara na mumewe na kusababisha talaka na kutengana.

Dini zote zinataka zijulikana kikatiba kwamba zina muelekeo gani kutoka kwa Katiba ya Mungu. Kuna zingine zimeanza kutokea ambazo zitaleta imani ya watoto either wa kihundusim, ki-islamu ama kikristo kuja kwanza kwabudu dini zile ambazo muelekeowake haujaonekana sasawa kitabu ama kinabii.

Period ya Constitution nilikuwa na pendekeza kwamba tusije tukalaumiana hapo baadaya katika yetu isiwe ya kuleta laana ama ya kulaumiana baadaye lazima ati twende kurekebisha. Tupeana mda siyo ambayo inasitahili.

**Com.Zein:** Asante sana Bwana Abdul Azizi. Asante sana tafadhali utoe hiyo memorandum uliyo nayo na jilandikishe kwenye register yetu kama umetoa maoni kwenye Tume ya kurekebisha Katiba. Asante sana. Monoko Martine W.

**Monoko Martin:** Well my names are Martin Monoko Naitiri high school.

The preamble: The national Constitution should have a national vision to the effect that it should be people centred. At the same time it should reflect the common experiences of Kenyans particularly with regard to their interest their cultural heritage as well as other historical values.

In which case also all tribes should be provided for under the same .

The duty of the Constitution : The Constitution should be able to nurture human potention and avail all opportunity within available limit without due respect to any other factors that might cause dis-unity among the Kenyans.

Kenyans have values which must be reflected in the Constitution such as honesty transparency, accountability, justice, sincerity, charity as well as kindness. All these principles should be enshrined in the Constitution at the same time be enforced by the same.

Political parties should remain, that they should continue existing as they provide a very crucial mobilising role. The Constitution should also regulate formation, management and conduct of the political parties. A flat rate should be used to finance parties especially if they are to be as few as five that we propose the party should be minimized to five.

The presidential system should not be retained. Should have the Prime Minister appointed from the majority party in Parliament as well as the a ceremonial President. The Prime Minister should have all the Executive powers.

The following appointment should also be vetted by the Parliament, that is, Ambassadors this one appointed to different countries, Chief of general staff, heads of parastatals Judges, Attorney General, Vice Chancellors among others.

Then, people should have a right to recall their MP. A quarter of their time that is a quarter of their time they are entitled to be in Parliament, and by the a quarter of the signature of the Eleterate to be forwarded to the clerk of the National Assembly who should in turn lead the constituents and hear the public views by holding a rally.

Executive powers: The President should be a graduate or rather have a certificate to that effect and above. He must also have engaged in leadership capacities in public or private sector. He should only serve a minimum of two terms five years each and this should be enshrined and fought by the law.

The President can also impeached under the following circumstances

If he has been involved in corruption, murder, or running down economy as well as immoral behavior while in office.

On education we felt that the system should be reverted back to seven, four, two, three for that system of minimal wastages both terms of human as well as material resources.

Discipline we find out that should be moderated in which case canning should be reinstated to instill the discipline.

On vulnerable groups: The rights of the vulnerable groups we identified the following. That Kenyans women of course have also been well catered for by the Constitution so no need to change whatever there is.

Interest of the disabled community or members have not been adequately provided for and we required that the following concerns should be addressed: They should be given free education, medical services, facilities to assist them in movement as well as employment opportunities.

Othere vulnerable communities we identify them to be those which are living in arid areas, forest as well as those on the border particularly Kenya and Sudan where they are under frequent attacks from the neighbouring country. I think the rest have been mentioned otherwise that all we had.

**Com. Mosonik:** What are the criterio for selecting the political parties.

**Martin Munoko:** Well these political parties we know that they are so many of late and if we go in terms of financing them it will be very expensive for us Kenyans citizen. These political parties if they have to be five then of course under the new Constitution our hope was that the Constitution would specifically come out with the basic requirement for the same five.

**Com. Zein:** You should not talk about it fine, but do you have any ideas on how to arrive at those five.

**Munoko Martine;** Well, the five maybe in case of a time, they should be consist rather parties with at least more than two thirds of the Kenyans population.

**Com. Zein:** Please sign our register and leave us with memorandum. You will notice if you came with someone and I am skipping your name it is because your status in this form indicates that you are an observer. Ikiwa mtu ulikuja kushuhudia peke yake nitakuwa sikuiti jina lako. Mwalimu Nicholas Wanyonyi.

**Nicholas Wanyonyi:** Thank you very much. My names are Nicholas Wanyonyi a teacher at St Patrick Naitiri High School.

What my colleague has just said were the views of our colleagues in this school, but I personally had two different points which I felt that I should also put across.

The first one is about this Constitution, document that we are talking about our Constitution and yet I feel most of us are not actually aware about our even existing Constitution because we have not read it. So I think that the Constitution should cater for all Kenyans whereby the documents once its arrived at, it should actually be accessible for to all Kenyans. Currently I am told that we can get from the government press and I am sure the government is in Nairobi not all of us have at one time gone to Nairobi. So I feel that the the dissemination is not well done.

**Com. Zein:** How do you think we should go about this?

**Nicholas Wanyonyi:** Thank you very much, now I feel that we can print them and avail them to our local bookshops even at market centers and as Kenyans we can get access to them.

Then concerning the same document I feel that while we are arriving at it, we should also not make it so huge so that maybe it can even be pocket size a document which I can put in my pocket and even read it on daily basis so that I can understand my rights.

Then the next point is about rapists: Rapists should face capital punishment onces that act has been (interjection)

**Com. Zein:** Your time is up.

**Nicholas Wanyonyi:** Thank you very much those were my two points. Thank you.

**Com. Zein:** Asante sana mwalimu tafadhali usaini register kwamba umetoa maoni kwa Tume ya kurekebisha Katiba. William Amboko. Karibu mzee.

**William Amboko:** My name is William Amboko I am (inaudible).

I have the following views from my people.

About preamble, in short we did not tackle the preamble.

About the laws of Kenya, we have laws of Kenya at the moment which do not apply to anybody. You find that the people who are very important are arrested erroneously in the court of law but then you find a very person who is arrested he ends in the court and sometime it takes in time to be in remand prisons so we think that the law of Kenya should apply to every Kenya citizen to take cause of the law without discriminating anybody.

About the three arms of the government, we have distribution of power to the three all organs of the government arms. For example we have got the Executive, we have got the Judiciary, we have got the Legislature and these three arms should be separated from each so that for example Judiciary is run independently without any interference from the Executive.

On human rights human rights should be respected and given freedom of speech, should be encouraged because you find that sometimes if you talk a word you are undermined and therefore we are not free to talk what is right for us.

About detention, there should be no detention without trial. We want one when being detained he should first of be taken to the court of law to be shown the course why he should be detain.

**Com. Zein:** (inaudible)

**William Wanyonyi:** About our security we have got very humble and highly trained police in the country. We only ask that they should be given a very humble approach of interrogating anybody, but don't just harass anybody. You will find people are being harrassed arrested and at the end you are not taken to the court of law to explain why you have been arrested. The police should not mishandle a suspect without the authority of the magistrate that is without a warrant.

Also in police you find that they have got too many road blocks on the highways whereby they are arrested. You find that there is a roadblock here then people arrested, but at the end nothing happens, they are let to go.

You find there is also the highway police that is now the traffic also who will be checking vehicle and these people are all policemen so we wonder who should be responsible of the highway.

About the cabinet it is the feeling of the people that it be tremmed to have a few Cabinet Ministers to man particularly Minister where they are concern let us say every Minister should be given one Ministry to run.

About a suspect in the court of law we think the state should provide defence for suspects in the court of since and most of the suspects do not know about law.

About maximum punishment. We see that maximum punishment should be abolished. We should get rid of corporal punishment because it is too cruel.

The Constitution is superior to Parliament so the Parliament should not be allowed to amending the Constitution any time they feel like amending though any amendments in the Constitution should be conducted by the Constitution Review Commission which should be done through a referendum of the people.

About local brews: The government should allow local brews consumption and brews of local for the people because they have been arresting people. Okey thank you very much.

On natural resources we feel that if there is another resources the government should share that resources with the communities where that resources are found.

Transfer of land settlement now is taking too long and at least it should be done.

About land succession, all children whether boys or girls are our children and we are the parents so if a parent dies boys and girls are equal to share that land without discrimination.

About torture: There should be no torture once you are arrested, you are arrested and you are in the custody of the police you should not be tortured because you already there and if it is possible you should be handled carefully.

**Com. Zein:** Please sir if you give us the memorandum we will read and process the whole memorandum, thank you very much for your submission. Felix .C. Waneloba, haya Makhanu John Simiyu. Wewe ndiyo bwana Makhanu ulikuwa umeandika kwamba wewe ni observer au unataka kutoa maoni sawa.

**John Makhanu Simiyu:** First I will make my proposal on Judiciary. My name, are Makhanu John Simiyu. I want to make a proposal on the Judiciary. The courts are piled up with so many cases whereby on daily basis they are mentioned. So I propose that each local court to have at least three margistrate so that they can make work easier instead of having one.

Still on the same I propose that areas where we have no proper means of transport to have mobile court at the division level once a month.

Still on the Judiciary those who have proved guilty and sentenced, they should be allowed to be visited by their wives at least twice a month for a while. I want also to make recommendation on Presidential elections. I feel that prior to general elections three months or four months to general election we should have Presidential election so after the President has been elected then we can have other elections following up because having three at ago causes confusion.

Citizenship, once one has been issued with an Id card and birth certificate should be entitled to automatic passport.

Then on the election also those who are nominated should not be given ministerial post because that is not majority representations.

Finally I propose on education. There are very many graduands I propose that first come first serve so that those who passed out earlier to be considered following that so one will rest assured knowing that next year or the other year should be the one to benefit.

**Com. Zein:** This is small clarification you said prisoners should have spouse visitation. Does that include right to marry if there

is a prisoner who is a bachelor

**Makhanu John:** Those who are married

**Com. Zein:** Only those who are married. Okey thank you. Kabila J.B. Lubuli, Joseph .W. Okhwamba . Joseph hayuko haya Bwana J.B. Lubuli.

**Josephat Baraza Lumuli:** Kwa majina Josephat Baraza Lumuli ama a retired daktari wa ng'ombe I am a retired administrator from Provincial Administration. I want to give in my submissions as follows. I want to talk about the Preamble. In the Preamble according to me and my organization we said that we should think about God first because our anthem which we have had to appeal to God first then from God to us and the labour of our services. Therefore we said that we have to say that we the people our country and republic of Kenya hereby supplicate like this. We go back again to our National Anthem which has given us a lot to think about and we thought that we have to say that 'Oh God of all creation bless this our country of Kenya, let us all, young old man woman, rich, poor, educated or not educated rise up with hearts both strong and true. Work for the cause and development of Kenya. Services the greatest national endeavour. Thank you---

We also continued to say that we live in peace, Love, unity and liberty. We also had to think about our justice. We said Justice being our defenders and shield all the times. Firmly we stand up to defend ourselves. May plenty be found within our borders and may plenty be the fruit of our labour. That is what we thought about our preamble and that is what the preamble has done for us to survive longest without mambo ya kukutana.

Halafu takaja kwa bill of rights tukapendekeza kwamba, Kituo cha Sheria that is Law Institute to be centred in our settlement scheme whereby we thought that we are 76 kilometres away from our District of Bungoma town, Webuye, Kimilili but settlement is very far. Therefore we said that we should have this kituo for which purposes. The purposes of the Kituo cha Sheria ni kwamba it will give us legal aids to the needy because consultancy services from our advocates are so dear that the people cannot afford to pay for them. Therefore at the Kituo end we shall have the para-legals. District para-legals will give us the interpretation of law and then from law interpretation we shall be assisted by the para-legals to write affidavit, injunctions, petition and succession.

Also we were talking that how shall we have the books on this Katiba. Tukaonelea kwamba if we shall have this center we shall have Katiba books and also books of law to be at the kituo such that you can get reference very easily.

Tukakuja kwa assault cases. Assault cases watu wengi wamepiga wengine na wameandakwa kuwa unambiwa kwamba enda utatibiwa halafu ndiyo aliyekupiga atashikwa. We have felt to say that aliyekujeruhi ashikwe hapo hapo na ashitakiwe, halafu

P3 isiwe kwa police iwe tu kwa Kituo cha kutibiwa wewe. We had to also look at the two sayings which says hit the iron when it is still red hot, and also a in time stick saves nine. . So mtu kama bado unatoka damu na fulani ashikwe, hapo hapo ndiyo atasikia uchungu wa kupiga na kukujeruhi. But kusema aende ndiyo atashitakiwa that is a way of giving room for corruption.

We had also to look at the retirement Act for those people who have retired. There is a clause within the nini ile inasema kwamba a pension is not a right it is just a reward. So we the retired people who have sweat and who have left a lot of liberty to the country are scared that if we don't take that precaution their last supper might be split away.

I suggest that within the Katiba which is coming, it should stand as a right not as a gift.

Look at the powers interpretation of powers. We were looking at this word we wish to say that interpretation of the word President be given within the Katiba because the word President is so loose, because some people say I am a President of the bank, President of a clan President of the Wakasa senior, President of a church, President of a society President of the student affairs and whatever and whatever,

Then from there also we had to come to miscelaneous. In the miscelaneous chapter we had to say that we have to have Commissions and within our scope of thinking we looked at the invention Commission. This invention Commission is to explore our people who are talented so that they can give a Kenyan inventiveness because people are very creative, the jua kali as you can also see.

And also sir we had also to look at the appointment of Minister for Constitution. We looked at our history that in 1961 the late mzee Jomo Kenyatta was Minister for Constitutional affairs in our Kenya coalition government. In 1983 mzee Charles Njonjo was Minister for Constitutional affairs in our one party government. Therefore, the Constitutional problems were not there if the minister was there.

Lastly we looked at to end corruption we had to recommend that Ombudsman appointment be within the Constitution.

Electorate also have we said that they have also to vote out their MP, their Councillor if he is found to be not suitable enough to deliver services.

On administration, effective Administration we said in fact that is at the end. We said that the District Officer Tongerere or any D.Oadministration so busy because he is on the Administration affairs, he is also dealing with land control he is also dealing with other matters therefore we recommend that let there be a D.O for administration, a D.O for land control, D.O for environment and then the people who will be given their services quickly. With that I say may God bless you just as the preamble in our National Athem says may God bless you all.

**Com. Zein:** Thank you sir may God bless you too just hold on.

**Com. Mosonik:** I just wanted to say that Tom Mboya was also Minister for justice and Constitutional affairs in the first



government.

**Josephat:** Thank you that a very effective point to add on my good point among my good point that is another one.

**Com. Zein:** May I also observe since you are in the mood of talking about your good points may also observe that it is argued that Constitution started going wrong in 1964 with recommendation from the Minister of Constitutional affairs

**Josephat:** So let us have a Minister for Constitutional affairs so that Constitution. (interjection)

**Com. Zein:** We understand what you recommending, thank you. Please sign the register and give us your memorandum. Damary Luvayo, mwanafunzi Damari Luvayo. Please like the other students have a seat and say the name of school, your class and then age.

**Damaris Luvayo:** Okay my names are Luvayo Damary from Kibisi secondary school I am in form four I am age 18 years old.

I am going to talk about the Legislature, the Executive, Local government, Electoral system and process, Land property right and basic rights.

We felt that a special Commission should be formed to determine salaries or benefits of the MPs because if let alone MPs would wish to allocate themselves huge salaries.

The Constitution to permit coalition government in a case where a party does not serve required seats in Parliament.

The vote of no confidence in the Executive to have half of the votes in the house other than the present two third.

The President can dissolve Parliament before the term of five years if there are proper reason for such in any case the Parliament should first set such a motion. The concept nominated MPs should be there but there should be a special electoral committee headed by the chairman of the Electoral Commission to determine who should be nominated as an MP.

The Executive: The powers of the President should be removed as follows.

The President should not appoint the Vice President. The Vice President should be a running mate of the President. He should be elected by the people.

The President should not be above the law. He should be taken to court in case of an offence.

He should be the head of state but not government. We should have a Prime Minister to head the government.

We should not have powers to pardon a criminal offence. This should be left to the court of the Appeal.

The local government: We find that Mayors and Council Chairman should be elected directly by the people to serve for five years so that their election comes coincidentally with the election of the other MPs and the President.

Councillors should have minimum qualification of form four with a C+ or Division three. Each constituency should have especial Electoral Committee to advise in nominating councillors.

The Electoral system and process: Electoral Commissioners should be appointed by Chief Justice other than the President. They should be with advice of the Judicial Commission and they should be removed from Office by the Chief Justice with the Judicial Commission advice if need be.

Land property rights: Procedure for transfer of land should be simplified particularly where the proprietor dies the area chief should advise the land officer or administrator other than taking court process.

Basic rights: The following rights should be entrenched in the Constitution. All primary pupils should get free and compulsory education. Academic certificate should be given at regular examination ie. Standard four, eight, form two, four, six and university so that if a person dropped out of school before reaching form four he or she can have something, to present thank you.

**Com. Zein:** Thank you very much you are allowed to clap for her. Damaris please go and sign our register. I only allow students to be acknowledged by a clap, no one else.

Now I want to use my discretion I told you I will use discretion apart from Damaris we have not heard any other young lady or lady who has spoken and I see a lot of women face I have tried to go through the list some of them are observer if you are a woman and you would like to make your submission please give your name to the programme officer and no matter what number you are appearing on my list I will give preference as a Commissioner. Now I would like to use that discretion call on an elder Bwan Wanjala Walime aje atoe maoni yake. Mzee karibu.

**Wanjala David Walime:** Mr. Chairman I want to thank you for this opportunity. I have looked at all aspects of government then I want to make the following thirteen in summary.

My name is David Wanjala Welime. I am a retired civil servant. First of all I am having an introductory statement on the paper that I am presenting and this giving a focus on the evolution of democracy. Those in state and in the ex-justical area.

**Com. Zein:** Do not read because you have only five minutes. Try as much as you can to summarise.

**Wanjala David Welime:** In view of the fact that time is limiting I will hand over this because I will go into detail.

Mr. Chairman I am saying in terms supremacy of the Constitution that you have taken trouble to call us to give our views with our view to making the Constitution people centred and so I am saying Mr. Chairman nobody, element or any other person should temper with this document after this.

The procedure Mr. Chairman then would be I would like to make it 75% in Parliament then it would go down to the regional authority when the regional authority have assented then you can easily come down to the people.

Now Mr. Chairman with regard obligations from Kenyans, these are many and I don't see why I should go into those because they are very minor. I think I would want to concentrate on areas that are more serious. I am saying Mr. Chairman that in regard to security and national security this should be based within the office of the President as it is today and then that as I come to establish what I call ministries of the government then I will be saying how they relate. The political parties Mr. Chairman are very necessary I don't want to say how many we need by my views is that this should be nationally based so that Kenyans can be able to look at their nation rather than local areas.

Mr. Chairman I am also saying that in the electoral process, we know we are getting into trouble here Mr. Chairman because you will let take the case of 1992. The President is elected but if you were to take the votes of DP, Ford Asili, Ford Kenya, if you added all those votes, you will find that these are more than what one party got. What I am saying Mr. Chairman is that in the event of this happening we should be able to go for re-run and give the people a chance to give a man who is going gone to conduct the affairs of this country a majority vote that is under minority.

Mr. Chairman, the land right, this one is an area where I want to say that although the Constitution is supposed to be supreme, I am saying regional authority should be given extra powers to protect land rights of the people in the rural areas because you have some, its call them big fish who come with big money because they have an access to resources so that the poor in the country side are protected through the laws which local authority present.

Mr. Chairman the biggest point I want to make here is that the structure of government.

My view is that, you see up to now if you look at the way the British government is run there is the Prime Minister but then the queen is subordinated to the Prime Minister. Similarly in India the Prime Minister is subordinate but I am now saying in Kenya. specific to the following Mr. Chairman I have divided powers to be given to the President he should not be subordinate to the Prime Minister I have given powers to the Prime Minister which should not be interfered by the President.

**Com. Zein:** Who appoints the Prime Minister.

**Wanjala Welime:** The President appoints the Prime Minister through the house of Parliament based on the majority party in the house.

Mr. Chairman I have also given the duties of the Prime Minister and the following then Mr. Chairman should be. You see we cannot give anyone single Kenyan the responsibility to name ministries. I think that should be the mandate and responsibility of Kenyans. So I am making a proposal here and the way I see the ministries are only thirteen if somebody was to copy only thirteen it will be unconstitutional and he will be actually be required to be impeached because we are wasting a lot of resources.

Mr. Chairman I also proposing a two level Parliament or National assembly. Parliament which is represented by the people from various constituencies based on what the Electoral Commission does. Then I am also creating the Upper House. In the Upper House Mr. Chairman, we get one member from every districts that would mean only about 68 something like that. Those who will be Senate and I am also saying Mr Chairman the Senate should be there for only three years. The life of the Senate is three but a Parliament can continue to have five years.

Finally Mr. Chairman you have rushed me rather fast but this paper you will have. These are what we call Constitutional offices. Do you understand what they are? Very good, now look, what we have today is the Attorney General, the Controller and Auditor General the Electoral Commission and others but I am saying we need to expand the others so that there are areas like the scientists. There was a time we had a Professor who was I think making surgery on the kidney and then was removed and taken back to the civil service so that such experience was lost. I am saying Mr. Chairman in the area of science and technology there should be also need for security of tenure so that people can concentrate and research can do things, and also in this regard Mr. Chairman I am saying in regard to university, let us have our university Professors taking charge. The university Professors can sit together elect their Vice Chancellors elect their own chancellors so that in the long run they are very independent, nobody is going to give patronage because as soon they begin giving people patronage it is not going to be possible for people to do their best. That's all Mr. Chariman.

**Com. Zein:** Thank you. The concept of a constitutional office is grounded on the idea that the person who is appointed to that office is able to discharge their work independently without interference, for the benefit of the nation. How do you link that to a Professor in a university. Can you elaborate a little bit if there is any other model in the world where being a professor, they are given security of tenure in the Constitutional term if you could give us an example.

**Wanjala David:** Mr. Chairman the reason why I am saying this is that, let me give you an example of when we standard Aids, we had some top Professor one was Professo Odel, then Koech you know. They started researching on Kemron and then the whole thing seems to have disappeared because it seemed to me there was an element of patronage. I want us to remove that element of patronage. Let's have tenure for the professionals in that are so that they do their best for the good of this country and they need to be protected .

**Com. Zein:** Please sign our register and leave us with your memorandum. I rush this man for a good reason. If you were

here in morning you will have heard that I gave instruction that we have mechanisms to process everything you give out in written salient and the reason we give you time to share with us some of the important silent points is so that other people can know what you were submitting to us, but for the benefit of the Constitutional Review we have mechanisms to process the data you are giving us thank you very much sir. Please sign our register and give us the memorandum. Now let me go back to the list kidogo halafu nirudi tena niite mtu nje ya list. Charles Wafula na kama nilivyosema naita mtu mara mbili halafu, ni wewe mzee wangu. That is fine, thank you for your kind consideration. Francis Makhanu uko karibu, na ukija kukaa hapa mzee unipe fursa ya dakika moja niwataje watu ambao watakuja kufuatia huyu bwana. Kwanza nitampa dada mmoja anaitwa Rose Nanjala, Rose Nanjala yuko? Utafuata dada baada, ya mzee utafuata wewe, halafu nitamuita Ann N. M.Lusweti. Hawa wawili watakuja wafuatie mzee ndiyo nilirudi tena kwenye list kabila sijarudi nje mzee taja jina na uendelea.

**Francis Makhanu:** Asante, mimi jina langu ni Francis Makhanu Sindani Mzee wa hapa Naitiri. Maneno yangu ninayosema kwa Katiba ya leo ifanye na iliopita ipunguzwe squarter. Neno squarter haifai kuwa Kenya haifai kabisa kuwa Kenya hii. Tuna watu hapa Kenya wenye ma-elfu ya hekari ya shamba na wengi hawana hata nusu heka,

**Com. Zein:** Unasema kuna wengine wanamsshamba mapungwe, sasa wapunguzwe igawanyiwe squarter? -----

**Francis Makhanu:** Yule mtu anayekuwa awe kabisa chini kama au ana shamba awe na heka mbili

**Com. Zein:** (inaudible)

**Francis Makhanu:** Lazima mtu huyo wa shamba kubwa awe na hekari mia mbili, hiyo ndiyo kubwa kabisa. Si kutoa kodi mbali mashamba yale yalio bakia yagawanyiwe wengine.

Lingine, number mbili, hatuna uhuru wakukula chakula chetu tunachotoa kwa shamba. Cchakula tunachotoa kwa shamba kama tumekwisha fanya kazi tumechoka na tukikaa chini ili tule au tunywe serikali yetu ya kisasa inafukuza watu kama swara.

**Com. Zein:** Je wewe unapendekeza kwamba pombe ya kienyeji ihalalishwe

**Francis Makhanu:** iweko

Neno la tatu ma-chief na manaibu wao wapigwe transfer maana Chief na (interjection)

**Com. Zein:** Tumelewa hiyo mzee.

**Francis Makhanu:** Wakikaa pamoja kabisa

**Com. Zein:** Vile umesema ni kwamba hatutaki Chief akae mda mrefu wakiwa na matatizo na wewe hata kama anakaa miaka hamzini matatizo yako yanakaa miaka hamzini. Sasa wewe unasema awe anaweza kuwa transfer, si temeolewa?

**Francis Makhanu:** Neno la mwisho tuna uhuru wa kuabudu lakini iko mapendeleo zaidi napendekeza dini zakia-asili zipewe uhuru sawa na kama za kikristo na ki-islam.

Sinaponubiri inahubiri sawa sawa. Dini ya msambwa ina wafuasi wengi bali serikali haitaki tuhubiri neno kama dini zingine.

**Com. Zein:** Usha sema dini za Kia-asili zipewe haki na sawa na dini zetu

**Francis Makhanu:** Nikimaliza, nashangaa mgeni akija kwako kama umemkaribisha hawezi kulala kwa kitanda yako na wewe ulale nje hiyo ndiyo neno kubwa.

**Com. Zein:** Unasema ikiwa wewe ni mubukusu unakaa hapa mtu asitoke mbali kuja kukunyanganya haki yako.

**Francis Makhanu:** Hayo ndiyo maneno yangu imemalizika.

**Com. Zein:** Asante sana mzee uende pale ujiandikishe. Nimemuruhusu mzee aseme kizee kwa sababu nina heshimu miaka. Lakini watu wengine wasione hiyo sasa ni leseni ya kusema watu waanze kuzungumza lugha ya kizee hapa, sawa? Mama karibu.

**Rose Nanjala:** My names Rose Nanjala Mukafa natoka Nakhoba Women group Niko na miaka hamzini na tatu Nataka kuongea juu ya the right of vulnerable groups.

The interest of women is not fully guaranteed in the Constitution. Women rights should be addressed as vulnerable groups. The interest of people with disabilities is not fully taken care of. The specific concern of people with disabilities which the Constitution to be addressed are the lame, the blind, the deaf, the handicapped the mentally disturbed.

The Constitution should guaranteed and protect the right of children by enforcing law that the child must be brought up by both parents that is mother and father. If we want them to have sound mind and good attitude when growing up. The other group considered to be vulnerable are the illiterate persons mentally disturbed persons the poor the trained and unemployment. The homeless because they cannot meet the normal standard of living they often lack sensitive daily need which will contribute to permanent life enjoyment.

The Constitution should make provision for affirmative action on the side of women and other vulnerable groups. Such a provision should take a form of reinforcing law and if anyone does not adhere to it a heavy penalty should be imposed to her.

Now most of my points have been mentioned earlier on. Now I talk of my own generalities most cases on women. Women should be given enough security and protection. Women property should be respected by their husband women should be the

immediate successor of their husband's property. Women should take loan using their or her husband land title deed. Only on endorsement of two people. He should not be granted loan. The property of children who have lost both parents should be safeguarded by the government through statements of sub-chief and chiefs.

The government should built boarding, primary and secondary schools together to cater for street children and orphans as this will improve security in our cities towns and home. These children after school they remain the government to train them and they remain governments property. School bursaries should be given to only needy children instead of the rich who buy those chances those in authority should be punished or expose to life imprisonment I mean the people who are granting bursaries.

Primary children should not be given land. One they will not accord their husbands respect. The number of prostitutes will increase. The number of street children will go high. The security in our town cities homes will reduce.

Children brought up by one parents always are not organized. The government. should ensure that all Kenyans children get basic education freely in primary school.

Female people should dress in repectively manner in order to reduce rape cases in our court.

The government should ban new churches which contribute to man slaughter in value of money.

Women should learn the behaviour of the family they are married in.

They should respect their family and parants of the husbands. They should give a privacy of the family affairs not just expose that this families are witch doctors whats what.

**Com. Zein:** If children should not inherit property what happens when parents die leaving being young children.

**Rose Nanjala:** If a younger couple dies leaving young children the property should be in hands of the government, not this younger mother who in turn will invest the property in her brother, hand and the men who are after her will swindle.

The daughters inlaw must respect their mothers in law, same to mothers in laws. Daughters in law should be regarded as a family member. We should not boycott our Africans traditional characteristics.

The men should pay dowry for their wife as this will guarantee that you have a wife. She will respect as her true husband.

The wifes parent will respect you as their true son in law. If your wife has no children she should be given a piece of land and on condition that she does not sell it. All men should register all women he has to prove that they belong to that one husband if

when one husband they will have a right to access to the property of her husband after death because some families go (interjection) All marriages should be legalized.

I will talk about Executive section the presidential candidate must be (interjection)

I think that is much I have.

**Com. Zein:** Madam you should give us that memorandum we will read each and every recommendation you are making and we will act on it. Thank you very much madam.

**Anne Lusweti:** My names are Anne Lusweti. I want to give our recommendation from the Kimilili retired teachers self help group, and especially on the topic achieving gender equity and equality.

In our understanding equity means fairness and reason in judgement affecting unique circumstances.

Now to improve education for women. This will enhance for improvement of eradicating illiteracy, ignorance, poverty, joblessness and malnutrition.

**Com. Zein:** Just tell us we need this or that.

**Anne Lusweti:** Provision of free basic universal education: Pregnancy girl should be allowed to continue with the education. Girls and boys in a family be should given equal opportunity to pursue education and training. Women have to get direct opportunities to participate in the public activities.

**Com. Zein: (inaudible)**

**Anne Lusweti:** Beginning from their families. Women also should be involved in any decision making organization especially through the council of elders, land board and education board. Women should be allowed to hold leadership positions by abolishing customs and cultural values that rebuke them to lesser and subordinate positions.

Customary laws that bar women from inheriting property and the ownership of major assets should be abolished to empower women economically especially land ownership and inheritance.

The society should strive to change the damaging image women have been given as passive sex tools through equal representation. Women should be portrayed as thinking individuals with independent thorough and capable of judgement.

And through our culture and customs, they should avoid the derogatory languages aiming at abusing women like 'be a man, don't be like a woman. Don't behave like a woman' such like statements.

Lastly girl children should be entitled to property inheritance in the family whether with a will or no will. Those are my points.

**Com. Zein:** Madam please give in the memorandum and sign our register. I would like draw the attention of this gathering that when people are registering we also try to make a determination if there is anybody who has hearing disability. We have present a sign language interpreter who will access a person who has hearing disability. If there is any person who seated next to you who has a problem in following this submissions and they did not register there please alert us so that we can ask the sign language interpreter to facilitate the interpretation for that person to follow what is going on.

Kuna mtu ambaye anatafisiri ishara au lugha ya ishara ikiwa kuna mtu ambaye pengine hasikii kati yetu tafadhali wambie watu



wa registration kusudi tuweza kumpa fursa na yeye aweze kufuatilizia mambo ambayo tunayezungumzia hapa. Sasa namuomba mwalimu George Lusweti, karibu mzee.

**George Lusweti:** Thank you Mr. Chairman. My name is George Lusweti. I am a retiree of education. I have three points that I want to register for this Constitution.

The President of this country should be elected by all without restricting to say 25% from the provinces, meaning that Electoral Commission should be able to set up a certain percentage that one to become a President should have a chieved. If he cannot be able to achieve that then we should be able to have the run-off election.

On the Electoral Commission many things have been said but one issue which I want to narrow down is that we should be able to count the votes from the voting station, the polling station. We are saying that because it is cumbersome and they make a lot of corruption.

On the education, we are saying before any change of the curriculum or any change from one system to another, there should be a thorough research before they make any changes, and if those changes come they should start from the school to run through up to the highest level.

The Constitution of Kenya which we are formulating, I am only hoping that it becomes a subject of itself, that we should be able to teach in school. What I am imagining is we should be able to have some questions in standard eight that it become a compulsory subjects a subjects to be taught in secondary school and continue on.

The last point is on the kind of system of the district the districts originals. I have this to say Mr. Chairman that we should be able to make an effort to make the district as the major character in administering that particular districts. If I can elaborate that one, we had almost succeeded sometime where there was what we call District focus for development but all of a suddern that thing is more stronger in position

**Com. Zein:** Are you saying that we should revert to the district focus?

**George Lusweti;** What I am trying to imagine we have all others from the Central Government verses what we call the Local Government where the district will be the major character, meaning, the Central Government will only issue grant to various districts and districts should be able to run the affairs of their own districts.

**George Lusweti:** I am sure we are capable, the idea to put in place they definitely will have to raise their own revenue. What I am looking at this therefore in this structure that means the post of the PC would not be able to hold water, but the rest can be able to continue. I think those were the three points which I wanted and only perhaps to make correction when we talk about corruption. To me corruption is a big word because will only summarize to say that corruption is when you say one thing and then you do the other, that means corruption. Thank you Mr. Chairman.

**Com. Zein:** Please sign our register that you have given views to the Constitution of Kenya Review Commission, thank you. Richard Chagalwa. Nasoma vile ilivyo charazwa. Karibu Bwana Richard. Sasa ngoja niite watu kama wanne, watano mjue nani anamfuata nani pengine wengine wanajuliza nafasi yako itafika saa ngapi. Richard atafuatiwa na Augustin Wekesa, Augustine yuko? William Wamalwa, William Wamalwa hayuko. Jopheth Mulaki, Patrick Waraswa ni Wanaswa au Warashwa Patrick yuko. Isaac Simiyu Wasilwa. Dickson Naliganya lakini amecharazwa hata huwezi kuona N sijui ni W au Y yuko. Dickson. Emmanuel W. Wanyama uko nitafika mpaka kwa Emmanuel halafu nitaita wakina mama kama wawili ndio tuendelee. Kwa hivyo mnafuatana kufuata orodho hiyo.

**Richard Makhanu:** Kwa majina ni Richard Makhanu: Wazee wa vijiji wakasa wako na kazi nyingi lakini tunasikitika hawana mishahara mimi napendekeza Katiba mpya wakasa wepewe mishahara elfu tatu kila mwezi.

**Com. Zein:** (inaudible)

**Richard Makhanu:** Wakasa wachaguliwe na raia kila baada ya miaka mitano  
Pendekezo la tatu Wakasa wapewe elimu ya kazi yao kila siku na serikali  
Pendekezo la nne Wakasa wapewe nguo rasmi za kazi na vitambulisho vya kazi  
Pendekezo la tano mipaka ya mashamba ichunguzwe na watu kulima kando kando ya mito washitakiwe kwa kuharibu mazingara pia katika kuharibu afya bora.

Pendekezo la sita, Wakasa wawe na huruma pia waunganishe vijiji, waite muungano huruma na wachague wenye viti kusaidiana wakati wa matanga gari ya shule na wasinyimwe nafasi na wakristo kusalimia matanga ya mtu wakati tajiri amekufa au masikini.

Police; Wakasa wakikamata wezi wapelekwe haraka kotini na wenye makosa madogo madogo wafanye kazi katika vijiji. Wapande wimbi

Pendekezo la mwisho, Rais wetu wa Kenya atakayechaguliwa asiwe na hasira haraka. Akileumiwa makosa yake afikiri mara tatu. Kwa mwana siasa wowote awe na elimu ya juu na ujuzi wa kutosha awe na miaka 35 kwenda juu. Hayo ndiyo maoni yangu.

**Com. Zein:** Hujamaliza., uje pale utupatie hiyo karatasi tusome ana u-sign register yetu, asante sana. Haya anayefuatia ni Augustine, wewe, endelea bwana.

**Augustine Wekesa:** I am Augustine Wekesa and this is my proposal towards the Review Process of this Constitution. The idea of fiscal budgeting of the country. I propose that responsible heads of government ministries to declare publicly their accounts in their various ministries on the expenditure before the main budget is read by the Minister of Finance during the physical budget of the year.

Another proposal is election of presidential candidates basing on 25% vote to be taken into account of all provinces not at least five provinces only.

Another issues it must be after drafting the new bill as the Kenya Constitution be accessible to both primary and secondary school either in the academic curriculum.

Lastly all nominees of different political parties must before general election undergo leadership workshops for last elections those elected did not undergo leadership workshop for at least six months for the betterment for the responsibilities and duties. This should be carried out by the government. This are my few proposals I heard.

**Com. Zein:** Asante sana

**Com. Mosonik:** The proposal to 25% in all the provinces and if you did not have a candidate ----25% in all the Provinces what do we do?

**Augustine Wekesa:** If there is nobody who has attained the 25% in all Provinces at least we should go back and scrutinize so that we get someone who can garner this amount of votes so that is elected officially as the President of Kenya.

**Patrick Wanaswa:** My names are Patrick Wanaswa I am a worker of this school. In addition to what has already been said I would like to add this.

In as much as the Constitution should be made available to the citizens in simple and affordable material we find that it is also written in very difficulty, and hard language. The language of the Constitution should be simple so that at least everybody can read and understand.

On election of MPs to Parliament and Councillors, language should not be only test

Another requirement is that they should have a minimum level of education though preferable form four but in addition to any

other level anybody can attain.

And also the ability of the person should be given priority to perform.

On tribalism that is the creation of the Constitution and probably districts that are based on tribal basis they should just be abolished because once they go on that is an encouragement to tribalism I would say the creation of tribal institutions should just stop.

Much has been said and in addition to what has been that all what I had thank you.

**Com. Zein:** You have said that institution or districts should not be created on tribal basis. Is a historical accident in quote if you like that the majority of the district in Kenya also have the unique nature of having a large group of people present in that district. For instance Bungoma district is largely inhabited by Wabukusu so if we are to implement your proposal we should re-draw all districts boundaries so that we do not have a district which have predominantly one community. We should make sure that government structures have all communities present.

**Patrick Wanaswa:** Yes in fact that is what I had in mind because once they are given a name of a certain community, others who do not belong to that community may feel sidelined.

**Com. Zein:** Please sign our register. The next person is Immanuel. W. Wanyama.

**Immanuel . W. Wanyama:** Majina yangu ni Immanuel . W. Wanyama kutoka catholic church. Jambo la kwanza ambalo nataka kutoa mbele ya Tume hii ni kwamba uwezo wa Rais na tawala tatu zigawanyike kila moja ifanye kazi kivyake, hasa wenye nguvu Mahakama na bunge.

Kwa mfano Rais asiwe na uwezo wa kuvunja Bunge wakati wowote. Jambo la pili tuwe na utawala Katiba iweke utawala ambapo tuna Rais Waziri mkuu na Makamu wa Rais na hawa

**Com. Zein:** Those who are coming in could you settle quickly and those who are going out please leave quietly.

**Patrick Wanaswa:** Jambo la tatu ni kuhusu utamaduni, kikabila na kieneo. Sheria ya pre-colonial Constitution context iliyokuweco tunaona ilikuwa na manufaa na ikiwezekana tuangalie katika vipingele vyake ikiwa vitatufaa basi irudushwe katika Katiba ya sasa.

**Patrick Wanaswa:** mfano ni kwamba mila ya kienyeji hayaijaorodheshwa katika historia ya nchi.

Jambo la kufuatia pia mipaka ambayo imewekwa baada ya uhuru irekebishwe irudi katika mipaka iliyokuweco wakati wa ukoloni.

Jambo la tatu tukiendelea, mambo ya kuwa masquarter kwa miaka hamsini iondolewe, raia wa Kenya wote wapewe aridhi ambao wanaanzia miaka ishirini na mbili na juu.

Mtu wa juu sana awe na hekari mia moja na chini sana hekari kumi.

Mashamba yote ambayo wazungu karibu mia moja Sabini na tano walifanya lease mwaka wa 1899 lease ya miaka 94 ilikwisha. Sasa hayo mashamba isitawaliwe na serikali mbali iwarudie raia walio fukuzwa kwa mashamba hayo. Sasa tutaonge kwa hiyo miaka tisini na tisa iliyoisha.

Sheria ya mangereza yafaa kuchunguzwa na kurekebishwa. Hasa tunaona wafungwa wanawekwa watu kama hamsini kwa room moja baadala ya vyumba vijengwe na hata wafungwe kama wawili watatu waweze kuwa katika chumba kimoja. Hiyo lazima irekebishwe.

Chief achaguliwe na wananchi ama akichaguliwa na serikali basi apewe uhamisho kama watumishi wa serikali wengine.

Kanisa liwe na uhuru wake, likilalama juu ya vitendo fulani labda vyenye hujuma katika serikali serikali isingilie kanisa.

Raslimali ya Kenya iwekwe katika hazina ya umma ili mwananchi wa kawaida pia apate faida ya hiyo raslimali lakini asiwe kwa watu fulani pekee ama katika shirika fulani pekee.

Elimu ilindwe na sheria ya Katiba ambayo tunaenda kuiunda wakati huu kwa sababu isigeuzwe mwaka huu next year na mambo mengine ya eight four four. Kama kuna mabadiliko yaelekee hata miaka hamzini .

Mume na mke sheria ya rape case juu ya mume na mke iondolewe. Hakuna rape case kati ya mume na mke.

Mke lazima awe pia na mme hapa nchini kwa sababu wanawake wakiishi peke yao basi ndiyo kuongeza magonjwa mengi na hasara tupu juu ya serikali/.

**Com. Zein:** Ndugu yangu unasema ati Katiba ilasimise mwanamke kuolewa.

**Patrick Wanaswa:** Ikiwezekana kulingana na utamaduni wetu.

Basi hukumu ya kifo ibadilishwe kwa kifungo cha maisha badala ya kuhukumu mtu kifo afadhali afungwe kifungo cha maisha.

La mwisho kura iwe kwa wote hata watumishi wa serikali wasinyimwe haki ya kupiga kura kwa sababu hao ni raia wa Kenya. Na pia wanaochaguliwa wanaweza kuzingatia kiwango cha elimu ya kwanza daraza la saba na kwendelea hata degree.

**Com. Zein:** Asante sana Bwana Immanuel Wanyama ukitupatia hiyo memorandum tutai—process uende pale ujiandikishe jina lako, asante sana kwa maoni yako. Sasa nilisema tukishafika hapa kwa Bwana Immanuel Wanyama nitatoka kwenye list kidogo niwape kina mama na wanafunzi fursa nao wasikike nina muita tuanze nafikiri na wanafunzi na nitawaita wanafunzi wote wawili waje Molie Kiganga na Mediatrix Likhanda. Hawa wanafunzi wako. Kama wanafunzi wanajitayarisha a wanakuja hapa mbele namuomba dada Eunice Muyoka ajitayarishe na Agnes Otsulo Wako mko hapo na Mkweyi Juliana muwe tayari dada, okey mwanafunzi wa kwanza aje ataje jina, utaje jina la shule na daraza uliko sasa.

**Martine Kihanda:** My names are Martine Kihanda from Sirakoro high school. I am 17 years old I am in form three. I have some views to put across which I have listed them here. First I start with the basic rights. Kenyans should access information for transparency e.g health education --- for example we have a situation which arrive conservative in the country due to a heavy case over that prominent politician they have prominent of which they are arising their controversy in the country may lead to very ---- results such as rioting from the schools and university.

Touching in the on the Judiciary the government should provide an advocate for poor Kenyans for fair ruling in the court.

The Legislature the MP should have full time representation for full presentation to the Constituency you find that the government system is centralized such that MPs are only found in Nairobi and such that if an MP has another occupation don't involve things in the Constituency.

Defence and national security the Executive shouldn't have the power to declare war this is because the Executive determined by the political party which have won the election and thus there are other political party which are on the position side and if there is any misunderstanding from the Judiciary from the defence and national security the Executive council declare war of which is against the opposition side.

They should be left to the Parliament

**Com. Zein:** (inaudible)

**Martine Kihanda:** It should be discussed over the day you find that some other ----

**Com. Zein:** What about if Parliament is in recess Parliamentarian have gone to different Constituencies to meet their constituents, how long will that take?

**Martine Kihanda:** I think it should convened immediately.

**Com. Mosonik:** Have you read your history do you know something about the six day war in 1963

**Martine Kihanda:** Sorry -----

**Com. Mosonik:** Can you go and read how the war started . Between 6.00 am and 7.00 am the war was over because the airforces of Syria and Jordan had been qiped out by the Israelis.

**Martine Kihanda:** No I wasn't talking about the war which comes from the nieghbouring country. I was talking of internal war.

**Com. Zein:** (inaudible)

**Martine Kihanda:** About the issue of citizenship right now a Kenyans cannot have two citizenship this country and another country of which is not right because maybe after school they can get a scholarship to go outside the country and of which they can find a job

The President should not be a member of Parliament. He should be just an independent person. The Constitution should provide for the removal of the President of which he can arise from misconduct. Thank you very much.

**Com. Mosonik:** Is just a question I like asking,. should there be or should there not be caning in schools

**Com. Zein:** Na usiogope kusema unavyofikiri, watu wachapwe au wasichapwe.

**Martine Kihanda:** I think in secondary school we have gradudated teacher of whom can come up with a very condusive means of this issue of students not being caned.

**Com. Zein:** So you are saying canning in primary but not in secondary schools.

**Martine Kihanda:** No in all the schools no canning.

**Moriet Adhiambo:** I am Moriet Adhiambo from sirakano secondary school. Some of my views are, I am 19 years old and I am in fourth form. Some of my views are like the quota system of education should be abolished. Personally I think that this issue of like when students in Western Province sit for their KCPE Examination they are only given chance to go to lets say schools like Lugulu girls and those students from other Provinces they will be given chances to go to the schools in their Provinces let us say like Provincial schools. I think these students should also be given chance to come to Western province let us say like students from Rift Valley who have qualified to Provincial schools should be given a chance to come even to Western. This I think will reduce the issue of tribalism.

And we are the future leaders we should just start at this lower level to reduce tribalism Tribalism is one issue that is failing our leaders right now.

**Com. Zein:** We open it up competition children in marsabit would not be able to go to school because all the top schools in Marsabit will be filled by students outside the districts and then they would not qualified enough to other schools.

**Moriet Adhiambo:** Actually I think this should be done with consideration of the students who from such districts or provinces like you say Marsabit . They should look at their level let us say they are not capable like this other students of other provinces, so when doing this we should also consider them.

My second point is that 8-4-4 system has failed and should go . Personally I say that looking at the 8-4-4 system there is employment in the country right now. So me I think that 8.44 has failed. Another alternative that is better and it will give us as future leaders a chance or in the job markets after we clear our schooling should be found an alternative one one that is better.

**Com. Mosonik:** Chairman let me just I just want to interrupt. Is it the economy that has failed that there are no jobs or is that 8-4-4 has failed, and you are making a statement about yourself agemates I am saying you know what you are telling is what you have failed. So is it the jobs, are you talking about jobs and are schools for jobs or are there schools there for learning. Just come down what I have said is it the economy that they are no jobs or is it that people should be literate so that should be less number of people who have gone to school but have no jobs. What is the problem.

**Com. Zein:** What is it that you don't like about the education system? Is it there are too many subjects is it that there is enough ---- what is it and if you are saying yourself has said you have not thought of an alternative but we should think of an alternative so but what is the response as a student. What do you think is the problem with the system you are taking?



**Moriet. Adhiambo:** Okey this system the 8.44 system the subject system the subjects it offers I believe they are not suitable. You know it is not like you going to be in school forever. One day we have to move out interact and we have to go on with our lives like Kenyans citizens. We are not going to be in school forever. So I was thinking that there a newspaper for 22<sup>nd</sup> East African standard it is talking about lack of job market they are decreasing in the country and there is a Dr Kigame the Principal of Kenya Polytechnic was saying like in Kenya Polytechnic nowadays how to make jobs how to be job makers and not how they should move out and starting looking for jobs. That is why I was thinking like there is a certain lady who says she went up to university, Kenyatta university she took sociology and Kiswahili and now she is selling vegetables and yet she graduated. So I think the subject the 8.44 system subjects they are not suitable.

**Com. Zein:** Can you give me the subjects which you feel they should be in the system now and it will benefit you.

**Moriet Adhiambo:** Physics, you place there all the science sciences like Physics, Biology and Chemistry

**Com. Zein:** We take them out

Moriet Adhiambo: No they should be there. There are there but there are others like let say something like history.

**Com. Mosonik:** I want just to add, that I am not an 8-4-4 I took history I took literature government specialize in history and I don't sell vegetables.

**Moriet Adhiambo:** Okey let me response to that. We are moving you know we are not just like stagnant things are moving. There are days when if you took those subjects jobs will be there for you. But right now people are escaping certain subjects. They are going for this other subjects and it is like every student is going for the same subjects, so people are being overcrowded there leaving other subjects.

**Com. Zein:** (inaudible)

**Moriet Adhiambo:** No there should be subjects that should be there for all not like making the 8-4-4 system not all sciences are compulsory. Like if you don't understand the sciences I give you an example that when the missionaries were about to come in Kenya we had old women who didn't even know how to read the bible. But we find after training they knew how to read very well therefore these students who don't even understand these subjects given time, they can just understand them.

**Com. Zein:** If they want, they should have the ability to go through the sciences and the arts and then you choose at some

point which line you want to pursue that is what you are saying?

**Moriet Adhiambo:** But you choose a subject that will give a future carer, so that we may reduce this issue of unemployment in the country.

I also think boarding schools should be abolished due to exaggerated fee payment.

**Com. Zein:** (inaudible)

**Moriet Adhiambo:** If a mechanism to control the fee issue can be found then we can use it, if only if it can be found. Then to minimize employment there should be one man one job and retirement age must be made from 55 to 60 years, voluntary and no retrenchment. But you know most of the offices in the country are just public.

Lastly like my fellow are talking about gender equality that is when you come to the choice of the President. I would like to say we should not look at it like gender equality should be there. I think our President should be someone who is capable. The thing is we should just be given chances both ladies and men, but the one who qualifies the one who has the ability should be the one that wins. Not not definitely if a lady doesn't qualify then I don't see why a lady should be given that chance and if a man doesn't qualify I don't see what that man should be given that chances. We should have a President who have the quality of a President we should not just base on gender equality so that we are going to give it to a woman just to try out if a woman can rule or not.

**Com. Zein:** Thank you very much. Those are the two students who were supposed to give views now I will go to the ladies. This is very important for the students that we are in the process of designing our own Constitution they are witnesses and participants in this great effort and this new Constitution will affect them more than any other age group in this group in this country. Now if I could call the ladies again if they can come. Eunice Muyoko. Karibu dada Eunice utoa maoni yako.

**Eunice Muyoka:** My Eunice Muyoka. I will start straight away from the preamble. The new Constitution should have a preamble that defines Kenyans people and the authority over the Constitution. The vision of prosperous Kenyan state that is God fearing should be in built in the preamble.

The diverse ethnic background shared poverty show that we need national experiences.

Directive principles of state policy; Statements capturing national philosophy and culturing principles should not only be entitled in the Constitution but enforce for in law such principles and values may include.

of the Kenyan Constitution that the Kenyans Constitution is the property of Kenya and amendment to it shall be through the involvement of the people through a referendum objective opinion policy and through a special vote.

Justice should be our shield and defender and people of Kenya shall be treated to justice and law

Citizenship: Citizen of Kenya should be all those whose both parents are recognized by birth and born either in Kenya or outside, be all those who have applied to be Kenyans and known of their previous character provided one of the parents of family member is already a Kenyan.

Be all the children born in Kenya to non Kenyans parents provided the children has stayed up to the age of 18 years and such children renounce any other citizenship.

Be in possession of either a national identity card birth certificate or a voters card in a recent national election.

Defence and national security should be the responsibility of the a state security council whose Chief Executive it should be a professional military officer with the President and his cabinet are a council member.

The secretary to the state security council should be the commander in chief of the armed forces but not the President.

In full consultation with full state security be empowered to declare war or involve emergency powers.

Political parties: Formation and management and conduct should be constitutionally regulated such that they operate and articulate national philosophy and ideals hence the number of political parties should be restricted to three with supervicial different manifestos but keeping the national vision in focus.

The management and operation should demonstrate democratic government that is to be manifest national management level.

The delinkink of the political parties that is party in power from the state by providing Constitutional that a serving President does not share or participate actively in party matters.

Political parties should not mobilize the public but also escape public on the alternative to realizing the wide national goals.

**Com. Zein::** That is what I have been telling everybody before you came. You have five minutes and if you have a written memorandum please don't read just give out the highlight and then we have a whole mechanism of processing each and every memorandum, please just summarize then we will read that. Hold on. Can the students go quietly quickly and quietly out those who are going out hold on madam so that you have peace when you are giving your summarize and you have time to look at how to summarize in a minute. Okay madam go on.

**Eunice Muyoka:** Executive office: The Executive authority of the state should be shared provide room for the nation a service President, but reduce Presidential powers, such as powers to such body as a head of state and a Constitutional representative in Parliament Presidential candidate to be independent .

Judiciary: The present Judiciary structure and system should be expanded to open room for paralegal office to act as advocate to people who cannot afford legal fee.

In our current Constitution we have got some laws of which they need to be enforced. Such as generally the chapter five contains essential human rights, however there is need for enforcement especially freedom of worship provided in four section seven eight of the Constitution it appears there is need for the Constitution provision to death and control a religious groups activities especially the up coming churches to check on cult movement and devil worshipers.

Chapter five section eight one bracket one has been abused by --- and even leaders in this country. Enforcement mechanism should be induced and practical however my fears is that the Constitution may not truly reflect the Kenyan people considered because of the looming election that is above. Thank you.

**Com. Zein:** Just hold on please there is a question for you.

**Com. Mosonik:** You loom the question is it because of the looming elections? Can you explain abit and then make proposal what do we do.

**Eunice Muyoka:** You see there is some romours that Commission you should finish your work before election so you might be in a hurry and our views might not be considered, therefore my opinion is that it is better for the government to extend the coming election so that to give room for the commission to finish their work.

**Com. Zein:** Thank you very much madam please sign our register and give us the memorandum I would like to take this opportunities to go through some of the procedure of matters which we had handled in the morning because it seems there are a lot of people who have come in after we had given the guideline so allow me to quickly go through the guideline so we don't have to repeat them time and again. First and foremost we said that when you come you should give your name for the record and then go straight to the point you want to be included in the Constitution. In another words specific recommendation or proposal that you would like to go into the Constitution. We will not process the background information the history the long stories hizo hazitaingia kwenye Constitution kitu ambacho kitaingia kwenye Constitution ni mapendekezo. Ukija ukianza kutueleza habari ndefu hizo hazingii kwa Constitution.

Secondly kila mtu anapewa dakika tano na tunasema kwamba kuna njia tatu za kutoa maoni njia ya kwanza uwe na maandishi au memorandum au mswada umeandika chini unataka kutupa sisi. Huna hata, kufa njia ya kwanza si lazima uzungumze unaweza kwenda moja kwa moja ukatoa maandishi yako pale kwa programme officer ambaye ana-register unandikisha inawekwa kwa file yetu utakuwe usha toa maoni yako rasimi.

Njia ya pili ni kwamba wewe una maandishi lakini unataka kuzungumzia yalio mhimu katika maandishi yako utuguzie tu ndiyo wengine wafahamu ni mambo umepedekeza kwa Tume ya kurekebisha. Katiba. Ikiwa hilo ndilo jambo unataka kufanya tunataka utoa only mambo mhimu. You will only highlight precisely, concisely in summary form because we have our own mechanism of processing each and every memorandum we receive from Kenya. Kwa hivyo hatuhitaji wewe ukae usome kila kitu kilichoko pale ikiwa utasoma kila kitu hutachukuwa dakika tano lakini ikiwa wewe unataka kusoma ni sawa, usome lakini ikifika dakika tano tutakuwambia mda wako umekwisha tupataia hiyo memorandum . Au si sawa hiyo.

Njia ya tatu na ya mwisho ya kutoa maoni ni mtu kuja hapa kusema yaliomoyoni mwake au kichwani mwake kwa kutumia mazungumzo au kauli yake. Huna maandishi unataka kuzungumza tuu au kama una maandishi ni point tu umeandika chini ya kukumbusha. Hata hivyo unatakiwa utuguzie tu mimi nataka kwenda kwenye Constitution kwa hivyo unazungumzia mapendekezo peke yake unaweza kutumia Kiswahili, Kingereza au kama haujui kiswahili utumie Kibukusu hapa tunambiwa watu wengi wanazungumza Kibukusu lakini hiyo ndiyo njia ya kuchagua tu usema kama unajua kiswahili uache kusema Kiswahili useme Kibukusu ukifanya hivyo utakuwa unachukuwa mda wa watu wengine na sasa kama unavyo jua imefika saa nane kamili na kikao chetu kawaida huo tunafunga ikifika sa kumi na mbili nikiona mda inazidi kwenda na baado watu wako wengi kwa ruhusa yenu nitanza kuchanja badala ya dakika tano nisema dakika nne au si sawa hivyo na kuendelea ili kila mmoja apate fursa ya kuzungumza ikiwe kuna watu wamezungumza mambo ambayo unakubaliana nayo unaweza kuja tu ukasema mimi naunga mkona hili na hili na hili na uongozea pale wamepunguza lakini ikiwa wamesema kila kitu kimekufurairishisha una haja kurudia tena vile wengine wamesama au huna haja ya kuridia hivyo sasa mimi

**Com. Mosonik:** Na mapendekezo tukiatoa tujaribu ku-talk positively tuseme sitaki hii sitaki hii sitaki hii useme ile unataka na utagundua kwamba utasema dakika moja badala ya kusema hatutaki hii hatutaki hatutaki kama huyu President wa Kenya wakati mwingine mwingine tunashangaa atakuwa ni President wa aina gani. Hii yeye hawezi kufanya hii kufanya hii, hatutaandika hivyo kwa Katiba. Tutaandika ile President atakuwa anafanya tunaelewana hapa kwamba tuta define duties of the President lakini hatutaenda kusema ati asifanye hivi, asifanye hivi ile anafanya ndiyo tunaitaka. Na wakati mwingine tukumbuke kwamba Rais siyo kitu kwanza kipya dunia hii wako ma Rais wengine tukisema kuhusu wetu awe kama ma-Raisi wengine kwa njia nyingi kama sasa maneno ya Commander in Chief ma- Rais wengi kwa dunia ni Commander in chief. Kuna George Bush ni commander in Chief kila mtu ni commander in chief lakini yetu inasikika kama tunasema asifanye hivi asifanye hivi. Can you put it in a comparative context but what they can do more than what they should not do.

**Com. Zein:** Na ukiwa unatupa mapendekezo sema utoe nguvu hii kutoka katika tasisi kama umefikira pia tueleza hiyo nguvu tuipeleke wapi. If you are saying that you should remove this power from this institution if you have talked about it tell us where we should we place those powers or how should we limit those powers.

Halafu jambo lingine ni kwamba tunasema kwamba all the views that you are giving here are protected by the law, so that nobody would come and ask you later why did you give and such view. you are entitled to your views but that does not mean

that you can come and abuse people here or do things which are considered illegal under our law. I don't know whether that one is clear. Sasa nitafika wale nilikuwa nimesema ninawaita nimesama nitamuita dada Agnes Otsulo karibu dada.

**Agness Otsulo:** My names are Agness Otsulo from Sirende. My literature is in Kiswahili. Kwanza nitanza na wabunge. Wabunge wanahitajiwa kila mmoja awe na office katika constituency yake ili tuwe tukimuona pale. They are fond of running away.

Mshahara ya wabunge, kuwe na Commission ya kuangalia mihashara ya wabunge siyo kujiamulia wenyewe. Masikari wanajeshi etc wanapaswa wawe kutoka katika makabila yote nchini, siyo ya kwamba aliyomamlakani awe tu walio wa kabila yake.

Vyama vya kisiasa mimi naonelea viwe a ruling, and opposition party kama mbili.

Mijadala ya Bunge naonelea tuwe tukiwasikia moja kwa moja kutoka radioni kama jirani zetu.

Mitihani ya wanafunzi zaidi tunaonelea iwe makaratasi baada ya kufanya mtihani iwe ikirudi kwa wanafunzi ili kusiwe na ile makosa fulani fulani ambaye inachukuliwa na inafinywa inafinywa.

Mikopo ya university students naonelea ili iwe wazazi wenye hawajiwezi wawe ndio wanapata hii mikopo, kwa sababu hata wengine wanajiweza lakini tunaona ya kwamba wanapata.

Kwa ajili ya uufisadi tunaona ya kwamba kuna uufisadi na watu wengi wanapata mali nyingi ambayo ni kupitia kwa uufisadi kila mwananchi wa Kenya awe tayari kueleza vile amekuwa billionaire.

Chief na sub-Chief naonelea wawe wakichaguliwa na mwananchi.

Makadilio na matumishi ya pesa, that is finance iwe ikipatiana kila mkoa ama district ama province iwe ikifuata kufuatiwa kufauatana idadi ya watu waliomo katika mahali pale. Kura zipigwe kwa mda tafauti that is Diwani mbunge Rais kuwe na tofauti isiwe mara ndiyo rigging isikuwepo.

Id card na Electors card naonelea iwe ikiendelea mwaka mzima iwe ni kazi ya kawaida kuendelea kila wakati.

Halafu kuna hao paper citizens wale wananchi ambao wana makaratasi lakini si wananchi tungeomba ya kwamba katika Katiba waeleze ya kwamba wawe na heshima kwa sisi wananchi can I give an example.

Labda kukienda kama Kitale kuna wahindi ambao ukienda pale wanatuchukuwa kama taka taka kama rubbish kwa hivyo tungependa wawe na heshima kwetu sisi kama wananchi wenyewe wenye siyo wamakaratasi.

Ningependa pia kuwe na colleges kutokea nursery standard one standard two na standard three kuwe na college tofauti na upper primary ili nursery hii iwe katika ya hii college ya walimu wanawafusu wawe na nursery kati yao.

Halafu freedom of worship imekuwa ni kama biashara mimi nilionelea ya kwamba kama kungekuwa na hata kuwe na zile makanisa zetu za kwanza the first five churches kwa maana imekuwa mzungu anapoingia hapa anakuja na pesa nyingi imekuwa ni kama biashara anafungua kanisa sasa makanisa haya imekuwa temptation kwa maana unatoka kanisani mwako kwa sababu unakimbilia pesa mali pengine.

Halafu wife battering and men battering iwe illegal mtu achukuliwe miaka kama tano ikiwa anaweza kumchapa bibi yake ama anaweza kumchapa bwana wake.

Girls circumscion should be banned kwa sababu tunaona ya kwamba hakuna hakuna umuhumi wa mtoto msichana kuwa kutahiriwa

**Com. Zein:** Mimi nina swali dada. Unasema, kama nakuelewa vizuri, kuwe na citizen and citizen na hizo different types of citizen wengine wawe na haki kuliko wengine kama nakuelewa kuna citizen na paper citizen.

La pili je ni sawa kwa wale unawaita citizen kudharau wengine au tuseme hivi useme ukidharauliwa na mtu ambaye si paper citizen lakini ni citizen hiyo ni sawa

**Agness Otsula:** Hapan,a hatufanyi hivyo sisi

**Com. Zein:** Asante sana dada, utoe hiyo memorandum tutaitumia. Dada wa mwisho nilikuwa nampa nafasi ni Mukwenyi Juliana. Halafu sasa nitarudi kwa list najua hii list nikirudi ni wanaume tu ni wanaume, musiwe na wasiwasi ninarudi kwa list. Dada toa maoni yako.

**Juliana Kioko:** My name is Julina Mukweyo Kioko I come from Mbakala location - I am 46 years old and I am vice treasurer. Bungoma District and a teacher.

I started with the citizenship and I picked on automatic. I would like to support those ones who have said that automatic citizenship should be a child born of both Kenyan parents or one Kenyans parents regardless of gender and where born. And should have the right and obligation to own land property identity card, vote and be voted for.

Legilature being a member of Parliament should remain part time but for the civil servant who wish to vie for the same should not be asked to resign but should only retire after the election and one is successful so that one remain with employment. I would also like to say that the MPs should not be tested for language it is not very important but the moment they present their document or certificate then the languages should be the subjects that have qualified best.

The level of education should be form four D + and above or Division two and above.

Nominate at least two MPs from every District one woman and one man and those nominated should be accepted by the people from the area where they come.

Women participation: Create seats that woman alone can vie for at both at the Parliamentary level and at the local level. The Parliament the system of the Parliament should be multiparty or coalition at both levels.

The local government: Councillors should be of form four and above who have passed with C or fourth Division.

The Electoral system: The system to be designed to increase the participation of women in Parliament both at local level and at the Parliamentary and in all other sector so that some seats are set aside for the women

The nomination should also be done from O level starting from the national level up to the grass root in different sectors for example at the grass root when the heads are appointed, they should be at least 50, 50% of the appointment of the head teachers and in all other sectors that is just an example.

There should also be reserved seat for specied interest groups for example the disabled and the youth.

Demarcation of Constituencies: The demarcations should be at the divisional administrative boundaries, demarcation of the Constituencies and any of the one should be at the locational administrative boundaries.

Then civic Parliamentary Presidential election should be done independently as it has been.

The basic rights the health care that is under health care the public hospitals should be equipped with enough drugs then with cost sharing I think that will be affordable for all the people.

Education : Free education for primary education, then bursaries to be given to the needy children in secondary and colleges.

Then university loans should be given to all the students after all they will pay when they are employed.

Then orphans be provided with other requirement by the government for example uniform then the acquirement of books and so on should be by the government.

Vulnerable groups: For the vulnerabl,e there should be equality in education for the woman and the disabled because equal opportunities in employment and promotion for the above should be there for all of them. Women should have a right to own land and other properties.

Girls children should also be allowed to be given at least from their homes even if it does not mean land then women should have freedom of speech and then freedom of choice.

Men and women should be protected against violent they are not only women who are violated but even men are some are beaten by their wives they should be protected by the law.



Victims of rape should be access to counseling and then jail sentence for the culprit should be 14 years minimum

When I say rape I mean even women rape men and men also rape woman so the sentence should be the same.

The Constitution should address the issues to neglected children by the parents and especially the parents who are alive the children should know where to run to incase they have been neglected.

Girls children who are forced to early marriages to be protected by the government and if possible withdrawn.

Separation and Divorce: Children under 18 years should remain incase of separation or divorce should remain under the care of their mothers until after 18 years with financial support from their fathers.

Then for the vulnerable groups also the government should set a side fund from donors also or from the government to promote their affairs and their interest to improve their welfare, to promote their affairs and their interest to improve their welfare, then give them certain percentage of key position in the governance regardless and with regard to the education not just any women, but with the regard to the education and qualification.

Employment should be by first graduated first employed. For example the teachers will be subject to interviews and then one who graduated recently will be employed and the ones who graduated in 96 remain.

Then management and use of resources: To attract qualified Kenyans towards in the public service Commission give them attractive salaries, promote them after a specified period of time say for example three years or five years so that they don't stagnate at the first grade.

Nursery teachers should be considered for employment either by public service Commission or by the T.S.C.

**Com. Mosonik:** You mention women freedom of speech and choice what did you have in mind?

**Juliana Kioko:** Men have always had the freedom of speech, they have always had freedom of choice but on very many occasion there are some areas where a woman cannot even be allowed to sit when she stand up they will say your views have already been said. even in some churches and even some local maybe contribution. So with choice that one we don't have a problem .

**Com. Zein:** Thank you very and sign our register and if you have a memorandum with I would like to call a number of men so that people know the sequence of presentation.

Kubanani Moses, yuko, Bwana Moses Kubanani nilisema nitakuwa nikita mtu mara mbili kama hayuko tunaenda kwa jina linalofuata. halafu atatuambia akirudi , Oscar Robert hayuko, Musa Maasai Martine, Cleophas . S of Naitiri CJTC, wewe ndiye Cleophas, songea karibu, Patrick Mulingo uko karibu njoo huko mbele ukae kwenya kiti subiri niite wengine. Charles

Wanyama a retired teacher hayuko. Makhandia John Makhandia utakuja baada ya huyo bwana. Wickliff K, Juma hayuko, Evans N. Wanyonyi utafuata mtu wa tatu wewe , Edwin Wafula okay nitaita hao watatu kwanza lakini kabla hujaanza mzee ningependa kuwatambulisha kwenu kwa wale ambao hawamjui mushirikishi wa Tume katika Wilaya hii the District Co-ordinator for the Constitutional of Kenya Review Commission Bwana Walinywa kama unaweza kumbua watu dakika nusu.

**Walinywa Wabwoba:** Asante sant Bwana Commissioner kwa kunipa wakati mrefu kwa kusalimia watu hamjambo nyote mimi namkaribisha hapa Naitiri najua mumekaribishwa na ma- Commissioner tuko tunachukua maoni katika District nzima hii panel jana ilikuwa Kimilili kuna panel ingine ambayo sasa iko Kandui tutakavyozungumza Bungoma county council na hao ambao wako Kandui walikuwa Sirisia wakuchakuwa maoni chwele halafu mabanga jana kwa hivyo nimechelewa kwa sababu asubuhi leo nilichukuwa ma- Commissioner wale wengine kuona Bwana DC halafu wako county council wanachukuwa maoni mimi nimefurahi watu wa settlement mumekuja kwa wingi niliambia Commission kwamba nyinyi mungependa mtoe maoni ndio Commission itakubali itatuongezea kituo kimoja Tongeran na kwa niaba yenu na kwa niaba ya Chairman wa Constituency Constitutional Committee nasema asante sana Commissioners for allowing in the settlement schemes to have another center in Tongeran because these areas are large and they are populated now and we need to give people a chance and I think your decision to give us Tongeran was good I don't think I want to take the Commissioners time thank you very much.

**Com. Zein:** Asante Bwana Walinywa, Bwana Patrick Olingo wakati ni wako utaje jina na uendelea na sasa nitakuwa very strict on time asante

**Patrick Olingo:** Watumishi wa serikali muliafika siku ya leo naitiri tumemukaribisha na tumesema asante kwa ajili ya kuchukuwa maoni ya wananchi wa Naitiri kwa majina ninaitwa Patrick Olingo Makanjaga nina miaka 40 ni mkaaji wa Naitiri area.

Nitaanza na ukimwi, ukimwi serikali ya Kenya imeagiza condom na hiyo nimesama kwangu kwa maoni yangu kwamba maoni yangu inasema condom hairuhusiwi . Tunahitaji serikali ianze kupima kila Mkenya kuzudi tupunguze ukwimwi katika serikali yetu na tupewe kitu kinaitwa trial certificate popote kila Mkenya anapoenda awe na trailing certificate kuzudi katika barabara tuwe na police wanapochunguza vitambulisho tuwe na kitu hicho, na hiyo ni tial certificate iwe kama kitambulisho tunasema kwamba nijaribu kuchora hapa kidogo katikati tuwe na passport upande huo ni green and mtu akipatikana ana virusi vya ukimwi iwe red iwe red.

**Com. Zein:** Wewe unasema serikali iwe ikiwafanyia test ----- evey six month unasema hivyo?

**Patrick Olingo:** Kama ni six months hapo nimeona imekuwa ngumu lakini kama ingekuwa ni kwa mwaka

**Com. Zein:** Sawa endelea.

Patrick Olingo: Na kuna ufizadi , katika serikali ya Kenya ufizadi umekuwa mwingi na ufisadi umeletwa na mashamba na ningependa kwamba ufizadi kupungua katika Kenya kenya aliye na shamba kubwa awe na heka mia moja heka ni ndogo ni eka tatu.

La tatu ninasema hivi kupiga kura Rais achukuwe kura DC achukuwe kura ,D.O ,Chief and Mkasa . Hao watu watukuwa wanachukuwa kura after five years. Especially mtu kama DC Chief hao watu wapewe transfer.

**Com. Zein:** Unasema wapigiwe kura. Sasa tuseme Bungoma District, Bungoma District wachaguwe DC wao, halafu ifike wakati apigwe transfer apelekwe Mombasa

Sasa ngoja kitu tunaweza kusema labda na pia hakuna uchaguzi ndiyo hawawezi kupiga transfer lakini.

**Patrick Olingo:** La nne linasema hivi kuhusu NSSF, malipo ya NSSF inatisha watu waliokuwa wakifanya kazi sehemu mbali mbali kulipa kwa NSSF kuwe kwanzia miaka 45 hadi 50. Wakiri wa mashamba watu walio na hekari kwanzia tano hadi 15

**Com. Zein:** Sema ndugu yangu ardhi iwe maximum one hundred acreas.

**Patrick Olingo:** Nimesema hivyo lakini iko jambo lingine ningepedana kuongozea iko tofauti Wakenya masikini walio na shamba hekari tano hadi 15 wapewe loan na serikali especially Western Province. Maana ni wakuzaji wa mahindi inayohifadhi Wakenya wengi.

**Com. Zein:** Watu wamenyamaza endelea

**Patrick Olingo:** Ushuru ipate kurudishwa katika serikali ya Kenya. Kila Mkenya atoshwe ile ushuru wa shilling mia moja ishirini na tano.

Shiling mia moja ishirini itakuwa ni gharama ya shule kusudi tusiwe na malipo katika shule za mzingi. Shilling tano iwe ni mshara wa mkaza. Hiyo ni shillingi mia moja ishirini tano kwa kila mwaka asante.

Usalama kwa wanafunzi especially vyuo vya kulala. Stima kuhatarisha watoto kila wakati kuchomwa on my own ---- ninayo experience ya kwanza kuingiza moto katika chumba cha watoto wanao lala. Watapata mwanagaza bila kuingia katika chumba hicho.

**Com. Zein:** (inaudible)

**Patrick Olingo:** Napendekeza kwamba tuwe na engineer anayeweza kuingiza moto katika chumba cha kulala bila wire kuingiza ndani ya jingo.

**Com. Zeina:** Mnataka nafikiri labada wananchi wamechoka tufunge kupokea maoni kwa mda ndiyo watu wapumzike au namna gani? Twendelee. Basi kama tuendelee sitaki fujo wala kelele watu wakifanya fujo, tutafunga kwa mda halafu ndiyo tuendelee ikiwa hamjachoka sisi hatuchoki sisi huendelee tu kama machine. H ata ni mmoja atatoka apumzike na mwingine anaendelea na tuna record kila kitu kwa hivyo mukiwa kimya nitampa fursa asema neno lake la mwisho kabila hatujamaliza.

**Patrick Olingo:** Neno langu la mwisho ni kwamba kuhusu kuna kiziwa tumekuwa na kesi tofauti katika koti na kuna kiziwa iko tofauti kwanza kwanzia miezi hadi miaka kumi na tano mtoto huyu akiwa ametendewa kinyama amenajiziwa. Kwanzia miaka kumi na nane hadi miaka mia moja huyu mtu amefanyiwa raping ni mtu mkubwa

**Com. Zein:** Excuse me why are people laughing. He is trying to explain the law but please don't explain law. We understand that any minor who has been raped the law now consider it as defilement and anybody above 14 then it is rape that is what he is trying to say and then he is saying there is disparity of the severeness of sentence depending the defilement or rape and this is not rape or defilement is not a laughing matter, thank you What are you saying about that don't explain the law we understand the law.

**Patrick Olingo:** Nafikiri yangu yote nimemaliza.

**Com. Zein:** Sasa unapendekeza nini ibakie hivyo

**Patrick Olingo:** Napendekeza kwamba

**Com. Zein:** Kwa mtoto ibakia defilement kwa mkubwa ibakia ----- sasa ndugu yangu hiyo imefanya watu wengi kuwafamia watoto na kuwanajizi kwa sababu wanaona akinajizi mtoto atafungwa miaka kidogo. Lakini baada unasema iwe sawa hivyo

**Patrick Olingo:** yeah.

**Com. Zein:** Sawa jiandikishe upande ile kwamba umetoa maoni kwa Tume ya kurekebisha Katiba asante sana ndugu yangu.

Makazi John, Yuko wapi Evans Wanyonyi uko karibu sawa.

**John Wanyonyi :** I am John Wanyonyi Mukhandia a teacher by profession I am 46. Here are my inputs.

On Presidential powers, I feel they should be trimmed because they have resulted sometimes in interfering with the running of the institutions I am getting poing the recent banning of payment of levies in schools

**Com. Zein:** (inaudible)

**John Wanyonyi:** Yes you have done it well done at the same time the Minister ---- legislation to ministers should also be reduced so that we minimize conflicting institution

On wokers or labour force in general, the Constitution should impede and element so that we can harmony among the workers without forcing the workers to result to industrial action. We can reduce a number of strikes. May the Constitution that is going today enforce cater for the welfare of workers to minimize strikes.

At the same time, it should also ensure that onces workers have struck a deal with employer they should be a mechanism to retain those workers right to enforce, that is clear.

Next I will take to back to education I feel that the 8-4-4 system should be done away with we can reverse to our 7-4-2-3 system because right now Kenya is importing education from Uganda ----- that is a lot of foreign exchange.

And also I promise that the Constitution creates a mechanism to monitor and evaluate the performance of government such that any government which is mismanaging the economy with extend that the government is not registering growth, such government can be removed from power Constitutionally.

Back to the social security and vulnerable groups I take exception old men and maybe widows and orphans. The Constitution should cater for such people by providing for unemployment benefits like other country like other countries else where and similar to the other this other groups.

Agriculture, I feel like it is time for the Constitution to defend farmers by subdizing the production cost at the same time by ensuring that there are no unnecessary import to interfere with the marketing with our locally produced agricultural products because that is now rendering farmers helpness without marketing for the products.

I also want to say that the Constitution should also do something about research so that at the moment our economy is doing poorly because research institution are not quiet accessible I would like the Constitution to provide in such a way that we can such institutions closer the people so that people have access and the results of such results can be taken with the people take the example of farmers, that my help stimulate production.

**Com. Zein:** Thank you very much just hold on. I have a small question for clarifiction you are saying that we should have a

mechanism to remove the government depending on economics, performance and you said you have any specific indicator, you said GNP, employment but what figure the economy should grow by one percent, three percent.

But is there any country where such a mechanism work because my understanding of theory of government is that when the government comes into power they come with pledges and a plan to execute its vision and when the government does not deliver, then it is removed through election, but you are suggesting that we should not wait for election we should have a mechanisms. Which institution will then be given one the power to evaluate the performance of the government and two, how do they remove the government is there specific period of time. Can we say after every year we are checking and then remove the government.

**John Wanyonyi:** I would say that we give the government three years if it is not performing well we remove. At the same time they should qualify the economic performance. If an economy is performing poorly maybe because of external factors, the government may be condoned. But if it is the case of internal factors, for example in the case of Kenya now where we have enough sugar in the country enough maize enough rice, and yet there is instant import, if this farmers were afford the market for the product then in this farmers realized income the same income would promote economy. So I argue that if a government mismanages through without properly sensing the internal then should be removed but if the factor are external

**Com. Zein:** We as a country are signatory to the COMESA agreement and the COMESA agreement says that we should allow produce from other COMESA members. Take Sudan for example who is a member then there are free to export the sugar to Kenya.

**John Wanyonyi:** We can only import what we do not have

**Com. Zein:** In another words you are saying we should have a mechanism to rectify international treaty that is a very different matters from what you are saying.

**John Wanyonyi:** At the same time we also have our attitude locally on the issue, because not all country for instance are honouring that. We cannot just import because we are bound by a treaty. We have the latitude locally and I want the Constitution as at now to create that provision.

**Com. Zein:** (inaudible)

**John Wanyonyi:** At the same time the government can subsidize the cost of producing sugar so that our price compare well.

**Com. Zein:**

**John Wanyonyi:** But you see taking the dudgery of an efficient government for five years passing on the burden to the people. That is the mechanism I am proposing to you now that I can propose, we can have a team of independent expert give it a name of your own right. We can get legal experts, economic expert the Constitution is in a position to do that. Under the Constitution with proper consultation we can do that.

**Com. Zein:** (inaudible)

**John Wanyonyi:** We can have the Parliament to do that

**Com. Zein:** Please sign our register thank you very much. Evans Wanyonyi.

**Evans Wanyonyi:** Thank you I am Evans Wanyonyi a civil servant. I am age 38. My first contribution is concerning the review of salaries of the Civil service and the TSC. It is my feeling or I am of the opinion that when we have a Commission being set up to review the salaries for civil servants and TSC there should be consideration depending on the number of years one has taken of our course work, so that maybe given same salaries at whatever level of the course they would have taken, for example if it's a two year course in every department, then place to compare the like the people in the ministry of health and those one in the agriculture, they should all be given same salary not that we have differences in salaries where by one with the grade.

Then concerning also allowances I am of the opinion that like the medical allowance presently it could be flat rate at whatever level of education because when we talk of a malaria in a graduate and malaria attacking somebody with a certificate course has got just the same symptoms and I say treatment has to be the same therefore medical allowance should always be the same.

Secondly I want to talk about the vulnerable group and this is particulary about succession of land and property. I feel it is unfair for women not to be given an opportunity to inherit that they have only just to take over

**Com. Zein:** (inaudible)

**Evans Wanyonyi:** Okay this is my proposal. I feel there should be a condition may I say if a husband dies, a woman can be entitled to inheriting this property, not only children if she has attained at least an age of 55 and above, she inherits the property the husband has left behind.

If you need elaboration I can go back.

**Com. Zein:** (inaudible)

**Evans Wanyonyi:** Then, the third issue is on public transport system. Many a times we have had overloading vehicles and normally, mtu mwenye huwa anashtakiwa sana sana ni conductor na driver. Mimi naonelea jambo nzuri. I am of the opinion that a passenger who overloads the vehicle should also be sued in court other than just a conductor and a driver.

On the transfer in the civil service and TSC. We have a problem in Kenya that some civil servants or teachers will be staying in a station for so long depending on the some ill motive that they may have let it be a condition and I am proposing that maybe one is stationed at a particular school or center or location for a minimum of three years. Maximum could go for even five years.

Finally is about the economy. The issue of liberalization came in and we didn't have a forum to educate Kenyans about liberalization. I am of the opinion that whenever we have changes of this kind we look for a way of educating our citizen about it before it is implemented. For example if such information was channeled through chief so that they could educate the public about what liberalization they could understand be comfortable with the finaly system that we have.

**Com. Zein:** Please sign our register and give us the memorandum, allow me now to call a number of people so that they can know the sequence of presentation. Jackson Wanyonyi, ikiwa hayuko tunaenda kwa Joseph Maguti. Uko, kuja hapa uchukuwekiti chako ukae. Anayemfuatia Joseph ni Meshack Baraza. Wafula Cyprian Wafula wewe ndiyo utafuata. Joseph Masinde, John Wabusia, Noar simiyu, Joseph Kokoi W. Wanyonyi Lucas, Joseph Wafula, Simoni Wafula, Jerelad Nyere utakuwa unafuatia hao. Tuanze na wewe bwana.

**Joseph Maruti:** Majina yangu ni Joseph maruti kutoka Mbakalo. Kwanza ni kuhusu uchaguzi. Uchaguzi mkuu ningepomba kwamba ugawanye katika viwango viwili uchaguzi wa kwanza uwe ni wa Raisi peke na uchaguzi unayofuatia uwe ni wa mabunge wanabunge pamoja na ma-Councillors.

Ya pili kuhusu tarehe ya uchaguzi inatakikana iwe ikiamuliwa na Tume ya uchaguzi haitakitakikane iwe likiamuliwa na Rais aliye mamlakani.

Kuhusu Rais pamoja na cabinet yake, wale watu ambao wako na record mbaya kama ya ufisadi ambao wamefunza sheria hawatakikane wawe wakipewa nafasi ya kuhudumia kama mawaziri hao wachaguliwe kama Rais wa jamhuri.



Wale ambao wanachaguliwa kama mawaziri wawe ni watu kama watalamu wasiwe wakuchagua kwa mfano tukiwa katika wale wabunge a ambao wamechaguliwa na raia. Rais awe akichagua mawaziri kutoka kwa wataalamu tu kama kwa mfano, Rais anayochaguliwa asiwe lazima awe Mbunge anaweza kuwa si mbunge  
Linalo fuatia Rais anayechaguliwa awe akipata zaidi asilimia hamzini na kama si hivyo tuwe na run-off.  
Ingingine tunataka ya kwamba katika Katiba mpya Bunge la Senate ilianzishwe katika Katiba mpya kama lile ambalo tulikuwa nalo wakati tulijinyakuli uhuru.

Bunge la Senate lipewe mamlaka ya kumuondoa Rais ikiwa atatumia mamlaka yake vibaya.

Senate iwe ikipewa mamlaka ya ku- approve wale cabinet ambao watachaguliwa na President.

Bunge la senate lipiwe mamlaka ya kuchagua ma- DO na DC pamoja na PC na subchief and Chief.

Kuongezea kwa hiyo wale ambao katika sheria zinazohusu kama customary za kitamaduni, office ya chief na subchief iwe na wazee ambao wamepewa hadhi ambao wanajulikna kuwa na maisha mazuri wasaidie ma-chief and subchief kuamua maswala yanyohusu mfarakano kwa mfano katika ndoa ya watu. Isiwe ya kwamba mtu anachukua kesi kama hii anaenda kushtaki kwa AP kwa sababu mtu kama anaweza kuwa labda hajaoa.

Kwa ufupi tu ni hayo ambayo niliyokuwa nayo

**Com. Zein:** Ngoja una swali.

**Com. Mosonik:** Ya kwanza ukasema tarehe ya uchaguzi iamuliwe na Tume na ikiamuliwa na Katiba? Na ukapendekeza kwamba Rais awe na 50% votes lakini hakusema chochote kuhusu rule ambayo iko sasa

**Joseph Maruti:** Kwa maoni yangu binafusi the 25 rule kwa five Provinces ambayo iko iondolewe

**Com. Zein:** Asante sana Wafula. Wewe ni Bwana Wafula endelea

**Cyprian Wafula:** I am Wafula Cyprian second year Jomo Kenyatta University of Engineering

I have the following view pertaining the education. I support all those people who said that we abolished 8-4-4 system and replace it with 7-4-2-3 whereby primary education from one to standard seven it should be compulsory and free then secondary should be cost sharing then those two years for NYS that is National Youth Service which will also be free, sponsored by the government and then in that two years somebody will be able to obtain a diploma in anything which inclusive within up to the university to take that three years. Then in the university, I think everybody who is eligible to get a loan he is supposed to get the 42 maximum.

Then on top of that, this issue of President being the Chancellor of the university should be abolished and then a

Parliamentary board---- I am saying that Parliamentary to form a certain committee so that they appoint this Chancellor. No the Parliament now to appoint the Vice Chancellor and the Parliamentary council to appoint the Chancellor  
On the university we have to formulate a certain law so that there should be no shooting of the students and any askari who will shoot the students must be imprisonment.

**Com. Zein:** (inaudible)

**Cyprian Wafula:** No anyway askari can shoot a gangstar, but not a student.

Agriculture: As we know that some Boards like the KTDA which deal with horticultural produce KTDA for tea, so I Propose that at least we have a certain board to deal with our maize produce.

Then on security I propose that all military officers should have at least a degree or diploma in anything in order to be promoted the senior officer.

For the serviceman in that security department at least he must have something like D+ and above that is the minimum requirement.

We should abolish this issue of identity card and replace it with passport.

Concerning hospital, the government should be able to provide free medical services to all common diseases like malaria, common cold and others to every common mwananchi

Rape cases some of my colleague have been saying that men should be jailed for a certain minimum year for ten years but also I propose that also women should be jailed the same number of years not men only.

**Com. Zein:** Please sign our register . nitaita majina ya watu kadha najua unataka kueleza vipi mwanamke anaweza mwanaume lakini imeisha hiyo ngojea time yako uje useme maneno hayo ukitaka. Jerald Nyerere yuko, kaa hapa halafu naenda kwa Sungura Caleb, Eliud Khaemba wewe ndiye utafuatia, Gabriel Wafula Khaemba hayuko, George Wafula , uko nani wewe ni George N. Wafula nikita mtu yuko aweze kuinua mkono ama aseme niko ndiyo tusi- cancel. Joseph Lukoyani uko mzee, John Emuriam sorry John Emuria M. Samuel Mukono, Peter Lukolwa, uko Peter hayuko. Haya tutaanza na Bwana Eliud Khaemba halafu tuendelea hivyo. Utaje jina na uendelea tafadhali. Nilikuita wewe ni nani wewe ni (interjection) mimi ni Jeraldine Nyerere)

**Com. Zein:** Sawa Jerald endelea

**Jerald W. Nyerere:** Kwa majina ni Jerald W. Nyerere kutoka Kabu. Maoni yetu kwa Katiba ndiyo na kile kisasa ambacho kinakuja.

Human right: Kuhusu haki za binadamu nitaguzia kwa ufupi haki za binadamu za sasa ---- na Katiba yetu ya nchi kwa sababu Democracia halisi itajengwa kwenye asili ya mwanadamu mwenyewe kuzingatia mazingira anamoishi

Mkuu wa Katiba yetu napendekeza ya kwamba iwe Katiba ya kitaifa na ishirikishe mamlaka ya Rais , Waziri mkuu na mwananchi ambaye mwenye jukumu kubwa.

Kuhusu serikali ya majimbo ningependekeza ya kuwa Katiba ya nchi yetu iwezesha muundo wa serikali ya kumajimbo ili rasimali za nchi zipate kugawanya kwa njia iliyosawa.

Kuhusu watetesi wa watu akiwamo Diwani na mjumbe . Diwani akishindwa kutengeneza kazi yake wajibu wake aliyopewa na mwananchi aachizwe kazi mara moja na uchaguzi Diwani pamoja na mjumbe kupitia kwa uchaguzi mdogo.

Kuna baadhi ya tuseme kwa mfano Diwani amechaguliwa na haonekani kwa watu.

Kupitia kwa Katiba wananchi. Kwa Tume ya uchaguzi maoni

Hapa kuna swala raisi je serikali iongozwe na nani? Serikali iongozwe na waziri mkuu na Rais ili kusudi mamlaka ya nchi yaweze kugawanya sawasawa. Tuwe na --- huru na sheria na---- yeyote ambaye ametenda kosa awe mutumishi wa serikali awe mwananchi wa kawaida hukumu iweze kutolewa sawa, bila kujali cheo, au madaraka yake.

Ulinzi na usalama wa kitaifa. Mwananchi yeyote Kenya ako na haki na uhuru wa kulinda nchi yake. Kwa hivyo napendekeza hivi kila mwananchi akuwe na ujuzi kidogo wa jeshi.

Jambo la pili wale wanajeshi wetu ambao wamepewa jukumu la kulinda nchi wakati hatuna vita wakuwe na uwezo ama wapewe jukumu lingine la kijamii la kuzalisha manufaa kuliko kukaa kwa baraka walingojea mishahara mikubwa.

Kuhusu mambo ya kilimo, kuwe na vyama vya wakulima ambavyo vitakuwa na jukumu la kununua na kupeana mikopo kwa wakulima.

Kuhusu Rais mstaafu akiwa pia mtumishi wa serikali alikuwa akipata mishahara yake kwa hivyo anapostaafu apewe robo ya asilimia ya ile mishahara alikuwa anapata kwa hizo miaka mitano.

Jambo la mwisho nalo ni swali linalohusu na uakilishi bungeni. Nalo tungeomba ya kwamba katiba ya nchi tukiwa na tafara ya kimilimi na tarafa ya Tongeren wote kwa jumula wako na idadi ya watu wasiopungua elfu 86 kwa hivyo tungependa igawenywe Kimilili ikuwa na uwakilishi Tongereni ikuwa na uwakilishi

Tawa na mipaka za uduwani ziheshimika pia kwa sababu

Kuhusu vyama vya kisiasa Kenya tuko na vyama 48 lakini zote kuna baadhi tu ya vyama kama chini ya tano vyenye vinafanya kazi kwa hivyo pendekezo letu ni kwamba tuwe na vyama viwili chama kinacho tawala na chama cha upinzani.

**Com. Zein:** Asante sana tafadhali uende ujiandikishe pale na tafadhali kama unaone mvua inavyokuja hivi inakuwa kelele tutumia microphone karibu na microphone ndiyo sauti ita-record vizuri

**Eliud Khaemba:** Maoni yangu juu ya wananchi wa Kenya. Kwa majina naitwa (interjection)

**Com. Zein:** Subiri kidogo are you recording. You can record taja jina na uendele mzee

**Eliud Khaemba:** Kwa majina naitwa kasisi Eliud Khaemba Wekesa (interjection)

**Com. Zein:** Mimi napendekeza tusimame kwa mda hii mvua ipite ndiyo tuweza ku-record mambo yasipotee.

**Com. Zein:** Thank you very much for being patient. I would like to give this opportunity to Bwana Kayamba aendelee na hiyo presentation alikuwa imeanza lakini Bwana Hayemba for the record please start again by mentioning your name so that we can record everything you say.

**Eliud Khaemba Wekesa:** Kwa majina Eliud Khaemba Wekesa kasisi wa PEFA Church. Pendekezo langu la kwanza ni kwamba mwanakenya aliye na shamba la hekari mingi iwe ni mia moja na akiwa wa chini awe na ekari tatu. Mwanakenya yeyote asikose shamba.

Mbunge akichaguliwa kutoka kwa area ya shamba lake awe na kitu ya kujivunia ya kwamba katika area yangu nilielimisha majirani watano na ukoo wangu wameelimika. Na wazee wa kijiji wamuekee mkono kama wazee hamusini kusema ni mwaminifu ataleta kitu kwa area yetu. Tena akifika huku kama tumemtuma kwa bunge asijingambe.

**Interjection, Com. Zein:** Ngoja mzee. Could the students who have a different gathering there, excuse me. I would like complete silence and the students if you want to walk out of the session please do so now or as they, say hold your peace. Thank you Sir. Sorry for the interruption please go on

**Eliud Khaemba Wekesa:** Tukituma Mbunge asijigambe aende na mazingira ya area yake ya kwamba akijua walimtuma kitu gani, sio kufika huko na kudharau wabunge wengine ya kwamba Mungu alimchagua yeye hakampa nchi safi na wengine akawapa nchi ovyo ovyo. Azungumzie maneno yale sisi tumemtuma.

Shamba ilindwe na wazee wa kijiji mtu akinunua shamba awekelewe mkono na wazee wakijiji wa area hiyo ambao wana mashamba mahali pale, watu wanne na wakasa watano. Na abebe signature yake apeleke kwa chief aweke muhuri. Kuweka muhuri aingie kwa DC na apate kumiliki hiyo shamba, yaani survey iondoke kwa Serikali. Sio kulipa kutoka kwa mkaza na kunyanyazwa.

President achaguliwe kati ya wabunge waliopigiwa kura yangu. Nina hayo lakini mengine nimeweka kwa maandishi

**Com. Lenaola:** Yaani useme unataka Wabunge ndio wamchague Rais.

**Eliud Khaemba Wekesa:** Ndio

**Com. Zein:** Asante sana mzee

**Eliud Khaemba Wekesa:** Ya mwisho haki ya binaduma - Mimi niko masikini lakini naona Serikali yangu si masikini. Ninapokaa hapa kutoka saa tatu asubuhi saa hii nina njaa munipe haki yangu ya chakula

**Com. Zein:** Maanake nini mzee? Maanake utegenezewe chakula?

**Eliud Khaemba Wekesa:** Eh, kama tunakaa hivi, maana tuko mikononi kwa Serikali na ni siku moja au mbili tukule kwa Serikali yetu tajiri.

**Com. Zein:** Hiyo ndiyo ya mwisho, ujiandikishe kwa yule msichana pale kwa Bwana Chairman Joseph Lkuyani. Endelea mzee.

**Joseph Lkuyani:** I am Joseph Lkuyani Navisywa Chairman Ford Kenya Kimilili Sub-branch. Your honour sir we have a memorandum which was prepared by the Sub-branch, it is there ready for handing to hand over to you. Presently we are three in one, if you can allow us at this juncture so that each one of us can put across a point before we hand over Sir.

**Com. Zein:** Can I see by show of hands who are the other two? Mzee akisema nitawaita kwa majina waje mara moja watoe point halafu ndio tumalize, sawa mzee.

**Joseph Lkuyani:** May be before I do that Sir I have just a few ornament points that I would like to mention in addition to these. We have always recently talked of punishment, even today. We should also note that we don't want to throw our nation, our young one into a sort of difficult nation tomorrow, because as we carry out a certain punishment not actually corporal punishment, as we punish a child, we are training that particular child to be a good citizen tomorrow. But if we leave totally the punishment out, we shall have very difficult citizens of tomorrow.

The other ornament I wanted to make forward is we have recently been talking of equality of women and men. But here may be we should be specific. The Constitution should to put right that “a right of women not actually the equality of women because as I see and I know it is difficult to have equality of women and men”

**Interjection, Com. Zein:** What do you propose Sir?

**Joseph Lkuyani:** My proposal is that always the man is always the head of the other. May be traditionally we have also something Sirs. We know you are technicians of these, we have different tribes in Kenya with different traditions so I feel that traditional laws to handle particular property is quite necessary. It is covered in our memorandum.

Now the other one is may be I was trying to look at the Commission. I feel that, my friends have already been pointing out that the changes, the Parliament to change the Constitution or whatever group but I feel that if we had this Commission as life to deal with cases may be if the Parliament decided on certain things to be changed, they change and you recommend to this group who are actually the technicians of laws to make changes. This one will help we shall not run into a situation where the laws or the Parliament or the MPs run to change a law for the benefit of themselves.

Lastly I had also a comment on elections. I feel presently elections done all together Councillors, MPs and President at once, it has minimized a lot of rigging. I say so sirs, I have experienced where an MP may be tied or defected and they called a new election and the President goes there, always we have experienced that rigging.

**Interjection, Com. Zein:** You are proposing that elections should still continue simultaneously?

**Joseph Lkuyani:** Yes with that one I call upon Mr. Gladala to make the other points.

**Com. Zein:** Tafadhali nilisema utaje jina lako mwanza for the records.

**Gladala Wekesa:** Jina langu naitwa Gladala Wekesa

**Interjection, Com. Zein:** Naulikuwa umejiandikisha kando?

**Gladala Wekesa:** Nilikuwa nimejandikisha. Naitwa Gladala Wekesa nikiwa na miaka arubani na nne. Mimi mwenyewe ni Assistant Secretary FORD Kenya Kimili Sub-branch. Niko hapa na maneno karibu sita hivi nilikuwa nataka nipendekeze. Ningelipendekeza kwanza Assistant-chief na Chief should be elected directly by the people if not so, they should be transferred.

**Interjection, Com. Zein:** Bwana Gladala is this your own views or part of the FORD Kenya memorandum

**Gladala Wekesa:** These are my own views

**Com. Zein:** Siungojee mpaka wakati wako ufiki mzee wangu

**Gladala Wekesa:** But part of them are within the memorandum. Secondly – Mayors and Chairmen of County Council should also be elected directly by the people. Three – The present structure of the courts is inadequate and therefore the service should be extended to divisional level to avoid congestion. Sub-division and transfer of land should be done at one sitting on divisional level. Elected leaders e.g. the MP and civic leaders if he or she is not delivering good services to people, 10% of the registered voters in his constituency or the ward should sign and pass a vote of no confidence in him so that the by-election can be called.

Votes cast should be counted at the polling station to avoid rigging. The Prime Minister post should be included in the Constitution. Land dispute tribunal should be included in our Constitution.

**Com. Zein:** Dakika zimeisha

**Gladala Wekesa:** Thank you

**Com. Zein:** Asante sana nani amembakia? Khamal una dakika mbili na robo kwa sababu mmasema kama group. Dakika mbili na robo peke yake.

**Konyole Khamala:** Mimi naitwa Konyole Khamala ni Chairman wa Location ya Kabwiyeke katika. Yangu ni macheche (1) Ninaona protection ya natural resources and the environment act ya kutetea muisitu ya Serikali na natural resources kama Gold mines and all that. Ninaona hiyo sheria isinje mpaka ikamfukuza mwananchi yule naye amepanda miti yake ya ki binafusi kwamba nyumba yake ikianguka aende hatafute permit ndio akate miti.

**Interjection, Com. Zein:** Ulipanda wewe usitafute permit ndio ukate?

**Konyole Khamala:** Ndio, tena mtu yule ana marrum yake asitafute permit ndio alime. Nitaenda mbele kufuatana na culture. Culture ya watu inatokana na vyakula na nguo zile wanavaa na lugha ile wanaongea. Sioni kwa nini wakati baada ya kazi mtu asipate uhuru wa ku-enjoy lives luxury. Mmoja anaenda kunya wine, which is alcohol na mwingine akikinyua busaa ni makosa.

**Interjection, Com. Zein:** Ndungu yangu si wewe unatakusema busaa ihalalishwe. Unaaza story ya culture na mavazi na mambo mengi sema hivyo tu point yangu ni hii pombe ya kienyeji ihalalishwe.

**Konyole Khamala:** Ihalalishwe kwa maana ni alcohol kama wine tu. Walevi wakikutana kwa barabara no difference. Haya kwende mbele constituency – the criteria under which they base on demarcating the border of the Constituency should be based on population but not the area, because semi arid area - ina watu wachache, mtu anapigia wajumbe mia elfu mbili na mjumbe mmoja anapitia elfu mbili. Sasa hapo work load inakuwa tafuati sana.

Mimi natasoga nikisema kwa maana wengine wamesama. Tenure of office of the President should only go for two terms each term five years. Not applicable to only a President but also to civic leaders and MPs.

Free education – Masomo ya bure – wananchi wa Kenya ingawa nchi imekuwa masikini anaweza kujimuju.

**Interjection Com. Zein:** Tupe point unataka kusema nini?

**Konyole Khamala:** Elimu ya bure iwe kutoka secondary mpaka university level na iwe na Board of monitoring

**Interjection, Com. Lenaola:** Na primary?

**Konyole Khamala:** Primary iwe na malipo kidogo kidogo.

**Com. Zein:** Hayo ni maoni yake.

**Konyole Khamala:** Kamati ya corruption isiwe tu inakaa juu na miguu yake haifiki nchini. Anti-corruption unit ingekuja mpaka ifike locational level.

**Interjection, Com. Zein:** Sawa dakika mbili na nusu zimeisha.

**Konyole Khamala:** Retired officers wa Serikali, wakati miaka yake imefika, Serikali iwe inatayarisha pesa yeke. Wakati anaenda nyumbani asikae nyumbani zaidi ya miezi tatu kama hajapewa pesa yake ya retirement. Nafikiri mengi ningesema lakini itapatikana kwa karatasi yetu.

**Com. Zein:** Asante sana kwa vile umeandikisha memorandum na vile mliunga kikundi cha watu watatu tumewapa dakika nyingi sana, ungetoka pale jina lako pake yako ungekuwa na dakika tano asante sana. Haya sasa wacha niaaze kuita list ya majina ya watu wengine. Tuanze na Ben Maneno Wanjala. Ben Maneno Wanjala ametoa kwa maandishi. Pius Wekesa, Pius Wekesa uko, karibu mzee ukae kwenye kiti wewe ni zamu yako, na Mutimpi Wanyangi jitete group hayuko. David Anyika, David Anyika, Banerd Mugendi, Banerd uko? Banerd Mungindi hayuko. Steven Kaitano. Steven Kaitano? Samuel



Wesonga. Samuel ukae tayari. John Masambu uko, ukae tayari. Wataka Nabusumba uwe tayari. JuvinalisAngoli uwe tayari Agnes Achulu alikuwa ameshatoa maoni yake. Martin Wekesa uko kwa nini husemi uko basi Martin yuko hebu inua mkono nione sawa. Shilingo N. Wickliffe uko sawa haya tuanze na wewe bwana mzee utaje jina lako halafu useme mara moja.

**Pius Wekesa Makhani:** Jina langu ni Pius Wekesa Makhani kutoka Naitri Scheme Keiwa area box yangu ya sanduku ni

50. Nina maoni yangu kumi na nitasoma kwa kiingereza ya kwanza –

- 1) Government money be shared equally
- 2) Nominated MPs should not be given Ministries
- 3) Teachers be mobile nationwide
- 4) Chiefs and their assistants be chosen by the people themselves
- 5) County Council Chairman be chosen by the people and also the Mayors
- 6) Village elders be given salary
- 7) People over fifty five years be considered by Government not only those who have once worked with the Government

**Interjection, Com. Zein:** Mzee unataka watu wakifika umri wa miaka hamsini na tana apewe marupurupu na Serikali?

**Pius Wekesa Makhani:** Iwe ikimsaidia

- 8) Members of Parliament should have powers of voting no confidence in the President
- 9) The Government should assist traditional cultures
- 10) Orphans be considered by the Government and also the disabled ones should also be helped.

**Com. Zein:** Asante mzee uende pale ujiandikishe tafadhali. Wewe ni Pius uende pale kwa yule bwana wewe ndio Pius wewe ni Samuel haya

**Samuel Wafula Wesonga:** My names are Samuels Wafula Wesonga the Chairman Sheer Institute of Technology Student Council:-

- 1) We said that Starehe among other schools should not be schools for the Ministers children but should be for the poor students as it used to be before.
- 2) Form four leavers should be given their caution money as it is stated but not leaving the money for the headmasters in form of principles to benefit by blindly using them

**Interjection, Com. Zein:** Wewe unataka tu mwanafunzi tu atoe caution money.

**Samuel Wesonga:** Unable students should be given bursary funds to enable them continue with their education.

- 3) The issue about recruitment of police should be well stated so that people should not be cheated hence they are not selected during the recruit
- 4) There should be vote of no confidence to the incompetent MPs. With that I hope I am through and I wish you the best as you wait for the coming elections.

**Com. Zein:** Asante sana Bwana Samuel Wesonga. Urudi hapa wacha kumwambia maneno. Kijana wachana na Samuel mpaka ajiandikishe halafu andikisha mwende mkazungumuze nje hata kama kunanyesha msizungumzie hapa ndani. John Masambu. Masambu John.

**John Masambu Mataka:** Mimi kwa majina ni John Masambu Mataka. Nitaongea katika nafasi kama Kenya citizen lakini pia mimi ni mwanafunzi wa University Kenyatta, lakini nitatoa kwa nafsi yangu. Kwanza pendekezo langu ambalo ningependa kueleza tume ni kwamba elimu ya primary education ikuwe free. Secondary education ikuwe cost sharing halafu high education in University – wale wanafunzi ambao wanafanikiwa kwenda katika public universities, they should automatically qualify for a loan from the Government to learn. Halafu pia in the same connection – the Government should also solicit for job opportunities for graduates, it cannot absorb in its own country. badala ya kuwacha wanafunzi wenyewe kwenda kutafuta huko nje, the Government can organize, it gets these jobs and give the graduates they cannot absorb. And in that way I am sure they can even get back the loans that they have given to these students to learn.

Apart from Education I will also talk about health - nita-propose kwamba children who are under the age of five should be given free medical care and also we should free Kenya citizens and these one should be people who are aged 70 and above. Those ones should also receive free medical care from the Government.

On the side of the Executive and Government – I would say that Ministry headquarters should be decentralized from Nairobi so that they can also be put in other cities or towns like Kisumu and Mombasa where they are applicable. Also the President should be allowed to appoint Ministers from outside Parliament and not necessarily who are MPs those who are professionals. The Chief Justice should not be appointed directly by the President, but he should appoint people who are given to him by Parliament. So Parliament to set a Committee to elect people and present to the Parliament for appointment.

On the issue of political parties – Political parties are very many in Kenya and I propose that some of them in case we want to finance to improve their facilities, we should financé those parties that are performing and we shall judge a party that is performing by its representation in Parliament. Those parties which have one MP or those who have civic leaders at least one MP in Parliament should be financed. And also in these parties – electorates should have the powers to vote an MP out through a vote of no confidence through signing. And this should be by signatures who are  $\frac{3}{4}$  of the voters in that constituency and in case of such an event, the MP should resign and when an election is held, the candisate cannot hold that seat it can present another candidate. But if an MP dies, I propose that the party that sponsored this MP to Parliament should have that

opportunity to nominate another MP to replace this one, without necessarily going to bring other parties also to present their candidate. And also MPs who defect from one party to another I think this is something that we should curb by introducing, a situation whereby if an MP wants to defect they only defect after the five years after the elections have been held. Before those five years are over the MP should not defect and if an MP defects he should compensate the party that took him to Parliament, because that way he would have let them down by not working to what they had expected.

I also wanted to make one point that we find that in the curriculum in the side of education – I wanted to say that they should make learning of history for example of Kenya to be compulsory to all students who are in learning institutions so that citizens grow up knowing which country they come from and understanding they are citizens and thus they become patriotic. Therefore history should make a compulsory subject in learning institutions from primary upto university.

**Com. Zein:** Thank you very much John please sign our register. Wataka Nabusoba

**Wataka Nobusoba:** My names are Wataka Nabusoba I come from within. I am among the so many graduates that have been retrenched from employment. This will be my views as far as the Constitution is concerned: If Kenyans asked me to make a Constitution for them on their behalf I will put a thing on the following points. The Preamble – Our Constitution must have a Preamble and in the Preamble we shall state that it is being written by Kenyans and the unity of all the tribes is very important, because we are over 42 tribes and we shall in our Constitution that we are united as a nation and not on tribal grounds, despite the differences in our cultures.

On citizenship – I want to comment that children born of any Kenyan parent should be allowed to citizens of Kenya regardless of whether one of the parents is a foreigner or not. In that case we are limiting the issue of gender biasness where women are not recognized.

**Interjection, Com. Zein:** We understand

Okay fine Political parties – I think the Constitution should stipulate openly their regulations and rules of political parties, how they should be registered and which party should be registered. For example we can have a rule that ensures that a party has a nationalistic outlook for example we have ten thousand registered members of that party from every province for that party to be registered. Then we also have a scheme of funding these parties directly from the ex-chequer.

The system of Government – the Constitution should provide for a Government headed by the Prime Minister as the Chief Executive and the President to be ceremonial. Local Authorities should be empowered to be able to provide the basic amenities e.g. schools and dispensaries and the rest. So that we don't leave it to the Central Government and then also commercial enterprises should be based locally so that every community has its specification in terms of economic

empowerment. So the control of trade to be under the District level so that like in Bunguma we have our farmers organize how to sell their maize and whatever not for someone to from other District to come to tell you how you will sell your maize.

Constitution accessibility – I want to suggest that if we are going to come up with a Constitution it should not be kept where it is kept nowadays. I have never seen our Constitution locally I am only told that it is found I think in the courts and some other places. I am recommending that the new Constitution we are going to write should be provided for, for every citizen to have access to it. For example in schools, churches and then may be in local market places so that people have access to the constitution. They know what is in that Constitution.

And also I want to concur with the speaker who has been here that history should be made compulsory. Because in history  
*(interjection)*

**Interjection, Com. Zein:** No don't explain.

**Wataka Nobusoba:** Fine. Judiciary, on judiciary I will make only one point that the Constitution should provide for a constitutional court. And then Presidential election

**Interjection, Com. Zein:** Muda wako umeisha

**Wataka Nobusoba:** I suggest that we have a rerun of presidential election especially if the in the first run we have a congestion of the aspirants. We have it done the second time having the best two competing to get the best one. I think I will stop there thank you.

**Com. Zein:** Sasa mimi nampa muda huu wakenya kwa sababu sisi kwetu Mombasa husema penye wingi hapaharibiki jambo sawa. Sasa ni saa kumi na dakika kumi kulingana na saa ninayotumia kuweka wakati. Hali yenyewe imekua mbaya mumo kuna wangapi kati yenu hapa munaenda mbali nione kwa mikono. Watu wanaokwenda mbali. Asante, nina watu wangapi ambao walijiandikisha na hatujawafikia kuwaita majina. Je mnanipa mimi ruhusa nipunguze dakika tano ziwe tatu?

**Audience:** Ndio.

**Com. Zein:** Mnanipa ruhusa hiyo.

**Audience:** Ndio.

**Com. Zein:** Haya sasa niite yule alikuwa anafuata Martin Wekesa. Martin Wekesa uje haraka dakika tatu kama vile

wenzako wanasema unapata dakika tatu.

**Martin Wekesa:** Kwa majina naitwa Martin Wekesa Secretary FORD Kenya Naitiri Location. Utangulizi. Ufisadi ushutumiwa kabisa katika Katiba kama utangulizi. Rais apunguziwe mamlaka na tena auhudumu kwa kipindi cha miaka mitano hadi kumi, akingoza vizuri. Tuwe na Waziri Mkuu. Rais aongoze Serikali na kazi zingine zipiwe waziri mkuu na Bunge. Chiefs – Chief awe na elimu ya kiwango cha kindato cha mne “O” certificate. Chief achaguliwe na raia na ahudumu tu kwa muda wa miaka mitano pekee.

Political parties – Vyama vya kiasa vipewe misaada na Serikali na tusiwe na vyama vingi zaidi ya vitano kwa sababu Serikali haitaweza kuzifadhili vilivyo. Vyama viwakilishwe kisawa kutoka mashinani hadi ngazi za kitaifa.

Security ya raia – vijana wachaguliwe kutoka kila sehemu za Bunge. Basic rights – Elimu ya msingi iwe ya bure na vivaa vya masomo vipeanawe bure kama vile zamani, Kenya equipment scheme. Adabu ya viboko irudishwe shuleni. Tuwe na Kamati ya kusimamia karo katika kila taasisi ya umma.

**Interjection, Com. Zein:** Haha jamani sasa tukiaza kuongea wakati tutamsimamisha tena dakika moja imepotea, endelea boss.

**Martin Wekesa:** Tuwe na Kamati ya kusimamia Karo katika kila taasisi ya umma lakini sio wakuu wa taasisi hizo

**Interjection, Com. Zein:** Ya mwisho muda wako umeisha.

**Martin Wekesa:** Ya mwisho mangereza – Wafungwa waruhusiwe kutembelewa na wapendwa wao ili kupunguza ukimwi na mangojwa mengine ya zinaa na tamaa za mwili. Asanteni

**Com. Zein:** Asante sana tafadhali toa hiyo memorandum huku na u-sign Juvanalis Kangoni karibu mzee.

**Juvanalis Shiluvuka Kangoni:** My names are Juvanalis Shiluvuka Kangoni from Kabnyekwe box 419. I think all points of mine have been said and I only take this opportunity to strengthen that Laws should be imposed to every sector of the Government.

**Interjection, Com. Zein:** All the people to be equal before the law.

**Juvanalis Shiluvuka Kangoni:** Yes I think that would be what I would recommend thank you

**Com. Zein:** Asante sana kwa kuwa brief but precise tupate mkubwa mzee namwita Sirengo W. Wickliff

**Sireong Wickliffe Wafula:** Asante sana kwa majina naitwa Sireong Wickliffe Wafula mingi yamezungumziwa lakini sitakosa jambo la kunguzia. Kwanza kabisa I would to talk something about the life span of Parliament. The parliamentarian themselves they should have a Council on which to determine its life. It should not be the duty of the President to do that. They should have a working schedule.

The presidency – The presidency should be ceremonial in a way. In that case I do propose that the office of a Prime Minister should be there as head of Government. Prime Minister, the President office should be impeachable nobody should be above the law. We should not talk of somebody being above the law, the law should apply to any body.

I would want to mention something on education – I concur with my fore talkers that primary education should be free and compulsory for all. Technical schools, for us to go industrial by 2020, technical schools should be revived and given sponsorship by Government.

Privation should be limited and specifically this should concern the education sector and health sector. I do propose that private pharmacies should not exist in Kenya and Government pharmacies should be brought down to the people. I think we are unable to control some diseases because of this privatization. Liberalization of the economy should cease to apply. Our industries cannot grow industrial unless we protect our private industries, so we should not be liberalized. This importation of cheap materials should be controlled

**Interjection, Com** (inaudible)

**Sireong Wickliffe Wafula:** Thank you. May be something else much of it has been talked about, I will just finish off by talking something small about the natural resources. When it comes to these land issues – land issues I do propose that these private surveyors should not be there, we should just have the Government surveyors, all land should be property of the Government, so that this idea of people having junks of land should not be there. The maximum acreage somebody should have is two hundred acres, if yours are more than that it should be taken to the state.

On security – I do propose that to control this issue of street children, these overflowing land, we should start projects where these street children those who are above ten years should be taken to those lands to work, other than organizations coming up just soliciting for funds to take care of them, thank you.

**Com. Zein:** Thank you very much Bwana Sirengo. Sasa namwita George N. Wafula. George nilikuwa nimenwita ukiwa unatoka, kama husikii usinilaumu George. Mzee kuja hapa karibu ukae hapa karibu unakumbuka mimi nilikuwa na sema hakaja mtu mzee sana akiniambia anataka kusema mimi naampa fursa mara moja mzee nimempa fursa kwa kutumia haki hiyo.

**George Wafula:** Thank you Mr. Chairman I am George Wafula a student leader at Edgerton University. Mr. Chairman currently our beloved country Kenya is tribally torn into several pieces that is making our efforts of development Kenya into failure. But at least I am optimistic that the Constitution that we are reviewing is going to arrest the situation and make a united Kenya once it is implemented. I have made the following observations why we are so divided recently and the remedy to be undertaken. The past leaders and current ones have engineered tribal animosity by publicly uttering things at the expense of national unity for their political gains

**Interjection, Com. Zein:** Give him a chance to finish and

**Speaker:** Are you stating the points

**Com. Zein:** Who is chairing is it me or is it you. Excuse me. Give points without explaining.

**George Wafula:** The past leaders and current ones have engineered tribal animosity by publicly uttering things at the expense of national unity for their political gain.

**Interjection, Com. Zein:** Ndungu yangu that is the reality we are only interested in recommendations.

**George Wafula:** I think the Constitution should provide stiff penalty for such leaders and this include their suspension or expulsion from active politics. At the introduction of multiparty democracy saw this country further divided and I think if the Constitution stated that we shall more than one party then it should provide the number of political parties that we must have and then it should finance them. In this case I propose a maximum of two or three at most. This will ensure healthy competition

**Interjection, Com. Zein:** You are proposing up to three parties. Eh, ingine

**George Wafula:** If this is not done then the second alternative is to leave the Parliament to select the President among the elected MPs.

On corruption which has lead to economically deterioration its my opinion that if somebody is found responsible of mismanagement of public funds should face capital punishment because it is most serious

**Interjection, Com. Zein:** Ha ha what you are saying is capital punishment for economic crimes of corruption sawa endelea

**George Wafula:** By the creation of new posts that is of Prime Minister and his deputy I think the right minded Kenyan should

reject this proposal.

**Interjection, Com. Zein:** Ndungu yangu when you think and you are asking right minded Kenyans to start thinking hiyo si proposal, unatakaje kuhusu creation of new Government structures. What are you proposing?

**George Wafula:** I think the current structure should be retained.

**Com. Zein:** Basi that is the President and Vice President.

**George Wafula:** On appointment of Ministers by the President, this should be abolished. Instead the President should make a list of proposal to be scrutinized by Parliament and if approved then such people automatically take the post. Most of these Ministers should not be elected MPs.

**Com. Zein:** Who will these Ministers be answerable to?

**George Wafula:** They should be answerable to Parliament.

**Com. Zein:** So the President does not run the Government.

**George Wafula:** The Ministers should help the President but should not be elected Members of Parliament. Another thing if the police arrest a suspect and the suspect dies in police custody having not been proved guilty by the court, the Government must be responsible and compensate the family of the dead person.

**Com. Zein:** Dakika tatu zako zimeisha

**George Wafula:** And the President who has retired must be paid pension basing on what he has done while in office and if he is proved unworthy no pension should be available

**Com. Zein:** Is this applicable only to the President or all the workers in the country?

**George Wafula:** I think it should also be applied to all the workers in the country

**Com. Zein:** All the workers

**George Wafula:** Yeah



**Com. Zein:** And who will be judging whether they deserve pension or not?

**George Wafula:** I think the records

**Com. Zein:** Asante sana Bwana George. Lakini ngoja George huko umesema wewe ni mwanafunzi wa university uko department ngani?

**George Wafula:** Egerton University.

**Com. Zein:** Which department?

**George Wafula:** I am in the horticultural science.

**Com. Zein:** Okay please the register this is a lecturer from Edgerton that is why I was asking you. Doctor Korir unamjua Doctor Korir? Goerge unamjua Doctor Kori? Sasa ninaita mzee. Mzee uje hapa ukae. Kaa hapo mzee, na mzee mwingine anainua mkono mzee kuja mbele, kuja huku mbele. Hapana sitampa mzee, ngoja mimi ndio Chairman. Nampa mzee nirudi kwa list watu wanne watano nirudi kwa mzee watu wanne watano nirudi kwa mzee, namna hiyo.

Wacha niite majina matano tuheshimu umri, wacha tuite majina tano, sita ndio watu wajue vile wanakuja. Gilbert Wahungu, Nelson Wasimela, uko, Dickson Kahinga uko, Jackson Saiz, Wilfred Gitombo Tumboa., Councillor Justice B. Wafula, Nyongeza Hasambuli, Fred Wahongu uko. Elijah Wafula. Joseph Waliaula. John Watimba, Remi Wamalwa, Anglina Wanyam huyu alisema. Rose Baraza alisema. Margaret Sikati. Evelyn Mandu hayuko. Mary Wafula. David Masinde, Kitui Eluid, Kitui. Wafula Samson, Richard Wafula, Benson Situma. Pius Mishiko, Pius Mishiko. Nelson wa box 84. Wanyonyi Baraza. Issaac Jonathan uko. Sawa kwenda na hao kwanza halafu ndio nitakuja kwa ili list ya mwisho kabisa. Mzee utaje jina lako halafu uendelee

**James Mayeiko:** Kwa majina mimi naitwa James Mayeiko na nimekuwa hapa tangu tuazishe scheme na nina proposals zangu kama mbili tatu ambazo nataka kuambia Commission.

**Com. Zein:** Endelea

**James Mayeiko:** Jambo la kwanza kuna mengi yamesemwa lakini mimi nasema kwa upande wa uchaguzi, kuchagua wabunge katika Constituency tunaona kuna area zingine ambazo wamachagua Wabunge wengi na population ya watu ni wachache

**Interjection, Com. Zein:** Hiyo imeshasemwa seme nyingine kwa hivyo unataka watu wawe sawa katika kuchagua Wabunge sawa

**James Mayeiko:** Halafu lingine mimi naenda kwa upande wa baada ya mtu kurithi mali. Ikiwa mzazi amefariki na ukiwa na bibi. Mali ambayo mtu amefariki amewacha mjane na watoto wawachie watu wa ukoo waendeshe kungawa hiyo mali. Kwa sababu unaweza kuwa na bibi ambaye unaweza kumpata akiwa amezaa watoto pahali pengine, lakini akikuja kwako anazaa watoto wachache na baada ya wewe kufa yeye anasema atarithi mali. Lakini hiyo mali alipata kama wewe uko nayo hawachie watu wa ukoo wawe wenye kungawa hiyo mali.

**Interjection, Com. Zien:** Na je ukoo uko na haki ya kumwambia huyu bibi asipate hata kita kidogo?

**James Mayeiko:** Hapana lazima bibi apate kitu kwa sabab ni yake. Halafu jambo lingine upande wa mashamba tumekuwa na shida kwa upande wa mashamba. Ikiwa watu wanangombana kwa ajili ya shamba – sasa hii shamba wale wanajua ukweli ni wale wako karibu nao. Lakini kama mnangombana na mtu na kesi iende kotini lawyer anashika hiyo kesi na anafanya (*interjection*)

**Interjection, Com. Zien:** Unataka aje? Wewe wataka kesi za mashamba yarudi kwa wazee wa nyumbani?

**James Mayeiko:** Kwa wazee wa nyumbani ambaye wanajua shida ya mashamba

**Com. Zien:** Sawa lingin?

**James Mayeiko:** Lingine mimi naona kwa upande wa President – President akiwa anachagua Minister hii ministry ambayo President ana-create baada ya uchaguzi Inafaa kama Ministry ya Agriculture iwe Ministry ya agriculture hata ikiwa President atakwenda President ambaye anakuja (*interjection*)

**Interjection, Com. Zein:** Kwa hivyo wewe unataka Wizara ziwekwe ki-sheria sio Rais anakuja anabadilisha

**James Mayeiko:** Ki-sheria na anabadilisha na kuweka zingine

**Com. Zein:** Hilo ni la mwisho?

**James Mayeiko:** Halafu mambo mengine kama sisi watu wa hapa tuna mila ambayo mtu ukiwa kama mwaka huu watu hutahiri. Kuna desturi ya kutahiri kama watu wanatahiri ni lazima wategeneze pombe ya kinyeji

**Interjection, Com. Zein:** Sema pendekezo mzee.

**James Mayeiko:** Pendekezo mini nasema Serikali iwaache.

**Com. Zein:** Pombe ya kenyeji iwe halali

**James Mayeiko:** Ya mwisho polisi tulipopata uhuru askari wamekuwa adui wa raia hawajui askari anafaa kumsaidia. Kwa hivyo raia akiona askari anatoroka lakini anamuhitaji akiwa na shida

**Interjection, Com. Zein:** Kwa hivyo unatakaje?

**James Mayeiko:** Mimi nasema askari wawe karibu na mwananchi.

**Com. Zein:** Haiishi na watu. Asante sana mzee uje hapa ujiandikishe kwamba umetoa maoni kwa Tume ya Kurekebisha Katiba. Asante sana mzee kwa maoni yako sasa Nelison Nasirewa karibu mzee Wacheni kufanya funjo hapa ndungu zangu. Iko shida mkiwa na shida mnaenda kuona huyu program officer atajaribu kukutatulia hakishidwa atatwambaia sisi. Sawa endelea Bwana na una dakika tano mzee wangu

**Nelson Nasirewa:** Jina Nelson Nasirewa natoka Sango Government – The type of Government we want I feel that we should have parliamentary Government. President as other speakers said to be ceremonial and the Prime Minister should run the Government. Appointments to be approved by the Parliament, as they said it should be two terms of five years each.

From there I go to the aged, people who are old. – If somebody acquires 65 years of age the state should take care of them. Medical facilities should be brought as near as possible.

**Interjection, Com. Zein:** What is near as possible, is it location?

**Nelson Nasirewa:** On Sub-locational level and those who do not have mones should be given free. Primary education should be free (*interjection*)

**Interjection, Com Zein:** Lakini si hiyo imesemwa

**Nelson Nasirewa:** Imesemwa lakini the majority who have also matter

**Com Zein:** Nitakwambia tu ukweli kabisa mzee wangu. Ikiwa una jambo ambalo halijasemwa uaze na hilo halafu ndio urudi

kwa haya mengine useme naunga mkono hili au lile maanake muda wako ukisha na hujataja lile ambalo halijasemwa kabisa litapotea na utaenda nalo nyumbani.

**Nelson Nasirewa:** Land ceiling, highest acreage should be a hundred acres and minimum should be ten. Then at the same time if the state will find out that the land acquired from the officials was illegally acquired, that land should be repossessed. It should be given to the landless.

**Interjection, Com. Zein:** Una hiyo idea sasa nobody has spoken about that the whole day. The repossession of illegally acquired land

**Nelson Nasirewa:** Not only land but property. Any officer who is found indulging in corruption and the case is in the court should it doesn't matter whom it is even if it is the President should not continue working until the case is finalized.

**Interjection, Com. Zein:** Ya mwisho mzee wangu.

**Nelson Nasirewa:** Corruption in Kenya – we want a good Commission appointed by the Parliament, to deal with corruption cases whereby we don't want Kangaroo courts in the courts in the country. Kangaroo courts are so many in the country especially relating to the brews. With that I leave

**Com. Zein:** Asante sana kuna swali hapa

**Com. Mosonnik:** If the Busaa is legal and there would not be Kangaroo courts, so do you want the Busaa to be legalized or not? Because the reason there is kangaroo courts is because it is illegal, is that the case?

**Nelson Nasirewa:** Busaa should be legalized, only busaa.

**Com. Zein:** Kuna mtu yeyote ambaye ana jambo hapa ambalo halijazungumziwa na mtu mwingine yeyote. Jambo ambalo halijazungumziwa na mtu yeyote kabisa. Haya kila mtu analo, hivyo wacha nirudi kwa list. Dickson Kahiga

**Dickson Kahiga:** Mimi kwa majina ni Dickson Kahiga na ningependa kutoa mapendekezo ya fauatayo kwa Tume yetu ya Katiba. Jambo la kwaza ni Kilimo. Katika sehemu yetu ni sehemu ya kilimo ambayo ningependekeza kwa Tume yetu Serikali itusaidie vivaa vya ukulima.

Jambo la pili itusaidie sisi ya kuuza vyakula, na jambo la tatu katika Katiba mpya ningependekeza elimu ya msingi iwe bure. Na elimu ya secondary nayo tuko na jamii ambazo hawajiwezi – Serikali hihakikishe misaada ambayo inatolewa inafakia wale

ambao wanahitaji. Isiwe tu anaenda na haikufikia yule mtoto hakupata elimu.

Jambo la mwisho Katiba yetu ningependekeza Rais ambaye ako kipindi chake kipunguzwe. Na tuwe na Rais na msaidizi wake lakini hii iwe ikitekelezwa kwa kila province, tukiwe na Province nane kila province ipate kukula cake ya kuongoza nchi yetu. Kwa hayo asanteni.

**Com. Zein:** Asante mzee kwa kuwa very brief. Fred Wafungu

**Fred Wafungu:** My name is Fred Wafungu Chairman of various boards of governors of schools. The first one that has not been touched that Parliament shall be empowered to amend sections of the Constitution only if 75% of the elected members endorse the same. This should be limited to such sections that would otherwise require a simple majority. Any major amendments to the Constitution to require a referendum to be conducted by the Electoral Commission of Kenya.

**Interjection, Com. Zein:** Hiyo ndio mpya mzee?

**Fred Wafungu:** I was not there when you started. On Kenyan identification Kenyans should be given passports alongside ID automatically at the age of five. Political parties being societies should be subordinate to the state power even if a particular political party wins a majority vote and forms the Government. We should retain the presidency with limited powers and impeachable. The number of Ministries should be limited to eighteen, fixed. Public servants appointments should be vetted by Parliament and only then can we stick to presidential appointment.

Being a member of Parliament should be fulltime not part time to avoid corruption. Immoral people in society should never hold any public office elective or otherwise. MPs should take instructions from the electorate not the way round and they should also be impeachable. We should leave the vacancies of nominated MPs to special interest groups i.e. disabled, women and civil society representatives. No defection during the life of Parliament from one party to another. MPs who defect should be banned from contesting the resultant by-election.

We should adopt a Government of national Unity or coalition parties.

**Interjection, Com. Zein:** Muda wako umeisha tupe neno lako la mwisho

**Fred Wafungu:** The President should not be given the powers to dish out national resources okay they are many but I think you will read them as I go.

**Com. Zein:** If you have a memorandum we will process it. John Watiba una dakika tatu kama wezako

**John Watiba:** My name is John Watiba and I have the following proposals

- 1) The President to be a President of the republic but not of some political party or zone.
- 2) Civil servants and all Government officials to be banned from business deals to eliminate corruption
- 3) Freedom of worship should be allowed in daytime but some other times the DC should be informed
- 4) Continuous exercise of registering voters
- 5) Processing of ID to be done on divisional levels and within a short period
- 6) Cost sharing to be abolished in public hospitals whereby all Kenyans to get free treatment
- 7) Civic education to be day to day issue so as to teach many citizens their constitutional rights, de-corrupt peoples minds and place them in a mode of multi-partism
- 8) Productive areas should be given a priority of constructing tramacked roads.
- 9) Police, army or other security department should be power to elect their big officers
- 10) Money given out to MPs or Councillors for developing their ward or constituency to have a Commission to make a follow-up
- 11) Quality education and free primary education to all regardless of private or public schools.

**Com. Zein:** Muda wako umeisha nakupa sekunde kumi kumaliza

**John Watiba:** Thank you

**Com. Zein:** Umemaliza, asanta sana kwa kufipisha namna hiyo urudi hapa uandikishe jina. Wafula Muhedi

**Muhedi Wafula:** My names are Muhedi Wafula I come from Shivakul Sub-location am the Border border Chairman for that Sub-location. Briefly I will look at the Constitution itself – The Constitution should be made available to the people that is my proposal. It should be locally available that is to be interpreted into in local languages.

Under Constitutional supremacy I propose that the Parliament amend the Constitution by 80% majority vote and not the 65%. The Parliament should be allowed to amend the Constitution when need be that is to allocate funds for Constitutional amendment. Funds should be allocated.

Then I come on the point of citizenship – Citizenship should be granted with caution especially to foreigners because some come to exploit the economy and then leave the country for their mother states.

Then on political parties they should be a limit in formation of political parties e.g. we should retain two political parties either

ruling or opposition. Then political parties should be funded equally by the Government. The Legislature – The functions of Parliament to be expanded i.e. the Parliament should be covered life life in TVs in radios.

Lastly I say MPs should act on behalf of the people who elected them the local brew to be legalized.

**Com. Zein:** Asante sana Bwana Wafula. Tafadhali uende pale ujiandikishe utoe jina lako pale. Benson Shituma.

**Benson Tuma:** Kwa majina naitwa Benson Tuma. Maoni yangu ya kwanza nasema hivi. Kwa mimi binfsi ninashida ya makao, kama mimi ni mwana Kenya wakati Kenya ilipata uhuru mwaka wa 1963

**Interjection, Com. Zein:** Hilo no jambo la historia ambayo tunaifahamu vizuri tupe mapendekezo unao taka wewe

**Benson Tuma:** Pendekezo langu nataka makao

**Com. Zein:** Kila Mkenya apate makao

**Benson Tuma:** Kila Mkenya apate makao. Mwanakenya mwneye ambaye ako na ekari nyingi akuwe na ekari hamsini na masikini hekari saba. Na masomo ya msingi ikuwe ya free na ya secondary wateremshe karo, irudi chini.

**Com. Zein:** Na University?

**Benson Tuma:** University watoto masikini wapewe loan na matajiri wasipewe kawa sababu hao wanajiweza. Mfanyikazi awe na kazi moja, asiwe na kazi mbili ama tatu kwa sababu ananyangaya wengine.

Kutegeneza Katiba – Mtegeneze Katiba kila mwananchi akiwa mzee, mtoto aelewe Katiba ni nini. Watu kama Mayor – Mayor achaguliwe na wananchi si ma-councillors. Ma-chief – Assistant Chief ama Chief wapigwe kura ya mlolongo, hafai kuchaguliwa tu kwa ajili anafanya mambo gani.

Matibabu kama sisi wanakenya tupate matibabu ya bure kwa sababu unaweza kuwa na shida lakini ukienda kwa hospitili wanasema utoe pesa. Kama huna wanaacha hapo unakufa. Yangu ni hayo tu.

**Billy Nyongesa:** Kwa majina naitwa Billy Nyongesa pendekezo la kwanza kwa upande wa haki ni kwamba wale ambao wanafuta sigara waweze kuwa na sehemu maalum kama vile bar.

Point number mbili ni kwamba kuwe na uhuru wa kuabudu hasa katika mashule ni kwamba ikiwa wale wanaoabudu siku ya

Sabato ama jumapili waweze kupewa nafasi sawa.

**Interjection, Com. Zein:** Tumelewa unataka Sabato iwe recognized

**Billy Nyongesa:** Uchaguzi usifanywe siku ya jumapili ama siku ya Sabato ili watu wote waweze kuwa na uhuru wa kupiga kura.

**Com. Zein:** Haya tatu, zimeisha wanafunzi hawafai kufundishwa imani ambazo si zao. Ngoja mzee Commissioner ana swali

**Com. Mosonik:** Umesema Jumamosi na jumapili na ijumaa wakati Waisilam wanaabudu?

**Billy Nyongesa:** Hayo ni mapendekezo ikiwemo hata na hiyo pia waweze kupewa nafasi yao

**Com. Zein:** Haya anafuatia ataje jina lake mara moja

**Issac Waseke Watina** Majina yangu ni Issac Waseke Watina Senoir citizen. Niko na point tatu vile umesema – concerning Legal reforms what needs to be done some laws should be retrieved or amended and this are the laws to be

**Interjection, Com. Zein:** .....nipe mapendekezo

**Issac Waseke Watina:** Mapendekezo yangu the preservation of public security act should be retrieved.

**Com. Zein:** Hiyo ishaondolewe haiko kwa Constitution ni hii hapa

**Issac Waseke Watina:** The public order act should also be repealed

**Com. Zein:** Na kukiwa kuna funjo imaanishe nini?

**Isaac Waseke Watina:** It should be amended cleverly. The deformation act and section of the penal code dealing with pentition should be amended. The societies act should be repealed or amended. The Chief Authority Act which gives local administrative chief wide powers.

**Interjection, Com. Zein:** Hiyo hiliondolewe hata ma-chief wanalalamika warudishiwe

**Isaac Waseke Watina:** So the Constitution that we need to make should be strengthened by prohibiting arbitrary arrests because very many people are being arrested arbitrary without



**Interjection, Com. Zein:** Ha ha mzee hiyo nimeelewa

**Interjection, Com. Zein:** Naulikuwa umejiandikisha kando?

**Gladala Wekesa:** nilikuwa nimejandkisha. Naitwa Gladala Wekesa nikiwa na miaka arubani na nne, mimi mweneywe ni Assistant Secretary FORD Kenya Kimili Sub-branch. Niko hapa na maneno karibu sita hivi nilikuwa natanipendekeze. Ningelipendekeza kwanza Assistant-chief na Chief should be elected directly by the people if not so, they should be transferred.

**. Zein:** Siungojee mpaka wakati wako ufiki mzee wangu

**Gladala Wekesa:** But part of them are within the memorandum. Secondly – Mayors and Chairmen of County Council should also be elected directly by the people. Three – The present structure of the courts is inadequate and therefore the service should be extended to divisional level to avoid ..... Sub-division and transfer of land should be done at one sitting on divisional level. Elected leaders e.g. the Mp and civic leaders if he or she is not delivering good services to people, 10% of the registered voters in his constituency or the ward should sign and pass vote of no confidence in him so that the by-election can be called.

Votes casted should be counted at the polling station to avoid rigging. The Prime Minister post should be included in the Constitution. Land dispute tribunal should be included in our Constitution.

**Com. Zein:** Dakika simeisha

**Gladala Wekesa:** Thank you

**Com. Zein:** Asante sana nani amembakia? Khamal una dakika mbili na robo kwa sababu mmasema kama group. Dakika mbili na robo mpeke yake.

**Konyole Khamala:** Mimi naitwa Konyole Khamala ni Chairman wa Location ya Kabwiyeke katika .....Yangu ni mfupi (1) Ninaona protection ya natural resources and the environment act ya kutetea mshitu ya Serikali na natural resources kama Gold mines and all that. Ninaona hiyo sheria isinje mpaka hikamfukuza mwananchi yule naye amepanda miti yake ya ki binafusi kwamba nyumba yake ikianguka haende hatafute permit ndio akate miti

**Interjection, Com. Zein:** Ulipanda wewe usitafute permit ndio ukate?

**Konyole Khamala:** Ndio, tena mtu yule ana marrum yake asitafute permit ndio alime. Nataenda mbele kufuatana na culture,

culture ya watu inatokana na vyakula na nguo zile wanavaa na lugha ile wanaongea. Sioni kwa nini wakati baada ya kazi mtu asipate uhuru wa ku-enjoy lives luxury. Mmoja anaenda kunya wine, which is alcohol na mwingine hakikinyua busaa ni makosa.

**Interjection, Com. Zein:** Ndungu yangu si wewe unatakusema busaa ihalalishwe unaaza story ya culture na mavazi na mambo mingi sema hivyo tu point yangu ni hii pombe ya kienyeji ihalalishwe

**Konyole Khamala:** Ihalalishwe kwa maana ni alcohol kama wine tu. Walevi wakikutana kwa barabara no difference. Haya kwende mbele constituency – the criteria under which they base on demarcating the boarder of the Constituency should be based on population but not the area, because semi arid area - ina watu wachache, mtu anapigia wajumbe mia elfu mbili na njumbe mmoja anapitia elfu mbili. Sasa hapo work load inakuwa tafuati sana.

Mimi natasoga nikisema kwa maana wengine wamesama - teneure of office of the President should only go for two terms each term five years. Not applicable to only a President but also to civic leaders and MPs.

Free education – Masomo ya bure – wananchi wa Kenya ingawa nchi imekuwa masikini anaweza

**Interjection Com. Zein:** Tupe point unataka kusema nini?

**Konyole Khamala:** Elimu ya bure iwe kutoka Secondary mpaka university level na iwe na Board of monitoring

**Interjection, Com. Lenaola:** Na primary?

**Konyole Khamala:** Primary iwe na malipo kidogo kidogo.

**Com. Zein:** Hayo ni maoni yake

**Konyole Khamala:** Kamati ya corruption isiwe tu inakaa juu na miguu yake haifiki nchini. Anti-corruption unit ikekuja mpaka ifike locational level.

**Interjection, Com. Zein:** Sawa dakika mbili na nusu zimeisha

**Konyole Khamala:** Retired officers wa Serikali wakati miaka yake imefika Serikali iwe inatayarisha pesa yake. Wakati anaenda nyumbani asikae nyumbani zaidi ya miezi tatu kama hajapewe pesa yake ya retirement. Nafiri mingi ningesema lakini itapatikana kwa karatasi yetu.

**Com. Zein:** Asante sana kwa vile umeandikisha memorandum na vile mliunga kikundi cha watu watatu tumewapa dakika nyingi sana, ungenoj a pale jina lako pake yako ungekuwa na dakika tano asante sana. Haya sasa wacha niaaze kuita list ya majina ya watu wengine tuaze na Ben Maneno Wanjala. Ben Maneno Wanjala ametoa kwa maandishi. Pius Wekesa, Pius Wekesa uko karibu mzee ukae kwenye kiti wewe ni zamu yako, na mutimpi Wanyangi jitete group hayuko. David Anyika, David Anyika, Banerd Mugendi, Banerd uko? Banerd Mungindi hayuko. Steven Kaitano. Steven Kaitano? Samuel Wesonga. Samuel ukae tayari. John Masambu uko ukae tayari. Wataka Nabusumba uwe tayari. JuvinalisAngoli uwe tayari Agnes Achulu alikuwa ameshatoa maoni yake. Martin Wekesa uko kwa nini usemi uko basi Martin yuko hebu inua mkono nione sawa. Shilingo N. Wickliffe uko sawa haya tuanze na wewe bwana mzee utaje jina lako halafu useme mara moja.

**Pius Wekesa Makhani:** Jina langu ni Pius Wekesa Makhani kutoka Naitri Scheme Keiwa area box yangu ya sanduku ni 50. Nina maoni yangu kumi na nitsoma kwa kegereza ya kwanza –

- 11) Government money be shared equally
- 12) Nominated MPs should not be given Ministries
- 13) Teachers be mobile nationwide
- 14) Chiefs and their assistant be chosen by the people themselves
- 15) County Council Chairman be chosen by the people and also the Mayors
- 16) Village elders be given salary
- 17) People over fifty five years be considered by Government not only those who have once worked with the Government

**Interjection, Com. Zein:** Mzee unataka watu wakifika umri wa miaka hamusini na tana apewe marubu rubu na Serikali?

**Pius Wekesa Makhani:** Iwe ikimzaidia

- 18) Members of Parliament should have powers of voting no confidence in the President
- 19) The Government should assist traditional cultures
- 20) Orphans be considered by the Government and also the disabled ones should also be helped.

**Com. Zein:** Asante mzee uende pale ujiandishi tafadhali wewe ni Pius uende pale kwa yule bwana wewe ndio Pius wewe ni Samuel haya

**Samuel Wafula Wesonga:** My names are Samuels Wafula Wesonga the Chairman Sheer Institute of Technology Student Council:-

- 5) We said that Starehe among other schools should not be schools for the Ministers Children but should be for the

poor students as it used to be before.

- 6) Form four leavers should be given their caution money as it is stated but not leaving the money for the Headmasters in form of principles to benefit by blindly using them

**Interjection, Com. Zein:** Jamaa .....wewe unataka tu mwanafunzi tu atoe caution money .....

- 7) Unable students should be given bursary funds to enable them continue with their education.
- 8) The issue about recruitment of police should be well stated so as people should not be cheated hence they are not selected during the recruit
- 9) There should be vote of no confidence to the incompetent MPs. With that I hope am through and I wish you the best as you wait for the coming elections.

**Com. Zein:** Asante sana Bwana Samuel Wesonga urudi hapa wacha kumwambia maneno ohi kijana wachana na Samuel mpaka ajiandikishe halafu andikisha mwende mkazungumuze nje hata kama kunanyesha msizungumzie hapa ndani. John Wasamba. Masambu John.

**John Masambu Mataka:** Mimi kwa majina ni John Masambu Mataka nitaoea katika nafasi kama Kenya citizen lakini pia mimi ni mwanafunzi wa University kenyatta, lakini nitaoea kwa nafasi yangu. Kwanza pendekezo langu ambalo ningependa kueleza tume ni kwamba elimu ya primary education ikuwe free. Secondary education ikuwe cost sharing halafu high education in University – wale wanafunzi ambao wanafanikiwa kwenda katika public universities, they should automatically qualify for a loan from the Government to learn. Halafu pia in the same connection – the Government should also solicit for job opportunities for graduates, it cannot absorb in its own country. badala ya kuwaja wanafunzi wenyewe kwenda kutafuta huko nje, the Government can organize, it gets these jobs and give the graduates they cannot absorb. And in that way am sure they can even get back the loans that they have given to these students to learn.

Apart from Education I will also talk about health - nita-propose kwamba children who are under the age of five should be given free medical care and also we should .....Kenya citizen and these one should be people who are aged 70 and above. Those ones should also receive free medical care from the Government.

On the side of the Executive and Government – I would say that Ministry headquarters should be decentralized from Nairobi so that they can also be put in other cities or towns like Kisumu and Mombasa where they are applicable. Also the President should be allowed to appoint Ministers from outside Parliament and not necessarily who are MPs those who are professionals. The Chief Justice should not be appointed directly by the President, but he should appoint people who are given to him by Parliament. So Parliament to set a Committee to elect people and present to the Parliament for appointment.

On the issue of political parties – Political parties are very many in Kenya and I propose that some of them in case we want to

finance to improve their facilities, we should finance those parties that are performing and we shall judge a party that is performing by its representation in Parliament. Those parties which have one MP or those who have civic leaders at least one MP in Parliament should be financed. And also in these parties – electorates should have the powers to vote an MP out through a vote of no confidence through signing. And this should be by signatures who are ¾ of the voters in that constituency and in case of such event the MP should resign and when an election is held the party cannot hold that seat it can present another candidate. But if an MP dies I propose that the party that sponsored this MP to Parliament should have that opportunity to nominate another MP to replace this one, without necessarily going to bring other parties also to present their candidate. And also MPs who defect from one party to another I think this is something that we should curb by introducing, a situation whereby if an MP wants to defect they only defect after the five years after the elections have been held. Before those five years are over the MP should not defect and if an MP defects he should compensate the party that took him to Parliament, because that way he would have let them down by not working to what they had expected.

I also wanted to make one point that we find that in the curriculum in the side of education – I wanted to say that they should make learning of history for example of Kenya to be compulsory to all students who are in learning institutions so that citizens grow up knowing which country they come from and understanding they are citizens and thus they become patriotic. Therefore history should make a compulsory subject in learning institutions from primary upto university.

**Com. Zein:** Thank you very much John please sign our register. Wataka Nabusoba

**Wataka Nobusoba:** My names are Wataka Nabusoba I come from within am among the so many graduates that have being retrenched from employment. This will be my views as far as the Constitution is concerned: If Kenyans asked me to make a Constitution for them on their behalf I will put a thing on the following points. The Preamble – Our Constitution must have a Preamble and in the Preamble we shall state that it is being written by Kenyans and the unity of all the tribes is very important, because we are over 42 tribes and we shall in our Constitution that we are united as a nation and not on tribal grounds, dispute the differences in our cultures.

On citizenship – I want to commend that children born of any Kenyan parent should be allowed to citizens of Kenya regardless of whether one of the parents is a foreigner or not. In that case we are limiting the issue of gender biased where women who

**Interjection, Com. Zein:** We understand

Okay fine Political parties – I think the Constitution should stipulate openly their regulations and rules of political parties, how they should be registered and which party should be registered for example we can have a rule that ensures that a party has a nationalistic outlook for example we have ten thousand registered members of that party from every province for that party to be registered. Then we also have a scheme of funding these parties directly from the legislature.

The system of Government – the Constitution should provide for a Government headed by the Prime Minister as the Chief Executive and the President to be ceremonial. Local Authorities should be empowered to be able to provide the basic amenities e.g. schools and dispensaries and the rest. So that we don't leave it to the central government and then also commercial enterprises should be based locally so that every community has its specification in terms of economic empowerment. So the control of trade to be under the District level so that like in Bungomo we have our farmers organize how to sell their maize and whatever not for someone to from other District to come to tell you how you will sell your maize.

Constitution accessibility – I want to suggest that if we are going to come up with a Constitution it should not be kept where it is kept nowadays. I have never seen our Constitution locally am only told that it is found I think in the courts and some other places. I am recommending that the new Constitution we are going to write it should be provided for, for every citizen to have access to it. For example in schools, churches and then may be in local market places so that people have access to the constitution. They know what is in that Constitution.

And also I want to conquer with the speaker who has been here that history should be made compulsory. Because in history

**Interjection, Com. Zein:** No don't explain

**Wataka Nobusoba:** Fine. Judiciary, on judiciary I will make only one point that the Constitution should provide for a constitutional court. And then Presidential election

**Interjection, Com. Zein:** Muda wako umeisha

**Wataka Nobusoba:** I suggest that we have a rerun of presidential election especially if the in the first run we have a congestion of the aspirants. We have it done the second time having the best two competing to get the best one. I think I will stop there thank you.

**Com. Zein:** Sasa mimi namimba muda huu wakenya kwa sababu sisi kwetu Mombasa usema penye wingi hapaharibiki jambo sawa. Sasa ni saa kumi na dakika kumi kulingana na saa ninnayotumia kuweka wakati. Hali yenyewe imekua mbaya mumo kunawangapi kati yenu hapa munaenda mbali nione kwa mikono, watu wanao kwenda mbali. Asante, nina watu wangapi ambao walijiandikisha na hatujawafikia kuwaita majina. Je mnanipa mimi ruhusu nipunguze dakika tano ziwe tatu

**Audience:** Ndio

**Com. Zein:** Mnanipa ruhusa hiyo

**Audience:** Ndio

**Com. Zein:** Haya sasa niote yule alikuwa anafuatie Martin Wekesa. Martin Wekesa uje haraka dakika tatu kama vile wezako wanasema unataka dakika sasa.

**Martin Wekesa:** Kwa majina naitwa Martin Wekesa Secretary FORD Kenya Naitrul Location. Utangulizi ufisadi usitumiwa kabisa katika Katiba kama utangulizi. Rais apunguziwe mamlaka na tena haudumu kwa kipindi cha miaka mitano hadi kumi, hakingosa vizuri. Tuwe na waziri mkuu. Rais aongoze Serikali na kazi zingine zipiwe waziri mkuu na Bunge. Chiefs – Chief awe na elimu ya kiwangu cha kindato cha nne “O” certificate. Chief achaguliwe na raia na haudumu tu kwa muda wa miaka mitano pekee.

Political parties – Vyama vya kiasa vipewe mizaada na Serikali na tusiwe na vyama vingi zaidi ya vitano kwa sababu Serikali haitaweza kusifatili vilivyo. Vyama viwakilishwe kisawa kutoka Mashina-nane hadi ngazi za kitaifa.

Security ya raia – vijana wachaguliwe kutoka kila sehemu za Bunge. Basic rights – Elimu ya msingi iwe ya bure na vivaa vya masomo zipeanawe bure kama vile zamani, Kenya equipment scheme. Hathabu ya viboko irudishwe shuleni. Tuwe na Kamati ya kusimamia karo katika kila taafisi ya umma.

**Interjection, Com. Zein:** Haha jamani sasa tukiaza kuongea wakati tutamsimamisha tena dakika moja imepotea endelea boss

**Martin Wekesa:** Tuwe na Kamati ya kusimamia Karo katika kia taafisi ya umma lakini sio wakuu wa tafasi hizo

**Interjection, Com. Zein:** Ya mwisho muda wako umeisha

**Martin Wekesa:** Ya mwisho magereza – Wafungwa waruhusiwe kutembelewa na wapendwa wao ili kupunguza ukimwi na mangojwa mingine ya zinaa na tamaa za mwili. Asanteni

**Com. Zein:** Asante sana tafadhali toa hiyo memorandum huku na u-sign Juvanalis Kangoni karibu mzee

**Juvanalis Shiluvuka Kangoni:** My names are Juvanalis Shiluvuka Kangoni from Kabnyekwe box 419. I think all points of mine have being said and I only take this opportunity to strengthen that Laws should be imposed to every sector of the Government.

**Interjection, Com. Zein:** All the people to be equal before the law.

**Juwanalis Shiluvuka Kangoni:** Yes I think that would be what I would recommend thank you

**Com. Zein:** Asante sana kwa kuwa brief but precise tupate mkubwa mzee namwita Sirengo W. Wickliff

**Sireong Wickliffe Wafula:** Asante sana kwa majina naitwa Sireong Wickliffe Wafula mingi yamezungumziwa lakini sitakosa jambo la kunguzia kwa kabisa I would to talk something about the life span of Parliament – The parliamentarian themselves they should have a Council on which to determine its life. It should not be the duty of the President to do that, they should have a working schedule.

The presidency – the presidency should be ceremonial in a way in that case I do propose that the office of a Prime Minister should be there as head of Government. Prime Minister, the President office should be impeachable nobody should be above the law. We should not talk of somebody been above the law, the law should apply to any body.

I would want to mention something on education – I conquer with my fore talkers that primary education should be free and compulsory for all. Technical schools for us to go industrial by 2020 technical schools should be revived and given sponsorship by Government.

Privation should be limited and specifically this should concern the education sector and health sector. I do propose that private pharmacies should not exist in Kenya and Government pharmacies should be brought down to the people. I think we are unable to control some diseases because of this privatization. Liberalization of the economy should cease to apply – our industries cannot grow industrial unless we protect our private industries, so we should not be liberalized. This importation of cheap materials should be controlled

**Interjection, Com** (inaudible)

**Sireong Wickliffe Wafula:** Thank you. May be something else much of it has been talked about I will just finish off by talking something small about the natural resources. When it comes to these land issues – land issues I do propose that these private surveyors should not be there, we should just have the .....surveyors, all land should be property of the Government. So that this idea of people having junks of land should not be there. The maximum acreage somebody should have is two hundred acres, if yours are more than that it should be taken to the state.

On security – I do propose that to control this issue of street children, these overflowing land we should start projects where these street children those who are above ten years should be taken to those lands to work. Other than organizations coming up just soliciting for funds to take care of them, thank you.

**Com. Zein:** Thank you very much Bwana Sirengo sasa namwita George N. Wafula. George nilikuwa nimemwita ukiwa



unatoka usikie usinilaumu George. Mzee kuja hapa karibu kaka hapa karibu unakumbuka mimi nilikuwa na sema hakaja mtu mzee sana akiniambia anataka kusema mimi naampa frusa mara moja mzee nimempa frusa kwa kutumia haki hiyo.

**George Wafula:** Thank you Mr. Chairman I am George Wafula a student leader at Edgerton University. Mr. Chairman currently our beloved country Kenya is tribally torn into several pieces that.....of development Kenya into a piece. But at least I am .....the Constitution that we are reviewing is going to arrest the situation and make a united Kenya once it is implemented. I have made the following observations why we are so divided recently and the remedy to be undertaken. The past leaders and current ones have engineered tribal animosity by publicly uttering things at the expense of national unity for their political gains

**Interjection, Com. Zein:** Give him a chance to finish and

**Speaker:** Are you stating the points

**Com. Zein:** Who is chairing is it me or is it you. Excuse me (inaudible)

**George Wafula:** The past leaders and current ones have engineered tribal animosity by publicly uttering things at the expense of national unity for their political gain.

**Interjection, Com. Zein:** Ndungu yangu that is the reality we are only interested in recommendations

**George Wafula:** I think the Constitution should provide stiff penalty for such leaders and this include their suspension or expulsion from active politics. At the introduction of multiparty democracy so this country further divided and I think if the Constitution stated that we shall more than one party then it should provide the number of political parties that we must have and then it should finance them. In this case I propose a maximum of two or three at most. This will ensure healthy competition

**Interjection, Com. Zein:** You are proposing up to three parties. Eh ingine

**George Wafula:** If this is not done then the second alternative is to leave the Parliament to select President among the elected MPs.

On corruption which has lead to economically deterioration its my opinion that if somebody is found responsible of mismanaged of public funds should face capital punishment because it is most serious

**Interjection, Com. Zein:** Ha ha what you are saying is capital punishment for economic crimes of corruption sawa endelea

**George Wafula:** By the creation of new post that is of Prime Minister and his deputy I think the right minded Kenyan should

reject this proposal

**Interjection, Com. Zein:** Ndungu yangu when you think and you are asking right minded Kenyans to start thinking hiyo si proposal unatakaje kuhusu creation of new Government structures. What are you proposing?

**George Wafula:** I think the current structure should be retained

**Com. Zein:** Basi that is the President and Vice President

**George Wafula:** On appointment of Ministers by the President this should be abolished instead the President should make a list of proposal to be scrutinized by Parliament and if approved then such people automatically take the post. Most of these Ministers should not be elected MPs.

**Com. Zein:** Who will these Ministers be answerable to?

**George Wafula:** They should be answerable to Parliament.

**Com. Zein:** So the President does not run the Government

**George Wafula:** The Ministers should help the President but should not be elected Members of Parliament. Another thing if the police arrest a suspect and the suspect dies in police custody having not been proved guilty by the court. The Government must be responsible and compensate the family of the dead person.

**Com. Zein:** Dakika tatu zako zimeisha

**George Wafula:** And the President who has retired must be paid pension basing on what he has done while in office and if he is proved unworthy no pension should be available

**Com. Zein:** Is this applicable only to the President or all the workers in the country?

**George Wafula:** I think it should also be applied to all the workers in the country

**Com. Zein:** All the workers

**George Wafula:** Yeah

**Com. Zein:** And who will be judging whether they deserve pension or not?

**George Wafula:** I think the records

**Com. Zein:** Asante sana bwana George. Lakini ngoja George uko umesema wewe nio mwanafunzi wa university uko department ngani

**George Wafula:** Edgerton University

**Com. Zein:** Which department

**George Wafula:** I am in the Kenya science

**Com. Zein:** Okay please the register this is a lecturer from Edgerton that is why I was asking you. Doctor Kori unamjua Doctor Kori Goerge unamjua Doctor Kori? Sasa ninaita mzee. Mzee uje hapa ukae kaa hapo mzee na mzee mwingine anainua mkono mzee kuja mbele, kuja huku mbele. Hapana sitampa mzee ngoja mimi ndio Chairman. Nampa mzee nirudi kwa list watu wanne watano nirudi kwa mzee watu wanne watano nirudi kwa mzee namna hiyo. Wacha nieti majina matano tuheshimu umri, wacha tuite majina tano, sita ndio watu wajue vile wanakuja. Gilbert Wahungu, Nelson Wasimela, uko, Dickson Kahinga uko, Jackson Saiz, Wilfred Gitombo Tumboa., Councillor Justice B. Wafula, Nyongeza Hasambuli, Fred Wahongu uko. Elaijha Wafula. Joseph Waliaula. John Watimba, Remi Wamalwa, Anglina Wanyam huyu alisema. Rose Baraza alisema. Margaret Sikati. Evelyn Mandu hayuko. Mary Wafula. David Masinde, Kitui Eluid, Kitui. Wafula Samson, Richard Wafula, Benson Situma. Pius Mishiko, Pius Mishiko. Nelson wa box 84. Wanyonyi Baraza. Issac Jonathan uko sawa kwende na hao kwanza halafu ndio nitakuja kwa ili list ya mwisho kabisa. Mzee utaje jina lako halafu uendelee

**James Mayeiko:** Kwa majina mimi naitwa James Mayeiko na nimekuwa hapa tungu tuazishe scheme na nina proposals zangu kama mbili tatu ambazo nawekuambia Commission.

**Com. Zein:** Endelea

**James Mayeiko:** Jambo la kwanza kuna mingi imesemwa lakini mimi nasema kwa upande wa uchaguzi, kuchagua wabunge katika Constituency tunaona kuna area zingine ambazo wamachagua Wabunge wingi na population ya watu ni wachache

**Interjection, Com. Zein:** Hiyo imeshasemwa seme ingine kwa hivyo unataka watu wawe sawa katika kuchagua Wabunge sawa

**James Mayeiko:** Halafu lingine mimi naenda kwa upande wa baada ya mtu kurithi mali ikiwa mzazi amefariki na ukiwa na bibi. Mali ambayo mtu amefariki amewacha mjane na watoto waachie watu wa ukoo waendeshe kungawa hiyo mali. Kwa sababu unaweza kuwa na bibi ambaye unaweza kumpata hakiwa amezaa watoto pahali pengine, lakini akikuja kwako hakazaa watoto wachache na baada ya wewe kufa yeye anasema atarithi mali. Lakini hiyo mali alipata kama wewe uko nayo hawachie watu wa ukoo wawe wenye kungawa hiyo mali.

**Interjection, Com. Zien:** Na je ukoo uko na haki ya kumwambia huyu bibi asipate hata ktiu kidogo?

**James Mayeiko:** Hapana lazima bibi apate kitu kwa sabab ni yake. Halafu jambo lingine upande wa mashamba tumekuwa na shida kwa upande wa mashamba ikiwa watu wanangombana kwa ajili ya shamba – sasa hii shamba wale wanajua ukweli ni wale wako karibi nao, lakini kama mnangombana na mtu na kesi iende kotini lawyer anashika hiyo kesi na anafanya

**Interjection, Com. Zien:** Unataka aje? Wewe wataka kesi za mashamba yarudi kwa wazee wa nyumbani

**James Mayeiko:** Kwa wazee wa nyumbani ambaye wanajua shida ya mashamba

**Com. Zien:** Sawa ingine

**James Mayeiko:** Lingine mimi naona kwa upande wa President – President hakiwa anachagua Minister hii ministry ambayo President ana-create baada ya .....Inafaa kama Ministry ya Agriculture iwe Ministry ya agriculture hata ikiwa President atakwenda President ambaye anakuja

**Interjection, Com. Zein:** Kwa hivyo wewe unataka Wizara ziwekwe ki-sheria sio Rais anakuja anabadilisha

**James Mayeiko:** Ki-sheria na anabadilisha na kuweka zingine

**Com. Zein:** Hilo ni la mwisho?

**James Mayeiko:** Halafu mambo mingine kama sisi watu wa hapa tuna mila ambaye mtu ukiwa kama mwaka huu watu hutairi. Kuna disturi ya kutahiri kama watu wanatahiri ni lazima wategeneze pombe ya kinyeji

**Interjection, Com. Zein:** Sema pendekezo mzee

**James Mayeiko:** Pendekezo mimi nasema Serikali iwachie

**Com. Zein:** Pombe ya kinyeji iwa halali

**James Mayeiko:** Ya mwisho polisi tulipopata uhuru askari wamekuwa adui raia hawajui askari anafaa kumzaidia. Kwa hivyo raia ikiona askari anatoroka lakini anamwitaji akiwa na shida

**Interjection, Com. Zein:** Kwa hivyo unaitaji

**James Mayeiko:** Mimi nasema askari wawe karibu na mwanamchi

**Com. Zein:** Haiishi na watu. Asante sana mzee uje hapa ujiandikishe kwamba umetoa maoni kwa Tume ya Kurekebisha Katiba. Asante sana mzee kwa maoni yako sasa Nelson Nasirewa karibu mzee Wacheni kufanya funjo hapa ndungu yangu. Iko shida mkiwa na shida mnaenda kuona huyu program officer atajaribu kukutatulia hakishidwa atatwambaia sisi. Sawa endelea bwana na unadakika tano mzee wangu

**Nelson Nasirewa:** Jina Nelson Nasirewa natoka Sango Government – The type of Government we want I feel that we should have parliamentary Government. President as other speakers said to be ceremonial and the Prime Minister should run the Government. Appointments to be approved by the Parliament, as they said it should be two terms of five years each.

From there I go to the aged, people who are old. – If somebody acquires 65 years of age the state should take care of them. Medical facilities should be brought near as near as possible.

**Interjection, Com. Zein:** What is near as possible is its location

**Nelson Nasirewa:** On Sub-locational level and those who do not free should be given free. Primary education should be free

**Interjection, Com. Zein:** Lakini si hiyo imesemwa

**Nelson Nasirewa:** Imesemwa lakini the majority who have also matter

**Com. Zein:** Nitakwambia tu ukweli kabisa mzee wangu ikiwa unajambao ambalo halijasemwa uaze na hilo halafu ndio uridi kwa haya mingine usema na unga mkono hili au lile maanake muda wako ukisha na ujataja lile ambalo halijasemwa kabisa litapotea na utaenda nalo nyumbani

**Nelson Nasirewa:** Land ceiling highest acreage should be a hundred acres and minimum should be ten. Then at the same time if the state will find out that the land acquired from the officials was illegally acquired that land should be repossessed it should

be given to the landless

**Interjection, Com. Zein:** Una hiyo idea sasa nobody has spoken about that the whole day. The repossession of illegally acquired land

**Nelson Nasirewa:** Not only land but property. Any officer who is found dealing with corruption and the case is in the court should it doesn't matter whom it is even if it is the President should not continue working until the case is finalized.

**Interjection, Com. Zein:** Ya mwisho mzee wangu

**Nelson Nasirewa:** Corruption in Kenya – we want a good Commission appointed by the Parliament to deal with corruption cases whereby we don't want Kangaro courts in the courts in the country. Kangoro courts are so many in the country especially relating to the brews. We that I leave

**Com. Zein:** Asante sana kuna swali hapa

**Com. Mosonnik:** If the Busaa is legal and there would not be Kangaro courts so do you want the Busaa to be legalized or not? Because the reason there is kangaroo courts is because it is illegal is that the case?

**Nelson Nasirewa:** Busaa should be legalized only busaa

**Com. Zein:** Una mtu yeyote ambaye ana jambo hapa ambalo lijanguzwa na mtu mwengine yeyote. Jambo ambalo lijanguzwa na mtu yeyote kabisa haya kila mtu analo hivyo wacha nirudi kwa list. Dickson Kahiga

**Dickson Kahiga:** Mimi kwa majina ni Dickson Kahiga na ningependa kutoa mapendekezo ya fauatayo kwa Tume yetu ya Katiba. Jambo lamwaza ni Kilimo – katika sehemu yetu ni sehemu ya kilimo ambayo ningependekeza kwa Tume yetu Serikali ituzaidie vivaa vya ukulima.

Jambo la pili ituzaidie jisi ya kuuaza vyakula, na jambo la tatu katika Katiba mpya ningependekeza eleimu ya msingi iwe bure na elimu ya secondary nayo tuko na jamii ambazo hawajiwezi – Serikali hihakikishe mzaada ambayo inatolewa inafakia wale ambao wanaitaji. Isiwe tu amenda na haikufikia yule mtoto hakupata elimu.

Jambo la mwisho Katiba yetu ningependekeza rais ambaye ako kipindi chake kipunguzwe. Na tuwe na rais na mzaidizi wake lakini hii iwe ikitetezwa kwa kila province, tukiwe na Province nane kila province ipate kukula cake ya kuongoza nchi yetu. Kwa hayo asanteni.

**Com. Zein:** Asante mzee kwa kuwa very brief. Fred Wafungu

**Fred Wafungu:** My name is Fred Wafungu Chairman of various boards of governors of schools. The first one that has not been touched that Parliament shall be empowered to amend sections of the Constitution only if 75% of the elected members endorse the same. This should be limited to such sections that would otherwise require a simple majority. Any major amendments to the Constitution to require a referendum to be contacted by the Electoral Commission of Kenya.

**Interjection, Com. Zein:** Hiyo ndio mpya mzee?

**Fred Wafungu:** I was not there when you started. On Kenyan Identification Kenyans should be given passports alongside ID automatically at the age of five. Political parties being societies should be subordinate to the state power even if a particular political party wins a majority vote and form the Government. We should retain the presidency with limited powers and impeachable. The number of Ministries should be limited to eighteen fixed. Public servants appointments should be vetted by Parliament and only then can we stick to presidential appointment.

Being a member of Parliament should be fulltime not part time to avoid corruption. Immoral people in society should never hold any public office elective or otherwise. MPs should take instructions from the electorate not the way round and they should also be impeachable. We should leave the vacancies of nominated MPs to special interest groups i.e. disabled, women and civil society representatives. No defection during the life of parliament from one party to another. MPs who defect should be banned from contesting the resultant by-election.

We should adopt a Government of national Unity or coalition parties.

**Interjection, Com. Zein:** Muda wako umeisha tupe neno lako la mwisho

**Fred Wafungu:** The President should not be given the powers to dish out national resources okay they are many but I think you will read them as I go.

**Com. Zein:** If you have a memorandum we will process it. John watiba una dakika tatu kama wezako

**John Watiba:** My name is John Watiba and I have the following proposals

- 12) The President to be a President of the republic but not of some political party or zone.
- 13) Civil servants and all Government officials to be banned from business deals to eliminate corruption
- 14) Freedom of worship should be allowed daytime but some other times the DC should be informed

- 15) Continuous exercise of registering voters
- 16) Processing of ID to be done on divisional levels and within a short period
- 17) Cost sharing to be abolished in public hospitals whereby all Kenyans to get free treatment
- 18) Civic education to be day to day issue so as to teach many citizens their constitutional rights, de-corrupt peoples mind and place them in a mode of multi-partism
- 19) Productive areas should be given a priority of constructing tarred roads.
- 20) Police, army or other security department should be empowered to elect their big officers
- 21) Money given out to MPs or Councillors for developing their ward or constituency to have a Commission to make a follow-up
- 22) Quality education and free primary education to all regardless of private or public schools.

**Com. Zein:** Muda wako umiesha nakupa sekunde kumi kumaliza

**John Watiba:** Thank you

**Com. Zein:** Umemaliza asanta sana kwa kufipisha namani hiyo urudi hapa uandikishi jina Wafula Muhedi

**Muhedi Wafula:** My names are Muhedi Wafula I come from Shivakul Sub-location am the Border border Chairman for that Sub-location. Briefly I will look at the Constitution itself – The Constitution should be made available to the people that is my proposal. It should be locally available that is to be interpreted into in local languages.

Under Constitutional supremacy I propose that the Parliament amend the Constitution by 80% majority vote and not the 65%. The Parliament should be allowed to amend the Constitution when need be that is to allocate funds for Constitution amendment. Funds should be allocated.

The I come on the point of citizenship – Citizenship should be granted with caution especially to foreigners because some come to exploit the economy and then leave the country for their mother states.

Then on political parties they should be a limit in formation of political parties e.g. we should retain two political parties either ruling or opposition. Then political parties should be funded equally by the Government. The Legislature – The functions of Parliament to be expanded i.e. the Parliament should be covered live in TVs in Radios.

**Interjection, Com. Zein:** (audible)



**Muhedi Wafula:** Lastly I say MPs should act on behalf of the people who elected them the local brew to be legalized.

**Com. Zein:** Asante sana Bwana Wafula tafadhali uende pale ujiandikishi utoe jina lako pale Benson Shituma

**Benson Tuma:** Kwa majina naitwa Benson Tuma maoni yangu ya kwanza nasema hivi. Kwa mimi binafusi ninashida ya makao, kama mimi ni mwana Kenya wakati Kenya ilipata uhuru mwaka wa 1963

**Interjection, Com. Zein:** Hilo no jambo la historia ambayo tunaifahamu vizuri tupe mapendekezo unao taka wewe

**Benson Tuma:** Pendekezo yangu nataka makoa

**Com. Zein:** Kila Mkenya apate makao

**Benson Tuma:** Kila Mkenya apate Makao. Mwanakenya mwneye ambaye ako na hekari nyingi hakuwe na hekari amusini na masikini hekari saba. Na masomo ya msingi ikuwe ya free na ya secondary wateremshe karo., irudi chini.

**Com. Zein:** Na University?

**Benson Tuma:** University watoto masikini wapewe loan na matajiri wasipewe kawa sababu hao wanajiweza. Mfanyikazi awe na kazi moja, asiwe na kazi mbili ama tatu kwa sababu ananyangaya wengine.

Kutegeneza Katiba – Mtegeneze Katiba kila mwananchi hakiwa mzee, mtoto haelewe Katiba ni nini. Watu kama Mayor – Mayor achaguliwe na wananchi si ma-councillors. Ma-chief – Assistant Chief ama Chief wapigwe kura ya mlolongo, hafai kuchaguliwa tu kwa ajili amrfanya mambo gani.

Matibabu kama sisi wanakenya tupate matibabu ya bure kwa sababu unaweza kuwa na shida lakini ukienda kwa hospitali wanasema utoea pesa kama huna wanaacha hapo unakufa. Yangu ni hayo tu.

**Billy Nyongesa:** Kwa majina naitwa Billy Nyongesa pendekezo la kwanza kwa upande wa haki ni kwamba wale ambao wanafuta sigara waweze kuwa na sehemu maalum kama vile bar.

Point number mbili ni kwamab kuwe na uhuru wa kuabudu hasa katika mashule ni kwamba ikiwa wale wanaoabudu siku ya Sabato ama jumapili waweze kupewe nafasi zawa.

**Interjection, Com. Zein:** Tumelewa unataka Sabato iwe recognized

**Billy Nyongesa:** Uchaguzi usifanywe siku ya jumapili ama siku ya Sabato ili watu wote waweze kuwa na uhuru wa kupiga kura.

**Com. Zein:** Haya tatu zimeisha wanafunzi hawafai kufundishwa imani ambaozo si zao. Ngoja mzee Commissioner ana swali

**Com. Mosonik:** Umesema Jumamosi na jumapili na ijumaa wakati waisilam wanabudu?

**Billy Nyongesa:** Hayo ni mapendekezo ikiwemo hata na hiyo pia waweze kupewa nafasi yao

**Com. Zein:** Haya anafuatia ataji jina lake mara moja

**Issac Waseke Watina :** Majina yangu ni Issac Waseke Watina, Senior citizen. Niko na point tatu vile umesema – concerning Legal reforms what needs to be done some laws should be reviewed or amended and this are the laws to be changed.

**Interjection, Com. Zein:** Nipe mapendekezo

**Issac Waseke Watina:** Mapendekezo yangu the preservation of public security act should be retrieved.

**Com. Zein:** Hiyo ishaondolewe haiko kwa Constitution ni hii hapa

**Issac Waseke Watina:** The public order act should also be repealed

**Com. Zein:** Na kukiwa kuna funjo imaanishe nini?

**Isaac Waseke Watina:** It should be amended cleverly. The deformation act and section of the penal code dealing with petition should be amended. The Societies Act should be repealed or amended. The Chief Authority Act which gives local administrative chief wide powers should also be removed.

**Interjection, Com. Zein:** Hiyo iliondolewe hata ma-chief wanalalamika warudishiwe

**Isaac Waseke Watina:** So the Constitution that we need to make should be strengthened by prohibiting arbitrary arrests because very many people are being arrested arbitrarily a warrant of arrest.

**Interjection, Com. Zein:** Haya ha mzee hiyo nimeelewa. Asante sana.

**John Wafula:** Kwa jina ni John Wafula mwalimu wa shule ya msingi Kwanza nitaanza na basic rights kwa upande wa wanaume na wanawake, about equality. Hiyo tumechukua vibaya wacha iandikwe iwe hivi iwe haki ya wanaume na haki ya wanawake na haki ya watoto siyo equality hatuwezi kuwa sawa hata wanaume peke yake hawajakuwa sawa.

Ya pili education curriculum iwe planned by experts sio wanasasia vile ilikuwa ya 8-4-4.

Ya tatu Presidential benefit iwe attached kwa uongozi mzuri isiwe tu tentative tu kwa kila President mwingine amefanya mabaya na apewe la.

**Com. Zein:** Unajua hii form four ilikuja baada ya Tume ya Mackey from Uganda ulikuwa unajua hiyo?

**John Wafula:** Ilikuwa moja tu lakini Wakenya wenyewe hawakuambiwa. Ilikuwa imported na ikaletwa hapa na hatukujua

**Com. Zein:** (inaudible)

**John Wafula:** La mwisho we should encourage nationalism to encourage Kenyan unity tuwache mambo ya ukabila ndani yake nataka hiyo.

**Com. Zein:** Anayefuatia ni Reuben utaje jina mzee wangu

**Reuben Chandayi:** My name is Reuben Chandayi I come from Naitiri Location Tongeren Division Bungoma District. I have just find that the question on that booklet and I will just read the answers to the questions asked.

**Com. Zein:** Give us your views, do not read.

**Reuben Chandayi:** Nitasoma tu kidogo halafu nimalize.

Executive: The Constitution should set limit on Presidential powers. The President should not be above the law because God is the law maker.

The President should be subjected to the law of republic of Kenya

**Com. Zein:** That is same as the previous point.

**Reuben Chandayi:** President can be sued or sue. The Constitution should provide for the removal of the President for misconduct while in office.

If the President is found in any scandal or corruption (interjection)

Ya mwisho the President should protect the Parliament by maintaining the law of the country. The President should not be a member of Parliament. Ya mwisho nafikiri nimemaliza tu kwa maana ile ingine imeandikwa ilikuwa ni, Kenya should not remove their income to take it outside the country.

**Richard . Nambacha:** Kwa majina mimi ni Richard Nambacha ambaye ni part of that. Katika settlement scheme of Western Province. Mimi ni mkulima niko na shamba hapa settlement scheme hapa sublocation.

Mimi ni mkulima ambaye ninalima mahindi. Mimi nikilima mahindi nikitaka kukuzuia napata tu watu tajiri unaenda Uganda unaleta unanunua mahindi kwa bei ya shilling nane. Unakuja unaleta kuuzia hapa sasa mahindi inazorota hata wanauza kwa gorogoro shilling nane hata sisi kwa hamu hatuna. Hapo nataka serikali irikebishe

**Com. Zein:** (inaudible)

**Richard Nambacha:** Tena miwa unaleta sukari unauzia hapa hata sisi tunazorota hata hamu ya kupanda miwa tunakosa. Mimi nimeona kwamba Electoral Commission hasa Constituency hii yetu ya Kimilili ni kubwa sisi tunataka irekibishwe wa-subdivide na tena (interjection) mara pili. Tena the office of the President to consist of the senior Minister the assistant Minister that is the Executive. I should like Minister to appoint the President instead of the President to appoint ministers.

**Com. Zein:** Nani ata-appoint the ministers

**Richard Nambacha.** The minister in the Legislative Council.

**Com. Zein:** The MPs wanachagua ministers na ministers wanachagua President sawa ?

**Richard NambachaL:** Ya mwisho ngoja, ngoja kwanza. Take for example if we have got a dispute in the home the wife and the husband. So instead if you had your wife, we want the government itengeneze hii iwe ikimaliziwa tu nyumbani kwa wazee kuliko kuumiza mmoja kwa hao watu ama kumpeleka kwa jela kwa hivyo tunataka irekebishwe.

**Com. Zein:** Watu wakigombana nyumbani kwa ndoa mambo yapelekwe kotini lakini mambo ya nyumbani yatataliwe na wazee.

**Richard Nambacha:** Iwekwe kwa wazi just that.

**Com. Zein:** Sasa ni wewe Timothy.

**Timothy Wanjala:** Kwa majina naitwa Timothy Mukoyani Wanjala kutoka Sirakari sublocation. Ningependekeza kwanza mwananchi wa kiwango cha chini apewe uwezo wa kumuinua kifedha zaidi hata mkulima.

Dini ya msambwa iruhusiwe na kuhubiri kama dini nyingine.

Mpaka udiwani uheshimiwe na kubaki vile ilivyokuwa kuliko kuunganisha.

**Com. Zein:** Haya anayofuata Jotham Kwamba karibu uketi

**Jotham Kwamba:** Asante sana Bwana Commissioner; Ninaitwa Josam Samba Wabomba. Mimi ni wa Naitiri location. Naanza na kipindi cha kwanza. Wanawake wasiwe juu sana kuliko mwanamume .

Tongeran na Kimilili igawanywe mara ya pili wa Kimilili wawe kwao na sisi tuwe hapa.

Ya tatu watoto wote wa Kenya ni wa serikali wasome bure.

Chief wapunguzwe amri yao hiyo mamlaka wananyanyasa sisi.

**Com. Zein:** Asante mzee. Tony . C. Johnstone Mutungu endelea

**Mutungu Jonestone:** Thank you very much sir having given me this time. May I just start by giving out my first proposal.

My names are Mutungu Johnstone. The Presidential powers should be limited in this manner instead of the President being above the law because this is what brings government dictorial instead should be given much more authority than the organ of the President.

Anybody who reaches the age of marrying and made such a hooker should at least show honour to the biological parents of the girl he has married by giving out the necessary awareness that is needed.

The government instead of spending much money on luxuries and allowances for the civil servants and maybe the political leaders they should also consider those below the poverty line, on education purposes at least provide education for the poor in primary level. Those ones that are above the poverty should be left free to educate their kids.

**Com. Zein:** Bwana Naele.

**B.K.Naele:** Jina langu kwa ufupi naitwa BK. Naele, nina miaka 81 nakaa mbakalo katikati ya Naitiri.

Neno langu la kwanza nitasema kwa mtu akipatikana amekufa, na Chief anatuma maneno wakimchukua huyu mtu wakimpeleka hospitali wakamuacha huko sasa taabu inawarudia mjane na ile watoto mayatime tena. Nataka wabadilishe hii sheria ilikuwa ya wakoloni walikuwa wameweka mafuta ya kumpeleka

**Com. Zein:** Mambo ya wakoloni ni mambo ya wakoloni.

**BK. Naele:** Hiyo tu basi umesema kama mimi nataka kusema .

Neno la pili ni watoto kusoma. Kuna wazazi wawili mwingine yuko na mali na mwingine hana mali au kwa umri ya uzee kama sisi namna hii sasa wakipata bursary ya kutoka kwa serikali inatakiwa ipitie kwa Chief au kwa DO lakini ikipitia kwa shule hao walimu tena wanaongeza wale watoto ile wenye wako tena na pesa badala ya kumsaidia huyu mtoto maskini

**Com. Zein:** Sasa niseme Chief na wazee.

**BK. Naele:** Neno la pombe, sisi sana kuna pombe ya aina mbili. Wengine wanakunywa na wengine vile wanakaanga inaitwa pombe lakini si ya kuweka kimila Sasa ukiniipata mimi sikinywi pombe lakini wananishika wanasema ati nilipata huyu ni pombe na pengine mimi na mkristo au sikunywi pombe.

Nataka sheria hii ibadilishwe wajue pombe na ile pombe ile imekarangwa hiyo ni chakula ya kuweka wazee.

Neno la mwisho mimi nataka utawala uwe wa kutoka kwa chama si kwa royal. Hiyo mimi nataka hiyo Kenya ichaguwe mtu kuwa President apigiwe kwa chama. Si kwa ukoo au kwa royal .

**Com. Zein:** Haya malizia utatupa memorandum.

**BK. Naele:** La mwisho sisi tuna vita kwa koti wabadilishe maandishi juu ya Kiswahili watu wanawesa maneno ya Kizungu na pengine wazee au wengi siyo wamesoma.

**Com. Zein:** Ungesema mzee lakini lugha ya kuandika iwe ya Kiswahil

**BK. Naele:** Kiswahili ni hiyo tu.

**Com. Zein:** Asante sana.

**Boniface :** Mimi kwa majina ni Banface, ni mzaliwa wa Bungoma District. Mimi points zangu ni tatu. Ya kwanza ni mamlaka ya President, yaani mamlaka ya President ipunguzwe.

**Com. Zein:** (inaudible)

**Boniface:** Ni moja ile ambayo mimi nimefikiria ni kurunja Bunge, President awachie Speaker.

Pili upande wa raia wa Kenya ni lazima serikali ifikirie kusaidia raia wa Kenya kifedha.

**Com. Zein:** (inaudible)

**Boniface:** Yaani kama wakulima wadogowadogo kwa sababu matatizo inakujia kwa ukulima wasaidiwe na loan.

La mwisho ni utawala wa nyumbani, yaani ma- chief. Kwanza ni lazima wachaguliwe na wananchi be appointed by the President.

**Com. Zein:** Haya sasa ni Joseph, mzee ni wewe time yako sasa

**Joseph Khisa :** Asante mimi kwa majina naitwa Joseph Khisa ni mzaliwa wa hapa Bakalo location. Mimi mwenyewe kwa umri wangu huu nina miaka sabini nina mapendekeza yangu ambayo nimeiweka hapa. Ya kwanza ni misaada kutoka nchi za ngambo ambayo inakuja kusaidia wananchi wa Kenya. Uje kwa uhaki kwa wananchi wa Kenya ambao sasa tuko million 30 tufaidike watu hao million 30 wapate kuziona.

La pili ni dawa tupate dawa free katika mahospital ma –health center free ili wananchi ambao hawajiwezi tupate dawa free ili tuzuie vifo ambavyo viko kwa saa hii ambao watu hawana pesa. La tatu kuhesabu kura mimi napendekeza wakati tunaenda kwa polling station wale ambao wanagombea vitu kuhesabiwa hapo hapo kila polling station mshindi aliyoshinda atanazwe hapo kirasmi. .

La nne usaidizi kwa wale watu ambao wafanyi kazi nao wananchi wa Kenya hawajiwezi wapatiwe mshahara wa kila mwezi ingawa hatufanyi kazi. Yangu imekwisha.

**Com. Zein:** Asante sana uende pale ujiandikishe.

**Nelson Mangoli:** Jina langu ni Nelson Mangoli. Kitu cha kwanza ninasema tuwe na majimbo katika nchi hii yetu ya Kenya.

Parastatal bodies companies ziajiriwe na Bunge badala ya Rais.

Adabu irudishwe katika shule zetu za msingi na

**Com. Zein:** Ujiandikishe Moses Cheloti

**Moses Cheloti:** Mimi naitwa Moses Cheloti ningependa kuongea juu ya uchumi wa nchi yetu ningependekeza kwamba ma office ya serikali has ya Ministries na mengineo makubwa makubwa ambazo nchini kote ili uchumi wa nchi yetu iweze kufikia kila mwananchi.

Mashamba yetu na baadhi ya watu ambao wamenunua mashamba nchini mwetu na kabla ya kumalizika kupewa title deeds mwenye anauza shamba anafariki, na serikali yetu inatulazimisha sisi tena kusikilizana na muridhi wa shamba badala ya kuendelea kutuzageni na kutupatia title deed tunaanza upya tena.

Serikali tunataka katika Katiba iwekwe kipengele cha kuchunguza hiyo nafasi.

Vyakula vyetu ambavyo tunapanda ni sawa na mimea mingine kama miti ambayo sisi wenyewe tunapanda lakini tunalazimisha na ma Chief kwamba ukitaka nyumba lazima upate permit ili ukate mti wako hata kuni peke yake. Kwa hivyo sisi niwe na uhuru wa kukata miti yangu mimi mwenyewe .

Kwa makanisa pia ningependa kusema kwamba serikali yetu iangalie juu ya utajiri wa makanisa na madini mengine ambayo yanaendelea kuzajidiwa nchini kwetu kwa sababu mengi yao yanawapotosha wananchi wakigeuka kuwapotosha kwa njia isiyofaa.

Halafu mbolea ningependekeza kwamba mbolea inayoagizwa kutoka ngambo kwa bei rahisi ikifika nchini Kenya isitoshwe ushuru ulio mkali sana ili mwananchi aweze kujimudu kununua hiyo mbolea na kupanda nafaka. Rais wetu wa Kenya apewe pia na Waziri Mkuu ili wasaidiane kazi nchini kwetu Kenya. .

**Com. Zein:** (inaudible)

**Edward Kasinde:** Mimi ni Edward Kasinde. Pendekezo langu la kwanza ni hivi. Vijana wadogo ambao hawakufanyikiwa kupata kazi hapa Kenya serikali iwapatie mikopo kuanzia miradi yao.

Tunataka office ya kukutawala zote kwanza kwa office ya assistant chief mpka kwa office Rais ziwe wazi kwa wazelendo wote bila kuchunguza zura zao. Maana yake mzee wangu kuna baadhi ya watu ambao hawana uwezo, yaani hawana fedha.

**Com. Zein:** Chief anaitisha pesa?

**Edward Kasinde:** Ombi langu la mwisho ama pendekezo langu la mwisho ni hivi, tunataka kuwe independent council hapa Kenya ambazo zinachunguza rasilimali za nchi pamoja na ufasidi.

Langu la mwisho liko hivi pia tunataka serikali ikanishe wazalendo kwa kuwapa wote wakuwako mashamba na kuwapa huduma utuma za ubinadamu zote zinazowafaa kwa sababu wazalendo ndio rasilimali kuu ya Kenya.

**Com. Zein:** Kuna Mkenya yeyote ambaye alikuwa anataka kutoa maoni na hakupewa fursa? Mzee wewe ulitoa maoni ? Nauliza swali munisikize vizuri halafu mjibu kuna Mkenya yeyote ambaye alikuwa anataka kutoa fursa ya kuzungumza na hakupewa fursa?

**Abdulla Aziz:** Shukrani sana mwenye kiti. Langu lilikuwa ni fupi kwamba Katiba ya Kenya ikubali – jina langu ni Abdulla Aziz ---- kutoka Naitiri location. Ningependa kuongezea ya kwamba Katiba yetu tunayoitengeneza iwekwe section ya kuweza kuwaruhusu baadhi ya viongozi wa Kenya wakiwa na shida wanaweza kuandikia umoja wa maitaifa kuja kujadili jambo linalohusu wananchi ikiwa imekuwa vigumu,





