

**CONSTITUTION OF KENYA REVIEW COMMISSION
CKRC**

VERBATIM REPORT OF

**CONSTITUENCY PUBLIC HEARINGS,
KIMILILI CONSTITUENCY
TONGAREN CATHOLIC CHURCH**

ON

2nd AUGUST 2002

CONSTITUENCY PUBLIC HEARINGS, KIMILILI CONSTITUENCY

HELD AT TONGAREN CATHOLIC CHURCH HALL

ON 2nd AUGUST 2002.

Present

Commissioners

Com. Abubakar Zein Abubakar

Com. Dr. Mosonik Arap Korir

Com. Isaac Lenaola

Secretariat Staff In Attendance

Hassan Mohammed - Programme Officer

Joyce Wamucii - Asst. Programme Officer

Marion Nekesa - Verbatim Recorder

The meeting was called to start at 10.00 am with Com. Lenaola in chair. Bwana Wafula the chairman of 3Cs opened the meeting and invited Father Alois for the opening prayer. The chairman of 3Cs Joshua Simiyu also talked . Com. Isaac Lenaola introduced his CKRC staff.

Wafula: Tongaren Parish, the chairman of 3 C's Kimilili and other members who have to attend this meeting, I say good morning.

Audience: Good morning.

Wafula: We are starting and I would like to welcome the commissioners and all of you who have come to attend this very important occasion of Constitution Review Commission of Kenya presentation of the memorandum. I will therefore want to say bwana commissioners, you are highly welcome and we also want to thank you for giving Tongaren a centre for this important occasion. So to start with we shall start with a prayer said by Father Alois, Father in charge of Tongaren Parish. Father Alois you are welcome. Karibu Father utuombee na ndiyo tuendeleo kwa maoni mengine.

Father Alois: Ningelipenda tumualike Mwenyezi Mungu kati yetu kwa sababu ndiye anayetuwezesha kukitenda na

kukitekeleza chochote katika maishani mwetu. Kwa jina la Baba la Mwana na la Roho mtakatifu.

Father Alois & Audience: Baba yetu uliye mbinguni, jina lako litukuzwe, ufalme wako ufike, utakalo lifanyike duniani kama mbinguni, utupe leo mkate wetu wa kila siku, utusamehe makosa yetu kama tunavyosamehe waliotukosea, usitutie katika kishawishi lakini utuokoe maovuni.

Mwenyezi Mungu twakushukuru kwa wema wako, twakushukuru kwa uongozi wako. Twakushukuru kwa minajili ya vipaji mbali mbali ambavyo vimetujalia kwenye commission yetu. Twakushukuru pia kwa minajili ya siku yetu hii ya leo ambapo umetuwezesha tukusanyike hapa kwa pamoja ili tuweze kuyazungumzia na kuyajadili yale yanayohusu maisha yetu. Twaomba uweze kumuongoza kila mmoja wetu utakuongoza na kutuelekeza ili ya kwamba yale yote tutakayozungumza, yale yote tutakayojadili Mwenyezi yaweze kuwa ya kuaboresha maisha za wanakenya wote, yaweze kufanya hata nasi tuweze kupata nafasi ya kugenea karibu nawe zaidi na zaidi katika maishani mwetu.

Na tujalie amani, tujalie upendo na uongozi na uelekeze kutoka kwako, ila ya kwamba tunapotimiza wajibu huu, tuendelee kulisifu na kulitakaza jina lako katika maisha yetu kila wakati.

Naomba haya kwa njia yetu Baba yetu. Amen.

Audience: Amen.

Father Alois: Rehema na baraka zake Mwenyezi Mungu ziweze kuwashukia na Baba Mwana na Roho Mtakatifu. Amen.

Wafula: Thank you very much Father. Kwa hivyo wale ambao wamefika tungependa kuwapatia mwongozo wetu wa kazi.

Kwanza nitawakaribisha katika kituo hiki na kwa hivyo ukiingia upate kujisikia kwamba uko huru na uko na nafasi ya kushiriki katika kazi ya leo. Na bwana commissioners vile mumeka mnakaribishwa kabisa na mjisikie nyumbani hapa Tongaren. Hapa nitawaonyesha kwamba vile tumekaa ukiwa na nafasi pengine ya kujisaidia tuko na nyumba zetu ziko hapa nyuma. Utafuata tu hii corridor kati ya field na kanisa utaziona ziko hapo nyuma. Na ikiwa pengine unatakiwa na tatizo lingine mimi nitaweza kuangalia vilivyo. Kwa hivyo ningependa kusema kwa ufupi kwamba karibu sana.

Nitachukua nafasi hii nimkaribishe bwana chairman wa Kimilili Constituency kwa maneno ya kurekebisha katiba yetu, Professor Njasi. Please you are welcome.

Prof. Joshua: Asante sana bwana Wafula. Nataka kuchukua fursa hii kumualika kwa huu mkutano. Kwa majina naitwa Joshua Njasi, mimi ni mwalimu wa chuo kikuu cha Egerton na simamia CCC Constituency Commission Constitutional Committee ya Kimilili. Sasa leo ni siku ya muhimu kwa sisi sote hapa. Hamjawahi kuchangia katiba yoyote ya Kenya. Tumekuwa independent, tumekuewa huru kwa miaka karibu arobaini na sasa mko na nafasi ya kihistoria kuchangia kurekebisha constitution. Katiba ni sheria kuu ya nchi yeyote. Hiyo ndiyo inalinda masilahi yetu sisi zote na mumepewa nafasi kusema hii sheria si mzuri tunataka hivyo na vile. *Khulomalome bila biru tawe. Maulile.* Kuongea bila kuogopa mtu yeyote, sema kama kitu iko oppressive law sema hii tunataka irekebishwe. Hawa commissioners watachukua kila neno mnasema na litakuwa kwa katiba yetu. Sasa munakaribishwa, please feel at home.

It is our country we want to reform the constitution for ourselves and the generations to come. So feel at home to make your suggestions as clearly as possible. Nataka niseme jambo moja kama sijamaliza msikie. Kwa stories pendekeza kwa maana tunajua matatizo ambayo iko, wewe pendekeza ili tusimalize wakati. Kama mtu ametaja jambo na umeandika kwa memorandum yako utapeana hapo na useme tu mimi napendekeza one, two, three, four, halafu tuendelee mbele.

Now may I hand over to the commissioners to start their work. Thank you so much.

Com. Isaac Lenaola: Asante sana Bwana Simiyu. Ningependa sasa kutambua hiki kikao kama kikao rasmi ya tume ya marekebisha ya katiba. Na kabla sijaendelea, ningependa kuwajulisheni ma-commissioners ambao tuko nao leo ambao wamekuja kuwasikiliza nyinyi. Kwa upande wangu wa kulia ni Commissioner Abubakar Zein Abubakar.

Com. Abubakar: Habari ya asubuhi

Audience: Salama

Com. Lenaola: Kwa mkono wangu wa kushoto ni Commissioner Dr. Mosonik Arap Korir

Com. Mosonik: Hamjambo wananchi

Audience: Hatujambo

Com. Lenaola: Nami naitwa Commissioner Isaac Lenaola. Pia tuko na wanatume wenzetu ambao wanatusaidia kwa kazi ya leo. Kwanza kabisa ni kiongozi wa group hii ya ku-tape Bwana Hassan Mohammed ambaye ni Programme Officer, karibu naye ni mdogo wake Joyce Wamucii, kando yake ni Marion Nekesa ambaye ni Verbatim Recorder. Asanteni.

Sasa ningependa kuwajulisheni ratiba ya kufanya kazi leo kwamba ya kwanza vile mumeingia mumejiandikisha kutumia hii registration form na nitaita majina kulingana na vile mumejiandikisha. Mtu wa kwanza mpaka mtu wa mwisho. Kwa hivyo kama haujajiandikisha rudi pale ujiandikishe ndipo nipate nafasi ya kukuita. Jambo la pili nikikuita, ngoja kidogo nimalize utakwenda baadaye. Keti tu kidogo, keti kwanza.

Jambo la pili nikikuita utakuja hapa utaketi, utasema jina lako na kwanza kutoa maoni yako. Kama uko na maandishi, memorandum tupe tuangalie, highlight hizo points important kwa hiyo memorandum. Usiseme neno kwa neno kwa sababu baadaye tume itapata nafasi ya kusema neno kwa neno. Kwa hivyo leo tu ukija sema machache kati ya hiyo maandishi yako. Lakini kama ungependa kupeana memorandum bila kuzungumza utaenda kwa Hassan pale ukapeane memorandum ikiwe registered na uketi pale nje ama uende mahali pako. Ama ukitaka kuzungumza bila maandishi, bila memorandum utakuja hapa kusema jina lako na kutoa maoni yako. Na ukija hapa kila mtu ako na dakika ngapi? Tano.

Kwa hivyo ukija hapa ukatoa maoni yako bila kuchunguza wakati vile chairman amesema ukija kutoa shida nyingi hatuna barabara, hatuna maji, hatuna mashamba bila kutoa mapendekezo haitakusaidia. Kwa hivyo toa shida, pendekeza, recommend.

Tumelewana mpaka hapo, are we clear up to there?

Audience: Ndiyo.

Com. Lenaola: Okay lugha ya kutumia ni ghani? Tungependa sana kwamba ukija hapa utumie kingereza ama kiswahili. Lakini kama uko na shida kwamba haulewi kingereza na kiswahili, basi tumia kibukusu kama uko na shida sana lakini tungependa utumie kiswahili na kingereza kwa maana kama mtu aki-translate vile ungesema kuongea mara mbili na muda utapotea. Kwa hivyo lugha ya kiswahili ama kingereza ama kibukusu.

Jambo lingine ukiwa hapa na baada ya kutoa maoni tungependa maswali kwako maswali ya ku-clarify yote umesema tutakuuliza kidog ubaki tukusalishe kama uko na jibu utatupatia kama huna jibu utasema huna jibu na unaenda. Tungependa pia tuwe na heshima katika mkutano, hatupendi kwamba mtu akija hapa na atoe maoni upinge vile anasema, unampigia makelele, unamwambia wewe kwenda huko, sipendi vile unasema. Hatupendi hiyo. Mtu anakuja atoe maoni yake kibinafsi, wewe ngoja ukiitwa kuja useme mimi sipendi mambo hiyo, mimi napenda mengine. Lakini kila mtu apate nafasi ya kusema maoni yake bila kusumbuliwa ili tupate heshima ya mkutano.

Jambo lingine Marion Nekesa pale ako na chombo cha kunasa sauti. Na ile tape recorder pia ni verbatim ukipiga makelele hapa hiyo recorder inachukua makelele tu. Kwa hivyo tungependa kwamba tuwe na utulivu bila makelele ili chombo ipate kunasa maneno yenu ya maoni na si makelele peke yake. Kwa hivyo ukitaka kuzungumza nenda nje na rafiki yako mkazungumze halafu urudi na kuketi bial makelele. Nafikiri kama kuna mengine tutaongezea baadaye lakini kama tumelewana mpaka hapo bila ya kuzungumza am I a ...(inaudible)... So we can start. Ama kuna mtu ako na swali. Hakuna swali, tungependa kuanza na mtu wa kwanza kuzungumza ni mzee B.A. Alenga.

Alenga B. A. : Asante commissioners na wale mumekuja kusikiza mambo ya katiba siku hii ya leo. Kwa majina naitwa Benson Apolo Alenga. Nikiwa mwakilishi mmoja wa mawakilishi wa Agadhiki Development Organisation, tumeandika memorandum ambayo tunaweza kupeana kwa commission lakini nitataja mambo machache ambayo ni haswa niyataje kwa muda mfupo ambao nimepata. Memorandum yetu inaanzia kutoka kwa preamble hadi mwisho na katika mapendekezo yetu naonelea kwamba ikiwezekana nchi ya Kenya iwe na political parties hizi ziweze kufikia wananchi na kuhubiri umoja katika nchi yetu. Tumefika pia uwezo ambao umepewa ofisi ya rais, tumeonela ya kwamba uwezo huo upunguzwe kiasi kile ambacho kinaweza kumfanya yule aliye kwa ofisi hiyo afanyie watu wetu kazi kwa kujua kwamba wao ndio walimweka katika ofisi hiyo. Uwezo mwingi urudi kwa parliament yetu na pia iwe rahisi kwetu wale ambao tumechagua viongozi tuwaite warudi nyumbani kama kazi yao si nzuri.

Kikundi changu pia kinaonelea kwamba si vizuri tuwe katika parliament yetu tuwe na commission ambazo zitakuwa zikishughulikia kazi ya kutewa viongozi wafanyi kazi kama ambassadors, permanent secretaries na hata chairman wa commission kama techers service commission na commission zingine. Kikundi changu pia kimependelea ya kwamba tuwe na koti ambayo haiwezi kuingiliwa na ofisi ya rais. Tuwe na ma-judges ambao wamechaguliwa kufatana na ujuzi au na masomo

yao na wawe wakifanya kazi kufuatana na sheria ambazo zimewekwa katika nchi yetu. Kutakuwa pia na upande wa chief kadhi ambaye atashikilia kwa zile kazi ambazo zinahusu waislamu na zitendwe kufuatana na vile ambavyo sheira za waislamu zinaendelea.

Kikundi changu pia kimependelea ya kwamba kuchaguliwa kwa president usiende sambasamba na kuchaguliwa kwa wajumbe wa parliament. Kuwe na tofauti wakati ambao president anachaguliwa sio wakati ule ambao tunachagua wale ma-councillors na parliamentarians.

Kikundi hiki kimezungumzia mamabo ya basic rights na kimetaja vitu ambavyo hasa vinahusu wanakenya ama mambo ya health care. Ikiwezekana iwe ikipeanwa bure kwa watu wote katika nchi ya Kenya. Masomo iwe bure kwa watoto kutoka chini hadi primary schol bila malipo yeyote na pia serikali igharamie mambo ya vitabu na vitu vingine ambavyo vinahusu masomo ya primary education.

Upande wa chakula, kikundi changu kimeonelea ya kwamba mara kwa mara kumetokea shida ya chakula katika nchi yetu hali kuna mashamba mazuri ambayo yangetumiwa. Mashamba haya kumekuwa na makosa ya kuweza kuyagawanya katika vishamba vidogo vidogo na hivi vimeleta shida kubwa na wakati ambao wakulima wanapata chakula ambacho kingeweza kununuliwa na serikali, serikali hainunuwi na wakati wa shida ya njaa inakuja serikali haina chakula ya kuuzia wananchi. imependekeza kwamba ikiwezekana chakula chote ambacho kinaliwa na wananchi kiweze kununuliwa na serikali kihifadhiwe na wakati naha ikitoka wananchi waweze kununua kwa bei nafuu kutoka kwa serikali. Kuna pia shida ambayo imetokea kuhusu wale ambao ni wa class ya chini katika nchi yetu wale ambao hawakufanikiwa sana na kusemekana kwamba kunaweza kutokea misaada ambayo inaweza kuafikia hao watu. Imepatikana kwamba msaada hii haifikii wale ambao wanahitaji misaada hii. Tunaoenelea ya kwamba ni jambo ambalo linastahili kuchunguliwa na ikiwezekana kuwe na njia ile ambayo inaweza kufikisha msaada kwa wale ambao wanahitaji misaada hiyo. Kikundi kimependekeza kwamba ofisi ya P.C., D.C. na D.O ziondolewe na kuwe na chief na assistant chiefs na wale wazee wa mitaa ambao watachaguliwa na wananchi wenyewe.

Kikundi kimependekeza pia katika parliament yetu wanawake disabled, vijana wafikiwe na wale watu ambao hawajiwezi, wafikiwe wakati ambao nomination imefanywa kuchagua watu ambao watakwenda kuwakilisha hao.

Com. Lenaola: Last point, jambo la mwisho.

Alenga: Asante kuna mengine ambayo yalisomwa na mwingine kuhusu memorandum hii asante

Com. Lenaola: Asante mzee, jiandikishe na utuachie memorandum yako. Tumeshukuru. J. R. Almas?

Interjection:(inaudible)....

Almas: My name is Jackson Almas from Tongaren and I have four points here which I would like to be put in our new constitution. One in Kenya as far as the executive is concerned we need to have the President who is an exective of the council and serice should be a ten years contract. Under him we should have a Prime Minister who should be the administrator of the country who will be running the country ... (inaudible)... affairs. We should also have the Vice President then we should have in

our constitution a supreme cabinet ministers which should be approved by this constitution and I propose to have eighteen. This will be in accordance with the economy of this country.

Now on public appointment this constitution should put in mind that it should be the parliament which should be approving the public appointment instead of the president. On civic and parliamentary elections, in this constitution I propose that we should have the electorate who should be having more powers so that if a member of parliament or a civic leader does not perform well within the expectations of the electorate we should have no confidence in him so that his term is reduced and the election is called electorate to elect somebody who is capable.

On election, the date should be put in the calendar so that the electorate know and this should be in our new constitution so that everybody knows that after such and such a date we shall be going to the polling to elect. Also in our constitution we should put counting of voters done on the polling day and counting should be known there and there without transporting ballot papers to various places which makes a lot of rigging.

Also we propose in our new constitution that since Kenya and all Kenyans are free to vote in their country, those ones who are in the prison, hospitals should have some polling centres there so that they can also exercise their constitutional right by voting in their leaders they want.

With these few recommendations, I say thank you.

Com. Lenaola: Thank you very much Mr. Almas and please register and give us the memorandum. Asante sana. Maurice Mbaka?

Mbaka: Commissioners na wenzetu hamjamboni? Hapa na-present document ya Tongaren Parish.

Com. Lenaola: Your name first and then ...(inaudible)..

Mbaka: I am Maurice Mbaka presenting a document of Tongaren Catholic Parish.

Com. Lenaola: Please, we are recording so you have to speak loud and clear.

Mbaka: We have our recommendations in this document but there are just a few areas I would want to stress on. One of them is about the president. We believe that the current system is not so proper and as a result of that we feel we must have a president going in for a five year term and he does good as most of us have said, then he is re-elected to the second term. Thereafter he should go and this same president should not have a say in who should succeed him. He should not have that kind of say. When you are the president your term is carrying you, just keep quiet let people elect others. If he still feels he wants to vie for the second time, that is your own problem but we should not nominate others.

Then the same thing I wanted to talk about education. We cannot eradicate poverty in this country when we are not healthier and educated. So we felt for us to actually be a nation that stands we must be very healthy and to be healthy we are requesting

for free medical services at all levels. Then the staff dealing with this medical services should be properly trained and evenly distributed in all areas, all provinces so that we don't have some little provincial hospitals lacking doctors and you go to another province you get so many doctors. They should be evenly distributed, then these people who join these colleges, medical colleges for training we should like them to be taken on quarter basis so that we have people trained in this field from every corner of this country including Turkana and all those other places so that should we feel like somebody wants to walk off because of unlimited conditions not favouring him or her in other areas, he is taken back to serve so that we shall not have this problem of some areas people dying of malaria, because the doctors were not near, the nurses were not near.

And on education, we felt the education should also be free. Schools are of same grades. We feel schools of same grades should have same facilities. We should not have a provincial school with better facilities and if you go to another area you get provincial school without facilities you go to some other schools you get we have very many teachers, other places we don't have teachers. So we felt we should have teachers evenly distributed, facilities evenly distributed.

Then there is the university issue. Universities are coming up in great numbers in this country and surprisingly all of them are being concentrated in one area. So we felt that the best you could do we have these universities also evenly distributed in this country because they help in development of these other rural areas. Let us have in Tongaren here a must for a university.

Even those private universities if somebody wants to register or come up with a university, let us have some government machinery looking at where this ... (inaudible) ... can suit, so that on the applications up there you agree. We tell you okay we are only giving you Tongaren or Bungoma or some other place where you will put this. Now for the purpose of providing this free education and this free medical service we feel the government should use taxpayers money, we should have some tax which will also be accounted for. The government should account for these taxes on quarterly basis so that at every four months we are able to be told we have received this much in terms of collection for free education and medical services, we have spent this and this is what we still expect to get so that at the end of the year every Kenyan is able to know this is what we contributed in terms of education and medical services and other services and that we have spent this and we have this balance. So I don't think I have anything to add. Thank you for that.

Com. Lenaola: Thank you very much for that Maurice. We have no question. Please go and register, leave us your memorandum. Frederick Namasaka?

Frederick Namasaka: Commissioners na wale wote wamekuja kusikiza leo na ku-contribute. The following is my contribution.

Com. Lenaola: Jina

Namasaka: My name is Frederick Namasaka. I come from Kimilili constituency, Tongaren division and Soysambu location. The following is my contribution to this commission. I have put my contributions under eight sub-headings as follows; I will talk about politics of our country. Actually it has become a tradition that politics centres throughout say in day out

throughout the five years period and in this connection I am suggesting that in future we should have time spell out for the politicians at whatever rank to talk politics, the rest of the time should be given to predictive issues. This type of politics has been very much detrimental to the development of our country because everytime is politics, politics. The second one is Kenyan economy. About ? of Kenyans actually derive their livelihood on handouts and only about ? engage in productive chores. This type of scenario has contributed to the fallen closeness we have in this country and in view of this I am suggesting that for us to bring people into production so as to improve the economy, I wanted to look at the land ownership. It was my wish that every Kenyan at least get about 2 acres of land and for this to be realised there should be land ownership limit. I wanted to think that may be if someone has to get a lot of alnd one has to get a maximum of 1000 acres, beyond that, that land should be surrendered to other people.

Secondly, in the second sub-heading I thought of employment. There are so many people who are occupying more than one job. I propose that it should be strictly one person one job and if can make sure that the maximum land surface area that is given to an individual in Kenya is not more than 1000 acres and the jobs are one to one, I think many people should be brought into production and hence enhance the economic ...(inaudible)...

Sub-heading three I thought of marketing. I think most of us venture into common enterprise and sometimes in the end we find that the market becomes strained. In this connection I was thinking of production in terms of agricultural factories and whatsoever. So for us to venture into any enterprise I thought we would do enough feasibility study so that we start with the marking end. Marketing and will determine the volumes which are required and may be the qualities and specified time. In this case if someone ventures into an enterprise at least the things will just be flowing there will be no problem at all. I am saying this because here in Tongaren we have had a big problem of selling our maize. We don't have anywhere to sell maize yet some people are dying within Kenya here because of lack of food and I think that is just a problem with planning.

Education, personally I feel the present system of education is good but there is too much compromise. I think we should stick to quality if we want to produce the best. And you know the best will have to assist our country. So in this case I was thinkin are like high education loans board and bursaries and whatever should really be giving to intended purposes but not otherwise. The government, I am for the feeling that the government should be majimbo, because we have small problems as sometimes you are forced all the way to Nairobi and sometimes you don't finalise your problem you are forced to come back so I think if we decentralize the government is better and never should we think of empowering county councils.

I think they are overstretched they are not catered for deliberately so we should not think of decentralization in mind of bringing countys to county councils because they have already been overstretched.

Com. Lenaola: Last point Mr. Namasaka. Now speak your last point we shall read the rest.

Namasaka: Code of conduct I think Kenyans should be patriotic and there should be a law which actually deal with these people who betray their motherland. Thank you very much.

Com. Lenaola: Thank you very much Mr. Namasaka. Please go and register tunashukuru. Kape N. J. Na utuachie

memorandum yako bwana Namasaka harakisha.

Kape Nyongesa: Commissioners and all Kenyans and the Catholic clergyman company ...(inaudible)... of great vision and ...(inaudible)... These are my views although they concur with the speaker who has spoken. I will just highlight some of them which have not been repeated. Now in the case of baby cases I would like you to stress on civil education. Non-formal education should be a continuous and a compulsory process which all Kenyans should be addressed on to. Let all Kenyans be informed on how the economy is going about. Let them be informed now e.g. right now this constitutional review process is going round but here you find that most Kenyans are not even aware of this. Some are just participating in their activities so civic education should be a continuous process. Then may I talk of the constitutional review since there is nothing under the sun which is static, let us have a constitutional amendment to be a continuous process. There is no way that you are made now to be 30. So please come out as this goes so let the constitutional review process be a continuous process.

Then lastly, I would like to say on professionals now. Providing to us to be accorded similar respect and also the price they get or the salary they get should not have so much disparities. Think of a lawyer who has undergone four years of training then a teacher in the same public institution, if it comes to terms of grants and salary scale you will find that a lawyer is getting three times more than a teacher is getting and yet these people go through the same training. Now if I know there is disparity in this profession then I should go away and practise otherwise with other professions.

Then lastly, may I talk of the president executive. Now if at all we want to introduce the office of the Prime Minister of course he will be the head of the government. Let us have positions in Kenya whereby we Kenyans are able to support this the taxpayer is able to pay his money and that is final. Now in the case ...

Com. Lenaola: One ...(inaudible)...

Kape: It at all we have the office of the Prime Minister, let us have a ceremonial president and from there let us have prime minister who is only elected by one person and in case we have this post of prime minister let us do away with the office the vice president because there is no way Kenyans are able to support all these people and yet they are just there as packets. Thank you.

Com. Lenaola: Thank you very much Kape. Please take your memorandum there and register yourself. Thank you very much. Maurice Okulu? Humphrey Okate unataka kuzungumza, did you want to speak?

Okate: No.

Com. Lenaola: Okay thank you very much. Proceed.

Maurice Okulu: CKRC commissioners and secretariat, ladies and gentlemen am Maurice Okulu a civic education trainer and

I represent Abadiki Development Organisation. My team of that ...(inaudible)... involve the civic education exercise in Tongaren division, we have just given out our memorandum I am here to emphasize on two areas i.e. land and basic rights. I will start by saying that the process and procedure of acquiring a title deed is too complicated, lengthy and falsley. So I recommend that it should be both effective. Title deed should be got from all divisional application headquarters and a maximum period should be specified in law. It should not be more than six months. Also the succession procedure is cumbersome for it involves reports, procedures and much spending time consumption. Land disputes tribunal should comprise of competent personnel with experience to resolve issue between the parties and should be elected in office and get allowances from the government. Land control boards should consist of land and settlement personnel and any data donated through a popular vote. The same elders should be renumerated from the government.

The provincial administration should not be involved in the matters pertaining to land. The new constitution we wish to come up with should ensure that the illegals fees charged by the provincial administrators over the resolved alnd should be treated as corruption and bribery and therefore the culprit should be liable to prosecution. A land control board should not charge any fees apart from of course the normal fee. We also recommend that the estate tea loan repayments, it hardly reachers the settlement headquarters on time, it burdes the settlers with continuous accumulation on interest rates. We recommend that in our new constitution should enforce that the personnel in these areas should be effective and work with a lot of efficiency. There is also a worrying trend in this area where people sell land and there is no accessible road to the palce of land for purchase. An equally worrying problem is the private land surveyors. I think the government surveyors should save us from this form of exploitation. County council should be set aside land for supporting activities, cultural centres in every town or market.

On basic rights I want to emphasize something on health and education. On health, a medical service throughout the country should be free and of quality. I say free because it is possible we could tax taxes to subsidize the sector. We could also have accountability in revenues collected and expenditure. We also recommend that private clinics and chemists should be run by those who have quit government service having worked for not less than 20 years. The same clinics and chemists should be run by qualified personnel able to perform their work satisfactorily. On education, we recommend that the Kenya school business skill should be re-introduced to review the costs. Also the government should see that fees in the private schools should have an upper limit in law, and the private school should have qualified staff and good facilities. In government schools on equal category should have the same qualified personnel and facilities. Teachers should be evenly distributed throughout the country. No school should be suffered at the expense of others as the case now.

There should also be a provision of free exercise and textbooks. A school committee should be headed by competent and well educated persons. Again complaints raised by the parents or the school committee againts teachers should not be ignored. Promotions should be closely monitored by the ministry of education. Lastly, I observe in this area that nursery school teachers should also be given some chances to be promoted to primary school levels.

On employment we should adopt a strategy of one man doing one job. Retired persons should not be employed in executive positions elsewhere. Employment opportunities should be open to all who qualify. The government should emphasize on professional certificates and not deny persons to employment because of past poor academic performance. They are employed persons with good certificates should be encouraged and supported to advance in other areas. All unemployed graduates

should be employed so that the government should recover loans advanced to them.

On farmers in all seasons farmers need to be assured of a ready market by the government. The government should have purpose of which should be sold to the nation at fair prices at every divisional headquarters.

Last point, the Kenya Farmers Association should be managed by farmers themselves. K.F.A. stores and offices should be located in every divisional headquarters. It shall involve in buying and selling of farm produce. Thank you.

Com. Zein: Thank you very much. There is a question for you Bwana Maurice. We have heard a lot of people submitting to us on the issue of one person one job. Does that include every ... (inaudible)... category of workers? For instance that you will tell a brain surgeon that you will only work at the hospital but not teach at the university. Is the principle for all employment?

Okulu: Not actually for all because we have some special cases which are exceptional. Thank you.

Com. Zein: Say that in the microphone

Okulu: Not that the one man one job strategy should not be for everybody because we have some special cases whereby of course one man can do more than one job but only some special cases.

Com. Zein: Okay like which specialization. Thank you very much give us your memorandum and thank you very much. Raymond Wekesa from Kimilili?

Interjection: ...

Com. Lenaola: Tuongoje. Okay sawa sawa ukiwa tayari basi utaambia Hassan halafu anieleze. Joel Juma na Wilson Juma utafuata yeye.

Joel Juma Wanyonyi: The chairman of the constitutional review commission and all members present I salute you. My names are Joel Juma Wanyonyi, a resident of Tongaren division. My presentation is more or less oral and I will deal on a few cases I have listed here. One, I will talk about the land ownership. As far as land ownership and registration is concerned it is my personal opinion that at least only we had problems in registration of land whereby there are the all of interest is registered as one...

Com. Lenaola: Assume that we know the problem tell us the recommendation. What do you propose that we have?

Wanyonyi: I propose that we should have express ownership whereby the registered owner of interest the fact to register the owner of interest my probably process a way we should have a direct means whereby the next of kin can take ownership of

that land. Here I propose that e.g. if it is the father, the mother and may be the children, so that if it happens that one of the party has passed away, the other one should take express ownership to avoid matters

Com. Lenaola: ...(inaudible)...

Wanyonyi: I propose that we should have a registration from if its parent their mother and children. Two, I will talk about education. The education system in Kenya is not although that bad, but we have got cases whereby it is tempered with. I propose here that in case of any sponsorship from the sponsors, sponsorship should go direct to the appointed school or institution rather than the sponsorship passing through the government hands where you will end with may be, what will reach the institution may be half way and that will lower the education productively. Healthcare, I propose that health care should be free and here the cost sharing should be abolished such that any person who needs health care should not be hindered or should not be left to die because he/she has nothing to give out as cost sharing.

Four, registration of societies, I propose that the people who lead the registration of societies or registra of societies should stop registration of societies and particularly here we will have a specific on churches. Churches have been emanated all over and people cannot even differentiate between the registered societies whereby this has encouraged even the coming in of devil worship. Here I will talk about administration. As far as administration is concerned we had a disease called corruptoin and one of the things corruption comes from the lowest people underground and of these are village elders who are not paid anything and whereas they perform good rules. You realise that they depend may be on handouts to sustain themselves. I propose that the village elders should be paid by the government anything that can make them deliver their services and stop the corruption that is going underground. Thank you.

Com. Lenaola: Thank you Joel, ngoja ujibu maswali.

Com. Mosonik: I just wanted to ask you when you talked of registrar ...(inaudible)... you said he should be careful not to register may be some of the organisations ...(inaudible)... you said he should be careful not to register my be some of the organisation ...(inaudible)... like devil worship. Do you know any instance where such an organisation has been registered?

Wanyonyi: Here particularly in towns or let me talk about in Tongaren here. You can one day or one morning wake up and you get several churches are in operation and therefore you will rule yourself to wonder how they have come up and in that if they are not scrutinized you can never what is a true society.

Com. Zein: I think another way the question is when you talk about freedom of worship that is also related to the freedom of association. Now you are suggesting that we should not all limit freedom of worship but you are saying we should also limit freedom of association. Who will be the one who decides this is a right church and this is a wrong church? Who will be given that mandate and what will be the qualifications of this person or persons? Secondly, will you see the restriction of churches as a

separate entity then what is currently done where the registrar of societies should ...(inaudible)... is the same person who registers churches.

Wanyonyi: I propose that the issue here is at least people should be informed of the criteria of the registration of this societies such that somebody cannot just come up and maybe you see a signpost there identifying a certain society where there at least because of that freedom of worship anybody can go there, but you find that it might not be true as to harass the freedom of society that is concerned. Thank you very much. Before I forget there is an issue whereby the in the constitution of Kenya we have things pertaining to marriage and the constitution of Kenya.

Com. Lenaola: I think you are going beyond your mandate. You only answer the question you don't go to a new issue. Please go and register. Thank you very much.

Wanyonyi: Thank you very much.

Com. Lenaola: You are taking your brother's time and your brother is waiting for you. Please come and give your views. Iko maneno kwa back door.

Wilson Simiyu: The chairman of the commission, I am Wilson Simiyu Tongaren division. I have got proposals based on the following factor. One, basing on the constitution of Kenya, I want to believe that starting from the preamble I feel that the word 'sovereign' should be changed to become the word 'democratic' not sovereign republic of Kenya. I feel the word sovereign makes the constitution belong to a government whereby the president can have power on it and just feel anytime to make any ammendment on it. Also on the same I would like to say that the government should belong to the wananchi themselves so that in case of any problem the government and the parliament should seek permission from wananchi themselves so that any ammendment can be made on it.

Secondly, I want to say that the constitution, the supremacy of the constitution should reach every Kenyan which should remain within the judiciary, the judges and the people who are well educated alone but the supremacy of that constitution should reach each wananchi in our country Kenya.

And then also another think that I want to also contribute on is education. I want to say that primary educaiton should be compulsory to every child below 18years and should be offered freely by the government. The government should see that each child below 18 years is taken to school. On administraton I want to say that the issue of central and local government should be abolished so that we can have government starting from the president and followed by other people in order so that this issue of local government should be abolished in our country. We see very well that it is causing some confusion whereby you can discover people in the local government are doing opposite from those ones in the central government. I want to believe also ammendment should be done there.

Issue of this I.D. I want to say that I feel every child born and taken to the clinic for treatment or that clinic invasion, instead of

issuing birth certificates they should issue out both the birth certificates and ID card during completion of the immunization period, instead of giving these ID cards at 18 years.

And lastly, I want to feel that the issue of licence, taxes that are imposed on certain businesses should be abolished so that in case one is a citizen of this country should be given that freedom to do business without much restrictions.

Com. Lenaola: Thank you very much Simiyu, we have no question please go and register. Thank you very much. Harrison Okiru and Makokha Mukosi utamfuata.

Harrison Okiru Baraza: Ma-commissioners jina langu naitwa Harrison Okiru Baraza. Ni mwenyeji wa Tongaren tangu kuzaliwa. Na mimi ningetaka kuchangia kwa hii maneno ya katiba kuhusu wale ambao hawana kazi, unemployed. Mimi ningependa Kenya iwe a welfare state yaani wale ambao wako employed na wale ambao hawako employed wawe taken care of by the state. Isiwe tu wale ambao wako employed wanaenda tu wakipata mishahara na wale ambao hawana kazi hawapatiwi chochote wanasahuliwa, wanatupiliwa mbali, sio hivyo. tufikirie hao nao, pia tax iwe ikikatwa kidogo kidogo ili nao pia mwisho wa mwezi they go and queue wapate pesa kidogo.

Tena mimi nataka niongee kuhusu uchumi wa Kenya kama the way you can inspire the economy of our country. Mimi naonelea kindergarten schools iwe introduced katika every village ili mama akishazaa mtoto, badala ya yeye ku-waste most of her time taking care of the child mpaka awe miaka karibu tano, sita huko, mtoto apelekwe kindergatten school asubuhi naye aende kufanya kazi yake ya jioni anaenda kum-collect kutoka kwa kindergatten school. Badala ya kumaliza wakati nyingi sana ku-take care of the child na ingefaa angetuwa na experts kule kwa kindergatten schools wanaangalia mambo hayo.

Tena sisi ambao hatukufanikiwa kupata shamba kutoka kwa wakoloni tunanyanyaswa na wazazi wetu kwa sababu ukitaka kupata sehemu kidogo kutoka kwake ili nawe ujiendeleze kiuchumi anakunyima kwa sababu there is no sheria ambayo itamulazimisha akugawie sehemu hiyo. Sasa unaenda kwa administration ambayo unataka kutu-protect wewe ambaye umezaliwa na huyo mzazi. Mimi ningependekeza sheria iweko ukifika miaka kumi na nane na unataka sehemu ya shamba kutoka kwa baba yako unapewa. Badala ya kutuvatana marungu, mapanga yametokea kwa sababu ya hivyo. Yangu yalikuwa machache na ni hayo tu.

Com. Zein: Asante sana. bwana Okiru kuna swali ngoja. Ndugu yangu swali lenyewe ni fupi sana. Ikiwa ya kwamba baba hataki kupa shamba lake una lazima gani wewe useme upatiwe shamba hilo. Si utafute lako?

Okiru: Na sasa yeye alikuzaa which means anakupatia protection yote mpaka mwisho, hata mpaka siku ya kufa kwa sababu hata yeye angali baba yako.

Com. Zein: Yaani ngoja bwana Okiru. Yaani huku-apply akuzae?

Okiru: Ndiyo

Com. Zein: Kwa hivyo lazima akutumikie mpaka uwe umejiendeleza

Okiru: Ukifika kumi na nane basi ukitaka uridhi wako kutoka kwake

Com. Zein: Anakupatia hiyo ni haki yako. Asante.

Okiru: Ukiwa masikini afanye nini kama umekosa.

Com. Zein: Asante nenda ujiandikishe pale. Benson Makokha? Isaac nenda pale.

Benson Makokha: Dear commissioner and the rest of the podium. I say good morning. I am a nominated councillor Benson Makokha Mukosi. I am representing the Catholic justice and peace commission. A memorandum which has already been presented by one of my members but I would like to emphasize on two or three section which he did not emphasize and these are as follows. The first one I would like to emphasize on is our political parties in Kenya. According to me, the system of political parties in Kenya is not as good and therefor my commission recommends as follows that political parties should be involved in social economic activities and they should be able to preach peace, unity and help to secure security for the nation which I have witnessed in the past that during the campaign these people do not preach but instead they encourage hooliganism and fighting freedom of movement for all parties should be allowed. Political parties should be allowed to interact with each other and shun tribalism for nationhood.

Now some parties have been formulated on tribal basis and therefore they do not portray on national image and as such that does not help the ordinary mwananchi.

A law separate from the constitution for political party should be established detailing the establishment of parties and how they can be declared unconstitutional. All political parties being vocal towards state powers should run their affairs in a democratic manner and make clear their sources of finances and accounts are clear to the voter. Political parties should have a national outlook, be peaceful, operate with the law. They should provide proper leadership of persons with integrity of good ethical standards. The political parties we suggested should have public instituion which spesifics period of full registration and they should strictly follow that e.g. you can now have a political party which has gone for 10 years without registering or renewing its membership at all then you wonder whether it recruits now numbers or whether some have died and have to be renewed or not. So we recommend that if such a party exists that should render it to be declared unconstitutional.

According to the national constitution we are proposing now, we suggest that political parties can be financed from the tax payers and donor money and from there on legal investments that because parties are beacons of the voters we should not deny them the chance to benefit from the taxpayers monye.

Taxation is made for the well being of the nation and therefore all parties should be financed from the public funds. The registered political parties should be apportioned, money proportional to the percentage of votes. The money should be used

for the promotion of national interest not for the personal interest as we are witnessing now round our country.

Political parties should respect the state and be subject to the states authority trying to build the nation and put the welfare of the state before all. Now dear commissioners I want to also highlight something on vulnerable group...

Com. Lenaola: ...(inaudible)... short your time is over.

Makokha: I see, thank you. Now the vulnerable groups to these are women in our country are many and their percentage is exceeding those of the men and therefore we suggest that women should be involved in all the activities that we the male persons have been given. Th women should be given priority in terms of employment, leadership and property ownership. Our constitution does not address the interest of people with disability. The lame people and blind and so on. People with various disabilities have potentialities which we should estrange. They should not be looked upon as people who don't have any challenge. They should be given equal opportunity in employment, education and ownership of land and property. Children should have opportunities to attend free education, given adequate shelter, nourishment and be protected against child labour, misuse and mistreatment. Many of the people in Kenya with disabilities are not protected at all.

Terminally sick should be supported social economically, the aged should be cared for and be given some social security allowances like my previous speaker has said.

These people should also benefit because it was not their will that they became disabled. Now those are two areas I wanted to emphasize and since my friend had already emphasised on other portions. I end there. Thank you very much.

Com. Lenaola: Thank you very much. We have no question for you please sign in you name. Isaac Matumbai na Jonathan Matanda please be ready. Na ukiwa tayari akimaliza ufuate. Endelea tu bwana Matumbai. Sema jina halafu endelea.

Isaac Matumbai: The commissioners kwa jina mimi ni Isaac Banyamulungu Matumbai. Mimi kwa jina hili mimi ni mtumwa wa Mungu baba wa dunia. Kwa jina niko naitwa Yesu Kriso ambaye ni mtumwa wa Mungu. Mkitaka mengi nitamweleza na mimi ndiyo katiba ya Kenya. Nimemaliza, mkitaka mengi nitamueleza. Asante sana (laughing).

Com. Lenaola: Enda jiandikishe pale. Jonathan Matenda. Sawasawa. Asante hayo ni maoni yake, ako na haki kutoa maoni yake. Endelea Bwana Matanda.

Jonathan Matanda: Mheshimiwa siku ya leo tunafurahi sana watu wa Tongaren vile mlichukua jukumu kwenu ili kuja sisi wa Tongaren tumuone na tutoe mawaidha yetu ambayo tuko nayo. Mimi kwa majina naitwa Jonathan Matanda mkaaja wa Ndalu location, Tongaren division. Ni machache ambayo yanafuatayo yananihusu kwa roho ya kwamba ni hivi ni-present hii maneno mbele ya katiba. Maneno ni haya ambayo niko nayo.

Ya kwanza wananchi wetu ambao wanaitwa chief watumishi wa serikali, kama chief wetu wamekanywa kazi lakini saa hizi kazi yao wamekuliwa mwelekeo yao ni kazi vile wanajiona kufanya kazi yao binafsi si ya serikali.

Com. Lenaola: ...(inaudible)...

Matanda: Mimi ninasema hivyo

Com. Lenaola: Ngoja Bwana Matanda tulisema hivi asubuhi ukitaka kuzungumza na mwenzako nenda nje mkamaliziane halafu unarudi kwa mkutano kwa maan tunarekodi hii maneno, na ukipiga makelele pale nyuma hii rekodi hii inachukua kelele ya watu wa Tongaren. Hatupigi kelele sisi, kwa hivyo hao wazee ambao wameingia late mkitaka kuzungumza mwende kidogo kisha mkarudi. Tuelewane hatutaki kelel ...(inaudible)... Haya endelea bwana Matanda.

Matanda: Asante. Chief wa siku hizi ambao ukienda ofisi yao wanakukaribisha unakaa wakati unamaliza maneno ukianza kumuambia maneno mwisho anasema sijui nina harambee hapa nina kitu fulani hapa sijui unaweza mkasa fulani, kwenda andikisha kitu fulani kwa mkasa.

Com. Lenaola: Haya pendekeza

Matanda: Basi hayo nimeona ya kwamba haya chief...

Com. Lenaola: Bwana Matanda tulisema asubuhi hivi. Ukija na story mrefu kwa dakika tano hutatupatia mapendekezo na sisi hatutaki ati tumetoka Amerika, ama hatutaki South Africa ni watu wa wapi hapa hata sisi wenyewe mahali chief hata sisi wenyewe tunaunda chief. Assume tunajua shida ya chief, tuambie ungependa hivi mapendekezo.

Interjection: ... (inaudible)...

Matanda: Kwa hivyo hao mapendekezo yao inatakikana waende transfer au waende training wakipata wafunzo mapya. Ya pili katiba police officers hawasitahili kukaa kwa station mmoja miaka miwili au tatu. Napendekeza polisi wakae mwaka moja na nusu na hiyo ni enough kwako aende transfer pahali pengine. Ya mwisho ni hii, tangu watu ambao ni watu wa scheme tulikuja hapa mwaka wa sitini na sita, sitina na tano nyuma, sitini na nne mpaka mwaka ujao na tukipata makesi kidogo kidogo tu tunapelekwa Bungoma, Busia mahali inaitwa Webuye, Kitale kwa hivyo ninaomba ya kwamba sisi hapa Tongaren tupate resident magistrate kwa ofisi hapa. kesi ikikamatwa kama ya *busaa* ikwishie tu hapa hapa bila kwenda Bungoma ama Webuye. Ni hayo tu niko nayo.

Com. Lenaola: Asante sana Bwana Matanda. Hatuna swali, jiandikishe pale. Ninawakumbusha wale ambao wamechelewa ukija kutoa maoni yako toa mapendekezo. Kutoa sotry sana muda unaenda na hatutachukua maoni, tunachukua mapendekezo. Tumelewana hapo? Haya Maurice Makanda halafu baada yake Father Alois.

Maurice Makanda: Commissioners and wananchi wote hamjambo? I am called Maurice Makanda Wanakali representing EFFECT Tongaren division and ... (inaudible)... fellowship Tongaren. I am also a resident of Tongaren sub-location. We have faced our nomination from the questionnaire from the constitutional review of Kenya booklet and I would like to emphasize on the preamble. First question was do we need a preamble.

Com. Lenaola: Bwana Makanda remember that we have gone through that book so we know the question more than you do but we don't have the answer. So go straight to the answers give us the answer we asked you the question. Now we are coming to tell you to give us the answer and don't read everything, highlight the most important parts in five minutes.

Makanda: Okay the preamble is very necessary because it sets out the key points of which a nation or the formation of the nation may rely on before political means or structure to realize the status of a nationhood of and or nation building.

Secondly, historical and past experience and observations have clearly revealed that Kenya has entirely depended on fictionalisms governance where state or national issues have had a perfect interpretation to suit the ideas and interests of the governor or the governing group or moreso those who fall this day in in authority. This has basically enhanced tribalism, nepotism hence corruption.

Dismantling the essence of God's love in our national affairs and creating supremacy on the religion or religious activities that accord more members of any given set. When these factors mentioned above and relevant issues that are supportive to the factors when so operative to seek the meaning and formation of nationhood and nation building, to the extent we do advice them the preamble should contain Biblical and scriptural values and ideas and thus to enhance Christian status with accumulation of Christian characteristics in the nationhood building thus to promote a faster and move fast nationhood formation.

We have a command on the harambee. We find that harambee as a name should not be put in our Court of Arms, currency and in promotion of projects because this harambee word has got an impact on a foreign evil spirit. So we suggest and propose that, that harambee should be removed in our nation building.

Thirdly, let the citizens of this nation understand that without a true God the country may in many cases remain behind in national promotion and national involvement activities. We must understand that many of our native traditions, customs, culture, rules and laws have passed background of devil worship which attracts the word of God our Jehova on our lives and this nation. Non is willing to be covered with the provoked answer of our God. We therefore, see this nation and every citizen having to support and accept the gospel of the Kingdom of God so as to bring in Christian mechanism in our lifestyle. Let God lead and be given supremacy in our nation because this kind of identification is only not biased but also trades no where on nepotism. So as to pass out corruption, this will kill and wipe all tribes that passes out evil activities and has almost ruined our nation status both economically, spiritually and suspicion of the national process. So let the preamble identify and give supremacy to our Father in heaven through Christ Jesus and fellowship of the Holy Spirit.

Com. Lenaola: Make your last point now. I told you not to read every single sentence and you have just done that.

Makanda: The last point may be I may speak or comment on education and area of discipline. In area of discipline we have seen that a child, scripture state out so well that a child and foolishness of the child should be removed by a cane and if we are going not to discipline children in the schools especially in primary schools from standard five and upto secondary school, if we are not going to discipline the children and wisely using the cane then we are going to promote indiscipline in this country.

Com. Lenaola: Thank you very much you have disposed five minutes and I said five minutes please register your memorandum. We shall read every single word so don't worry that you have not finished. Thank you very much.

Makanda: God bless you.

Com. Lenaola: Father Alois. Father akija nijaribu kuwakumbusha kwamba ukija hapa mapendekezo kwa dakika tano kila mtu kwa hivyo ukija kusoma neno kwa neno na ni twenty pages utafanya tu page moja and then you go and so try and just pick the most important points and five minutes. Yes father karibu.

Father Alois Okodoi: Thank you very much. Our commissioners and all the members present. I just wish to highlight the few issues here. My names are Father Alois Okodoi and the issues that I wish to highlight is one, the arms of the government. You all know what the situation is currently and therefore strongly propose that the arms of the government should be divorced each and every arms of the government should be independent. They shouldn't be any influence by either of them and thus will enable each and every arm of the government to function properly and fully in line with that the section of the executive.

The presidential powers should also be trimmed down in that the president should not be at any point be above the law since he too is a citizen or she too is a citizen of this particular country and constitution is the one guiding us all and therefore he/she also should be under the constitution. In relation to that too I also propose that those who represent us as maybe councillors and members of parliament should be people who are educated in such a way that they will be able to present our views well. At times so ridiculous that those who are supposed to be presenting our views cannot even at nay particular moment be able to offer or kind of deliver in the sernse that this particular person simply because they have a little bit of economic power therefore they can be able to manipulate and thus able to bury votes here and there and thus therefore go through but when it comes to really representing their people, they don't at any particular moment qualify to do so. I therefore recommend fully that this representatives of the people should be who are well educated. So the MPs minimum requirement should be at least be a holder of Bachelors degree and for the councillors at least minimum requirement O'level certificate and for anybody to qualify to be maybe a mayoor or a mayoress, at least a bachelors degree.

But then I highlight something also on the security of tenure to the civil servants. I strongly recommend that civil servants should have secretly for their jobs. This idea of hiring and firing at anybody's will should be strongly and discarded immediately without which our civil servants will continue to loose the title that is in this country, simply because am not sure of whether am doing the job tomorrow or iw ill use the slightest opportunity that I have to grab as much as I can so that when I am fired at least I have something for my own self. Therefore there should be security of tenure for the civil servants. Hence wish to mention something to do with the security forces as you all be aware of security forces are not properly disciplined and therefore we required

disciplined security forces and what at times brings in this indiscipline is because of the poor remuneration and therefore recommend that the security forces should be properly remunerated so that they may be able to protect the citizens of this country. At one particular moment I had an opportunity to visit one of the officers the state of this housing is so pathetic. You can't imagine somebody staying in a liking text and then the following moment you are calling that particular officer to go and fight somebody who is carrying a sub-machine gun. So therefore I recommend that there should be proper remuneration for the security forces and they should at least have adequate housing facilities.

Then mention something to do with employment. On employment section we should have persons who are qualified to handle any particular job. If we looked in our country most of the parastatals bodies are collapsing simply because the jobs to run them have been given to incompetent persons thus we need qualified people to handle any job in this country if at all we expect to have any good results.

On healthcare, we have terminally ill in this country. A short while ago, maybe last year or so Aids was declared one of the national disasters of this country and what we are doing about it. The constitution should therefore address something to do with the terminally ill that they are catered for, they should do something at least from the tax payers money to go into some real fund that could help to take care of the terminally ill.

And lastly, let me mention something to do with the distribution of wealth in this country. You find that only a minority of the people in this country are actually the ones running the economy. Therefore we have any unfair distribution of wealth in this country, the few have grabbed everything and they continue grabbing everything day in day out and the poor continue getting power. I therefore recommend that we should have fair distribution of wealth in this country.

On land at least there should be law/rule/regulation to determine how much land one should own. It is so ridiculous to find that somebody is owning thousands and thousands of acres of land and yet in the neighbourhood somebody else doesn't have even a quarter of an acre. I therefore recommend that there should be a law to regulate how much land an individual person can own.

Thank you.

Com. Lenaola: How much is that

Father Alois: To the bare minimum at least four acres of land per person wouldn't be so bad mutual to the highest hundred acres of land.

Com. Lenaola: The last question. Security of tenure for civil servants. Are you saying that all civil servants irrespective of their cadre should have security of tenure? Why go to senior civil servants?

Father Alois: Mostly the senior civil servants because they are the ones who are really grabbing everything in this country because of the fear that they have, because in the next minute you will not be there.

Com. Lenaola: Thank you very much Father, please register yourself. Thank you for your views. Titus Nyongesa?

Titus Nyongesa: My names are Titus Nyongesa Masinde a resident of Tongaren. Here I have a few things to tell this commission today. First I would like talk about foreign loans given to our government. These foreign loans are the ones causing us problems, the common man to suffer for this foreign loans because the government of the day is taking loans without the approval of the parliament and therefore I suggest that loans given to our country should be approved by the parliament and not the government of the day.

Secondly, the Chief Justice and Attorney General are people who should deliver their services to us without fear but because they are appointed by the president, they fear in a way or so. I suggest that these jobs be appointed to Public Service Commission and with approval of parliament. On bill of rights, the ...(inaudible)... should be removed and left to the trying judge to interpret ...(inaudible)... costs are very high, therefore I recommend to this commission that cost be reduced and time taken shortened.

About land registration act. Here is a place where again people have grabbed land from others by first registration act. I recommend to this commission that this act be reviewed so that it can allow any person who has grabbed the land and forceful from the others to be judged and if possible land taken back to the right owner. About security. In our country security is poor due to unnecessary dismissal in our forces. Somebody is dismissed when he has not reached the age of retiring and when they go out they throw this gun which is hard to Kenyans now and then. I recommend to this commission that anybody who has been taken to force whether he has committed a crime let him be taken to jail and after serving his terms in jail, come back to be taken back to the force until his age of retiring is when he can be left. That one will reduce thuggery in our country. Police officers especially subordinate staff should be given time to work in their home districts so that they can also reduce thuggery in our country because they are known to their people and also it will assist in this process our police officers who die by this disease HIV it will also reduce because they are working it distant areas to where they cannot be access to their family members. And therefore like other service people they should also be given time to work in their home districts so that they can be access to their family members. Also the Kenyan constitution should be accessible to all Kenyans and be published in language understood to them not in Latin as their guide because this was a colonial writing and this time Kenyans must understand their language to suit themselves.

So if it is written in a Latin word e.g. if you tell a person *menusheria* or *actenavous* the person won't be able to understand what you mean by *menusheria* or *actenavous* therefore, they should be simplified in the language we understand.

About the president, I will also like to say this, the president's age should be reasonable because if we are going to have a president who can retire completely after ten years if he serves us well then he should be a person of reasonable age, the age should be at least from 60 years because if a president can have let us us 35 years and he becomes a president he serves us for 5 years, that will be 40 years. This is a person who is going to cause chaos in our country. He will gun up with his retired police officers to form a group which is going terrorise this country.

Com. Lenaola: Last point so tell us your last point.

Nyongesa: No

Com. Lenaola: Just highlight on them

Nyongesa: Thank you. Last point which is also very important is about inheritance. Inheritance is also causing a problem in Kenya whereby boys and girls are fighting over inheriting the property of their parents. I would like to suggest that if for example a father has died the boys in that home should have a right to inherit their father's property, but in the side of the girls it can only come to those ladies who were unfortunate to get married but not this ones marry and divorce and then they come to claim share from their families. Thank you.

Com. Lenaola: Thank you very much Mr. Nyongesa. We are ...(inaudible)... please register and thank you very much. Kennedy Mukhandu? Ningependa kumkaribisha D.O. wetu wa Tongaren Waluchio Wepo, karibu kwa mkutano. As ...(inaudible)... I will ask you to greet your people but take a breath first. Baada ya Kennedy. Josephat Ambuka please just get closer. ...(inaudible)... unaweza kuendelea.

Kennedy Mukhandu: My names are Kennedy Mukhandu. I come from Tongaren division. Only have two points to put across and if this is on education fraternity and politics. In politics according to my views we should have only two parties. This will live up the tribalism that have emanated whereby parties are being formed on tribalist ground.

After every general election the presidential candidate of a winning party should be the government president while the losing party presidential candidate should be automatically be the Vice President so that the president is put on toes at whatever messages he commits. I will be very brief then after that I am going to the educational fraternity.

On this I will talk about Vice Chancellors of the university. I would like the current constitution that allows the president to appoint the vice chancellors of all public universities to be changed. And in this instead I am advocating for vice chancellors to be elected by the university senate board. So by this we want to ensure that biasness and tribalism does not emanate as a result of appointment by an individual who is the president.

And also hence there is no rule or law that says that the president must be a university degree holder, then it means that there is somebody who has not gone to university will like to elect somebody to lead the university and by that we strongly advocate for university senate board to appoint or elect the vice chancellor. I only had two points to put across. Thank you very much.

Com. Lenaola: Thank you very much Kennedy, there is a question for you.

Com. Mosonik: May be this point you have made about the leader of the opposition being Vice President. Now I wanted to ask who will be the leader of the opposition if the leader of the opposition is Vice President?

Mukhandu: I talked in the first place we should only have two parties and these two parties will have presidential candidates

gunning for that position and then automatically you are from the opposition that if you loose you are now from the opposition and before that you are gunning for presidential, to be a president there automatically you become a Vice President.

Com. Mosonik: Then as a Vice President and you are opposing the president all the same

Mukhando: No you are not opposing. I said after that then we will be putting the president on toes.

Com. Mosonik: But what is putting on toes if it is not opposing?

Mukhando: In case you do any mistake, incase he does not consult you.

Com. Lenaola: I think Kennedy you have to think about the politics seriously because you are saying let the President become the head of government and state.

Mukhando: Yes ...(inaudible)...

Com. Lenaola: and you are saying the person he has beaten in election becomes his Vice President. To the effect you are saying all of them are in the same government.

Mukhando: Yes

Com. Lenaola: which means there is no opposition we really need.

Mukhando: Yes, but am getting your point

Com. Lenaola: Then go and revisit. There is something. Thank you very much. Ambuka Josephat?

Josephat Ambuka: The chairman of the commission I salute you all. My names are Josephat Ambuka the Parish Chairman, Tongaren Catholic Church. I have two areas to say or to read.

One, I want to make an observation on education. The system here we have as per now it is a prisoner to all people who are involved in it. I will find the parents involved is a prisoner, the pupils are prisoners and the teacher is a prisoner. I would like to recommend to be 8-4-2-3 to be manageable to the people and also for any change of curriculum we should find out from the professional people to make that change. We have heard sometimes where the education in Kenya is just as experimental. We don't have a permanent system in Kenya.

On public service vehicles I want to recommend that it is always good to copy what is good from your neighbour. We should

have one colour for these vehicles to avoid accidents and corruption from our public officers. Let us do like Uganda where we have one type of vehicle the colours are just one and it may be identified but in Kenya you will find so many pictures that are written on the vehicles, we don't know the meaning that they are carrying and that is why we have so many accidents occurring because of such vehicles. So I recommend to have one type of colour in the area.

I want also to say the type of churches. Actually we have freedom of worship but I would like to say that the government should look for a way to register these churches not to allow anything that comes up to be a church. We have to know the church and state. Therefore I recommend before a church is registered, it should be known that by the government.

On corruption area we should start with the police. These police have given very poor service and that is why they are the eye of the country that people will escape the corruption but because of the poor services they have given they are not helping us to remove the corruption. Therefore I want to recommend that these people should be given enough salary instead of giving other political appointees higher salary and leaving these fellows. And if they are given better salary, they will do a good job and corruption will end in the country.

I want to look at the provincial administration. On provincial administration we want the way of appointment of provincial administration especially the local ones, the chiefs and assistant chiefs. This should be done by the community because the community knows them better and will give good respect to them because they have appointed them and they know them and will cover them without any problem.

On agriculture, I want to look at the inputs of the farm. Most of the time the foreigners are given opportunities to sell the inputs and that is why the farmer cannot earn anything from farming, instead he works for the person who is selling the inputs of the farm. Therefore I would like to ask the government in this preposition that the farm inputs be given to the local people to sell the farm inputs instead of the foreigners. And retired age of people should be fifty to allow the young ones to be employed since we have so many that are unemployed. The retired age should be fifty years.

I will come to provincial boundaries. In most cases you will just find that the announcements made by the government or the president to open new districts, location, division and yet the people concerned are not aware and brings a lot of clashes in the area. Therefore I will want to say that these boundaries should be determined by the local and they should be passed by parliament before it is implemented. Otherwise it brings a lot of clashes in the country.

I come to look at commissioners, the commissions. Most of the time we have heard very many commissions in the country and this is the money of the taxpayers is being used but at the end of it, we don't have the results. I want to recommend that any commission appointed or led in the country, the results should be known to the people, the taxpayers who meet the paying of the money. Otherwise we have had so many commissions but no results have come and yet we are still waiting for the commission to voice. That is what I had, thank you very much.

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

Com. Mosonik: What do you recommend the structure of education? You said 8-4-2-3 which adds up to 17.

Ambuka: Form class one to eight

Com. Mosonik: How, you are recommending seventeen years instead of sixteen. The previous 8-4-4 is 16. 7-4-2-3 was 16 now you want to add a year?

Ambuka: Correct because of the eight, if the area of two, this area at least the children who are entering university premature but right now we have so many problems and we have very many graduates who have not been employed and because of that we have heaped very many people who have graduated and have no employment

Com. Mosonik: Now I am just asking about the total number of years spent in school. Have you noticed that you have added? There are now 17 instead of 16.

Ambuka: Correct

Com. Mosonik: What is the extra one for?

Ambuka: The extra year is coming from the two in the A'level.

Com. Lenaola: He is asking what is the value of one extra year and not...

Ambuka: For maturity

Com. Lenaola: Maturity? Okay that you very much Mr. Ambuka. Please register yourself. David Wanyonyi did you want to speak? Sawasawa its okay sawa tu. You wanted to speak? Come and David Okotswe didn't want to speak now you want to speak, utamfuata huyu.

David Waswa Wanyonyi: Thank you very much the chairman of CKRC. My names are David Waswa Wanyonyi and I would like to talk a few points concering natural resources and environment. Here my proposal, first proposal is that natural resources are to be protected by the constitution of Kenya. Any resources include the forest, animals which are the wildlife, we have minerals in Kenya and water also being a natural resource, they must be protected. The ministries concerned, that is the ministry of environment and natuatural resources they should be the managers of natural resources. And they should be answerable to the parliament of Kenya which has power. Also the minstry concerned should have its security which will have to guard the natural reources. The third point is that the beneficiaries of the natural resources will be members of the local communities where the natural resources are obtained.

I am going to talk about something on local government. Mayors and chairmen of councils are to be elected by the people of

the specific districts, seconded by the two year term for mayors and council chairmen, its adequate. Thirdly, the council should operate under the central government where the powers are to be shared. Councillors should be watchdogs for the people and each of them should have confined power. The qualification for councillors should be a fourth form leaver who is handling to enable interaction as they will be mixing with so many people for the advanced levels.

Lastly, am going to present few points dealing with the judiciary. The system of judiciary in Kenya is not adequate. Its expensive for people from local areas to reach courts. I propose that courts should be provided up to the divisional levels in Kenya. Secondly we need to have a supreme court which will have to deal with matters affecting the constitution. Thirdly there should be constitutional courts dealing with constitutional matters and also judicial officers should be approved by parliament basing on qualification and merit. Thus the parliament select committee should be appointed to appoint judicial officers. Qualifications for judicial officers, he should have a degree in law and master of science in specific course for a given period of time. Tenure of office for judicial officers should retain to 74 years. But incase of any failures and misconduct, the judicial officers should vacate office immediately then face the court of law and if found guilty to perform his duties he will have to face a penalty.

Com. Lenaola: Last point

Wanyonyi: Also lastly, we should have Kadhi courts in Kenya which we have to deal with Islamic matters affecting Muslims. That is marriage in Islam and also the other cases relating to Islamic. Thank you very much.

Com. Lenaola: Thank you very much Mr. Wanyonyi. We have no question for you. Please register. David Okotswe.

David Okotswe: Chairman of the review commission, members present, my names are David Okotswe. I am a resident of Tongaren sub-location. I am going to speak about the department of prisons. We had met some cases whereby somebody is taken to court and when he is taken to prison he stays there even for more than 2 years without even appearing to the court. And when somebody is in the prison he has no say or if he has no relatives he might even die there by age at the present constitution because there is no law which is providing that person to know of a type of system whether there is a register. I recommend that those issues, there must be a register for prison officers and these prison officers should go to qualified lawyers who can be checking this daily and corresponding to the courts or if possible have another third party where they will be taking it so that they check up with the courts somebody appears as the law should be required.

I also think about electoral commission. Electoral commission should be if it is somebody is taken or there is is should be very much independent so that the powers of the president to say we are going to have election or we are not going to have election should be the matter. The electoral commission should be very independent, depending on the constitution passed by the parliament that if it elapse 5 years, it remains in the force so that the election is being carried not favouring the ruling party.

Also the last one I will have to speak about if you have your children and you have a fruit and you protect that this fruit should not be taken anyhowly your children will be very interested everyday knowing what to eat. Kenya as we say is not Islam but the people take beer they are in the social places but we are being rejuvenated people who are at home of their culture may be they were taking beer like *busaa* but they are beign very much harrassed and so many unnecessary cases in court. So I recommend

that people should be left to drink as people who are drinking beers. Thank you very much.

Com. Lenaola: Thank you very much mister. Come, you are saying traditional liquor should be legalised.

Okotswe: Yes

Com. Lenaola: Thank you very much please have you dream. Lidofik Malaba karibu mzee.

Lidolik Malaba: Jina langu naitwa Lidofik Malaba naishi Kimilili sub-location. Commissioners and wakazi wenzangu nawapa pole. Sisi hapa tuko vibaya sana, kila siku tunaumia, kunayo vichinjio vya ng'ombe au vya wizi. Vichinjio vya ng'ombe ndivyo vinatumalizia ng'ombe wananchinja saa kumi ya usiku, saa tisa mwenye kuiba ng'ombe akitufuta ng'ombe yake hawezi kupata anakuta nyama peke yake. Pendekezo kama Mungu anasaidia pendekezo ingekuwa ng'ombe ichinjwe saa tatu, ndiyo mwenye ng'ombe atafuta saa ingine aone ngozi. Administration katikati ya administratin wakasa vile vile wizi unakujia kwa wakasa ng'ombe zinapotea dakika mbili mkasa ameshapata kitu kidogo hawezi kutambua. Inatakiwa mkasa apate msharahara ili wizi ukomeshwe.

Ya tatu inatakiwa mkasa apigiwe kura sub-chief, chief, D.O, D.C, P.C wapigiwe kura. Tunataka tulinganisha viti vyote vilinganishwe kwa sababu raia tunaumia sana kwa ajili hiyo. Ya nne tunataka ingelikuwa vizuri waweke jua kali iwe nyingi humu ili watoto wetu wapate kazi. Nyuma yake mtu akikosa anaendelea kufanya kazi kwa jua kali na kifungo kiwe kwa niaba yake. Akiwa na miaka arubaini na anapata hizo ng'ombe nimuongeze miaka kumi itakuwa hamsini atatoka huko hawezi kuiba ng'ombe na kutuibia ng'ombe. Na hiyo watu wafanye kazi afungue kwa jua kali. Na msigawiwe na watu, mtu akiwa na kosa ni kosa lazima afutwe kwa haraka na aende kufungua kwa jua kali hata chief, D.O namna hiyo. Kwa sababu inaondoa ufisadi.

Interjection: Endelea

Malaba: Maneno ingine asante. Hata neno lingine ingekuwa inatakiwa na kuwa iwe judge afanyie hapa kesi kuliko kutoka hapa. Sasa sisi tuko hapa kufika Bungoma ni maili sitini kutoka mtoto wako akifungwa huwezi kumpelekea uji, utashangaa tu ingelikuwa sheria iwekwe hivyo na hapa kwa D.O. hapa judge awe hapa iwe na acre 20 ili wafungwa wanafanya kazi na wapate kitoweo hapo. Natutakuwa tumeongeza utajiri wa kilimo.

Lingine accidents, accidents intakaiwa ingelikuwa waweke barabara tatu, barabara mbili za gari na barabara moja ya baiskeli sababu mtu akiwa kwa lami na baiskeli mwenye gari hawezi kuona yeye ni mtu anamkanyaga tu. Na kama tuko na mabarabara mbili ya kuenda na kurudi hiyo ndiyo itakuwa sawa.

La saba traffic police intakaiwa waende course wajue kuendesha gari na kutengeneza gari. Kwa sababu wanakuja kuangalia kama mtu ako kwa gari wanaona namna hii wanachukua pesa wanaenda. Gari ikifika hapo inaanguka atakuwa amesaidia nini na hiyo ni traffic kwa barabara mbili hizo pali inakata inaenda kwa district ingine hapo ndipo waweke round about. Roundabout hiyo ndiyo askari ashiko motoka ashughulikie aone brake, taa na ana mechanic na askari wengine warudi kwa kambi.

Ingelikuwa sheria angalikuwa wafanye lingine.

Com. Lenaola: La mwisho.

Malaba: Ya mwisho mimi nafikiri bado mingi (laughing)

Com. Lenaola: Saa zimekwisha wenzako wanataka kuzungumza. Jambo la mwisho

Malaba: Asante sisi tuko na wamama polisi wameshajua kazi. Sasa mama akifungwa na kwa station ya polisi wanaume peke yake wanasukuma huko mama usiku yake wanapigania kwa hiyo mama kila askari anataka. Pendekezo inatakiwa mwanamke afungwe kwa police station ya wanawake wenyewe kuliko kufungwa kwa wanaume. Asante

Com. Lenaola: Asante Bwana Ludofik Malaba hatuna swali. Jiandikishe pale tumeshukuru. Benjamin Wambulwa? Asante mzee

Benjamin Wambulwa: Asante constitution commissions. I will be very brief because most of the points I had taken note of have been discussed by my friends. My name is Benjamin Wambulwa. On executive I have a few proposals. One is our present constitution only talks about the starting age I think that the section should be created in the constitution to put a ceiling. I recommend 75 years for the President and also the president has been given some powers to make some political appointment I want to propose that he should continue doing that but his appointments should be taken to parliament be verified and then be approved by parliament and also any time the president has appointed somebody he has power to appoint but he should not be given powers to remove him from his appointment. It should be parliament to discuss the character of that person to be removed from that position and remove him by vote of majority.

Also on the government acquiring loans which affect the whole country should not be left for a few individuals in the treasury hose to pay loans from foreign countries. This should be discussed in parliament and let it be passed in parliament and he reasons for that loan and whatever we want to do with that loan. That is all I wanted to say about executive.

I want to say something on the legislation. I feel that the constituencies should be based on population not the area is densley populated can even have more constituencies and the one that is sparsley populated can have few constituencies and I also feel that the age of parliamentarians a limit should be put and I also recommend 75 years to someone above 75 years should not go to parliament as a parliamentarian.

Com. Lenaola: Of what age upto

Wambulwa: 75 years

Com. Lenaola: and ya chini

Wambulwa: chini 21 years as it is the case now. And the parliament itself should chart out the timetable of when it can be dissolved but not the president to dissolve it at will. And when I come to judiciary, I recommend that some senior resident magistrate should be given powers to hear that the petitions, and petitions should be heard in the constituency. Courts should be created in the constituencies where the petitions are passed so that the court sits there and within 2 or 3 months the case is decided unlike now when petitions takes years.

I remember a case where the case remained in court until one year to voting period is when it was decided that is a waste of money and time. The cases should be decided quickly.

And also on judiciary I feel that we should create a section in our constitution compelling magistrates and judges to finish cases within a given time not as it is now the case remains in court for years. They should be given if a certain case should take one or two or three months. On fundamental rights I feel that our fundamental rights on our present constitution, I feel it is quite in order the problem that is there, there is no penalty for somebody who contravenes this. So I feel that in our present constitution we should have a section which creates a penalty for somebody who contravenes this so if all act that in our present constitution we should have a section which creates a penalty for somebody in authority who contravenes the requirement of the constitution should be taken to court and be taken to jail or be fined but not to be just left as it is now in our present constitution there is no section of penalty.

And I feel that also a person has a right to education and even when we were getting independent we said illiteracy was one of the enemies we were going to fight. So I feel that education especially for primary school should be compulsory and then thereafter secondary and university education should be free. It should be the duty of the government to educate to remove illiteracy from its citizens because we are just going where we aer going to have the rich people are educating their children and that one will not be good for our country.

Lastly sir, on the type of government I feel that our government should continue being democratic and those good elections as we are doing now but the duties of the poor, administration should be redefined so that they are confined to what they are supposed to do not as it is now but the state in every department you find land matters the provincial administration is handling, security appears as if they have no specific job and that one should be done away with a section should be created in the constitution whereby they say specifically ...(inaudible)....

Com. Lenaola: Thank you very much you said lastly

Wambulwa: and that is has come. The last one has just come from my mind. Land ownership, land ownership sir, I feel that the maximum land an individual can own and have the title deed should not be more than 200 acres because at the moment you find someone has 50,000 acres when someone doesn't even have point one acres. That is all.

Com. Lenaola: Thank you Mr. Wambulwa. We have no question for you please go and register, thank you. Wangila

Wasilwa?

Festus Masolo Wasilwa: Commissioners you are welcome to Tongaren. I want to thank you for being here with us. The paper am due to present ...

Interjection: ...(inaudible)...

Masolo Wasilwa: Engineer Wasilwa, Festus Masolo Wasilwa. And the paper am going to present, I will present as it has been prepared by the Bukusu elders group in Tongaren division. It should therefore reflect as much as we can the feelings of Tongaren community and the first item the preamble we say this is a very important part of our constitution and we feel that to maintain balance it should be left to our historians, legal experts, economists and social scientists who understand our past, the present and the future so it comes back well.

You who have done research such areas begin very a preamble for our constitution. As far as directive principle state policies is concerned like other colleagues hav said here the chairman we see that we are hapy that of now our country has been very well ruled under the present constitution but arrears changing. The social, scientific, economic, political environment are changing fast. It was there felt that appointments of senior government posts and permanent secretary level and the like should go to individual appointment, should be made by authorities but should forward to the parliament for vetting and approval. So I felt that civil servants should be subject to competitive promotion. Promotion of servants purely on merit, competent and qualification. We should also restrict civil servants from participating in private business and civil servants should declare that. We feel that if this in the senior and adverse constitution takes palce in the account it will bring back efficiency within civil service.

On the structure of the government this has worked well but as I mentione again we are an exchanging an element of ove centralization now and feeling that every commission is a decentralization and if the present structure of government is decentralised the feeling is that we have a federal government being introduced so that the sources we can now overcentralize the capital more to the region for the processes.

On legislature, the feeling under sub-defination under one directive is that legislature have done reasonably well, the responsibility could be enhanced by giving more responsibility to vet the state appointments at senior level. So we felt the rule got an MP or a councillor for that matter who is not delivering the electorate should have the power or the right to recall him through some kind of referendum so he comes back and by-election is allowed later.

For the exective we come here that so much is changing at the moment and over recently, Chief's Act was removed because there is so much changing which will require power or some kind of hostility to administer the area and we recommend the Chief's Act be reinstited.

On local governance, Mr. Chairman the feeling at the moment is that we have quite a lot of problems with the local authority area, problems of management and problems of finance as well and the feeling at the moment is that most of these problems we feel have been caused by poor leadership. We feel that if efficiency be brought back with the local authority by allowing the election of mayors and chairmen of the councils through public election is very much supported, we said fit education of

councillors as my other colleagues have said should up as K.C.S.E level passes and with good passes in English and Swahili languages for communication purposes. As we have just mentioned where a councillor is not delivering the electorate, should have the powers to recall him through a referendum so that a by-election is held.

On land and property rights, Mr. Chairman the land is not growing, our population is growing pretty fast now we need the land in order to grow food to feed the increasing population therefore felt there is some kind of change in the management and conservation of land. So we mention land productively so that we are able to feed the increasing population. We therefore recommended that land should not be sold at the point level. You know you get land in this area being sold in points, we feel that should not happen. The land should be sold sustainable half an acre whatever it is and we also felt that building of houses all over the place should not happen. Some government directives on building houses so the productive land is regained or conserved.

Management and use of natural resources but a lot of others have said a lot about it, we feel it is an area that we need to think about in the future constitution. This country has had extremely qualified people and these qualified people on camera ... (inaudible) ... extremely heavily in the training of manpower and development them. I am sure the government wants to see a return in their investments and especially in the trained personnel. The thing at the moment I have said is that appointment should be made purely on competence so that there is no favouritism and so felt that the director of personnel management should establish some kind of investing of these highly qualified people the expert so each time the state out looking for an expert before it goes out foreign countries for recruitment of those people go to our inventory to see whether the local experts are available and if they are not available then they go out if they are available utilize them. Felt that if we come deep into that it brings some economics and also reduce frustration among the people that are qualified who are not being appointed ... (inaudible) ...

Civil servants as I mentioned should also not be allowed to participate in private business and civil service code of conduct should be introduced. The civil servants should declare their assets and we feel that if all good factors were taken into account the current exalters of people living in the country who come and spend a lot of money in terms of investment and training would reduce. They feel proud of staying on and serving the country.

Environment, Mr. Chairman is at everybody's heart today and the feeling is that we should protect the environment for it to protect us with natural resource. The forests that are being damaged, water, rain to ... (inaudible) ... it own all of these made a mistake now they would be no water here, now and if they are not there in future you could imagine what could happen and the feeling is that we should try and protect the environment as much as possible to be able to maintain agriculture productively. Part of the land so that the current change of climatic importance the drought particularly in this area is changed and we feel that re-forestation at all levels should be encouraged and an ... (inaudible) ... by Chiefs Act is that reinstated that chief uses the authority people should plant trees within the homestead. So we will be over reliance on the government reduces so we maintain the environment.

The local residents should participate in this protection and conservation of natural resources. Damaged river banks should be reduced and sealing of boreholes should be controlled so that it does not dry up. The thing I want to talk of at the moment is pensions. We get officers retiring from government services and comfort hiring is gradually changing and the economy is

changing and in time if nothing is done letting the senior government officer who has retired at a high level start living as beggars. So the recommendations here from my committee was that each time there is a salary review pension must be reviewed as well and pension for retired officers should be reviewed pegged up to the position as it was now.

My last point Mr. Chairman is on education and I would not want to repeat what other people have said. What I would say now is the government has spent quite a lot on civic education for this exercise to take over other countries teach their constitution in schools. Is there any reason why government of Kenya cannot allow our Kenya constitution to be taught at schools. If we really like to save on quite a lot each time to ...(inaudible)... like this. Because majority of the population in this country are children and if children are introduced to the Kenyan constitution everything ...(inaudible)... will be ...(inaudible)... Thank you Mr. Chairman

Com. Lenaola: Thank you very much Bwana Wasilwa. You have taken exactly the time you requested for and thank you for being precise and to the point. We have no question for you please give us the memorandum and register it. Joseph Obaye?

Joseph Obaye: Well commissioners my name is Obaye Joseph from Ndalu. I will first thank you commissioners for having come here for us to present our views to your commission. Now first to start off by stating that this exercise when it came into being in Kenya this was quite in 1962 between the Kenya government with British government in Lancaster but then on the problems which are laid down our government failed to implement two things...

Com. Lenaola: Mr. Obaye, I will have to stop you there. Assume we know that history, assume we know why this constitution has failed all we are asking you is to recommend to us how the new one should be to suit your recommendation.

Obaye: Thank you now we would like in Kenya need under God the new fight for freedom and government of the people by people and for the people. In our country as far as human rights is concerned we individuals have been deprived of our rights. The ammunition which is brought by the state is meant to safeguard our lives, our property and the functions of the country but instead even this rule used to kill us. Secondly, liberty in Kenya is not all that.

COM. Lenaola: Mr. Obaye please you can assist us very much if you put a problem then recommend. If you think ammunition is being used to kill Kenyans what do you recommend?

Obaye: With life I recommend that it is better for the government or under this constitution to form a law which will prohibit the soliders or security officers to utilize this ammunition for killing innocent people in the country.

On the liberty, we have been suppressed with liberty. We have been suppressed with liberty in our country. So I recommend that it is better for a Kenyan to be allowed to do his will as far as his needs are concerned without frustration from elsewhere even from people of higher authorities.

Thirdly, concerning our security in the state we are frustrated most of the time be it at night or day by security officers. So I

recommend that better citizen be free in a free nation without frustration. Thank you, that is all I have to make.

Com. Lenaola: Thank you Mr. Obyae and I thank you for your views. Please go and register na tunashukuru sana.

Obaye: Thank you very much.

Com. Lenaola: Charles Walumbe hayuko? Mtanikubalia sasa nimwite mama mmoja. Nafikiri tu-change sauti kutoka bass mpaka soprano ili pia hii joto ikwishe kidogo. Mama Lina karibu.

Lina Kiptulani: Naitwa Lina Kiptulani, Tongaren. Mimi ningependa kujadilia juu ya wamama. Ningependa kusema ya kwamba wamama wapatiwe nafasi ambayo intakikakana katika ubunge ama udiwani na kuwe na sheria ambayo inasema wamama wasinyanyaswe kwamba hawana umuhimu wowote katika kimataifa kwa sababu kitu ambacho tunataka wamama ni kuchangia na kuleta maendeleo hatuendi huko kwa vita na hata tungependa serikali itutetee sana hata kama mumama hajapita anaweza kuwa nominated wakati wowote na tena kuwe na sheria ambayo inapitiza kwamba mama asinyanganywe jinsi hivyo kwa sababu watu wamama wengi wanaweza kuwa na mawazo mazuri lakini wanaume unakuta anataka kumnyanyasa kwa njia. Kwa hivyo tunataka tupatiwe uhuru na tupatiwe mawaidha yetu na hata tuwe provided security yetu iwe sawa kwa sababu tunachangia maendeleo.

Ningependa kujadilia juu ya pombe. Ningependa sheria isikize pombe iweko lakini iwe na wakati ambapo inatakikana itumiwe kwa sababu sana sana umasikini mwingi unakuja kwa ajili ya watu kutofanya kazi. Ikipitishwa wakati watu watumiwe wakati wamemaliza kazi nafikiri umaskini hatutakuweko na mtu yeyote yule akipatikana wakati ambao hautakikani achuliwe hatua ile ambayo anaweza kufanya maendeleo irudi hapa nchini. Asanteni.

Com. Lenaola: Asante sana mama Lina, nenda pale ujiandikishe. Asante kwa maoni yako. Nani huyu Charles Walumbe? Haya endelea, Mathews Khaemba? Karibu hapa.

Charles Walumbe: Thank you commissioners. My argument is based on the research from the constitution.

Com. Lenaola: Before you argue, let us know how is arguing. What is your name again? For the record to the microphone.

Walumbe: Charles Walumbe

Com. Lenaola: Now you can argue.

Walumbe: My argument is based on constitution that was there and making analysis where it went wrong and from which any other experts will have to assess and put it in place the way we want. The constitution describes the society as a group that makes up Kenyan state.

Com. Lenaola: Please Mr. Walumbe, I will stop you. Make the assumption that we know what a constitution is, we know

what it is supposed to do. All we ask you today, recommend what should have to be in the new constitution. Assume also we know that this being the constitution have all the problems you are going to tell us. Recommend what we should do to the new one.

Walumbe: Thank you. While I accept that the constitution was not all that made in a bad state, commissioners I come to find that the arm of the executive in our present government has monopolised all the powers not through us but through their own making. I recommend that the powers given to the executive should be removed and be given to the parliament that is the legislative.

Com. Mosonik: But that is should be removed or reduced to something.

Walumbe: I feel removed and be handed over to the parliament so that the parliament, because we elect the parliament, it is the parliament from which we get the executive. So if the parliament has got to be given these powers, it will be representing us rather than the executive. That is my argument.

The judiciary as per now seems to understand the executive a lot. Every case, we have heard several cases which have been forwarded for example KACA forwarded some cases there, you find that where the executive is concerned the case will never be heard of. So such excessive powers which the executive have we feel that the one that has just tortured the existing constitution, otherwise the judiciary is in the armpit of the executive so that they are not independent at all.

Com. Lenaola: What do you recommend?

Walumbe: I recommend that such powers should also as am saying the whole mistake is with the executive. So if the legislative or parliament is given such powers they will know we can remove them or redeem them if they don't do us our work. So briefly it admits on the recommendation based on whatever I was thinking from the constitution company with the newspaper and we have said because we know therefore we are assuming we don't have that is where the way I feel. Otherwise, it could have been okay if the executive has not given itself so much powers that it has now. Thank you.

Com. Lenaola: Thank you please understand I am not telling you that your views don't matter all I was saying was assume that we have time history of the process from Lancaster and the present constitution. And the principle is logical and we want to ... (inaudible) ... recommendation and you have said that we remove power from the executive and give poweres to parliament. Suppose parliament also abuses the same power.

Walumbe: We shall remove them

Com. Lenaola: You shall remove them? Then the judiciary you are saying you remove the powers they have and take them to

parliament?

Walumbe: With this recommendation and the country will have executive powers.

Com. Lenaola: Parliament to be given the powers

Walumbe: Legislative powers

Com. Mosonik: Okay thank you. I just wanted to ask you on the principle that we have to the constitutional review is to ...(inaudible)... parliament and hire the three organs are independent of each other, they check each other, they balance each other and they function together. Now when you say remove, simply I was asking are you removing or may be are you reducing or transferring some because if you remove them there is no executive anymore? Secondly you accept parliament is elected but are you saying they the ...(inaudible)... the executive is selected, the president is elected, the ministers are elected and soon? You are just saying may be is it the terminology you are using to ...(inaudible)... ?

Walumbe: From the history of the formation of our government the first two seniors of our government did very well because of separation of powers but there come the year 1979-82 around there where certain individuals were tending to make some rules to favour them. I am happy to say most of them are not there now. They are not enjoying, but those who were left messed up led with the constitution by making some implementations which gave them these executive powers so much so that even this time we are worried that this commission may be eating our money but whom ...(inaudible)... as announcement may come to say no and what will we do.

Com. Lenaola: Mr Walumbe we are answering the ...(inaudible)... Tuache sasa tunafanya kazi ya maana hapa. wewe unaingilia mambo ya siasa na sisi sio wanasisia pengine wewe ni mwanasisia. Siasa nayo ni nje ya hapa. Tulikuuliza you are saying that the executive will be very powerful we know that ourselves. What we are asking you tell us how we can stop it from being too powerful and you are telling us to move all the powers to parliament and we are asking you, aren't you falling the same risk of making parliament so powerful. So just answer the question.

Walumbe: Where the parliament becomes so powerful, it is under our mercy when they mess we just have to vote them out.

Com. Lenaola: Good answer now let me ask you between the 1st year and you see the 5th year in parliament is there. If they mess what will happen these five years would you wait for them to mess for five years then we remove them after 5 years.

Walumbe: We shall pass vote of no confidence within the given period.

Com. Lenaola: That is what we want you to tell us.

Walumbe: Yes

Com. Lenaola: Thank you very much please go and register (laughing). yes this was Mathews Khaemba.

Mathews Khaemba: My names are Mathews Imbali Khaemba. I thank you for having come around for us to view our points on the constitutional review. Here I will start with the public revenue expenditure. Mali ya asili, parliament should continue supervising on collection of public revenue and qualified accounting parliamentary committee who source of information will come from constitutional established national regional budget and taxpayers office all over the republic under Permanent Secretary in the treasury. We also have the constitution to give councils 70% of its collected revenue for development of such councils as follows: The councils under mayor to be given 20% for salaries, road maintenance in such councils or municipalities 10% to give educational institutes and teachers colleges establishment 10% medical care for institutional developmetn find 10%. We have to eradicate corruption, we must have Auditor General, constitutionally must have provincial Auditor General constitutionally must have provincial Auditor General assisting him.

He must be given real powers to summon anybody from the head of state, ordinary citizens. He must be qualified in accounting. He must also be vetted by the parliament from six contestants. Government go countercheck proper use of public finance through reconciliation set of check up calls and three months budgetary estimates under qualified accountancy body. We should also have the commissioner of income tax must be very qualified person chosen from 10 contestants by parliament who must sign memorandum of good conduct and declare his wealth and other conditions such of MPs and councillors.

Commission established to investigate funny issues to public and funded by taxpayers must be revealed to Kenyans e.g. the Akiwumi & Chrimas and devil worshippers. We should have these things disclosed to citizens for them also to understand what is going on because we don't want the things to be just left all over there or with you all of these with what has been nullified or nothing goes on for a very long period of time. That one encourages unlawfulness.

On land issues, the land owners let me come to courts. The arrogance of our courts do not meet our national problems. That is establish the following courts we require or rather we as a government within that constitution which is being ammended we should have local courts for divisional district or level, district level and provincial level and even muncipal levels. That is to make the common mwananchi have that ...(inaudible)... It should also come on that locational levels. We should have supreme court that is constitutional court. I hope you get it. Go to the field for industrial and tribunal court if not such courts can be scrapped and aggrieved employees can use normal courts i.e. commercial.

We also have election of judges delinked from the executive to avoid loyalty i.e. spread parliamentary committee of lawyers to choose judges according to their qualification. The little level of education should be bachelor of laws that one will be the lowest level for such kind of officers. Tow terms of 5 years duration in the different station not one two different stations. Chief Kadhi must have some qualifications like other high court judges and court of appeal must be established to counter check the decisions because some decisions are very crude to a common man like myself. We should check that court matters must

remain the ...(inaudible)... of other institutions such as trade unions at industrial court and dispute elders at land control boards, B.O.G's at striking schools elders and rental tribunal have a legal transaction because of ignorance of law and illiteracy. Therefore we are not complete. Pardon ...

Com. Lenaola: You have ...(inaudible).. that point you have finished.

Khaemba: Let me finish with this one here. We would like to say that when it come to local government we would like the mayor and his team must be elected directly i.e. the duration of a mayor should just be 3 years to avoid corruption because we get that in very many areas these people we just hear of names. But because of them being office bearer for a very long period of time, they learn changes of swindling money from the local government and hence no development for us. Thank you very much.

Com. Lenaola: Khaemba please come and register there. Tunashukuru sana. Juma Masakha? Peter Mulongo? John Sitima? Stephen Musengule?

Stephen Musengule: Safi maafisa wa katiba na wananchi wenzangu. Ni shukrani kwa kundi hili kututembelea hapa ili tupate fursa ya kuweza na sisi kutoa maoni yetu. Kwa hivyo kwa majina naitwa Stephen Wanjala Musengule. Yangu ni machache tu kwa sababu mengi ambayo ningezungumzia wenzangu wameshazungumza tayari, kwa hivyo yangu nitakuwa tu nikienda kwa ufupi na kutoa mapendekezo.

Jambo la kwanza ni kulingana na viongozi tuliowachagua kwa vipindi vay miaka mitano ni sawa lakini jambo ambalo tunaona linatutitiza ni kwamba baada ya sisi kuwachagua baadhi ya hawa viongozi tunaowachagua na wakisha jua washapata hiyo nafasi wanatutoroka yaani ninamaanisha wanaenda wanatusahau halafu wakiona kura zinakaribia wanarudi tena wanakuja kutupembeleza ili tuwape tena kura. Kwa hivyo hapo ningependekeza kwamba tupewe nafasi ya kuweza kutoa viongozi kama hao hata kabla ya muda wa miaka mitano kupitia kwa kura ya kutokuwa na lunani nao.

Jambo la pili Kenya ikiwa ni nchi ambayo imejitawala jinsi nchi zingine kama kwa mfano Uingereza, Amerika na zingine wananchi wake wana haki ya kuishi kwa amani wakifurahia uhuru wao bila kuangaishwa na tofauti kama hivi ilivyo na wakati huu chini ya katiba hii tunaona tumeangaishwa sana na maafisa wa polisi ambapo mtu anaweza tu unakuwa unashutukia tu mtu anaingia kwa boma hata haujui ni nani lakini anakwambia tuko kwa kazi. Sasa unashindwa ni kazi gani ambayo amekuja kufanya. Sasa pendekezo langu hapo ni kwamba tunajua wanafanya hivi wakiwa kwa kazi zao na wana haki ya kufanya hivyo. Lakini ningependekeza ya kwamba wawe wakija ama wakienda kwa mtu wakiwa na uhakika kwamba kuna yote anakosa ambayo wanaenda katika boma hilo wakiwa labda na search warrant ama arrest warrant waonyeshe kwamba sisi ni maafisa wa polisi tumekuja na tumekuja kwa haya na haya watoe waonyeshe hiyo ikiwa ni arrest warrant ama search warrant na ndiyo waendeleo na hiyo kazi yao.

Jambo la tatu ambalo pia ningependa kusema hivi na katika pia kwa lugha geni nitasema hivi. Now may I also express my views in this foreign language so as to draw the attention of my colleagues who have submitted their remarks. My fellow countrymen

my concern is all about a common man who is a taxpayer and his welfare. A common man is the more sufferer in the present constitution taking into account the daily increment of the most essential commodities of his basic needs. Therefore my suggestion is that in the new constitution a common man we need to see that in the national assembly by an elected member from each respectice area. For instance one from each district. Thank you.

Com. Lenaola: Thank you very much. Let me just understand this. Who is a common man?

Musengule: Well a common man according to me is a person who is neither a civil servant or a teacher or any working class that person may be he can even not be a farmer or even a businessman. That is what I mean, such a person is the one I term a common man.

Com. Lenaola: Thank you very much. Please go and register. Humphrey Sumba? Peter Ndung'u, Timothy Wafula utamfuata.

Humphrey Sumba: Kwa majina ni Humphrey Sumba. Langu tu ni himizo kwa commissioner wa constitution. Hasa sana ningependa kuhimiza kuhusu uridhi. Uridhi mara nyingi umeleta tatizo katika Kenya yetu na hata unaweza kufauta watoto na wazazi wenye kukosana kwa sababu ya uridhi. Kwa hivyo mimi ningependekeza ya kwamba kwa sasa jambo la uridhi uwekwe katika katiba yetu ijulikane ya kwamba mtoto akishafikisha miaka kumi na nane ni wajibu wa mkazi ajue ya kwamba huyu mtoto ni lazima nipatie kipande cha kuishi sisemi tu uridhi unajua watu wankuwa wakatafsi vibaya kuhusu uridhi. Mwingine anasema kwamba nimefunza mtoto na siwezi nikampa shamba na nafikiri wengi wetu mumesikia ya kwamba mzozo unatokea familia zinawana kwa sababu ya mashamba.

Halafu himizo lingine ni kuhusu ofisi ya rais, mimi kwangu ningependelea kwamba mtu kuwa rais hata mwenyewe nina miaka ninaweza kusema mimi ni kijana lakini ningependelea kwetu sisi tuwe na mtu ambaye amekomaa kiakili amekomaa kikazi ni yule mtu ambaye ukimuona ni kazi anatenda lakini sisi tuseme ya kwamba tupatiane mtu kuanzia miaka arobaini kurudi chini mnajua tutakua na taabu. Pendekezo langu ni ya kwamba ningependa kuanzia miaka 48 hadi miaka sitini. Hivyo mtu anafaa kuwa rais na kuwa MP. Mimi napendekeza kwamba miaka thelathini kwenda juu kwa sababu nimeona mara nyingi sisi kama vijana wakiafrika hata uwe ma miaka ishirini na tano unaweza kujikuta kwama MP anaenda anapatikana kwa disco. Kwa hivyo mimi pendekezo langu nataka miaka thelathini kwenda juu.

Upande mwingine nitasizitiza kidogo kwa jambo la hasa hivyo nimerudi upande wa mama. Kuna jambo moja ambalo limefanyika Kenya, nafikiri kila mtu anaweza kuniunga mkono na nataka niweke katika katiba unakuta mzee alioa wamama karibu watatu mwishowe mzee utapata ya kwamba ananyemelea upande mwingine anachukua mama moja hata numer tano wanaenda wanafunga naye ndoa halafu baadaye huyu mzee kufa utapata ya kwamba kumbe huyu mzee, mke wake wa kwanza na wa pili lilikuwa mahali halafu inaleta zogo. Kwangu mapendekezo ni ya kwamba kabla ya mtu yeyote hajaingia kanisani kufanya kama ni ndoa nini na nini hafikiri hapo ukoo ungepewa uwezo wa kutesa kabisa kwa sababu sasa nimekuta mara nyingi sana ya kwamba unakuta mtu amefunga ndoa wakati anapoenda kufa ana wanawake tano nyuma na ndiyo wakubwa na yule

mwenye amefunga ndoa ni mwanamke sijui wa sita. Kwa hivyo kuna tabu hapo.

Taabu ingine ambaye zingeweza kuongezea kidogo kama himizo ni kuhusu corruption. Kenya hii kusema kweli ufiisadi unaanzia especially naweza kusema ya kwamba judiciary yetu ya Kenya kutoka kule kwa judges mpaka kwa polisi wa hali ya juu. Kwa hivyo nini ningependekeza ya kwamba ikiwa tunaweza kutengeneza katiba kuwe na tume maalum ambayo inaweza kuwa inashughulikia jambo la ufiisadi direct ya kwamba wewe ukiwa umeona ya kwamba fulani amekula hongo kuna mahala unaweza kwenda kuripoti kwa sababu ni shida sana wewe uniambie ninaweza kuripoti huyu mtu kwa polisi na hali polisi ndiye amekula hongo na ninaenda kuripoti kwa inspector huyo na shida sana kwa hivyo kuwe na tume maalum ya kwamba itakuwa ikishughulikia haya maneno.

Nafikiri sina mengi ni hayo tu. Nashukuru.

Com. Lenaola: Asante sana Bwana Sumba tunashukuru kwa maoni yako. Jiandikishe pale. Timothy Wafula, N.S.A Mwela utamfuata.

Timothy Wafula: Thank you very much. I am Timothy Wafula and I will air my views. First Mr. Commissioner I would like the local government be abolished this is because every 5 years we elect councillors they go to the county council, they don't do anything for us. After five years we vote them out we vote others in. They don't do anything for us. So I was for the opinion that to have some kind of a tribunal may be of affluent businessmen within the region to be in charge of the county council, municipal council or the city council. And then the government should provide social amenities to the people.

You find that in the rural areas we don't have things like the social hall, we don't have even telephone booths like in the whole of this division we have one telephone booth and communication is therefore very difficult. It also makes security to be a threat to us. So the government should provide some of these social amenities to enable life run smoothly in these rural areas. And then you realise that the president has a lot of powers which are a threat to the nation. The presidential powers should be drastically. For example when appointing the Attorney General, government should not have arbitrary powers or appoint or remove someone who is as important as the Attorney General. We should have some kind of institution like the Law Society of Kenya recommending names for appointment. The same should happen with provincial commissioners, permanent secretary and other senior civil servants.

Then about AIDS, we realise that Aids is a national disaster and because human rights have to be protected no one can be forced to take anti-AIDS test. This is dangerous to us because somebody with AIDS can go along and can take too many other people and and it makes it very difficult to have the spread of the disease. So I would like inasmuch as we respect human rights we should force people to take this test. I was of the opinion that ...

Interjection: ...(inaudible)...

Wafula: I was of the opinion that the government should set sanctions to force people to take the H.I.V test for example people who have not taken the H.I.V test should not be allowed to enjoy government facilities like going to government schools, public universities or being appointment or employed by the government such that everybody taking this test and after taking the test

you are issued with a certificate so that if somebody wants to have intercourse with you and he wants to prevent himself from AIDS he will simply ask for the certificate in order to be sure whether you are positive or negative before making that decision. And also there is a lot of misinformation about HIV and how it is spread for example there is a certain church which is spreading stickers misinforming people that condoms cannot prevent one from getting AIDS. This is very dangerous because somebody who may want to have sex using a condom may easily be convinced with such stickers that condoms are not effective. He therefore risks getting AIDS while having sex without using a condom. I was of the opinion that such people who spread such malicious and dangerous misinformation should be prosecuted and jailed.

Also about justice in our country, you realise that we have slow and dragging court cases in this country. Justice delayed is justice denied. So I was of the opinion that each and every division in the country should have a small court to deal with cases within the divisions. Small cases that don't require to be taken so far within the division. And then the government should also ensure that most of these court cases are speeded up in order to clear the court and take the justice to the people.

And then I was also of the opinion that the president while campaigning for the office should declare a running mate. This is important because we need to know the kind of people we are voting in office not just the president alone but also part of his team. So the president should declare a running mate while campaigning for office. Also the government should retrench all redundant employees in order to reduce its recurrent expenditure. You realise that in most areas where some employees like those ones working in forests in the water department, they are just there like their salaries home they don't even report to office. Such employees are not productive to the country. They should be retrenched.

And then lastly, Christians should also be Christian courts to deal with civil suits where both parties possess the same religion. This is because we have the Kadhis Court for the Muslims and we should also have a Christian courts for Christians and in addition to that we should have arbitration officers in divisions to deal with small cases instead of taking everything to court this is because mitigation is very expensive. Thank you.

Com. Lenaola: Thank you very much Wafula. Please go and register. Halafu M.J Wanyonyi.

Joseph Muola: My names are Joseph Muola. I am a student of Law Moi University. May be bear with me I will start with a formulation to the action which basically cautionary also to the commissioners but in your art to previewing this constitution please bear in mind that previously we have seen scenario of reviewing a constitution that has not even brought any harmful to the people like we have seen it somewhere in the ... (inaudible) ... Well people have gone into the review of the constitution that has not brought any fruits to the people. And should please bear in mind the two constitutional systems that are present in the world Mutakha Kanug as he was there before, he became a commissioner. Zenith Mbajiko at route of the constitution crisis but the problem with the Kenyan constitution is that we have failed to recognise the British parliamentary system and the American system and finally we have come to the problem of trying to intermingle and cross breed high dynamisation of those two systems where we have arrived at nothing. That is the same way that we have a system that is Americanism kind.

Com. Lenaola: Like I said assume all that we know. What are your views?

Muola: Now let me give my views. To my recommendation straight away. Firstly, I would transform in reviewing the issues of constitutionalism should be entrenched into the constitution. Doctrine of separation of power should be put into the constitution. The ideas of people sovereignty. We the people the Wanjiku's we are, we want it put into the constitution. We want the preamble that to direct our needs, our desires and our intentions.

Secondly, I will go straight away to the judiciary. The judiciary in an institution that is important to this country but in a very unfortunate situation our judicial sinking and liking in the much and muddle of total failure. We are born to collapse quite soon. So I would recommend the following that first thing, we should have a supreme court. The supreme court shall be higher than the appeal court. We shall have a general jurisdiction for all matters. It should be above the court of appeal, so we shall have a general appellant court and with a general jurisdiction. Below it should be normal system the court of appeal, high court and the others.

Then secondly, I would ourform for an independent judicial service commission here and there after refered to as judicial service commission. The judicial service commission should have a composition that is expanded not the current one the way the current constitution talks about the judicial service commission is very different. Judicial service commission should be composed of stakeholders, by stakeholders I mean people like the Law Society of Kenya, religious bodies, supreme civil society and their law school basically. Members of law school should be part of the judicial service commission. These people should be nominated or elected. The judicial service commission itself should appoint its own chair and secretary elective its own chair and secretary.

Now the Chief Justice and the Head of Civil Service. The Attorney General should not be a member of the judicial service commission. It is mandate to select candidates for appointment based on merit, competency and morals. The procedure is that after they have selected these candidates they should be taken to a judicial committee of parliament. Its mandate is it will get one potential management of the registrar, the appeal judges, the court of appeal judges, supreme court judges and sitting. All of them should vote in parliament and infact this parliamentary committee or judicial service should hold public hearings so that it gets public opinions on who is to serve us in these judges. They are not going to appoint judges without meeting the people approving them.

Alongside the supreme court I propose a constitutional court. This constitutional court I believe shall zealously and jealously guard our encroachment of our constitutional rights by the executive and parliament, which we have seen in the previous part I don't need to elaborate on that.

Then I would turn to the point of *locus standi*. I pray that this new constitution should be very careful in establishing the question of *locus standi* the issue of interest. The interest of the people previously you could see people going to court. People like Wangari Mathai going to court when forests have been abused and their cases have been thrown out because there was no *locus standi*. They didn't have *locus standi*. I want the question of *locus standi*, the interest in those issues expanded to everyone. Special injury should not be reserved to some people for example if I see somebody is abusing water or a river I can have special interest in that.

Then I ...(inaudible)... to the office of the Attorney General intertwined with the director of public prosecutions. I propose that

the powers of the Attorney General under Section 26, 3,4 & 8 of the current constitution should be vested in the office of the deputy of public prosecution. The work that the current Attorney General does about prosecution the way he takes cases to court should be done by the director of public prosecutions. Then then Attorney General should retain his normal functions like advisor to the government and others like that. The Attorney General should not fix in the judicial commission. Then finally concerning the office of the Attorney General I would like to talk about the powers to enter *nol prosequi*. To stop cases nowadays, I believe it is a retention of our colonial leaders which has no basic meaning, especially the context of private prosecution the way he can take over private prosecution then the following day bends up *nol prosequi* that cases in essence it defeats the purpose of justice. I would propose that the powers to enter *nol prosequi* in private cases be withdrawn.

Concerning rights, we have chapter 5 talking about rights in essence, but if we look into chapter 5 it seeks not to discriminate but in real sense there is a form of discrimination in the current chapter 4, like there is discrimination against the disabled. South Africa has gone that way so without prejudice to myself I tend to think that we should streamline on sexual orientation also. South Africa has gone that way maybe we can also go that way but with reservations also.

Then the issue of torture where IPPG 30 sent to cut torture among police officers especially people in jail. But I think it is worthwhile that is should be put down into writing the current constitution that the Chief Justice must make interpersonal that chapter 5 should be put out. It is unnecessary, only should the Chief Justice direct people on how to interpret that constitution yet they have brains of their own they can interpret it. I recommend that the idea of the Chief Justice giving rules of interpretation should be removed.

The last point is about elections. The powers to the president to prorogue and dissolve parliament should be removed. I believe the constitution can set dates for elections after each year and it can also add troubles of emergency that such ...(inaudible)... and e.t.c. and then provisions on *olavira*. I believe *olavira* should be compulsory. We must make sure that people re-run for election.

Com. Lenaola: Thank you very much. You cannot escape cross examination. So can I ask you a question on fundamental rights. I don't think I got it correctly when you said that chapter five of the constitution allows discrimination ...(inaudible)...

Muola: No I said that there must be a provision specifically I am saying that in essence it does not cover that. The word is that it does not cover. It does not say that sexual orientation should not be discriminated against. I am saying that it leaves it open so that you can still be discriminated on that.

Com. Lenaola: Because of your interpretation I don't agree with but that is your view. The second point it *nol prosequi*. You are saying the Attorney General should not have the powers to call the cases private prosecution. Are you saying therefore that particular case be unruly with the other prosecution.

Muola: Yes we have *nol prosequi* in other cases that he himself is accountable.

Com. Lenaola: Which contradicts you point on the Attorney General not having prosecuted powers. Are you saying the need not be there?

Muola: Okay it is then the director of public prosecutions not the Attorney General.

Com. Lenaola: Okay thank you. And lastly are you now separating the office of the director of public prosecutions for the Attorney General and make the director of public prosecutions a constitution office of its own?

Muola: Yes

Com. Lenaola: Okay thank you very much. Please register. Next?

Scolia Wanyonyi: I am Scolia Wanyonyi, student in Moi University. First I will start with the preamble. In the current constitution ...

Com. Lenaola: ...(inaudible)... Makokha S.G? Kimwela? Protus Katila you are next.

John Kimwela: Thank you very much. The speaker other commissioners and the rest my names are John Kimwela.

Com. Lenaola: Jose ...(inaudible)...

Kimwela: I am John Kimwela

Com. Lenaola: John thank you

Kimwela: My first point. For example a constitution has been ammended 38 times since independence but no ordinary person has been involved. Its my feeling that ordinary people be given an opportunity through opinion polls like what happened in Zimbabwe, Afghanistan and Pakistan for also ordinary people to come up with a very important opinon poll. So it is my feeling that we also make it in such a way that it cannot be abused. I will also like to say that parliament should be given the powers to vote and come with the idea of having to the president to decide on his own.

My second point is on the Attorney General. This is just an amorous character who neither here nor there. Is my feeling that he should just be a prosecutor and his office a prosecutory office nothing else. He appoints the judges through the judicial service commission yet prosecutes the cases before them.

So you can see clearly that he cam still play around so for him to appoint somebody let us take a case here of course corruption or whatever might happen government sponsors deals should be brought to the house by the leader of the government business but not the Attorney General. The Attorney General should not unless there is a very important thing in parliament, should not sit

in the parliament.

My next point is on provincial administration. It is my feeling that we in Kenya we have to introduce the governance type of system where the P.C will be replaced by the governor who is elected by the ordinary people under him we shall have the mayor and the councillors. This will bring about more accountability and will bring the government close to the people because it will assist us to mark these people an eyebrow to an eyebrow. It is my feeling that when this happens we also lower the rate of corruption and eventually it fails.

My next point is on the prime ministerial post. It is my feeling that we should have a prime minister so that we are sure that the person is answering the questions in parliament directly rather than having a president who never answers even a single question in the house instead uses the ministers in the office of the president who do the brainstorming for them. It is my feeling that we abolish the idea of...

Com. Lenaola: ...(inaudible)... make the recommendation don't say instead. You have made the point.

Kimwela: Thank you. So I am saying we have the prime minister and this prime minister will answer the questions from the MPs rather than somebody brainstorming for you. Next is the idea of natural resources. It is my feeling that when natural resources are discovered in a particular district the first beneficiaries must be the members of the district and the locals around like for example we hear Bungoma has a lot of gold so it is my belief that they are going to benefit a lot rather than may be somebody who is a foreigner talking everything away. Thank you very much.

Com. Lenaola: Thank you very much John. Please we have no question for you go and register. Protus Katila then Alfred Wanyonyi.

Protus Wanjala Katila: Commissioners na wale ambao wanaweza kunisikiliza. Mimi ni Protus Wanjala Katila. Ningependa kuongea mambo machache lakini kwanza nitaongea juu ya wamama. Kama Kenya ingekuwa ina watu wazuri ambao wanataka wamama wawe promoted kwa kazi ya siasa nominated wote kuanzia councillor na MP wangukuwa wamama. Kwa vile hao tu ndio wako wachache kwa upande wa kuongea mambo ya siasa. Hiyo ingefanya hivyo inge-promote wamama kuwe hali ya siasa. Yaani wange-nominate mwanaume yoyote.

Kwa laini ya pili, mambo ya mashamba. Mashamba ingekuwa yaana kama mtu ako na shamba inaandikwa majina mawili ya mma iwe ndani yake, kuliko saa ile anakufa succession amekuwa pesa nyingi sana ile ambayo huwezi kufanya. Hiyo liandikwe hivyo ule akitaka kuongea na mama na akiwa na mtoto yake ni sawa tu. Na kitu kingine ambacho ni mbaya sana kwa sisi ni upande wa mashamba. Mashamba ukienda kwa lands uende kujaribu kutoa title deed au kujiandikisha kulipa pesa ya ushuru iko juu sana ambayo naomba ingerudishwa chini ili mtu yeyote anapokaa hapa au ule ako na shamba yake apate title deed.

Kitu kingine ya nne ile ambayo naona ni ya taabu sana kwa kulima, vifaa ya kuweka kwa shamba iko juu sana. Ikiwa kama Kenya au ...(inaudible)... Kanu ile iwe bei ya chini na hata ikiwezekana katiba badala ya kuacha watu njaa wakule ndio wapelekewe misaada ingekuwa serikali iweze kuagharamia kulipa mbolea, kisha irudi chini sana ili ukulima iwezu kwa kwa

sababu ukulima kama saa hii zaidi ya elfu tisa huwezi kulima kwa acre moja na upate kitu. Kwa hivyo unajikuta utakuwa unakaa kuongojea serikali.

La tano ambayo nataka kuongea nayo serikali ingewezekana ilipe wau wetu waliokufa Chetambe na Lumboka. Walikufa tu kwa shauri ya kupigania uhuru na hata mashamba wakanyang'anywa sasa ikiweza walipwe na watupe hiyo mashamba yetu ambayo ilikuwa ya wabukusu ambayo wakoloni walichukua wakiwa watu wetu na watu walipwe.

Ya saba kitu ambayo ningetaka kama saa hii ndiyo tutafute vitu vizuri tungekuwa na majimbo. Tukiwa na majimbo ni saa hii Kenya tuko kwa siasa ya majimbo kwa vile ukiangalia province kama jimbo. Watengeneze tu mpaka iwe watu wa area hiyo pesa zikitoka hivi au zikitoka ng'ambo zingine direct kwa watu wale, kuliko pesa kuingia kwa central government na kupotea huko inakuwa tu mambo mengi.

Ya nane laini yetu ya vitambulisho. Vitambulisho hasa upande huu uko na shida na shida hivyo inatokana sisi tuko na mtawala mmoja ambaye anajua mwananchi wa karibu ni sub-chief. Sub-chief apewe mamlaka vile amepewa mamlaka ya birth certificate na hata death certificate awe yeye ana form na kila kitu kuliko saa hii unaangalia wengine wetu unaenda kufanya ...(inaudible)... Hiyo imekuwa kama sisi tuko kwa nchi ingine sio Kenya.

Ya tisa hii ambaye nayo upande huu kwa wale wako mbele tukiangalia wale MP wa mbele wale walitoka hapa walisomea pombe ya kienyeji. Na walipoenda huko nao wakapiga marufuku pombe ya kienyeji na imefanya watu wetu hata ukiwa hawakunywi ssa ukitembea tu hapa ukipatikana ukionjaonja utapea polisi pesa au utashikwa tu na wakupe pombe na uende. Sisi tumekaa kwa maisha ya ovyo ya kukaa kama tuko na wasiwasi na sisi kama wananchi tunakaa tu hivyo pombe tukae tu kama Uganda kama Tanzania walipoachia kukunywa hata hakuna mwenye kuliwa na hapa ukienda nje walevi wako. Sasa huyo wanasema marufuku hivyo ilikuwa uongo. Vizuri pombe hiyo iendelee.

Mambo ya hospitali na ya skuli. Sisi tulipokuwa kwa mambo ya kwanza tuliambiwa tu wananchi watapata hospitali free, masomo wanasoma free na ukweli tanug mwanzo. Mwanzo tulikuwa na deski na kalamu iko hapa kama hii ya kuweka wino na unaandika sasa wazazi hawakuwa na gharama. Ie elimu ya zamani irudi kama vile unakuja tu na mbao na unatengenezea kwa ma-desk na watoto wasome. Saa hii masomo iko ngumu hata kwa nursery ambayo hiyo ya kwanza na iko malipo kali. Walimu wa nursery wangelipwa pesa mzuri na serikali na watoto waanze kusoma kutoka kwa nursery.

Halafu ya mwisho ambayo naona ni ya taabu sana ni mambo ya rushwa. Na ile rushwa ambayo imekuja kwa Kenya imetokana tu na harambee. Hii harambee ilikuja na imefika pahali imepotoka kwa vile unapoenda kwa ofisi yoyote kama anataka kula kwa wewe rushwa atatoa kitabu tu hata kama itakuwa harambee ya zamani utoe harambee. Na hata wale wako kwa bunge saa hii wengi pesa ambazo wanatumia ni za rushwa sio ati unapata wezi wanaingia bunge. Kwa hivyo mambao ya bunge uchunguzi vizuri kwa sababu hata kwa saa hii lango inatokana tu kwa hiyo harambee. Sababu mtu anatembea na pesa alipata wapi. Harambee ichunguzwe.

Com. Lenaola: ...(inaudible)...

Wanjala: Nina mambo mengi lakini nashukuru.

Com. Lenaola: Asante bwana Katila tumshukuru kwa maoni yako nenda pale ujiandikishe. Hatuna swali. Wanyonyi halafu

Alfred Wanyonyi: Asante. Kwa majina ni Alfred Wanyonyi na haya ndiyo maoni yangu ningependa kutoa siku ya leo.

Kwanza ningependa kuchangia kwa upande wa rais kuwa na mamlaka zaidi. Ukiingia katika Biblia Injili ya Luka sura ya kumi na nne mpaka ishirini, kuna wakati mtu aliwezi kumuuliza Yesu mwalimu mwema naye Yesu aliweza kumkataza ya kwamba hakuna aliye mwema ila mmoja tu naye ni Mungu. Kwa hivyo awe ni rais ako chini ya sheria utakuta ya kwamba hata sheria kumi za Mungu, rais akiwa mkristo ako chini ya mamlaka kila rais awe chini ya mamlaka kutakuwa na usawa katika nchi yetu naye pia atakuwa hukumiwa iwapo ameu, ameweza kuchapishwa katika ufisadi na mambo mengine.

La kuongezea ama la pili ni kuhusu ukimwi. Ukimwi ni mdudu mbaya katika nchi yetu naye amechangia sana kula pesa zetu. Misaada mingi inaletwa Kenya. Serikali inatoa pesa nyingi kwa upande wa ukimwi inatoa matangazo imepeleka watu courses mbali mbali kwa sababu ukimwi lakini mwishowe hata mtu amekifa ukimwi katika matanga yake wanatangaza amekufa kifua kikuu, amekufa sijui nini wanatangaza ama ya magonjwa ambayo hayako, ambayo iso yameweza kumuua huyo mtu. Kwa hivyo pesa ambazo zimetolewa afadhali zingeenda zikajenga barabara hizi ambazo zinaharibika badala ya kupeleka kwenda kupeleka mafundisho kwa watu ambao hawatakuja kusema ukweli mbali hatasimamia kushughulikia uwongo ya kwamba mtu amekufa TB na kumbe amekufa ukimwi.

Na kuongezea ni kuhusu watu ambao wamestaafu. Mtu amekuwa mkubwa katika serikali amefanya kazi kwa miaka mingi pengine amefika miaka hamsini na tano anaenda retire baada ya mtu kidogo utakuta ya kwamba rais ameweza kumchukua huyo mtu na kumfanya kuwa mkurugenzi mkuu wa Nzoia Sugar Company na mengine. Ilihali tunajua ya kwamba yeye amefanya kazi, amestaafu kwa hivyo nafasi iliyobaki ni kwa wale hawana kazi, wale university graduates ambao hawana wanatembea kwa nguvu wanatafuta. Mambo kama hayo pia waweze kuyaondoa.

Ukija upande mwingine kwa upande wa chakula na umaskini namna wa miaka ya themanini mpaka tisini na tano utakuta ya kwamba Kenya ilikuwa inauza mahindi katika nchi ya nje lakini sasa Kenya ina-import mahindi. Hii ni kutokana na serikali kuchangia na kuendeleza umasikini ndani ya watu. Tunakuta ya kwamba kilimo tunafanya lakini ile bei ambayo tumenunulia vifaa kupandia sio ile tutakayozuia vyakula vyetu ambavyo tumelima. Kwa hivyo serikali irudi iangalie kwa kweli unatekeleza wajibu wake uliyoahidi kwa kuchangia kuondoa umasikini na kuondoa njaa kati ya watu na kuongezea utakuta ya kwamba hata saa hi Rais Moi anaweza kutangaza ya kwamba shule zote wanafunzi wanasoma bure hakuna school fees wala mjengo...

Com. Lenaola: ...(inaudible) tulisema asubuhi majina ya watu hatutaki sisi hapa. Thank you for your constitutional rights office ya Rais, P.C., Chief, Commission majina yangu tu na yako peke yake.

Wanyonyi: Asante nitasisitiza tena mambo yanapotangazwa ya kwamba kama saa hii ya kwamba wanafunzi wasiweze kulipa mjengo na school fees hadhi mambo ya commission ya elimu yaendeleo kuchunguzwa na kutatimia mahali ambapo watashirikisha, utakuta ya kwamba hata sasa mwanangu yuko nyumbani hasomi kwa sababu amefukuzwa kwa ajili ya mjengo na mengine. Kwa hivyo namaanisha wanapopitisha jambao ama mtu yeyote katika serikali anapongea jambo afuatilie kuon ya kwamba jambo kama hilo limezingatiwa.

Na kuongeza serikali isaidie watu wakati kilimo kiko na matatizo wakati wa saa, utakuta ya kwamba kutokana na bei mbaya ya mahindi mwaka huu watu walilima vibaya na hata vile mumetembea mkija mtakuta ya kwamba mahindi imetoa vichwa ya kuwa mafupi kama meza hii. Sijui mavuno ya aina gani utaweza kutoa katika mimea kama hiyo ambayo itaweza kukisaidia nchi yetu. Mapendekezo yangu ni kuona ya kwamba serikali unapoonaa janga kama hili unapotokea ama mambo kama haya yanapotokea ikaweze kujitokeza na kusaidia wakulima kuwapatia vifaa ili mwaka unaofuata wakaweze kufanya vyemakatika kilimo na kufukuza njaa.

Na mwisho kuna mapigano inayotokea wakati wa uchaguzi. Tunapokaribia uchaguzi namna hivi utaona kuwa mali nyingi zinapotezwa, maisha mengi yataweza kupotezwa. Tunaomba ikiwezekana kupitia kwa katiba hii serikali iliyoko na commission ya uchaguzi ambayo utakuweko iwe ikigharamia maisha ya wale watu ambao wamepotea kwa sababu walikuwa ni watu wa maana katika familia zao. Na pia mahali ambayo imeharibika ni amli ya maana na ni mali ya kusaidia familia fulani kujiinua kimaisha. Lakini utakuta ya kwamba wakati mali hii inaharibiwa uchaguzi umeisha mambo kama hiyo hayaangaliwi

Com. Lenaola: Asante nafikiri umejiendeleza vizuri, si lazima kufuruta sana. Umesema vizuri, jiandikishe. Evans Kubono.

Evans Bahati Kubono: Nitaongea kuhusu utawala. Kwanzia kwa mkasa kupanda juu, utapata ya kwamba tunaweza kuwa tumechukua mkasa pengine hajakua na elimu na tumemuweka mkasa na mkasa huyu anatakikana pengine adhibitishe kupitia kwa maandishi na iende katika daftari pengine la chief ama D.C. ama chief. Sasa tunapata ya kwamba tunapeana ule ambaye hajasoma. Sasa pendekezo langu ni kwamba mkasa yeyote awe mtu wa darasa la nane, awe pengine na cheti cha nane ama awe ana cha form four.

Pili mnapoelewa ya kwamba uchumi wa Kenya umezoroteka sana na ninapoonaa laini ya serikali iliyopo sasa hizi ni mrefu sana halafu baada ya rais unapapata ofisi ya mkasa, chief, subchief, D.C., D.O naona kwamba hizi ofisi ni mrefu na zinatimia pesa mingi za serikali. Sasa ikiwa mapendekezo yangu naona ya kwamba ofisi ya sub-chief na ofisi ya P.C. naona kazi zao naona hakuna kazi mingi unaishia kwa D.C. Sasa mapendekezo yangu ni kwamba chief tukitoka kwa mkasa tuende kwa chief, tukitoka kwa chief tuende kwa D.O, tukitoka kwa D.O tuende kwa D.C.

Tatu, chief achaguliwe na wananchi. Na chief huyu atakuwa mtu wa kuzunguka yaani apewe transfer hiyo ni kwamba asitokuwa tunazuia ufasidi mingine. Kwa sababu mtu anapokwama mahali pamoja unapata ya kwamba unakuwa na marafiki wengi pale. Sasa tuwe na wachaguliwe na wananchi, na apigwe transfer bora awe na qualifications za ku-qualify kama chief.

Nne, ofisi ya rais unapoelewa ni kwamba ndio huwa inachagua Vice President. Mimi naona kiti cha vice president kipewe wananchi wenyewe, wachague mtu ambaye wanampenda. La mwisho ni kwamba Vice President ukiwa amechaguliwa. Ukiwa si mwananchi wanachagua apewe bunge alini rais asikuwe ndiye anachagua yeye. Halafu rais mamlaka yake, ili asikuwe rais na tena ni mkuu wa majeshi. Yeye awe tu rais kiongozi wetu lakini asiwe ni mkuu wa majeshi ama above the law. Hiyo naona ya kwamba wametufanyia na hilo jambo. Sasa pendekezo langu ni kwamba ofisi ya mkuu wa majeshi iwe kando na ofisi ya rais. Halafu kuwe juu ya mamlaka hilo hata mbele ya Mungu sio sawa. Nafikiri ni hayo.

Com. Lenaola: Kwa hivyo sasa unataka huyo chief wako achaguliwe hapa Tongaren tupige transfer aende Naitiri

Kubono: Mimi naonakwa maoni yangu, chief achaguliwe atakuwa mtu wa kuingia kwa maafisi hata anaweza..

Com. Lenaola: Mambo ya transfer tumesema. Tumechagua chief wetu hapa Tongaren halafu wale wa Naitiri wachaguliwe wao na sisi tunapeleka huyu wetu Naitiri. Naitiri apelekwe wapi? Apelekwe Kimilili?

Kubono: Nasema hivyo akikuwa mahali penyewe inakuwa kama

Com. Lenaola: Ni maona yake. Kwa hivyo kama chief wetu ni mbaya hapa tumchague mbaya hapa tumpeleke angaike huko ... (inaudible)...

Kubono: Hatusemi yeye ni mbaya lakini kuzuia vitu vingine yeye anaweza kwenda tuseme kwa mfano Naitiri na huyo anakuja huku.

Com. Lenaola: Yale ni maoni yako enda ujiandikishe pale. Ningependa kumuita mama Lily Makokha.

Lily Makokha: Kwa jina ni Lily Makokha na nitaendelea. Kitu ya kwanza ambayo nilikuwa nataka kusema ni kuwa serikali yetu inatumia pesa nyingi sana ku-train watu na kuwa-employ halafu mtu aki-retire mwengine ana-retire yuko na very high post lakini akirudi nyumbani anasahuliwa anapotea huko kabisa hata kama kuna kitu ambacho anaweza kusaidia hawezi kusaidia kwa sababu amepewa barua ya u-rette. Kitu ningeaona kwa sababu serikali inawatumia pesa nyingi kwa huyu mtu kwa kum-train halafu watumia pesa nyingi akafanya kazi nao halafu sasa amekwenda kupumzika kukiwa kama kitua kidogo kiko ambacho anaweza kusaidia kama hospitali au skuli ndogo pengine hawana staff anaweza kwenda tu kwa muda tu siku awe employed permanent lakini kwa muda kusaidia kama wako short of staff halafu arudi nyumbani.

Kitu kingine ambacho mimi ningependa pia ni kwa matatu. Kuna matatu ukiingia kwa mfano kama imejaa sana polisi wanazungumza na manamba na driver halafu wanapewa hongo nyingi, mlio huko ndani mnajua vile vile mumejazwa kama ndizi. Sasa kitu changu nilikuwa naona ni kuwe polisi wakusimamisha matatu kama hiyo baadala ya kum-charge manamba au driver wa-charge yule passenger kwa sababu passenger wenyewe wanajilazimisha wengine kuingia ndani. Kitu kingine ambacho nilikuwa nataka kusema ni juu ya uridhi kwa watoto. kuna desturi nyingine mtu akiwa yuko hai hasemi watoto wangapi wako nje ambao amezaa nao nje. Siku akifa kabla hajazikwa utaona kina mama wanasimama na milolongo ya watoto kila asema nilizaa na huyu mzee. Na clan wanawa-accept, wanawachukua hapo hapo, wanawagawanyia hata mali hata yule mama ambaye anajulikana kama ndiye mama legal pia anakuwa frustrated. Kwa hivyo mimi nilikuwa na-recommend ikiwa mtu amezaa nje na mabibi wengine nje wote wawe registered kama, ni will awache kwa will awaandikie jina la mama na watoto wangapi amewazaa nje ili siku akifa wakati ule hawezi kusema, watoto wakisimamishwa mlolongo waeza kusomewa wale mabao hawako kwa hivyo list inajulikana si wake. Baadala ya watoto kukubaliwa kwa sababu ashakufa na hawezi kujitetea na mama aliyekuwa na mzee wakati wa ugonjwa na wakati wa shida zozote sasa mama yule apata taabu na watoto wake.

Yangu ni hayo peke yake. Asanteni.

Com. Lenaola: Asante mama tunashukuru. Jiandikishe pale. Nicholas Matoto? Abiud Asembe? Joseph Salambo? Hujui jina lako mzee wangu? Wewe ndiye mtu wa Namunyiri? Umetoka Namunyiri? Haya endelea.

Joseph Salambo: Asante. Thank you very much the constitution to come here today. Most of the ideas I had I have heard them. Joseph Salambo ...(inaudible)... Most of the ideas I had recorded down have been said so I will only give a summary for what I would say.

Parliament, parliamentarians are supposed to be highly qualified people simply because they are the law makers. We have had a problem in the last 10 years because of trading poor unqualified parliamentarians in parliament. I recommend that the highest qualification an MP is supposed to be a two degrees that is MA degree. Presidential candidate qualification, the President must have at least a PhD in law because actually how to relate in this world with the other world if you are not in that position. Councillors, mayors has to have a degree because the outside world is coming to see him.

Now we are agitating for registration. We need somebody who is actually qualified.

Duty of ministers. It is so funny that am a lawyer and am chosen to be an agriculturalist. How do I run such a ministry? Please we want agriculturalists for ministry of agriculture. Foreign minister must be an international lawyer, PhD. Finance minister, this is the most important area that we are having here. Finance minister is supposed to be a qualified accountant PhD, simply because we are having a problem in accounting in this republic because of appointing wrong people in wrong positions. How do you become a lawyer and you are appointed to be a finance minister? Do you know anything to do with economics which means you cannot to anything in that position. Now coming to elders. Our elders are actually poor in conduct with people. These elders are supposed to be elected from the elder to the sub-chief, to the chief, D.O upto the highest level and these people the elders are supposed to be retired officers who know how to read and write because some of us have heard problems. When you go to him/her he doesn't know how to write so the message is not delivered in good time and again. Why don't we have a calendar for parliament? These are civil servants. They owe use an allegiance, they are answerable to us not the executive. So parliament has got to have its own calendar from January to December. I give them 28 days annual leave just like other civil servants and work 8 hours a day in a week and thirty days in a month. Whatever that month has such area.

Now education. This is the most important issue but people here have got to know. I am afraid that education has got a very big problem today. However ...(inaudible)... system I don't know. We need people to go to university on merit on qualification e.g. the constitution now should make sure that these boys, those students who get a C+ minimum, university entry should get to their positions straight away in the universities sponsored by the higher loan scheme so that we don't waste such loans.

Another funny this is that the 8-4-4 system so far has brought that if a child registers 8 subjects and he gets 3 or 4 A's from the humanities one is dropped that through ...(inaudible)... entry to the university. So such people please must be communicated from 1997.

Com. Lenaola: Last point now

Salambo: Another important thing though it has been said constituencies, how do we vote a person with 7000 and that one with 40,000 as a vote. This is unfair disparities of representing people. So I recommend that the minimum votes a voter, an MP can get is 20% of the registered votes in a constituency. I will come to the reason why am saying so. A constituency has got to have 60,000 population or voters which means I mean to say that I want the constituencies to be created according to population and not according to animals in that thing.

Com. Lenaola: Now thank you very much for your views. Please go and register there. Let us have Mr. Eric Wanyama. Patrick Baraza utamfuata. Keti tu mzee, akimaliza utamfuata. Halafu Jefmayor Kibwake utamfuata huyu mzee. Stand by. Endelea ndugu yangu.

Eric Wanyama: Asante sana mwenyekiti anayesimamia kikao hiki. Kwa majina naitwa Eric Wanyama, natoka katika kata ya Kimilili tarafa ya Tongaren. Mapendekezo yangu

Com. Lenaola: Na unaambiwa na wazee wewe in young turk. Kwa hivyo toa sauti kidogo.

Wanyama: Nina mapendekezo kadha ambayo ningependa kuyatoa. Kwanza kabisa nitaanzia na ofisi ya rais. Kama kweli ofisi ya rais hapa Kenya ina uwezo mkubwa zaidi. Nasema hivyo kwa sababu rais ni amiri jeshi mkuu, ndiye chancellor wa vioo vikuu, yaani public universities, ndiye anateuwa baraza la mawaziri na kwa hivyo napendekeza kwamba mamlaka yake rais yapunguzwe na kubuniwe na ofisi ya waziri mkuu ambaye atakuwa head of the government yaani mkuu wa serikali na pia yeye ateuwe baraza la mawaziri, tena kuwe na ofisi ya deputy prime minister ambaye atamsaidia waziri mkuu kwa kazi na huyo waziri mkuu awe akienda bungeni kujibu maswali kwa niaba ya rais.

Pia napendekeza kwamba rais awe na umri wakati wa miaka hamsini na tano hadi sitini. Nasema hivyo kwa sababu inatakikana rais awe na uwezo wa kuzunguka nchi namna ikiwa ana nguvu tena rais mzee kusema ukweli hawezi akazunguka vizuri na kufanya kazi yake vizuri.

Pia napendekeza kwamba wale ambao wanateuliwa na rais wapigwe darubini na bunge kwa mfano mabalozi na hata mawaziri wanastahili wawe vetted na bunge. Nasema hivyo kwa sababu kumekuwa na kesi kwamba kuna wale ambao wamekatiliwa na wananchi na ili hali wanateuliwa na rais kusimamia mashirika ya serikali na kadhalika.

Pia ningependekeza ya kwamba bunge isimamie maswala yake yaani calendar ikiwa wanaamua tarehe ya kuketi bunge lenywe liamue na pia kama kuahirisha bunge, bunge lenyewe liarishe kikao lakini sio kama wakati huu ambapo rais ndiye anafanya mambo hayo. Swala lingine ni kuhusu utawala wa mkoa yaani provincial administration. Kusema ukweli provincial administration ililetwa hapa na wakoloni na pendekezo langu ni kwamba kwa sababu maofisa wengi wa administration wamekuwa wakwanyanya wakenya, mimi nikiwa mmoja wao. Kusema kweli provincial administration inafaa indolewe katika katiba ya Kenya, na baada ya hizi pesa ambazo zinatumiwa kuwalipa mishahara afadhali hata wakitumia kutengeneza barabara kwa sababu kusema kweli hapa Kenya barabara ziko katika hali mbaya kabisa na hii hali. Sisi kama taxpayers kusema kweli tunalipa zaidi ya 80 billion kila mwaka kwa serikali lakini hakuna services zinazofaa.

Swala lingine ni la kijamii. Mimi naonelea kwamba pombe ya kienyeji iwe halali kwa sababu kuna baadhi ya polisi wa Kenya ambao wamekuwa wakiwanyanya wananchi kwa sababu ya hii pombe yaani na Kamau wanawakamati wakenya kiholela ili haja yao ni kupata pesa. Kwa hivyo mimi naonelea kwamba pombe ya kienyeji iwe halali. Swala lingine pia ni kuhusu ardhi. Kuna wakenya wachache ambao wana mashamba yaani elfu ya ma-acre na zinakaa bure na mimi pendekezo yangu ni kwamba kuna wakenya ambao hawana ardhi na badala ya hawa ambao wana ardhi. Serikali ifanye mpango kuwapatia wakenya ambao hawana ardhi na pesa kuwa kuhusu kilimo kwa sababu kilimo ndio uti wa mgongo wa uchumi wa Kenya kusema ukweli wakuli kwa wakati huu wanumia sana kwa sababu mashirika ambayo yalikuwa yakisaidia kama K.F.A ama A.F.C ama A.D.C kwa wakati huu umeporwa na hata hakuna kitu ambacho wanasaidia wakulima na mimi mapendekezo yangu ni kwamba mashirika haya yafanyiwe marekebisho ili wakulima waweze kunufaika. Kumekuwa na kesi kwamba baadhi ya wale wanasimamia mashirika haya ni wale political appointees ambao haja yao ni kijinufaisha wao wenyewe. Kwa hivyo watu kama hawa kusema kweli na hata waondolewe wasisimamie mashirika kama haya.

Na kuhusu swala la mahakama, mapendekezo yangu ni kwamba mahakama siku hizi

Com. Lenaola: Wanyonyi left with the president

Wanyonyi: I am holding the material right here. It would save me a lot of time if you could actually go to the recommendation. And we have them here with us.

Wanyonyi: That is fine and I think I have made my all coments.

Com. Lenaola: You have finished

Mr. Wanyonyi: Yes

Com. Lenaola: Thanks very much please register. Brown Makokha, J.M Kimwela and Protus Katila you are next.

John Kimwela: Thank you very much the speaker other commissioners and the rest. My names are John Kimwela a catholic university student. First on my points I would like to go straight to the idea of a referendum. Its my feeling that...

Interjection: Your first name is?

Kimwela: I am John Kimwela

Com. Lenaola: John thank you.

Kimwela: My first point is to go straight to the idea of a referendum. It's my feeling that in Kenya we should be given an

opportunity to hold a referendum wherever there is a very important national issue. e.g. our constitution has been amended 38 times since independence but no ordinary person has been involved

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...Kukomesha wao wenyewe. Na kwa hivyo watu kama hawa kusema ukweli afadhali waondolewe, wasisimamie mashirika kama haya. Na kuhusu swala la mahakama, mapendekezo yangu ni kwa mahakama ya siku hizi hakuna huru ulio mzuri sana kwa upande wa mahakama, napendekeza kwamba kuwe na mahakama kuu yaani Supreme Court ili isimamie maswala yote ya kisheria, na pia kwa sababu baadhi ya wakenya ambao wamekuwa wakikamatwa walingojea ama wakisubiri kesi zao ziamuliwe, baadhi yao wamekuwa wakifa wakiwa katika korokoro za polisi na pia katika prison. Mimi napendekeza kwamba cases hizi ziamuliwe haraka iwezekanavyo ili kusiwe na msongomano katika police cells na katika prisons. Ni hayo tu asante.

Com. Lenaola: Asante sana bwana Wanyama. Hatuna swali, jandikishe pale. Mzee Barasa sema majina halafu utoe maoni yako.

Barasa: Mimi naitwa Patrick Barasa Kibunguchi, nakaa katika Kiminini location. Neno langu ama pendekezo langu la kwanza ni urithi. Urithi nazungumza juu ya watoto wetu wasichana. Hivi karibuni imekuwa ni tatizo sana mtoto msichana anasoma, na baadaye akishapata mimba, kutoka kwa kijana fulani, kutoka kwa kijana fulnai, na huyu kijana akiona ni tatizo mbele ya huyu msichana pengine atamtatiza yeye anakataa na anataka msichana huyu amshtaki waende kotini na msichana huyu akishindwa kufanya hivyo huyu msichana hukataa hata mtoto ambaye alimpa msichana huyu. Na huyu mtoto anamalizika sasa akikaa nyumbani na inamzidi kwa mzigo ka *kuka*. Sasa kuna watoto wengi ambao tunawalea na si watoto mimi niliwazaa, msichana alipata kwa kijana fulani.

Injerection:(inaudible)...

Barasa: Mimi nafikiria kuwa serikali iweke sheria kali yule mtoto ambaye anweza kupatikana ametunga msichana fulani mimba, huyu mtoto awe baba wa mtoto na alee mtoto huyu. La pili ni kwamba neno co-operatives ndiyo vyama vizuri sana. Vikiwa upande hii ndio vinaweza kutusaidia. Mavuno yetu ya mahindi na vitu vyetu vingi vimeshindwa mahali ambao tunaweza kuchukua. Wewe unabaki na mahindi hata kama ni gunia ishirini ndani ya nyumba, na nyumba baadaye ni panya ambao wanakula wanasherekea na tana wadudu wanaharibu mahindi hayo. Lakini kama tungekuwa na Co-operative societies, tungekuwa kuchukuwa haya mahindi katika ushirika yetu tunaweza huko na hata bei ikiwa nzuri, pengine tungefaidika. Kwa sababu waisrael kama nchi ambayo ni moja katika ulimwengu huu, kitu ambayo wanatumia zaidi ni ushirika. Na ushirika umefanya nchi yao kuwa nzuri zaidi. Kwa hivyo mimi naona kuwa katika sheria yetu maneno ya Co-operatives ingekuwa ni shirika moja nzuri sana ambayo inaweza kusitawisha area yetu yenyewe. Hiyo ndiyo mapendekezo yangu. Naona ministry kama za Co-operatives watu warudi nyumbani wa-encourage watu wawe na ushirika na tukishakuwa na ushirika huu hata tutafaidika

sisi wenyewe ambao tuko katika area hiyo. Kwa hivyo mimi naona hapa kwetu watu wameacha ushirika na sasa watu wanatembea na malori kuja kuchukua mahindi kwa bei rahisi na hakuna mahali ambao tunaweka mahindi yetu, halafu tukangoja bei ikiwa nzuri tukauze. Kwa hivyo hiyo ndio pendekezo langu ya kwamba hii maneno ya co-operatives iwe encouraged katika watu wetu. Asante.

Neno lingine ambalo la tatu ni citizenship. Mimi Patrick Barasa nilikuwa mkaaji wa Mt. Elgon, nimekaa huko zaidi ya miaka 76, na wakati wa vita juzi nilitumuliwa kwa sababu mimi si raia wa nchi hiyo sasa niko hapa. Nilikuwa na shamba zaidi ya acre kumi na tano, lakini hapa sasa nina acre tatu kwa sababu mashamba ya huku bei ilienda chini kwa sababu ni watu kabila moja wananunua, wananunua elfu ishirini na tano, na wewe unaona napata pengine hapa acre moja shilingi mia moja elfu. Kwa hivyo ndiyo ikamfanya ya kwamba kama mtu anaweza kuwa raia wa nchi inastahili yeye awe kwa miaka mingapi ili awe raia wa nchi? Kwa hivyo kwa maneno ya citizenship katika nchi kama ya Kenya hii iwe free na mtu anaweza kuishi mahali popote bila kuambiwa kwa sababu wewe si kabila ya watu fulani. Hiyo ndiyo pendekezo langu naona ya kwamba serikali iangalie maneno ya citizenship.

Neno lingine ambalo naliona naleta ni education. Education kuna watu wetu wameendelea kuwa masikini sasa, naonelea ya kwamba ikiwa tunaweza kuwa vizuri maneno ya boarding facilities iwe discouraged a bit. Halafu pengine watu wetu wengi amabo ni masikini sana wanaweza kucuhukuwa watoto wasome. Lakini sasa maneno ya boarding facilities inakuwa increased na fees inakwenda juu na wale watu ambao hatuna njia ya kupata mapato, watoto wetu hawasomi. Kwa hivyo sasa naona katika maisha yetu kutakuwa na section mbili ya watu, wale watu masikini sana na hawatapata education na watu ambao watakuwa na kitu kidogo, matajiri ndiyo watafundisha watoto. Naona ingekuwa vizuri Ministry of Education ionelee ya kwamba maneno ya boarding facilities hata kama iko, maneno ya dayscholars ikubaliwe zaidi ili wazazi ambao wanakuwa masikini sana waendeleo, wafundishe watoto wao.

Com. Lenaola: Jambo la mwisho.

Barasa: Jambo la mwisho ni maneno ya ushirika ambao nimpetia ndani yake nataka kuongeza neno moja. Ushirika kwa watu wetu nataka kupitia kwa wanasiasa. Wanasiasa wetu wanatukimbia kwa sababu sisi tunaomba pesa, sisi ni masikini sana. na wakati tunakwenda kuwaomba pesa wanaona kitu kizuri ni kuwacha kutokwenda kwa watu hao, na mimi naona ikiwa watu wetu wangukuwa wazuri sana, hatungeendelea kuomba wanasiasa pesa, ijapokuwa tutawapa mahitaji yetu ambao tunataka hao wakishapita election tunawapa mahitaji yetu ambao tunataka katika area. Nimekaa Nairobi sana nikiwa na wakikuyu. Wakikuyu wakati mtu anafanya kazi wanampa kazi, na kazi hii akishindwa ndiyo anafutwa na sisi hapa hatuna kazi, tunampa wajumbe, hatumpi councillor kazi yoyote ijapokuwa tunakwenda huko kuombaomba pesa.

Com. Lenaola: Asante Bwana Barasa, jandikishe pale. Joseph Wafula from Naitiri? Eliakim Barasa of Tongaren? Ferdinand Musakhalia? Didimu Biketi? Karibu mzee wa Tongaren halafu Godfrey Opanga utamfuata. Karibia.

Didimu Biketi: Mimi jina langu ni Didimu Wasike Biketi, mkaaji wa Tongaren. Neno langu la kwanza ni kuhusu masomo.

Masomo yetu tunahangaishwa sana na syllabus ya kila mwaka. Mimi ningeomba chancellor wa masomo awe ni chancellor huyo huyo, asisimamiwe na President. President awe mkosoaji kama chancellor awe amefanya makosa. Maana sisi hatujui ma-syllabus hii ambayo tunaifuata kila mwaka inatungwa na chancellor ama na President. Sasa President akiwa mwenye nguvu hapao kwa shule, watoto watamwogopa, hata walimu watamwogopa. Wakati atakapotoka nje kuja kuwaambia hao jambo fulani watakubali lakini shingo upande na watapiga tu makofi kumshangilia. Saa ya kuenda wanaanza kugoma. Pendekezo, chancellor wa masomo awe tu chancellor, asiwe President.

La pili kimila inafaa minister wa kimila yule ambao munaita nani... yeye asimamie tu kimila na desturi. Isiwe tu amri kwa President kwa nguvu ati kabila fulani imefanya jambo fulani isiyopendezwa na serikali na huyu minister wa culture anashangaa. Inafaa minister huyu wa culture akae tu na uwezo wake akiwa hapa ni makosa azungumzie wabunge wenzake sehemu hiyo zimeinuka sana kwa jambo hilo ambao wamefanya haitoshi halafu hao wabunge waendee mapadri ama makanisa itakuwa inapembeleza hawa watu wenye kimila mbaya ama nzito ama ya aibu watawacha kwa ukamilifu badala ya President kuingia mara moja na kutangaza kwa serikali na mkifanya hivyo utafungwa. Hayo inaogopesha wananchi ndiyo mchafuko ukawa mingi. Afadhali huyu minister aliyechaguliwa apewe huru wa kuzungumza na wenzake bungeni na wabunge nao wazungumze na mapadri warekebishe jambo hili, itakwisha bila maafa.

Jambo la tatu, mimi naonelea ya kwamba hapa kwetu Kenya inafaa majeshi waongozwe na mkuu wa sheria, na mkuu wa sheria ataambatana na bunge, maanake ikisimamiwa na President kila mara tunasikia huyu mkubwa wa sheria amevunjwa ama amefukuzwa ama amevutwa na hatujui maana yake. Hapo President anaweza kupata nguvu ya kutuumiza kama yeye mwenyewe amejua, ama anaweza kwenda nje kufanya kitu fulani na wananchi hawajui nani atamkosoa. Kwa hivyo mimi naonelea ya kwamba, upande wa majeshi usimamiwe na mkuu wa sheria baadala ya President. Wakubwa wa majeshi wamefuatwa wengi na hatujui maana yake, pengine bunge haijui. Sasa hivi mimi naonelea ya kwamba mkubwa wa sheria asimamie majeshi badala ya President.

Com. Lenaola: Asante Bwana Biketi. Jiandikishe pale. Godfrey halafu Makanyanga Wycliffe.

Opanga Godfrey: My name is Godfrey Opanga and here are my views. I start with them preamble. We need a preamble in the constitution and in the preamble I would like us to note our complete trust and faithfulness that declares Kenyans to trust in God as a sovereign creator. Secondly, I talk about the structure and system of government. We should have a parliamentary system of government in which a Prime Minister is appointed from the majority party in parliament and the President remains ceremonial. The constitution should permit a coalition government where we have multiparty presentation at both the legislature and the executive. The President should not have power to nominate the Attorney General, head of Civil Service and the Chief Justice. These people should be nominated through the parliamentary Act. About the legislature I would like the parliament to have full power to control its procedures without any intervention from the President. The MPs should pass a vote of no confidence in any MP who has proved to be immoral or unethical with a 40% of MPs against him/her that MP should relinquish the power and have a byelection. And any MP who misses parliament for four consecutive times without any genuine explanation and documentary support to the speaker, the seat should be declared vacant and have a byelection. Also I would

like the elections for the presidency, council and the MPs to take place at different times. We should not have these elections taking place at the same time. About political parties, I recommend that the maximum number of political parties be limited to ten and all these parties to be financed by the government equally.

Also, now I want to talk about economic issues. All economic plans should be developed and managed by economists not the office of the President. This institution to be managed by economists through the respective ministries and also any Kenyan citizen above 18 years and not employed should be entitled to a monthly pension. The value should be decided by Act of parliament depending on the professional qualification.

I will also talk about the issue of land. Those with more than 100 acres of land underutilised should pay a yearly 10% tax of the estimated value of that land or else the land to be auction so that we recover that revenue for the benefit of the country.

Also the government should provide free health services in public hospitals. I am also recommending that the harambee spirit to be abolished because it is a source of corruption in the country. I am rejecting this harambee spirit for two reasons; having forced corruption, I also understand there is an evil spirit behind it in that it refers to an Indian god and we are not here to worship many gods.

Nobody should hold more than three senior posts in this country. Kenya should be restricted from trading cash in this country by investing in other countries. This should be done through heavy taxation than the economic Act. I ...

Com. Lenaola: The last point

Opanga: I want to talk about the basic rights. The government should provide free basic education, free secondary education up to university education. Also the physically challenged people should be set up in every district i.e. schools. Schools for the physically challenged people should be set up in every district to address their educational needs. Also to protect the rights of children, the penalty for child abuse should be stiff, in that anybody who is found out that to have either raped a child or any other child abuse act should be sentenced to a maximum sentence of not less than 10 years in court.

Com. Lenaola: You have taken seven minutes I have been very generous with you and we are going to read the rest of your memorandum. Please submit it and thank you very much. Makanyanga? Emichen Nabutse? You are after him.

Makanyanga Wycliffe: Commissioner of the day, observers and proposals on constitution review, here Wycliffe Makanyanga ready to propose some views on the constitution review of Kenya.

First and foremost let me check and balance the arms of the constitution. This is judiciary, parliament and executive. I would like to observe on the parliamentary side, the parliament should have President, Vice President, Prime Minister and Deputy Prime Minister and elected Members of Parliament, not nominated but elected. Also the ministers should come from citizens, this is to avoid some powers from within the members of parliament.

Secondly, as we observe on this, all MPs should have some qualifications to attain those posts. To be Presidential candidate you must have a degree holder to be ...

Interjection:(inaudible)...

Com. Lenaola: Simu hii ya mikono tuzime kwa maana inaharibu reception.

Makanyanga: As I continue let me observe on the qualifications. To be qualified as a Presidential candidate, you must have a degree, to be a member of parliament or to be a parliamentarian you must have a diploma or above. To be a civic contender you must actually have a certificate of form IV which you have acquired genuinely which I mean by saying that you must have a D+ and above. As we observe on this issue, the speaker and Attorney General should be actually elected by MPs or endorsed by the MPs by an uplift of the 75% and not 65% as it is. Also to amend or to make any amendments on the given bill we must actually observe that the constitution which should be changed. This I mean by saying that 65% should be eradicated and we impose 75%.

Secondly, as we observe on that, any bill to be passed as a law, we must also go back to the local government and see whether the local government can support this bill, and then the local government should come in with 90% all over the Kenyan government, then we count the local government which are available in the Kenyan government.

Thirdly, I would like to observe on the head of the university. The universities should be headed by chancellors and this chancellor should not be the President of the nation, but this chancellor should come from the members of parliament who have got three and above degrees. The chancellor should be the MP with three and above degrees in different fields of academic.

As we observe also in the police Act, the police cells and remand should be improved. Here I mean that the cells of nowadays are actually the colonial instruments and therefore we should abolish and amend them improve and modify them in such a way that these containers which are being used as toilets should be removed from cells and modified in such a way that any jailed or arrested person should actually walk automatically from where he is and then go to the toilet after which he must also make sure that he takes a bath, that means we must introduce water in the cells.

Also we must observe that any jailed or arrested person is actually not an offender at the time pertains but the constitution must actually come and judge. Therefore this person should be introduced by mattresses and blankets so that these people can actually be comfortable. Secondly, as we observe on the police act, we must actually come up and realise that it is accepted there and is therefore in the Kenyan government. Therefore we must abolish and introduce another system of police.

Also the standard eight as the system pertains, the standard eight should be stated clearly why the role after the 8-4-4 system had beat its meaning, the standard eight leavers should actually defined by his level of education what he is going to do in the Kenyan government. Also the form four should be given the opportunity to realise what he is going to do is this and that. Also ...

Com. Lenaola: Lastly, ya mwisho

Makanyanga: Also, as I observe on the administration, we must abolish the administration. This I mean that the chiefs,

assistant chiefs, D.Cs and D.Os should be removed from the government. This is a colonial system. Also as I observe on political issue, any member of parliament to come out as one single e.g. as an MP, and then I must come out with my votes. The votes should be counted not my vote as one single but the votes of the representatives. Also the constituency should have a maximum of a number of registered votes, not here is 45,000, here is 60,000. We must have a proportionality of voting. Actually as we observe on that ...

Interjection:(inaudible)...

Makanyanga: Lastly let me observe on cases handling, how we handle cases. The society should handle cases in local courts. This I mean we must create local courts. The local courts should actually have advocates or lawyers with wazee or headmen and 4 policemen who are actually trained not illiterate in this court.

As I finish could I say domination, the registration of Kenyan people should be done by churches and mosques near the edge, would be really no corruption, ID cards, birth certificates and parent certificates should be issued by judges. And lastly, I would like to finish by saying that nomination of judges should be checked and registered for a period of one month to go and find out followers and should have followers who are not less than 5,000 people per locational level. People should be in a church who fails to go to church for a period of 6 months should be sent to the panel of the church, the rest who their church is not registered should join other major churches without question and this will actually eradicate worship of idols and other evil things in Kenyan government. Thank you.

Com. Lenaola: I was going to send you to the same tribunal to tell you, you must keep time. Please go and register. Nabutse? Halafu tuheshimu muda, time must be respected if we can't respect time we can't respect the new constitution.

Nabutse: I am Nabutse Harrison of Tongaren. First and foremost the economy. The economy of Kenya has failed decimally because of the present group of MPs who are badly compromised and ...(inaudible)... Recommendation; the new constitution should ensure that they are not elected in the ninth parliament. The urban areas of Kenya take more than the financial resources of Kenya. Recommendation, there should be a mechanism for the urban areas to subsidise the rural areas for equity sake. Politicians, presently they are lairs. The new constitution should ensure and bar most of them from contestin the next election. Leadership, there should be a leader who can differentiate between 3% from 300% or 400%. In any case if it is 400% or 300%, then we should know who needs 400% of salary and who needs the other percent.

Bursaries. They are under the rich. I wonder how the rich can manage the affairs of the poor. Recommendation; let us have the poor themselves managing their own poverty, not the rich managing poverty which they know nothing about.

Public service. Presently even thieves, liars and immoral people are all over the place. Read between the lines commissioners. In future the new constitution should ensure that we have ... there should be a public service vetting committee to oversee the people who are appointed to offices in the public service. Also the new constitution should ensure that people who have freezed the public financially should not be elevated or worshipped in any way. Let us have competent people being less in high office.

Let us avoid the idea of political patronage. Let us have Kenyans who are Kenyans, let us not judge a Kenyan by how many millions he can dish in a public harambee. Also once named adversely in any scandal let them resign honorably and leave office for others.

Our commission in the past they have been compromised badly, I can name the Miller Commissioner, the devil worshippers commissioner and so on.

Recommendation. The present commissioner should ensure us that it is independent, free, fair, firm and not money minded. Presently there is very little godliness in the constitution. The idea of godliness should be made a culture in the constitution for example, in public schools, let us preach against bad things e.g. people who have ruined us economically should be named in the commission so that we know who has brought this problem to who and why and when e.g. such people who have stolen from the public should not be made head of parastatals or something like that e.g. let us not have this idea of having choirmasters being made heads of that when we have a problem. We should have them for lawyers, doctors, teachers name them. Above all there should be people who worship God not money.

Unemployment, it is a Kenyan disaster e.g. even graduates are unemployed because we have failed economically. Recommendation, it should be rationed. The present jobs we have in the civil service should be rationed so that at least every family should have a say there.

Retirement, presently people retire at 55years. Those who legislated that age of retirement most of them are in their seventies. Recommendation, civil servants and teachers should retire at 65. Even the present realities of unemployment and in fact these days people get jobs at 40 years, others don't get.

Pension and retirement benefits should be processed six months before the retirement date. You remember the case of a present MP who took seven years to get his retirement benefits processed. Incomes, ...

Com. Lenaola: Lastly,

Nabutse: Lastly, presently 20% of the population of Kenya take home 80% of the national cake while 80% take home 20%. These are failures. Recommendation, the new constitution should make it illegal for the present 20% to be taking home 80% while 80% take home 20%. Thank you very much.

Com. Lenaola: Before we go back to the silent side. Oliver Simiyu? Halafu Martin Shikuku sema jina halafu uendelee.

Oliver Simuyu: Kwa majina naitwa Oliver Simiyu.

Interjection: ...(inaudible)...

Simiyu: Kwa majina naitwa Oliver Simiyu mkaazi wa Tongaren division na tarafa ya Tongaren. Mimi ningeanza na constitution. Ningesisitiza ya kwamba constitution ya sasa ibadalishwe na ikibadilishwa iwe inafundishwa kwa vyuo vya nchi ili mwananchi

apate kufahamu mambo pengine amependekeza ili iweze kum-rule.

Pili wenye kulinda hiyo constitution wakiwa ni MPs tungependelea ofisi za MPs ziweze kuwa on locational level ama vikiwa chini zaidi viwe kwa divisional level, ili mpiga kura akiwa na malalamishi, ziweze kuwa channeled kupitia katika hiyo hali. Halafu kuwezesha pia constitution kuendelea, kuwe na wafanyikazi kutoka parliament mpaka chini kwa sababu haya maneno yote ambayo yanatumia yanazungumziwa yatakuwa na channel nzuri kutoka kwa divisional level mpaka ifike parliament.

Jambo lingine, ningependa kuzungumzia kwa hawa wateuzi, wale wanachaguliwa kusimamia hizi ofisi wawe na yafuatayo, sio wabunge peke yao ama wanasisia peke yao, ni office bearers karibu wote. Ningependekeza ya kwamba wawe na sound marriage background, sound academic qualifications, sound life records, behaviour ndiyo ili awe katika hiyo ofisi awe ni kielelezo katika jamii kwa sababu tunataka mambo yote yakifanywa yawe ni ya kuwa kielelezo.

Kumaliza kabisa nakuja katika hawa office bearers. Wakati wanaandikwa ni vizuri sana mambo yao yanaangaliwa, kila kitu kinaangaliwa na akifika upande wakati ana retire, ningependekeza ya kwamba aweze kutungenezwa marupurupu yake na kila kitu ambayo inamhusu ili aende nyumbani aendelee na ile maisha pengine alikwa anaendelea nayo wakati alikuwa kazini ili asipate kutatizika kama wakati wa sasa. Kwa hayo nashukuru.

Com. Lenaola: Asante Oliver. Martin Shikuku? Kasim Juma?

Shikuku Martin: Honourable commissioners before you is Martin Shikuku. I am going to start with the separation of powers of the executive from the judiciary. There is need to abolish the Attorney Generals office and replace it with the Justice Department which should be vetted by MPs i.e. Upper Senate and the Lower House so that there is need of two house in the parliament.

Secondly, I would like to comment that for any constitution review in future, we need actually a permanent independent judicial commission or committee which should actually ascertain the change of the legislature either by MPs or the President or any other influential person is consonant with the constitution or not. Otherwise with the current constitution, we are likely to make so many amendments in favour of the influential persons or the members of the executive. So to cater for that we need a permanent judicial review committee which should actually assess whether the review is consonant with the peoples interest or not ...

...first of all by declaring his wealth, otherwise we may live live to a very dangerous President whereby we may have hungry leaders who may just end up ...(inaudible)... and run down the economy as per situation at the moment. We need also the limitation of property ownership for those politicians or in the executive so that we need actually to be like the President of the Republic of Kenya you need not to own more than 50 acres of land and a cabinet minister should not own more than 20 acres of land. Otherwise with the current constitution, we have Kenyans who have perpetuated to landlessness as a result of competition or land grabbing.

On the Education Act cap 211 it has become outdated. We have actually to amend the Education Act cap 211 so that the members of board of governors and PTA should need actually a minimum qualification of a diploma at whichever position they are to hold, otherwise with the current employment of teachers, where the TSC has empowered them to do, they are likely to

employ Kenyans not as teachers but because they come from a particular ethnic grouping and for that reason we are likely to end up having a grouping on schools on ethnical lines.

On the side of the President of this republic you don't need to be an elected MP. There is need for amending the current constitution so that we allow independent candidates to run for the presidency. On the side of increased rate of crime in Kenya there is need to educate Kenyans just from childhood about human rights so that we have an enlightened society so as to avoid congestion in Kenyan prisons. Another issue for presentation in this commission is that gazetting of all districts that were created after 12th December 1963. This will be a way to curb overspending when it comes to parliament spending. Mismanaging of national resources is another issue that requires attention. For this reason we need to introduce, corruption is actually on alarming rate in our country and we need to introduce severe sentences like hanging Act if need be so as we can actually bring these wrongdoers to book. On the Land Reform Act there is need to reform the Land Act because especially the office of the commission for settlement and we handed over this to the district level which is headed by the land registrar at the district level so as to speed up the procesing of the title deed.

Another thing on the issuance of ID cards. It should be enacted or reenacted in our Kenyan constitution that for every Kenyan citizen who has attained the age of 18 should be issued with an ID plus a passport without being subjected to vetting by the so-called local leader, the chiefs, sub-chiefs and D.Os, otherwise we are having as the case here most of our young brothers and sisters are subjected to a lot of embarassment and they are forced to go to either Trans Nzoia or Lugari to get their IDs. So this vetting that is constituted at the D.O's level should actually be abolished.

Finally on the government structure i.e. the organisational structure of the government we need at least a minimum number so that we don't need actually to allocate a ministry to any defector because as the situation is at the moment anybody defecting from either the opposition to the ruling party is rewarded by being given a ministerial post. So to avoid that we need to have permanent government structure with key offices like secretary in charge of the minister of state instead of having so many of them. It increases actually a lot of government expenditure. Instead of having so many ministers of education and technical training we need to have just one who should man that area of specialisation and by so doing we shall be limiting on expenditure, otherwise at the moment we are having a lot of

Com. Lenaola: Thank you very much, please come and register. Kassim Juma? George Mukanda? Hayuko? Endelea Kassim.

Kassim: Kenyan constitution review commission, I honour you. Mine is very brief. My name is Kassim Juma, I would like to caution my fellow Kenyans over the issue of them opting for a Prime Minister other than a President. They should know that when we choose a Prime Minister, we will be denying ourselves the powers to choose our leader and that one, our representatives like MPs go to parliament and they mess to choose a wrong leader, we will not have anywhere to complain ...

Com. Lenaola: Kassim, make recommendations don't worry about what they're saying. Say what you want yourself.

Kassim: Mine I wish that we have a President because a President will be able to choose him by our own powers and also if a

President e.g. has some talents to head any organisation like the military, why should we deny him that chance. So I recommend that a President obviously will choose an upright one who will not have weaknesses like maybe some to have, therefore I wish that we leave some powers to the President so that he feels strong in the office and also I wish this Presidential rank to be rotating around all Kenyan tribes because once certain clan has led for certain time, it should respect other tribes so that they also take up that chance.

My other points are that on the side of land we find that there are some people who are very rich, they have a very big acreage of land, I wish that they should have a maximum of a thousand acres per individual, the richest ones and these others should be given to those who do not have land.

Also the government, our government is very unfair to our people because you find many strangers like Indians are given good priority to their business in our own country yet our own people are suppressed, they are denied certain things or they make the business to be very expensive by charging heavy taxes over simple business like when you operate a *matatu* you will find that they are so many taxes on it.

So I recommend that the constitution should favour people of the country by making things simple to them e.g. if an Indian comes here let him have other charges, let him be charged highly than the owner of this land, and the ministers should actually be those people who have the profession in that ministry let them not just take anybody as many people have said about it and also this idea of an MP you elect him and he fails to do your service. I think you should also set up a place where we can send our vote of no confidence about the administration of these chiefs and subchiefs.

Let us just adopt that where we have a governor, a mayor and councillors rather than these people. I don't see their work. Their work can just be summarized by a President or that governor or that mayor generously.

And also we as the youth we have problems on the side of marriage. I wish that our constitution may allow to have a marriage of contract in that when a spouse wants to show that she is developing horns the contract may be ended. The parliament should be given a right to decide where our President should go, not the president to decide for himself. You hear today he went somewhere, you just hear over the radio, I think that one is also misuse of Kenyan money and that is why I request our constitution should look into that and it makes them strictly or else thank you very much.

Com. Lenaola: We have no questions for you please go and register there. John Wafula of Tongaren? Emmanuel Simiyu? Raphael Wekesa? John Salamina? Huyo ndiyo nani? Florence Nivaya? Na wewe ndiyo Salamina? Pause hapo.

Simiyu Emmanuel: Emmanuel Simiyu nimefurahi sana kuona kama commissioner wametutembelea siku ya leo kuona tuna matatizo gani. Nitasema yangu ya kwanza, mimi ni mkulima wa nyumbani ninasomesha mtoto wangu mpaka form one nikauza ngo'mbe, form four nikauza shamba halafu bahati mzuri mtoto akaenda university yoyote ambayo amechagua course fulani, baadaye mtoto huyu akimaliza hiyo course akija nyumbani hapa, hapati kazi. Sasa kitu ambacho kinanifanya huyu mtoto ati akienda tena atafanyiwa interview na alipokuwa university, alikuwa anasomea kazi yake ambaye anajua tena naona afanyiwa interview na watu tu ambao wanatoka kwa mashamba hapa! Hata wale wengine hawajui labda namna gani unaona.... Ningelipenda mtoto akipata course yake apate kazi tena asifanyiwe interview, sababu amekuwa kwa college.

Mimi niliposema ningali mkulima sina kitu chochote. Nimelima shamba langu na hili shamba inataka nikilima mavuno lazima nitie mbolea, na mbolea hiyo iko kwa bei juu kabisa, halafu nikauza kitu chochote ambacho ninacho, baadaye vyakula viwe tayari, sasa kupata bei yake tena, mimi nilinunua kwa bei ya juu, tena bei ya kuuza gunia moja ya mahindi ama kitu chochote ni chini kabisa. Pendekezo langu mimi kama nimenunua mbolea juu kabisa inatakikana nikiuza serikali inisaidie niuze kwa bei juu ili nifaidike.

Neno langu la tatu, sisi wazazi tuna watoto wasichana, na watoto wasichana unaona kesho amepata mimba, na mtu huyu anapata mimba na kijana fulani, keshoye kijana anamkataa. Mimi kupendekeza kwangu inatakikana mtu huyo ambaye amempa mimba mtoto huyo lazima amchukue ama apelekwe mahakamani sababu mimi kulinda watoto, mimi nililinda mtoto huyu tena aniletee mtoto mimi siwezi kuwa na uwezo wa kulinda hawa watoto wote.

Kwa upande wa serikali, kitu ambacho mimi naona watu wamefanya harambee mingi sana kwa mashule yote, watoe shilingi nyingi zaidi lakini kupendekeza kwangu naona serikali haifanyi follow up, baadaye watu wamekusanya shilingi nyingi kwa shule fulani lakini serikali haiwezi kufanya follow up. Watu wengine wanakula pesa bure, wazazi wameumia kutoa hizi pesa, lakini mimi pendekezo langu serikali ifanye follow up. Sina mengi.

Com. Lenaola: Asante sana, jilandikishe pale, nimeshukuru sana. Haya tumsikize sasa John Salamina.

Salamina John: Jina langu ni John Salamina na pendekezo langu ningependa kuongea juu ya urithi kufuatana na wasichana. Naona katika taifa hili letu wasichana wamesahauliwa sana wakati ambapo mtu anaenda kugawa urithi wa shamba pamoja na mali, wanapendelea sana kugawa watoto wanaume hali wasichana wako. Kwa hivyo pendekezo langu ningesema kwamba watoto wangepewa urithi sawa awe msichana awe mvulana na zaidi sana wasichana pia mtu anapokwenda kuandikisha urithi ajue ni msichana na aseme watoto wake wote. Asante.

La pili ningependa kusema kwamba hivi ...

Com. Lenaola: Ngoja John makelele sasa yameingia kutoka wapi tena. Tulisema makelele tuwache kabisa. Mkitaka kuzungumza nenda nje kidogo mkamaliza mkarudi. Tuheshimiane. Endelea John.

Salamina: Langu la pili ningependa kusema kwamba mimi nikiwa kama mkatoliki ambaye nimetimiza ahadi yote ya kikatoliki nasema kwamba utumizi wa condom upigwe marufuku sababu ni kwamba si haki ndiyo unaeneza huu ugonjwa, utumie njia ingine.

Ya tatu ningesema kwamba, juu ya title deeds pamoja mambo ya mashamba, hiyo huduma yote ingeletwa kutoka kwa district hadi divisional level ili iwezeshe mwananchi wa kawaida nafasi ya kupata kile kibali, bila kutoka hapa na kwenda mbali kusumbukana. Asanteni.

Com. Lenaola: Asante sana John, kuna macouncillor ambao walikuwa wanataka kwenda harambee, tutawapa nafasi pia waseme kwa mafupi bila kucheza mingi, waende kuchanga harambee. Councillor Dr. Makokha.

Makokha: Thank you so much, briefly Osca Makokha Kabuyefwe Ward Tongaren division Kimilili constituency, Bungoma county council. Briefly first by summarising the constituency powers that I would wish to be enforced in this new constitution, for the national government which is the central government and the local government. For the national government we expect the government to tax, regulate foreign commerce to borrow and coin money, to declare war to raise and support an army, to govern territories and property within its territory, to define and punish piracy on high seas, to establish infrastructure, grant patents and copyrights, pick standards of weights and measures, to make all laws necessary and proper to carry out all the above that I have read, conduct elections, to control the supreme court and also the constitutional court.

For the local government I expect that the following will be the job as per the constitution. Regulate commerce, agriculture, protect health, safety, welfare and moral of its citizens in that particular local authority. To ratify amendments, here we expect parliament or the central government to amend the constitution should be brought back to the local government to ratify, should also be empowered to make bylaws, collect tax...

Interjection: ...(inaudible)...

Makokha: I expect that even the local authority given status of a municipality that can be granted the free will to also borrow money from outside, collect tax infrastructure, control local police, the chairman of the council to be elected by the wananchi, and control the lower posts. Also the primary and secondary education to be controlled by the local government. Now on the part of ratification of the constitution amendments proposed by the parliament should be passed by ? majority but education should be passed by the local government by $\frac{3}{4}$ majority. Then another aspect that should be looked into is the bill of rights which should address the constitution political freedom which entails free speech, religion, press, assembly and the right of petition the government. The right of a citizen to own arms, terms of bunduki, prohibit unreasonable searches and seizures by the government, requirements of a grand jury indictment before prosecution accused rights to a speedy public, impartial trial with mandatory defense council for presentation if he doesn't have one. Then on the part of extending democracy and the bill of rights, we expect that the voter's age must be 16 years and above, and should not be tied to ID card. Once someone is 16 by birth through birth certificate, he/she should get a voters card independent of the ID card, the president parliamentary and civic education should be held differently. Constitution term should have a lifespan of 20 years.

Last point, the central government in relation to the local government, we expect that the president should be 35-60 years and partyless. The Vice President should be 18-34 years to check the descending views of the youth and the 2nd Vice President should be a woman. We should have a Prime Minister elected by the parliament and a Vice Prime Minister elected by parliament. Parliament should also have a clause for impeaching the President by ? house majority by crimes of disemeanour. We should also have a supreme court which should be the highest court in the land. The liberalisation in the agricultural sector should only be for manufactured goods, but the raw produce like maize should not have liberalised economy.

Com. Lenaola: The last sentence

Makokha: Abolition of provincial administration.

Com. Lenaola: Thank you very much, please register. Councillor Joseph Busuru? Councillor Wanyonyi? Oh that's someone different.

Busuru Joseph: Mheshimiwa, commissioners, my names are Joseph Mukhwana Busuru, Kamukuywa ward, Bungoma County Council. Kwanza ningeanza hivi, kipengele cha kupea mawaziri ku-retrench civil servants ambao hawajafikisha miaka hamsini iondolewe na retirement age iwe reduced from 55 to 60.

Upande wa elimu, mwalimu akimtungua mwananfunzi mimba, afutwe. Mtu asiwe na kazi mbili, kama umepewa na serikali kazi moja, uwe na kazi moja ili wengine waweze kupata kazi ingine. One man one job. Mtu ukisha-retire kutoka kwa civil service, haitakiwi tena upewe kama parastatal, hiyo iwe ni mwisho kwa sababu kuna wale ambao pia wanatafuta kazi. Mambo ya pombe ya kienyeji sioni haja ya serikali ifuatilie, iwe free sababu wamama wanajua kuanzia kitambo vile wanaweza kupika vizuri ili wao wapate kitu kidogo. Isiwe na masharti mengi, pengine iende kwa KBS screening, hiyo itapea mama kazi mingi. Chief wachaguliwe tu na raia, kama vile councillor ama mbunge, na pia waweze kuwa transferable isiwe tu awe akwame hapa miaka hiyo tu, miaka nenda miaka rudi.

Tuwe na vote of no confidence kama mbunge hafanyi vizuri katika parliament ili raia wawe na uwezo wa kumuondoa akiwa nje basi anaona miaka tano atafanya kazi waone kitu gani alienda, pia na councillors pia hivyo, same to councillors. Na mimi sina mengi ni hayo tu, asante.

Com. Lenaola: Ngoja kidogo. Kwa nini ungependa chief achaguliwe na kupigwa transfer, mbona basi wewe usichaguliwe na kupigwa transfer uende another ward?

Busuru: Katiba ya sasa inampa chief awe penye amechaguliwa na serikali na afanye pale lakini serikali ambayo tunataka ijayo katika katiba ili chief akipewa nafasi tuseme kwamba waondolewe lakini wawekwe kwa sababu wana huduma mzuri kwa jamaa.

Com. Lenaola: Nakuuliza kama chief anachaguliwa hapa, apigwe transfer mbona wewe kama councillor usichaguliwe hapa na pia upigwe transfer?

Busuru: Sasa hiyo ni upande wa chief bwana commissioner.

Com. Lenaola: Wycliffe Wanyama?

Wanyama: Majina yangu ni Wycliffe Wanyama. Kwa katiba ambayo tunataka turekebishe, mapendekezo yangu ni kwamba

watu ambao hawana mali wananyanyaswa sana na watu ambao wana mali ni kwa sababu wakikosa wanachukuwa watu ambao wamesomea sheria kuwaakilisha. Kwa hivyo pendekezo langu ni kwamba mtu akikosa yeye mwenyewe ajitete, asiwe na mtetezi, mambo ya ma-advocates waondolewe.

Jambo la pili ni urithi. Wanawake pia wapewe urithi sawa na wanaume lakini kwao si kwa mwanaume, kwa sababu akirithi kwao na kwa mwanaume inaonekana yeye atakuwa na mali nyingi sana ambayo hajashughulikia.

Jambo la tatu ni soko huru, hili jambo soko huru liondolewe. Soko huru ikiwoko sasa serikali itakuwa na kazi gani. Vitu vyote visimamiwe na serikali kwa sababu mambo ya soko huru inawafanya watu ambao wako kwa serikali fulani kuwanyanyasa watu wengine ambao hawana sauti kwa serikali.

Na pia jambo lingine ni watu ambao wamestaafu. Mtu akistaafu awe amestaafu kabisa hata ajiingize kwa siasa kwa sababu kama amestaafu kama mwalimu na aingie kwa siswa hiyo hatakuwa amestaafu, atakuwa hiyo ni ubadilishi yaani the transfer of employment, ama amebadilisha tu nafasi lakini hatakuwa tu amestafu.

Na la tano ni ofisa wa polisa. Afisa wa polisi asikae kwa station kuzidi miezi tatu. Kwa sababu akizidi miezi tatu atajulikana na watu ambao wanatenda makosa, sasa yeye atageuka kuwa advocate wa kuetetea watu ambao wantenda makosa. Sasa pendekezo langu ni kwamba afisa wa polisi akae kwa station si zaidi ya miezi tatu.

Jambo lingine ni kuhusu kazi. Kazi iwe ya kwamba kama mtu amekuwa mwalimu, mtoto wake asikuwe mwalimu ama kama mtu amekuwa askari, mtoto wake asikuwe askari, kwa sababu tunapata kwamba kwa serikali ammbao iko saa hii, kama mtu ana cheo kwa tuseme department kama ya teaching ama ya polisi, unaona ameandika watu na viwete pia wako kwa police department. Sasa mtu kama amekuwa polisi yeye asome tu polisi na watoto wa walimu ama watu wenye wamefanya kazi ingine ndiyo wafanye.

Na pia watetezi kama ma-councillors ambao wametoka hapa na wabunge pia wawe tu wana-serve two terms asizidi hapa kwa sababu kuna watu wengine wana pesa, wananunua tu kura na anakaa kwa bunge ama kwa council kwa miaka mingi bila kusaidia wananchi.

Vyama vya kisiasa vyote vipewe pesa sawa na chama cha kutawala. Siyo kwamba kama chama moja kinatawala kinanyanyaswa vyama vingine. Hapana. Pia uhuru tukiongea juu ya uhuru, inaonekana kwamba wakenya wote tumepata uhuru, tusiwe kwamba tuna watu ambao sisi tunaita squatters na hali wanakaa kwa nchi, na kuna misitu. Kuna wa Uganda forest, kuna mashamba ambayo yamekaa bila watu, na mtu hana hata kipande ya point moja na kuna shamba ya serikali inakaa bure. Heri tutetee wanadamu, tusitete wanyama na miti. Kila mwananchi wa Kenya apate sehemu, asiwe ya kwamba squatter.

Kuhusu chief na subchief, hao watu waondolewe tuwe tu na councillors na MPs kwa sababu hao ndio wanawakilisha watu, sasa chief anafanya kazi gani? Ni kuleta tu ufisadi.

Kama mtu amepata uhuru, pia yeye awe na kitu ambacho anapata kwa serikali sasa mwananchi yeyote awe amepata kazi ama hajapata kazi lakini serikali imutengee sehemu fulani ambayo yeye analipwa. Sitapitisha hapo. Asante sana.

Com. Lenaola: Thank you very much. Nasikia hata Wanyonyi pia anaenda harambee. Kwa hivyo kuja toa maoni halafu uende harambee.

Wanyonyi Wanyama: My names are Wanyonyi Wanyama, I am a lawyer by profession. I am an aspirant for this parliamentary seat i.e. Kimili constituency. I would like just to touch on some few areas. I would like first of all to talk about presidential, parliamentary and civic election. In my recommendation that these elections must be done in installments, beginning with the civic election then parliamentary election, then finally presidential election. I also want to talk about the retirement of the president. I would like to say that retirement of the president is a constitutional requirement. He does not need any kind of inducement for a president to relinquish power, so the retirement package for a president should be such that it is giving him a way to retire. Retiring from the benefits of that position as a president and a retirement of the duties of a president. So the law should be very clear so that if a president is retiring, he should retire from public life, he should not continue to hold other party posts or public office and he should continue to enjoy benefits that go with that office like so many security personnel, watchmen, cooks and such kind of things. He should retire and be like any other retirees.

For that I will recommend that they should be four committees which will be composed of a presidential retirement committee which should be composed of the speaker, the minister for finance, Attorney General, Chief Justice and the Permanent Secretary in the office of the President who should form that committee and that committee should be given a constitution recognition. The officers under that committee should have the security of tenure and under that office, that committee should have the powers to deny an outgoing president retirement package if he has mismanaged the economy. The outgoing president should be denied the package if he is guilty of gross abuse of people's human rights. So it should be a guarantee that once somebody retires, he's qualified to get the retirement package.

I also want to say something briefly on the issue of the government we want, we would say that political powers should be centralised but we must have devolution of economic power. There is no point of having the ministry of tourism centred in Nairobi when most of the tourist activities take place in Mombasa. We should have headquarters of the Ministry of Tourism in Mombasa. When we talk about Ministry of Agriculture, we should have one maybe in Kitale, when we talk about Fisheries, we should have in Kisumu, so we want to have a situation of devolution of economic power in the region and so that the people can have a better say in those issues.

Lastly, I would like to say that the usage of the term 'Member of Parliament' is a misuse of the term, because an MP is somebody who ordinarily does his business in parliament. An MP could be a speaker of National Assembly is an MP, a clerk of the National Assembly is an MP, a cook is also an MP because ordinarily he earns a living from parliament, the Sergeant-at-Arms and all those people.

So the word MP should not be used to refer to representative of people at the constitutional level, so that if somebody is elected as a representative of a constituency like Kimilili, he should not be called an MP, he is a representative of the people because if he is called an MP, would think loyal position is in parliament and forget about representing the people who took him to parliament.

The alternative to have a situation like in America where we have the senate and then the congress. The senate would be people who have picked among representing the people but their work is to only deal with national issues, but congress people should advocate the issues of the people at the local forum. If you have come from Kimilili constituency, you should articulate at most the interest of people who took you to parliament. Thank you very much.

Com. Mosonik: Ngoja kidogo, you must be examined. People who are in the house of representatives in the US are called congressmen and it is called the US Congress just like the parliament of Kenya, and I don't think the upper house are called senate. I think they are members of the senate. What is the difference?

Wanyonyi: Thank you very much for your correction. When you look at the work which they do, the senators' role is more at a national level but the house of representative mostly their main calling is the calling of the people who took them to that house.

Com. Lenaola: What we are saying is that it doesn't matter whether you call them parliamentarians or MPs, we are looking at the functions.

Wanyonyi: The question is just the functions of these people, the word can differ we can call them anything but the function, we have people whose work is to articulate the issues of the man on the ground.

Com. Lenaola: Ngoja kidogo

Com. Mosonik: Are you recommending that there should be a representative in the lower house and an upper house to deal with national issues? In other words are you recommending two chambers?

Wanyonyi: Yes thank you sir, that what am saying.

Com. Lenaola: Sign that list. Wanyama Chabukati? Simon Wanyonyi of Tongaren? Sylvester Khaemba? Nandasaba Akere? Karibu.

Khaemba Sylvester: My full names are Sylvester Khaemba Munyasi from Tongaren. Honourable members of the commission would you please allow me time to make a few comments on what is supposed to be amended in the constitution. One I would want to talk about government policies. Presently here in Kenya we do not have policies which govern the welfare of our people. For once we have had institutions like the IMF and the World Bank which are making a lot of recommendations that are supposed to be adopted by Kenya as a government. It has actually reduced our country into a rubber stamp. So what I would recommend is that international or local policies are supposed to be the source, citizens are supposed to be the source of policy making because presently we have imports and exports without any deterrence and even without concessionary ... (inaudible) ... of our local people. We have maize, we have so many other agricultural produce which we produce locally and in abundance but still we have people who are actually exporting the same, when say in the US and even Britain. The recommendation is that let's have policies which are going to help our own people. Let this be the originators of policy in Kenya. The second point I would want to make is, I would like to recommend that the sector of education say the university and

judicial system be autonomous. Because heads of these institutions like the Chief Justice and even Vice Chancellors of four state universities are presidential appointees. This makes these people to owe their allegiance to whoever has appointed them. So what I would recommend is that we have a special council that is going to appoint these people especially the Chief Justice and Vice Chancellors of our state universities.

The third point I would want to make is motivation in our professional services in Kenya because we have degradation of our morale, we do not have people who are committed to work especially in the Public Service because they are not involved in decision making in this country. Promotions are recommended by senior people in the ministries without involving small cadres of people. All job groups in this country are supposed to be involved in decision making as to their welfare and even remuneration.

Fourth point is due to high level of corruption, police should be withdrawn from making roadblocks in Kenya and even checking motor vehicle defects and in their place, the public roads department should be mandated to carry out the exercise of motor vehicle registration and even checking defects so that no unroadworthy vehicle is supposed to setp on the road.

The fifth point I would want to make is that to do with distribution of national resources. Presently in Kenya we have institutions like the Presidency which has a lot of power. A president of this country has a lot to say as to which area should get what and in so doing, the decision of president is becoming so prestigious that we have problems of succession. What I would recommend ...

Com. Lenaola: Just one minute, I just want to remind you that we are supposed to be reviewing the constitution right now, and you are saying that the office of the president ...(inaudible)...

Khaemba: I would have to say something about the institution of the presidency that immense powers that are located in that institution must actually be reduced.

Another point that I would want to make is that about education. The Higher Education Loans Board is empowered with dishing out loans on a criteria which is not very clear. Very undeserving people are getting loans, students are getting loans and we do not have a very clear criteria on what they use to grant people loans.

What I would recommend is that we have a very clear criteria that should cover who is supposed to get that loan.

Another point I would want to make is that the harambee spirit in this country is abused, harambee is a voluntary exercise and looks like presently a harambee is something that one has to contribute, you like it or not whereby it is designated to donate towards the harambee must donate. So what I would want is that harambee if there is going to be any remnants of harambee in this country it should happen as a voluntary exercise and it should not be forced on people.

Com. Lenaola: Thank you very much, please register. Patrick Mwendasaba.

Mwendasaba Patrick: My names are Patrick Mwendasaba, mwananchi wa kawaida. First I appeal that I would disregard the transitional review committee should be free and fair and independent that it should not be manipulated by any outside organ

by either politician, government or investor country.

My recommendations, first I start on the economic status. For the nations economic status to run, it should not nations economic status to run it should not threaten the lives of kenyan citizens as far as that person in the corner or at home, the things and ...(inaudible)... you find that the budget read upon the statistics encountered by the Ministry of Finance really normally wants to improve the life of mwananchi but in real sense it makes it worse, so I recomend that on the economic status you will find that we are getting poor because of certain big men or we have prominent bussinessmen who are linked to high level politicians that are committed to bussines as well as to the parliament ...(inaudible)... improve the lives of mwananchi.

Com : Recommend.

Mwendasaba: Whereby we recommend the strong bussinessman should at least show how they received their wealth and be checked and if its got under corrupt means be prosecuted.

Secondly, I would like to talk on this sensitive issue about the president. I recommend a president is leader who is ordained by God and chosen by people. So we cannot make certain limits and history normally repeats itself .We would like a president to rescind the office and be elected by his constituency and the citizens of the nation. And at that position I would put in place that it should be left to the people themselves to have the favourite leader than being imposed by the invading president who is in office and out incumbent when the period of campaigning is not yet through.

I will touch on the issuance of ID. This is under the registration of persons. I would like that the ID be done freely to valid citizens as voluntary and free without being paid like little shilling for *chai* whereby we have the mwananchi who can't raise even ten shillings in a day,how can he now achieve the ID!

Fourth which is the last I will touch on the national cake whereby funds collected or given by the government, and the donors fund. I would like the funds be allocated round the provinces not that it should be favoured because the one who is giving out the funds comes from the certain place and we find that all the institutions are located in one place even we find there are no roads or place for people to build houses whereby other citizens could go tarmacking or looking for a place to have room to achieve their interest.

I think those are enough.

Com. Lenaola: Thank you very much. Rashid Juma? Julius Wanyonyi? Yuko? Karibia. Jina lako ...(inaudible)...

Interjection: ...(inaudible)...

Juma Rashid: ...(inaudible)... ningependa kupendekeza kwamba serikali iliyoko mamlakani in uhuru kupita madaraka iliyoko Kenya. Ningependa serikali ipunguze mamlaka kutoka kwa chief mpaka kwa ofisi ya president. Na mali ya serikali iliyoko Kenya igawe kwa wananchi kwa usawa, kwa vile Kenya sasa kuna sehemu nyingine iko na mali kuliko ingine, na sehemu nyingine inatawaliwa na serikali. Ningesisitiza ya kwamba ikiwa kuna uwezo wa serikali ijayo, mali ya serikali igawe kwa usawa

kwa vile kuna wananchi wengine katika sehemu hii ya Tongaren Kimilili constituency, hawana mali yoyote na wananyanyaswa na serikali. Koti ya Kenya iwe ni ya Kenya na ilindwe na wananchi wenyewe sio machifu, ma-D.O, na ma-D.C kusimamia mahakama na kufanya kuwa ndio sheria yao. Sisi tunaona ya kwamba mwananchi anafinywa kwa njia ya kisheria, tukiwa kama wananchi tunanyanyaswa na serikali na tungependa serikali ijayo iwe na mwelekeo ambao wananchi watapendekezwa wenyewe sheria zilizoko Kenya, zipigwe marufuku.

Com. Lenaola: ...(inaudible)...

Juma: Ningelipendekeza ya kwamba sheria ambayo iko ifuliwe mbali na sheria ambayo inatungwa, itungwe na mwananchi na isimamiwe na mwananchi mwenyewe.

Com. Lenaola: Jambo lingine

Juma: Jambo lingine ningelipenda serikali ifanye elimu ya msingi kuwa elimu ya bure, kwa vile Kenya ilikuwa ni nchi ya mkoloni na elimu inalipwa kama vile mzungu alivyokuweco. Mambo ambayo yanafanya wananchi wanateseka ni kama hayo. Na katika koti za Kenya chief ndiyo wanatatiza zaidi, hata serikali ikisema inapunguza ufasadi, machifu ndio wanaeneza ufasadi.

Ningelipendekeza ya kwamba machifu waondolewe na wasikuweco tena Kenya. Chief ateuliwe kwa njia ingine ambayo mwananchi ataelewa.

Com. Lenaola: Hiyo ulisema mara ya kwanza. Jambo lingine.

Juma: Jambo lingine ningependa ya kwamba urithi wa mashamba uwe unaangaliwa na serikali na sio kuwaachiwa mwananchi mwenyewe. Kuna watu wananyanyaswa na serikali haifuati. Sasa mimi nilikuwa napendekeza serikali iwe inafuata mambo ya mzozo wa mashamba kutoka chini mpaka juu na viongozi wanapoteuliwa kama MP, wajenge ofisi katika sehemu zao ambao wanachaguliwa na sio huko Nairobi.

Tunachagua watu wanaenda wanakaa Nairobi, na sisi tunaumia. Kwa hivyo sisi tunataka akiteuliwa MP councillors, wakae karibu na sisi hapa mahali tumewachagua. Yangu ni hayo tu.

Com. Lenaola: Asante sana Juma, jilandikishe pale ...(inaudible)... Wapi Lilian Chetambi? Endelea. Sema jina lako halafu uendele.

Wanyonyi Julius: Jina langu ni Julius Wanyonyi Wekesa. Jambo langu la kwanza ningependekeza hivi. Upande wa administration, chief aandikwe kwa wananchi kwa mgongo, wasimame kwa mgongo wamteuwe.

Com. Lenaola: Mlolongo?

Wanyonyi: Mlolongo. Baada ya miaka tano anakuja tena kwa service. Tumchague ama aende nyumbani asiwe permanent.

Jambo la pili, tuko na mashamba mengine ambayo yalikuwa hapa inaitwa ADC. Tulijuwa hii, ADC ni mashamba ya Kenya nzima, lakini njia ambayo inapelekwa sio ya halali, hiyo wakate scheme kama hii, watu waende wapati si kunyemelea kwa njia nyingine. Wakate scheme mashamba ya ADC.

La tatu, naomba serikali ambao iko, pombe hii ya kienyeji hapana *chang'aa*, hii pombe ya kienyeji *busaa* wape hawa wazee kutoka saa nane. Saa kumi na mbili asipatikane hapo akipatikana ashikwe kwa sababu achunge saa.

La nne iko dawa hii ukiangalia upande wa bunge, dawa ya kupanda mimea ati inatoka ng'ambo kama msaada, lakini kufika hapa wanaweka bei ya juu kushinda mkulima. Lazima iwekwe kadiri si kuweka bei ile ambao kama umenunua.

La tano, naomba tu serikali, ukiangalia kukaa na watu ambao wanatoka ng'ambo, wanakueleza watu wa ng'ambo wamelindwa kwa njia safi. Mtu akizeeka serikali inamchungu, wametenga pesa yake, wamewajengea manyumba na hapa Kenya inaonekana wewe ndio mpumbavu dunia nzima, hapana lindwa na serikali na umezeeka, hakuna mahali unatoa kitu. Sasa nasema serikali itenge pesa ya kulinda wale wakongwe hawa, hapana wacha bure tunachekelwa na kabila ingine ikija hapa Kenya. Hio ndio peke yake niko nayo.

Com. Lenaola: Asante sana bwana Wanyonyi. William Masika? ...(inaudible)... Simiyu Nyongesa? Karibia mzee.

Masika William: Jina langu ni William Wawire Masika. Economy of Kenya inaanguka kufuatana na serikali. Safari iko mingi sana upande wa president wetu na ministers wote kwenda nje. Kwenda nje wanaenda na economy yetu yote inakwisha huko. Hiyo wakome, waende kama wanaenda na ministry of education aende na minister of education only. Kama anaenda na problem ya agriculture, aende na minister of agriculture only.

Upande wa health yaani ugonjwa, upande kama ya ukimwi, America ni nchi kama Kenya, America ikae huko ...

Interjection: ...(inaudible)...

Masika: Upande wa ugonjwa hii, kama nchi za nje kama Iran, Iraq, Syria na nchi zingine za Islamic hakuna ugonjwa hii, na America hapa kwetu ndio hii ugonjwa, na tuko na madaktari, na madaktari wetu kama mtu anatoka America, daktari wetu wa Kenya amfanye serive ndiyo aingie, asimwache huru.

Com. Lenaola: Pendekeza.

Masika: Pili upande wa economy, ku-create hii ministries zingine nyingi hakuna maana, kama agriculture na ingine hizi waache iwe moja kuliko kuharibu ku-create hivi, vinaleta economy inakuwa chini.

Upande wa wizi, serikali ndio inafanya wizi kuwa mwingi. Kwa sababu gani waliweka law ya kuwaacha chief kuwa na Act? Chief hana askari kwa ofisi yake, na mtu anaiba ng'ombe kutoka huko Matunda na anapita na ng'ombe hadi huko naitiri. Kama

chief alikuwa na askari kwa hiyo ofisi yake, wizi ilikuwa hakuna maana. Palikuwa tu Act iko hapo curfew iko hapa, hakuna mtu yeyote ambaye anaweza kuiba. Hiyo law watoe.

Ile katiba yetu ambayo ile kitabu ilitoka mwaka 1969, president wetu wa Kenya arudishe vitabu hivyo watoto wetu wasome. Ilitoka kwa Lancaster House vitabu viko wapi? Mbona walificha? I want those books watoto wetu wasome!

Secondly, upande wa D.O wetu, yule ofisa wetu yuko karibu na sisi na title deed itoke kwa ofisi huko ikuje kwa D.O. hapa D.O. wetu kama anaenda kwa field anatembea na ma-title deed anagawa watu. Iko kwa ofisi huko upande wa ma-title deed eti jina iliharibika toa shilingi mia mbili. Hiyo nini? Hiyo ni law?

Com. Lenaola: Ungependa nini?

Masika: Tungependa mambo hiyo itolewe tuwe tu safe. Haya upande wa ma-forest, tuko na madawa katika nchi yetu, ma-forest hii hapana toa miti kila fwa, ati tunategemea America, America ndio nini kwa sisi. Balozi wa America akuwe hapa tu, Balozi lakini vitu vingine, ma-laws ya kutoka America tumekataa.

Com. Lenaola: Sawa ya mwisho.

Masika: Ya mwisho kabisa kama mnataka serikali yetu ikuwe kubadilisha badilisha hii ma-president ndiyo hii taabu nyingi.

Com. Lenaola: Rudia

Masika: Kubadilisha badilisha ma-president, kesho huyu, Jumatatu ati anakuja na Ford Kenya, huyu anangoja na DP, huyu sijui anakuja na nini, ndio nchi kuwa na viti. Hiyo tunataka kama president amechoka kama anaenda hivi tunasema makamu wa rais take position kwa siku tisaini tuangalie ni mtu mgani ambaye tutapeleka kwa nchi, hapana kuja na anatuchagulia mtu. No! That's all.

Com. Lenaola: Asante sana. Simiyu Nyongesa. Simiyu naona mvua imenyasha kwa hivyo utakuwa brief. Sema majina yako kwanza.

Nyongesa: Majina ni Simiyu Nyongesa Japheth. Kwanza ningependekeza ya kwamba sheria iwepo ili iweze kuwalinda watoto ambao wanaajiriwa kazi wakiwa chini ya umri ambao unahitajika. Napendekeza ya kwamba sheria iwe inalinda hawa watoto na wale wanaofanya kosa kama hilo wachukuliwe hatua.

Jambo la pili, kuna hawa watoto ambao hawana wazazi nao ningependekeza ya kwamba serikali igharamie elimu yao primary na secondary na hata university. Hawa ni mayatima.

Tatu, napendekeza ya kwamba katika shule tumekuwa na hali ambao watoto wanatumia madawa ya kulevya na vitu vingine. Napendekeza ya kwamba discipline iwepo katika shule zote ili mtoto aadhibiwe, akifanya mambo kama hayo, lakini kwa kiasi.

Jambo la tano, napendekeza ya kwamba rais ana mamlaka ya kuwateuwa wakuu wa idara ya serikali ama ma-parastatal, lakini bunge liwe na mamlaka ya ku-approve uteuzi ule wa kiongozi wa taifa.

Nikimalizia napendekeza ya kwamba ile Compensation Act ambayo mtumishi wa serikali amefanya kazi ana mtumishi wa shirika naye amefariki ifanywe marekebisho kwani hii Compensation Act kuna ufisadi ndani wakati pesa zinapoenda kwa trustee. Ma-chief wanaandika barua bandia ya kwamba mtoto yuko hospitali na mtoto hayuko hospitali halafu pesa zinatolewa. Kwa hivyo hii sheira ifanyiwe marekebisho D.O awe anahusika na mambo kama hayo. Asante.

Com. Lenaola: Asante sana mzee wangu ...(inaudible)... sema jina

Okumu: Kwa majina Patrick Wafula Okumu kutoka Kiminini Sublocation. Mimi pendekozo langu kwa upande wa mahakama, kule ma-court wananchi wananyanyaswa, na mimi ningependa kusema ya kwamba, mwananchi mdogo huyu ni masikini kama mtu amempiga ako na pesa, tena anaenda kuchukua advocate azungumze naye. Kwa hivyo ningependekeza ya kwamba ma-advocate wafungue ma-court zao, yaani akiona tajiri aende huko na sisi wananchi wadogo hatuna pesa tubaki kwa hiyo koti na tutetewe na judge ambayo yuko na tufuate ukweli.

La pili mimi ningependekeza hivi, upande wa utawala tuko na Assistant chief, chief na ningependekeza chief ateuliwe kutoka kwa watu wako wa area, kwa sababu mimi siwezi kuenda Kisumu kuishi huko halafu wanipe uchifu, na sheria ya hiyo kabila sitajua. Kwa hivyo nataka chief wa kwetu ambaye anajua hata jikoni assistant chief ama retire, badala ya kusema kwamba yeye ameelewa kwa hawa watu kufanya kazi kabisa ya wale watu wameelewa nayo, utaona kwamba serikali itaita interview na unaona hivyo assistant chief amebaki pale pale tu na unatoa mwingine kutoka standard one anaingia kwa two anakuwa chief. Pendekozo langu nasema kwamba ikiwa chief ame-retire, sub-chief aporomoshwe kuwa chief.

Pendekozo langu la pili kuona kwamba ukulima. Katika nchi yetu hii kitu ambacho inatupa uwezo kabisa na nguvu ni ukulima. Tumeona ya kwamba bei ya mbolea, bei ya mahindi ya seeds ambayo wanauza kilo kumi shilingi elfu moja mia tano, irudi chini ili wananchi walime zaidi hata vyakula viwe tuanze kupatia watu wa nje kwa maana sisi hakuna element ingine ambayo tunaweza pata isipokuwa ukulima.

Langu la nne, upande wa headmen, yaani wazee wa area wa kazi hawa kama sub-chief ako, achukuwe shughuli zote kwa sababu ukiona area ingine sub-chief hajaenda huko lakini wakazi ndio wanamdanganya kila wakati wanaleta fitina hata kesi kidogo wanafungana, kwa hivyo sub-chief aingilie hiyo kazi kutoka grassroot, asaidie wananchi kuliko wakazi walete fitina. Hata kuku imetaga mayai amehesabu zamani anagongana huko na huko, lakini sub-chief awe ndiyo kichwa cha watu wake kama sub-location.

Com. Lenaola: Jambo la mwisho.

Okumu: Jambo la mwisho, katika nchi yetu hii badala ya kwenda kuchukua contract ya kulima barabara, tunapiga taabu sana, kwa hivyo ni pendekozo langu nasema kwamba ikiwa kama area yetu kama location ama division, watuletee tu grader yetu na mali yetu inafanya barabara katika area hiyo, hata murrum tupate kuliko kutoa mtu kuliko mbali sana hajui, anachota matope

anaweka barabara hata sasa hakupitiki sijui sasa mtaendea wapi. Yangu ni hiyo Mungu awabariki.

Com. Lenaola: Jiandikishe jina pale. Charles Wafula?

Wafula: Mimi jina langu ni Charles Wafula. I am a CCK member Kimilili constituency. Niko na maoni haya ya kutoa, kutokana na utangulizi wa constitution ningependa ile kipengele ya kwanza maoni ile ambayo imepeanwa iko hafifu kidogo. Tunataka iwe, this constitution is the constitution of the people of Kenya by the people of Kenya for the people of Kenya. And this constitution will help to unite the people of Kenya as members of one state. Then this constitution should not be altered by anybody without the consultation agreement of the owners of the constitution. Hiyo ndiyo kitu ambacho tumezungumzia na tumekubaliana.

Supremacy of the constitution. Constitution yetu inatakikana ibaki huu ya miongoni wa serikali ili iweze kuongoza serikali yetu ilivyo. Sasa yako mengine ambayo tumeandikana tutahitaji yafuatwe kamili. Halafu appointments ya government officers of officials must be done by a well appointed committee but vetted by the parliament, therefore the parliament remains supreme in confirming the appointments of all government workers.

Education, tungependa Education Act iwe reviewed especially starting from appointment of officers, that one should be done like I have said in the first place, primary education, let it be free and compulsory, special education, let it be free and compulsory right from primary up to the highest level a student can achieve.

Technical institutions, technical knowledge should be set compulsory at all learning institution kuanzia primary mpaka university, and let it be the primary and secondary we must have technical institution set to cater for technical knowledge for all our learners.

Higher education, universities. Tunataka wanafunzi wote wa university, wapate loans without discrimination because anybody who would have qualified to go to university is set to be useful in the country and he can only do that if he is supported by the government all through.

Private schools in the country. These ones should be given restrictions so that we don't have mushrooming of private schools and any teacher who are employed by the private schools should be paid salary slightly higher than the government salary.

Human resources. We would like all workers to be paid their allowances especially so that they can reduce corruption in the country. There are many other points which are put on this paper plus across the other organisations. Thank you very much.

Com. Lenaola: Nafula. Mzee nilikuwa mtu wa mwish kwa list yangu na naona ...(inaudible)... bila ya wewe kuzungumza mbona hakujiandikisha? Haya we mzee ingia hapa. Majina yako?

Wafula: and the extra acreage which is there, the government can work out a tax such that if that person is defeated to pay the tax then the government can reposses that land and then work that out to give out people who are squatters. We should not have squatters but we should give them land so that we involve them in production.

Two, the succession of land of which somebody has died, the process is so long that even before you get that succession you

find that it takes over ten years.

So my comment is that why don't the government work it out so that we finish at the divisional level so that we get title deeds instead of making the process so long.

I want to contribute on the schemes of service, you find that in our country the scheme of service is not so clear e.g. you can be employed and then you find that the allowances you get from various people is so different e.g. like housing allowances you can find somebody in Trans Nzoia is getting more money and usually in Tongaren you are getting very little money just because the schemes of service is not very clear. So the government should come out with a clear terms of service so that when you go for any position in the government, you just know these are the terms which are there instead of somebody manipulating allowances which contribute to corruption.

Com. Lenaola: ...(inaudible)...

Imbaya: My names are Shem Imbaya Tongaren. Kenyan is known to survive normally a commission is appointed to look into the crisis, and then at the end of the day this commission does not give us anything.

Com. Lenaola: Recommend

Imbaya: So we are recommending this particular one the Ghai commission should reach at the end of the tunnel. Second point, civil servants should be paid well e.g. how do you trust a civil servant who is a revenue collector with your money, you are paying him very little money and you are expecting this man to keep your money well? This man should be paid well so that he can keep government money very well.

Secondly, peaceful mass action should be legalised. It is the best way a common man who is offended less than fortunate, less correct can air their views for the wrong doings. The respected offenders in this case should immediately be apprehended

Com. Lenaola: Last point

Imbaya: A retiring president should not engage in active politics or be partisan in the domestic politics. A Vice President should be elected by the electorate and be given some powers. We should have three political parties in this country comprising all tribes in Kenya. This will seal nepotism, tribalism and regionalism.

Lastly, salary awards to public servants should not be politicised e.g. teachers will be given their salaries awards when there is an election. I think this is a very wrong notion. They should be given salaries as they deserve. Thank you very much.

Com. Lenaola: Thank you very much ...(inaudible)...

Walekhwa Charles: Kwa majina naitwa Walekhwa Charles. Kwa hivyo mimi nilitaka kwa upande wa upimaji wa mashamba,

survey wale ambao walituletea kwamba ni wa private wako wanatunyanyasa kwa upande wa kutoa pesa. Ningependelea survey wa serikali watuletee karibu na watufanyie kazi ipasavyo ili walipwe na serikali, kuliko kuwacha survey wa private na watuwekee pesa mpaka watulete na council ndani.

Halafu nyingine ni kwamba president asiwe juu ya mamlaka. Mwenye juu ya mamlaka ni Mungu peke yake. La mwisho ni kwamba msichana akipata mimbaa anatakiwa ashitakiwe kwa kuharibu usichana wake. Msichana ashitakiwe amemruhusu mwanaume kuharibu ubikira wake naye anastahili kushitakiwa kuliko kushitaki kijana peke yake na msichana anawachwa huru. Wasichana wamezoea waende kwa mtu fulani kwa sababu ana pesa ili huyu mtu ashitakiwe alipe pesa. Kwa hivyo msichana naye anatakiwa kushitakiwa. Yangu ni hayo tu.

Com. Lenaola: Nenda pale ujiandikishe ...(inaudible)... mzee

Translator: Sema majina yako kwanza.

Wafula Namuruwa: Jina langu ni Wafula Namuruwa Omumeme Joseph. (Luyha dialect)

Translator: Anatoka Makhonge

Wafula: (Luyha dialect)

Translator: Hajui Kiswahili, zungumza kibukusu ni sawa.

Wafula: (Luyha dialect)

Translator: Vile walienda Lancaster House walileta majimbo sita

Wafula: (Luyha dialect)

Translator: Majimbo mbili yamepatikana, majimbo nne yamepotea

Wafula: Sasa mimi nasema namna hii, mimi nataka majimbo hii kila mtu apate mpaka mwisho.

Translator: Mzee anataka majimbo iwe katika Kenya

Wafula: Tema watu wa kama ma-pastor hawa (Luyha dialect)

Translator: Tena hawa ma-pastor wameharibu nchi.

Wafula: (Luyha dialect)

Translator: Mzee anataka anataka maneno ya madini mingi ikwishe, anataka tu dini nne; Catholic, Friends, Jeshi la Wokovu na Muslim. Hizo ndizo dini ambazo anataka.

Com. Lenaola: ...(inaudible)...

Wafula: (Luyha dialect)

Translator: Hayo majimbo ambayo yalipatikana ni kwamba Kikuyu ametawala, wakatawala kwa kidole moja

Wafula: (Luyha dialect)

Translator: Wakalenjin wamekalia jambo wametawala kidole moja

Wafula: (Luyha dialect)

Translator: wakati huu watu wa Ford Kenya wanataka watawaliwe vidole mbili

Com. Lenaola: Asante sana mzee. ...(inaudible)... Ningependa kufungaa na ...(inaudible)... nitampa Moses nafasi aseme ya mwisho, halafu Father Alois atuombe halafu tufunge. Utatuombea.

Interjection: Mzee (Luyha dialect)

Uvuova: Mimi naitwa Uvuova Nakhamili Walinya. Mimi ni mshiriki wa constitution review katika Bungoma district. Hamukuniona nikianza hapa kwa sababu tuna tena kazi ingine inaendelea Nzoia Sugar Company. Tuna panel mbili hapa district, moja ya upande ule wa huko, na hawa wamekuwa huko. Hawa walianzia Kimilili kuja Naitiri, wako hapa leo, Jumatatu wanaenda Webuye na Ndivisi, na wale wengine watatoka Nzoia leo. Jumatatu wanaenda Bumula na Kimaiti halafu watakuwa wamemaliza wanaenda Kakamega Jumatano kukutana waweke pamoja yale wameona halafu warudi Nairobi watengeneze katiba. Na kesho hao tena wanaenda Mt. Elgon kwa sababu siku ile walitakakikana waende Mt. Elgon, rais alikuwa anatembelea huko. So wako na kazi nyingi sana, ningependa kupiga asante kwenu na wale ambao wameenda wengi kwa sababu mumevumilia mvua, mumekuja nafikiri katiba itakuwa nzuri.

Kwa hivyo kwa usemi tu wa kingereza I wish you a happy constitutional making. Nafikiri mumejaribu. Asante sana.

