

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

VERBATIM REPORT OF

**CONSTITUENCY PUBLIC HEARINGS,
LUGARI CONSTITUENCY, AT
FRIENDS CHURCH LUMAKANDA.**

29TH JULY 2002

**CONSTITUENCY PUBLIC HEARINGS – LUGARI CONSTITUENCY
AT FRIENDS CHURCH LUMAKANDA ON 29TH JULY 2002.**

Present:

Com. Abida Ali – Aroni
Com. Domiziano Ratanya
Com. Keriako Tobiko

Secretariat staff in attendance:

Ismael Aden
Mercy Mayabi
Susanne Motile

The meeting started at 10.05 a.m. with introduction by the Coordinator Mr. Amaswache Caleb Temba and prayers by Ms. Ambane, with Com. Abida Ali – Aroni in the chair.

District Coordinator, Mr. Temba: Wananchi watukufu, maCommissioners kutoka katika tume ya Katiba ya Kenya marafiki wote wenye wako hapa hamjamboni nyote? Kabla hatujaanza mkutano tutamwomba dada yet miss. Ambane atupe maombi halafu tuanze mkutano.

Ms. Ambane: Na tuombe; Eeh Baba Mwenyezi Mungu tunakushukuru kwa siku ya leo kwa kutwezesha kufika katika kikao hiki cha leo. Baba, tumekuja kuzungumzia yale yatakuwa na manufaa katika nchi yetu ya Kenya na vizazi vijavyo. Baba tunakuomba mwanzo mwema na mwisho mwema. Kwa jina la Yesu Kristo ninaomba. Amen.

Mr. Temba: Kabla hatujaanza, nitainroduce committee members wa Lugari CCC wenye wako hapa, na kwa saa hivi naona ni wawili peke yao. Mr. Timothy Akaranga huyo ndiye secretary wetu, Miss Ambane please say hi to everybody.

Ms. Ambane: Secretary, wananchi, hamjambo, hamjambo tena? Ahsante.

Mr. Temba: With us Commissioners today, is the District Secretary KNUT, Mr. Nyambira. Please welcome.

Mr. Nyambira: Hatutaenda kwa maneno mengi, kwa sababu tunajua watu wako njiani wanakuja na wale wamekuja mbeleni lazima wahudumiwe kwanza. Hapo katika advertisement ile tulisema we shall serve on the first come first served basis, kwa hivyo wenye watakuja-memorandum niuazo ni nataka tuanze mkutano. I am handing over the meeting to the Commissioners. Thank you very much.

Com. Aroni: Asante sana Bwana co-ordinator. Kwa niaba ya Tume ya Marekebisho ya Katiba tungependa kuwakaribisha katika hichi kikao cha leo na kuwaeleza kwamba huu ni mkutano rasmi wa upande huu kwa kutuwezesha kuchukua maoni yenu. Kabla sijasema mambo mengi, ningependa kuwajulisha kwa wanatume ambao wako hapa, pamoja na wenzetu ambao tumeandamana nao kutoka katika kikao cha Commission kule Nairobi, na ningeanza kwa kuwajulisha Commissioner Domiziano Ratanya na kumwomba awasalimie.

Com. Ratanya: Hamjamboni nyinyi nyote wananchi? Jina langu ni Commissioner Ratanya.

Com. Aroni: Mwenzangu mwingine ni Commissioner Keriako Tobiko.

Com. Tobiko: Hamjambo watu wa Lugari. Jina langu ni Tobiko, Commissioner.

Com. Aroni: Baada ya kuwajulisha kwa maCommissioners, ningetaka kuwajulisha wenzetu wengine. Kwanza kabisa, tunaye Bwana Ismael Aden ambaye ni Programme Officer na ndiye atakayekuwa anasimamia mipango ya kazi hii ya leo, na mkiwa na mazungumzo au maswali yoyote mnaweza kuzungumza naye. Halafu tuna msaidizi wa Bwana Aden, -Assistant Programme Office, ambaye ni Mercy Mayabi. Mercy atakuwa anaandika mambo yenu. Halafu, tuna verbatim recorder ambaye atakuwa ananasa sauti zenu na jina lake ni Suzanne Mutile. Na mimi, naitwa Abida Ali - Aroni, Naibu wa Mwenyekiti wa Tume ya Kurekebisha Katiba, kwa hivyo sote tunawakaribisha.

Kabla hatujaanza mkutano wa leo tungetaka kuwapatia masharti ambayo tunataka kuyafuata katika utaratibu wa siku ya leo. Kwanza kabisa tunawaomba nyote mjiandikishe katika meza ambayo iko pale nje, na hapo utasema ikiwa unataka kuzungumza au una maandishi ambayo ungependa kutoa, au pia ikiwa umekuja tu kusikiza, tafadhali utasema pale nje. Tungetaka kujua ni watu wangapi wamefika katika mkutano wa leo. Kwa hivyo hata ikiwa hauzungumzi tafadhali jandikishe pale nje.

Kuhusiana na mambo ya kujiandikisha, tungependa kuwaeleza kama mlivyoielezwa na Bwana Co-ordinator, tutawaita kulingana na jinsi ambavyo mmefika na kukiandikisha na tunawaomba msijaribu kutuuliza kuruka kwa sababu tunasema first come first served na tungependa sana kufuata utaratibu huo. Kwa hivyo, ikiwa kuna mtu amechelewa asijaribu kuomba kuruka utaratibu ambao tumeuweka.

Sasa katika mambo ya kuzungumza, mnaweza kutumia lugha yoyote ambayo mnadhania itaeleweka sawasawa. Lakini ikiwa unaweza kuzungumza Kiingereza au Kiswahili tutakuomba sana uzungumze hizo lugha mbili ili tuweze kukuelewa bila mtu yeyote kututafsiria kwa sababu tunajua katika tafsiri kuna mambo mengine ambayo huwa yanapotea. Lakini ikiwa huwezi, utatueleza-nina uhakika Bwana Co-ordinator ameweza kutuwekea mtu atakayeweza kutafsiria kwa lugha ambayo wanatume wataweza kuelewa.

Kwa watu ambao wana written memorandum, tutawapatia dakika tatu ya kuweza kutosomea muhtasari kwa kifupi kwa sababu tutapata nafasi ya kuweza kusoma hizo nakala baada ya kikao hiki. Tunajua ya kwamba mtajitokeza kwa wingi ndio maana hatutaki kukupatia nafasi ya kusoma kwa sababu tungetaka kila mtu ambaye amefika hapa, ikifikia saa kumi na moja awe amemaliza, tumewamaliza nyote.

Ambao watakuwa wanazungumza, tutawapatia dakika nne peke yake na baada ya kuzungumza ikiwa kuna mambo hatukuelewa, tunaweza kuuliza maswali ili tuweze kuelewa mazungumzo yenu zaidi. Na ikiwa pengine hauna jibu utatueleza. Ikiwa una jibu kuhusu swali ambayo tunawauliza, basi unaweza kujibu.

Baada ya kuzungumza, tuna register ambayo iko hapa kule ambako Ismael ameketi, na utakwenda na kujiandikisha. Kuna entries fulani ambazo ni lazima tuzipate na atakupatia nafasi ya kuweza kujaza hizo entries.

Na jambo lingine ambalo tunaomba sana, ni kwamba mtu akifika pale mbele na kuzungumza, ajaribu sana kutumia microphone kwa sababu tumewaeleza tunanasa sauti zenu kwa sababu hatutaki kubakisha jambo lolote. Kwa hivyo tuna watu karibu watano wanaandika, lakini tunataka kunasa hizo sauti kupitia chombo ambacho kiko hapa mbele.

Na jambo lingine ni kwamba, tunawaomba mtu akizungumza, ikiwa haufurahii maneno yake tafadhali usinung'unike au kupiga kelele, tumpatie nafasi amalize kusoma kwa sababu na wewe utapata nafasi ya kuja na kupendekeza. Tumeelewana?

Basi tunawashukuru sana na kufikia wakati huu, tungependa kuanza na Bwana Brown Ombugo. Tafadhali keti pale na ukimaliza - use the mic and stand - you are free to stand or sit.

Bwana Ombugo: Macommissiner ambao mmefika hapa leo, mimi yangu nitasema kwa kiswahili na pale nitashindwa nitaongea kwa Kizungu. Basi, mimi naitwa Brown Ombugo, mimi ni mwenyeji wa Lumatanda. Ninaenda kwa utaratibu wenu wa kitabu hiki.

Uraia - nitaanza na uraia: Wananchi wetu wa Kenya tuna shida sana kwa upande wa kupata uraia ambapo inakubidi lazima ulipe pesa fulani ili upate kitambulisho na neno hilo lazima litolewe.

Vitambulisho vipeanwe bila masharti yoyote hasa kwa mwananchi ambaye ni Mkenya - yule babake in Mkenya na mama ni Mkenya. Lakini kwa wale ambao mama ni wageni, sioni ni taabu. Mama akiwa ndiye Mkenya na baba ndiye Mzungu au kabila nyingine, basi huyo ni nafikiri tutakuwa na tashwishwi. Lakini so long as one of the parents is a Kenyan, definitely this person qualifies to be a Kenyan and he must be given an I.D free of charge.

Kwa pointi ya pili ambayo naambiwa mambo ya ulinzi wa taifa, kuna vyombo vya ulinzi. I would like to say ya kwamba,

Wakuu wa Kijeshi wateuliwe au wawe proposed by the President but they must be appointed by the Parliament. This will allow us to have the President not misusing them, ama wasiwe katika hali ile ya kutumiwa na chama fulani ambacho kiko namlakani. Wakuu wa jeshi wateuliwe tu by - they should be proposed by the President and then the appointment should be made by the Parliament. The same to the police forces, GSU, Wakubwa wa Jela na wengine wote. All the armed forces, the Heads, must be appointed by the Parliament and not the President. Because the President tries to misuse these people at his own whims and appoints people on tribal balance basis.

Kwa upande wa vyama vya kisiasa, ni nafikiri hapo tunaweza kuwa na vyama vingi vile Wakenya wanataka. Hata ikiwa kila mtu atakuwa na chama, hiyo ni shauri yao. Lakini, for finances, I think the Government should ensure that in their budget, they have some money for these political parties. So each and every registered party must at least get a small share of its money from the Government.

Now muundo na aina ya serikali: Nafikiri serikali yetu iwe ya kidemokrasia whereby the people must elect the President directly and also the VP. The VP must not be appointed by the President. Because then he serves as an Assistant Minister - he has nothing to say. Take a case of the current Vice President, he cannot tour anywhere, he cannot say anything - hawezi sema chochote maana boss yake atamfuta. Lakini ikiwa sisi ndio tutamteua huyu mtu au tutamchagua through ballot nafikiri atakuwa na nguvu na anaweza kukataa yale Rais atakuwa anamwambia.

Na tusiwe na Prime Minister. Sioni haja ya kuwa na Prime Minister katika hali hiyo. Mambo ya waziri mkuu, nafikiri hakuna haja tuwe tu na Rais na Makamu wa Rais ambao watachaguliwa na wananchi wenyewe.

Kwa upande wa Bunge, kitu cha kwanza, Mbunge lazima awe na umri usio chini ya miaka 25, awe ni mtu ambaye amesoma hadi kidato cha nne na awe ni mtu ambaye ana sifa njema. Asiwe amewai kuwa mwizi ama ametajwa katika tume yoyote ya wizi. We have had Parliamentarians who have done wrong and are just picked because they have the money - ni watu ambao wanavyo kwa hivyo wananunua kura za wananchi ambao ni maskini.

Asiwe mtu ambaye amewahi kufanya kazi ambayo ilikuwa inampatia pesa nyingi kuliko zile atapata kwa Bunge. Kwa hivyo mtu kama huyo itambidi in order to meet his more expenses here and there he will definitely poke his nose into the wrong place.

Kwa hivyo, kwa upande huo, nafikiri wajumbe wetu watakuwa ni watu walio tabia njema na wananchi ndio wataamua.

Katika upande wa kuchaguliwa, nafikiri tuna shida ambapo serikali inajaribu kuingilia uchaguzi. Neno hili nafikiri lingekuwa bora ikiwa Rais anayetawala, wakati analivunja Bunge naye pia “avunjwe” aende nyumbani, ili serikali iachwe katika mamlaka ya Chief Justice. Kukiwa na mtu wa aina hiyo, Chief Justice ama mteule wa kikanisa, a church leader, ashikilie serikali hadi wakati tunafanya uchaguzi na ili Rais mgeni aweze kuja. Rais anayekalia huwa anajaribu - he tries to interfere with election and only those he favours will always be his men in the Parliament.

Com. Aroni: Mr. Ombugo please your time is up. I will give you a minute to summarize.

Mr. Ombugo: But I think you are here, the whole day?

Com. Aroni: I will give you one minute to summarize, because we have over 50 people at the moment waiting to be heard. Tafadhali tuheshimu sheria ya mkutano.

Mr. Ombugo: Katika upande wa mamlaka ya Courts, the Chief Justice, Judges and Magistrates and so on, lazima wateuliwe na Parliament, wasiwe wa kuteuliwa na Rais. Rais anajaribu na kuwatumia vibaya.

Halafu mwishowe, Auditor General awe ni mtu ambaye ameteuliwa na Bunge. Asiwe ni mtu wa kuteuliwa na Rais. Maana hapa, Rais anajaribu kumtumia katika njia mbaya. Kwa hivyo, Auditor General awe ni mtu ambaye hajateuliwa na Rais.

Halafu, kwa upande wa mali ya asili yetu. Nafikiri hapa watu wetu wanavitumia vibaya. Mtu ana mashamba karibu acre 500 na bado ananyemelea forests zetu! Kwa hivyo lazima tufanye hivi: The biggest size of land somebody should have in Kenya should be 50 acres, not more than that. Ili, wale wanyakuzi waweze kurudishwa chini. Na wananchi wapewe mamlaka: ikiwa kuna mtu ana acre 500 ama elfu mbili, wavamie shamba hilo na wamwachie acre 50. Kuna watu humu wana acre 300 na wengine hawana chochote. Wananchi wapewe mamlaka na Tume hii, ili wavamie shamba lile, wamwachie acre zake hamsini na hizi zingine zichukuliwe. Ahsante.

Com. Aroni: Ahsante sana Bwana Ombugo, jilandikishe hapa na kutuachia memorandum ili tusome maelezo mengine ambayo hukuyazungumza. Ahsante sana. Next Simon Agona. I will give you 3 minutes to summarize your memorandum please.

Mr. Agona: Ahsante. Jina langu mimi ni Simon Agona Kigasia, ninatoka kule Mautuma location. Nitaanza hivi:

Com. Aroni: Tafadhali tusizungumze tukiwa hapa - tunanaza sauti, na tutakosa kusikia sauti ya Bwana Simon. Please, you can speak outside if you must. Thank you.

Mr. Agona: Nataka kuanza hivi: Ili Katiba iwe nzuri, lazima iwe na utangulizi. Kwa hivyo, nakubaliana na kwamba tuwe na preamble inayosema Katiba ni ya kina nani, na ni ya watu gani, na ni kwa sababu gani imeundwa. Kwa hivyo tunahitaji utangulizi.

Citizenship: Kuna vitambulisho vingi ambavyo tunavyo, vinavyotutambulisha kama wananchi. Ningependa vile vitambulisho vyote viwe katika kitambulisho kimoja. Ninamaanisha kwamba tuna I.D Card, passport, tuna ile ya kura, tuna zile zingine

tunapata hata hospitali, mbona kitambulisho kisiwe tu kimoja kile kinaweza kunasa mambo yote ya Mkenya halisi.

Upande wa Provincial Administration: Ile structure tunayo saa hizi, tunahitaji iwe trimmed ili tuwe na - kuna vyeo ama afisi zingine ceremonial. Kwa mfano afisi ya Assistant Chief, afisi ya D.O tunasema ni ceremonial. Tuwe na afisi moja pale kwa grassroot - afisi ya Chief, halafu baadaye tuwe na afisi ya DC: Hizo mbili nafikiri zimetosha kwa grassroot. Hata provincial office tunasema ni ceremonial. Na pia, tunasema ya kwamba yule ambaye anachaguliwa kama Chief kwa grassroot, awe ni mtu ambaye ana masomo zaidi ya kidato cha nne.

Sehemu nyingine ambayo niko nayo ni Local Government. Kwa Local Government ili mtu awe civic leader lazima mtu huyo awe ni mtu ambayeamesoma vya kutosha, aweze kuchaguliwa na wananchi na awe amesoma hadi kidato cha nne.

Pia, na ile kufanyiwa interview ili kujua kama anajua Kingereza ama - hapana ama Kiswahili, ikiwa ana masomo ya form 4 awe amepita Kingereza na pia Kiswahili - mtu ambaye anaweza kuongea kwa watu. Tuna suggest pia wale Mayors wa Councils na Machairmen wawe elected na watu na waweze kuserve kwa term ya miaka mitano si miaka miwili tu.

Katika Parliament, pia tunasema yule mtu anataka kuwa Parliamentarian anahitaji kuwa mtu amesoma na awe na miaka zaidi ya 30, mtu ambaye amekomaa. Na tumegundua kwamba mtu akiasha anza kuwa mzee yaani zaidi ya miaka 70 - tunataka kuwe na limit - MP awe between 30 – 70 years, maximum. Watu wakiwa zaidi ya miaka sabini, wawe wamejitayarisha kufanya kazi zingine.

Katika afisi ya Rais, tunasema mamlaka ya Executive ni mengi sana ambayo yako vested in that office: Kwa hivyo, kama inaweza kupunguzwa: Kwa mfano, uteuzi wa afisi zingine kama P.S, afisi za Directors ama Civil servants wengine, badala ya President kuchagua kuwe na uwasiliano kati ya Bunge na kamati ambayo inaweza kuundwa ili iweze kuteua maafisa hao.

Pia nataka kusema kwa upande wa natural resources. Tunasema kwamba natural resources zetu ambazo ziko nchini Kenya ziweze kuwa managed na Wananchi wa sehemu hiyo. Kwa mfano, forest sehemu hii iweze kuwa ni ya watu wa Lugari. Kukiwa kuna faida ya aina yoyote ile, iweze kufaidi watu wanaokaa upande huo.

Land ownership: Kila Mkenya aweze kukubaliwa kuwa na shamba mahali popote. Nakubaliana na yule aliyezunjumza kwanza kwamba, land ownership iwe restricted to a maximum of 50 acres, - siyo zaidi ya hiyo.

Pia, tunasema wasichana wetu na wavulana wetu, should be equally allowed to inherit land from their parents: na pia, women should be involved in land issues kwa mfano, land title deeds wazee wakubali ziandikwe katika majina mawili kama mlipata na mama - ya mama na ya baba.

Upande wa Judiciary, there should be Constitutional rights to legal aid kwa case zozote zile - sio tu tuwe na wengine wanawakilishwa lakini - kama mtu amefanya kosa aweze kuwa na mtu wa kumwakilisha.

Nikiendelea kumaliza, kuna sehemu ya worship: Ingawa tuna freedom of worship, lazima ichunguzwe sana kwa sababu, katika sheria ya Kenya tuweze kuworship Mungu mmoja, kwa sababu kuna wale wanaworship mungu mwingine. Nafikiri sheria iweze kusema ni Mungu wa aina gani watu wanatakiwa kuworship, na awe ni yule mmoja tunayejua. Registration of churches kwa upande wa worship, tunasuggest ya kwamba regitrer of societies kuregister makanisa awe na special committee ya spiritual leaders who can determine genuine churches.

Com. Aroni: Thank you very much, but we need to clarify one or two things with you.

Com.Ratanya: Okay, Bwana Simon, kuna maswali kama mawili ya kufafanua tu. Pengine una memorandum yako utatupatia. Ya kwanza ni mambo ya provincial adminsitration. Umesema afisi zingine ni ceremonial - lakini hapo ningetaka ufafanue vizuri kwa sababu hapa hukueleza vizuri kuhusu ya machief, D.C Assistant Chief, D.O P.C – wale ungetaka waondoke ndio ceremonial, ufafanue vizuri. Kwa sababu kwa record yangu D.O, Assistant Chief na P.C. ni ceremonial - those ones should go. You clarify that. The other one, umesema elimu ya Councilor iwe ni ya form 4, lakini sikusikia kama ulifafanua vizuri qualification ya MP na hata ya President, pamoja na umri wa President, minimum na maximum upeane zote kwa sababu ulikuwa ukienda kwa haraka.

Mr. Simon: Provincial Administration tunasema - nitazungumza hapo kwa Kingereza kwa sababu nimeandika kwa Kingereza. The current structure should be trimmed to avoid duplication of the duties and some of those offices are ceremonial. For example, the office of the Assistant Chief and the office of the Chief. Hizi ofisi mbili zinafanya karibu kazi moja. Pili, ili jambo lolote litambuliwe katika afisi ya DC, lazima kuwe na hizi signatures mbili. Sasa tunajuliza kwa nini. Si tuwe na signature moja tu ambayo inaweza kucover sehemu hiyo yote? Na utapata ya kwamba, most of the locations zile tunazo sasa kuna either Assistant Chiefs wawili ama watatu. Na utapata kazi nyingi inafanywa na Chief - sio na Assistant Chief. Kwa hivyo tunaona pengine yule Chief anaweza kushikilia ile kazi ya Assistant Chiefs afanye zote.

Kwa grassroot kabisa tulikuwa tunapropose tuwe na yale tunaita “Likuru”, yaani wazee wa mitaa ambao wana masomo, wale ambao wakifanya kitu kwa kijiji, hiyo inapitishwa tu hodi kwa afisi ya Chief.

Na maCommissioners, mtanikubalia kwamba nikisema hivi, kwamba sisemi wale ambao wako sasa, yaani kama Assistant Chief wangu, asifikiri ninasema aende kesho. Iwe gradual phase - out, iende polepole, yaani wanapofika retirement waende. Kama kuna afisi inaweza kupotikana kwa afisiya D.C, wale ambao wako sasa wapewe kazi hizo.

Afisi ya D.O pia ningependa kuclarify. Mara nyingi kwa afisi za D.O, kazi nyingi inayofanywa, inafaywa either na chief ama na

D.C. Kwa hivyo, hata D.O anapokupa signature aina yoyote ile, ni lazima kuwe kuna signature ya Chief na pia ya D.C - ndio ikubalike. Kwa mfano kwa Lands na kadhalika. Ndio sababu nilikuwa nasema hivyo. Afisi nyingine ile nimetaja ni ya P.C. Mara nyingi kazi nyingi zinamalizikia kwa afisi ya D.C. Kwa hivyo, tunapropose kuwe na afisi ya D.C badala ya ile ya P.C. Kwa Upande wa swali la pili, kwa upande wa Mbunge, awe na miaka kati ya 30 – 65.

President tunapropose miaka 40. Mtu ambaye amekomaa. Pia, asipite miaka sabini kama vile ambavyo nimesema kwa Mbunge. Hata zile electoral positions zote ziwe zina hiyo limitation ya miaka ili mtu aweze kuhudumia watu wakati bado ana ile nguvu, kama bado yuko dynamic kufanya ile kazi. Akishafika miaka 70 - nawaheshimu wale wazee wa miaka 70 lakini, akishafika miaka 70 basi aweze kufanya kazi zingine, siyo kazi ya kurepresent tu wananchi.

Com.Aroni: Ahsante sana, tafadhali jilandikishe na kutuachia hiyo karatasi. Kanuti Imbuka.

Mr. Kanuti: Chairman na wananchi wote mnakaribishwa. Hamjambo? Haya ndio maoni yangu: kama kuna kuchaguliwa kwa Minister naitwa Kanuti Imbuka. Minister wateuliwe kutoka kwa Wabunge ambao wamechaguliwa kupitia kura - sio wale wako nominated. Na kama kuna extension yoyote, watolewe kwa Permanent Secretaries.

Sehemu ya pili, naona hii 2 term period ya President iwe extended pia hata kwa Wabunge. Mbunge asizidishe terms za office mbili. Iende hata kwa MaCouncilor na sehemu zote ambazo zinapigiwa kura. Hata BOGS na makundi mengine. Halafu, Katiba iwe na sehemu ya kuturuhusu sisi wapiga kura kumtoa Mbunge ambaye hatutumikii kama vile tunavyotaka.

Halafu sehemu zingine ambazo mimi naona zinatatiza ni mabaki ya sheria za kikoloni. Minority ama wachache ambao tunapoenda kukaa kwa upande wa kienyeji tunasumbiliwa sana, kufuatiliwa na bunduki kwa pombe kienyeji - mkebe mkebe hivi. Tunaona tunateseka hapo. Ninataka Katiba itulinde. Tusilazimishwe kunywa tu pombe za watu wengine na zetu za kienyeji zitupiliwe mbali - zisiitwe zote ni haramu.

Sehemu ingine. Kwa vile inaonekana ni business, tupewe permit za kuweza kuunda kama unataka kuuza. Lakini ya matumizi pia turusiwe tuweze kutumia bila kufuatafuata kila mahali.

Halafu ikiwezaekana, party ambazo ziko saa hii ni zile za waanzilishi. Kwa hivyo mtu mwingine akijitokeza akitaka kuingia anafungiwa nje. Ninataka Katiba iruhusu mtu ambaye anasupport, kusimama kwa uchaguzi hata bila kuwa mwanachama wa party yoyote.

Halafu vyama navyo vimekuwa vingi sana. Vile vizito vine vya kwanza vihifadhiliwe na vile vingine viachwe. Otherwise vitaanziswa vingi kwa sababu vitakuwa kama ni mapato au biashara kwa watu kwa hivyo vyama vine tu ambavyo vina uzito wa

watu viweze kufadhiliwa na vingine vijitegemee.

Halafu, mambo ya mapato. Inaonekana kama wananchi wa Kenya wengine wanilipwa zaidi kuliko wengine. Mimi naona kama kungekuwa na Kamati moja ambayo inasimamia mishahara ya wananchi wote, na mishahara hiyo iwe ya kipimo kutoshana na mapato ya nchi. Isiwe wengine wanapata mamilioni na wengine wanapata makumi. Hii inaonekana hata kwa saa hii. Halafu tuje kwa sehemu ingine - hicho kikundi kiwe na wanachama kutoka makundi ya Labour organizations, Professional, unions na hata madaktari: Kwa sababu tunaona Wabunge wanajichagulia mishahara. Hata wanapangia maprofessors mishahara na hao Wabunge ni watu ambao ni mtu yeyote anaweza kuwa ni mtu ambaye amefanikiwa kutoboa kura na akaingia kwa Bunge.

Halafu sehemu ingine, naona kuna sehemu ambazo zinapitishwa kwa Bunge na zinawawacha wananchi wengine kando. Mimi naona kama pension system ya Wabunge kuweza kupata pension baada ya kufanya miaka 10, iwe extended kwa Wakenya wote. Ukifanya miaka kumi hata kama ni Chief, ukitoka hapo uwe na haki ya kupata pension.

Halafu sehemu ingine ambayo mimi naona ni ya kura. Tukibebana na hii mikebe ya kura kwenda kuhesabu kwa Central Counting Station kuna ujanja mwingi sana. Zihesabiwe katika voting station.

Halafu Ministry ya Labour. Tangu mimi ni one, thini imekuwa ministry ya kupinga migomo- haina clear policy. Mimi naona hiyo Ministry itolewe, kuanzishwa Ministry of Human Resources and Employment yenye itajali masilahi ya wafanyikazi wa Kenya. Ministry of Labour inatetea tu employers. Hata kama wale wanataka kugoma wana haki, Ministry of Labour inakanyagia tu chini. So, employers huwa wana haki ya kuweza kuwafanya wafanyikazi wao watumwa.

Com.Aroni: Please summarize.

Mr. Makuti: Yes. Then kuna sehemu ingine madam, ambayo ninaona kuna Private armies ambao wameanza kumea wakiruhusiwa, nashindwa kama tutakuwa na nchi ya kutunza. Hiyo kitu itolewe kwa Katiba. Sheria iheshimiwe na kila mwananchi hata kama ni President.

Halafu Treasury ya nchi iwe moja-kusiwe na Treasury moja kwa Office of the President, ingine kwa State House, ingine kwa individuals.

Mwisho, naona kama double-cheque system itolewe kwa kila mwananchi. Maadvocate wamekula pesa za insurance za wananchi nyingi sana. Wanapata kama maybe mia nane elfu, wanapatia mtu kama 30,000/= zingine wanaficha kwa sababu huyo mtu hajui kuwa amelipwa nini labda tuseme ni malipo ya accident.

Then, ikiwezekana, Party founders wasikubaliwe kuwa the owners of Parties.

Com.Aroni: Thank you very much.

Mr. Kanuti: Nimeshukuru hapa ahsante.

Com. Aroni: Ahsante. Jiandikishe na utuachie karatasi - Bi Margaret Wanyonyi.

Esther: Thank you very much. I am not Margaret Wanyonyi, I am Esther Werangai.

Com.Aroni: In our list, we have Margaret Wanyonyi. If we have Margaret Wanyonyi let her come and we will get to you. Lugari Maendeleo ya Wanawake -Margaret Wanyonyi. Kama hayuko, ahsante sana-. mama tutafikia jina lako. Sammy Kwea. Is Margaret Wanyonyi there, akifika anyway, atatueleza tuone kama tutampatia nafasi.

Mr. Kwea: Ahsante sana, Chairperson Abida Ali Aroni. Mimi kwa majina najulikana kama Sammy Kwea. Hapa mbele yenu nimebeba memorandum inayowakilisha Kikundi cha Wakulima kutoka Lugari Division. Katika hii memorandum yetu, tumeongea kwa mambo yafuatayo: Tumeongea juu ya Executive, Land property rights, Environment and natural resources and Local Authority pia bila kusahau, tumeongea kitu kuhusu Men's rights.

Nafikiri nikifanya summary kuhusu Executive, ni maoni yetu kwamba President wa nchi ya Kenya atumike vipindi viwili vya miaka mitano kila muhula. Ikiwezekana, uwezo wa President uweze kurudishwa chini kidogo kuliko vile ulivyo sasa kwa sababu, huo uwezo mwingi umelete utumizi mbaya kwa hiyo afisi ya Rais. Pia, tumeonelea kwamba President asiwe above the law, sababu akiwa above the law atatumia hiyo afisi vibaya na kuwa na abuse of office.

Kuhusu Provincial Administration tulikuwa tumeonelea ya kwamba Chiefs and Assistant Chiefs ni Civil servants; wana hitaji kuwa na transfer kama Civil servants wengine. Ili tusiwe na mahali ambapo kuna Chief ambaye hawezi kuwa na matunda mema katika hiyo location, nitabaki tu namna hiyo. Nafikiri akiwa transferred anaweza jaribiwa mahali pengine tuone kama anaweza kufanya kazi vizuri huko kuliko tu kuwa pahali moja. Ikiwa mtalala hivyo mnalala hivyo miaka yote thelathini mkiwa naye.

Kuhusu afisi ya Vice President, tumeonelea ya kwamba VP asiwe anateuliwa na Rais vile inafanyika sasa maanake, unaweza kupata kwa kipindi kimoja, kuna VPs karibu watano. Kwa hivyo ni maoni yetu ya kwamba, political parties wakati zinapo nominate Presidential candidates, ziweze kuname running mate- ambaye atakuwa automatic VP katika hicho kipindi chote cha miaka mitano. Kwa hivyo haina haja apigiwe kura yeye kwa sababu President wake akishinda, he is automatically the VP.

Na ikiwezekana, hicho cheo cha VP kitolewe tuwe na Deputy President ambaye anaweza kuact kama President wakati

ambapo President ako nje kwa shughuli zingine za kiserikari. Sio kama sasa, tangu tuwe na independence we have never had an acting President.

Upande wa land and property rights, tungependa land property iangaliwe. Land ownership imekuwa abused. Unakuta kuna mtu ako na acre arobaini ya shamba na ambapo mwananchi mtukufu mwingine wa Kenya hana hata mahali pa kuzika panya wake akifa. Kwa hivyo tungalipenda tuwe na viwango viwili vya land ownership. Kuna wale large scale farmers. Hawa wanaweza kuruhusiwa wawe na zaidi ya 200 acres. Mwananchi wa kawaida, isizidi 50 acres ili wananchi wengine pia nao waweze kupata mahali pa kukaa na kuishi. Pia, katika hiyo land, sisi kama wakulima tumeona, ukiangalia katika Katiba yote utaona hakuna mahali ambapo tuna Food Policy. Na kama Wakenya tunajua, uwe unalima au hulimi, ni lazima ule. Kwa hivyo, wale wanaolima, tungependa tuwe na kifungu kwa Katiba ambacho kinajali maslahi yetu na kuhakikisha kwamba all agricultural inputs ziwe subsidized by the Government ili tuwe na chakula cha kutosha kutulisha sisi, na wale wenye hawalimi.

Katika upande wa mazingira, yametumiwa vibaya sana kiasi ya kwamba, hata wakati huu hapa tunaposimama Lugari huu ni wakati wa mvua ya masika na hatuna mvua hata mkiona mashamba yetu. Na hii ni kutokana na matumishi mabaya ya mazingira. Tunakata forests zetu bila mpango. Ukienda hapa juu, shamba la Tani ilitumiwa vibaya, ilikatwa bila kuuliza wenyeji na sasa ime-cause sisi kukosa mvua. Kwa hivyo tungehitaji-katika afisi ya DC, kuna D.O wa environment na hakuna kazi anafanya kuangalia hiyo environment. Watu wanaharibu water catchment areas, wanakata miti huko and nobody is stopping them. Kwa wanaolima katika miinuko ya mitoni, pia waangaliwe ili tujue vile tunakuwa.

Nikirudi kwa upande wa Local Authority tulikuwa tumegusia kuwa mtu yeyote kuwa Diwani, ni lazima awe na elimu ni kiwango cha chini kabisa cha kuwa form 4, mwenye amepata alama ya D+ and above. Wao pia wapewe muda wa kuhudumu katika afisi ili wasikae huko wakasahau, wakafikiria kuwa ni mali yao. Chairman or Mayor wachaguliwe direct na watu. Council, vile mlikuwa mmeuliza, yenyewe igenerate pesa ile italipa Councilors mishahara yao. Tukiwa na Board ambayo itasimamia mapato ya Council, hiyo inaweza determine mishahara ya Councilors.

Nafikiri pia tulikuwa tumeonelea, we can still maintain nominated Councilors kwa sababu kuna mambo maalum wanafanya. So, kwa kifupi, hiyo ndiyo memorandum yangu.

Com. Aroni: Asante. Tafadhali jiandikishe. Tom Lyambila – KNUT Lugari.

Mr. Lyambila: I am Lyambila, the executive Secretary KNUT Lugari branch, presenting a memo on behalf of the teachers in this district.

Dear Commissioners, the branch on behalf of the teachers in this district, recommends the following: There should be a preamble in the Constitution which shows the unity of Kenya. It should also reflect where we came from as fragmented tribes,

where we are going- towards one people of this nation with a common language.

We have looked at different issues raised by your questionnaire but because of time, I may not go through all of them. One, directive principles of State policy: we, in Lugari as teachers feel that the Constitution should have brief statements capturing the philosophies of this country, for example Harambee. Democratic principles are vital in the Constitution and hence, they should be enacted in spelling out all human rights. Kenyans have important values such as cultural values that should be reflected in that Constitution.

We feel that, in the new Constitution to be written, there should be no use of the word “tribe”. Instead there should be, “the people of Coast”, “the people of Nyanza, “the people of the Rift Valley”.

On Constitutional supremacy, we feel that we should retain the Parliamentary powers to amend the Constitution by 65% majority vote. The powers of Parliament to amend the Constitution should be limited. E.g. on certain crops in Kenya. People growing that particular crop should be consulted before Parliament amends the laws governing the sale or marketing of that crop.

On citizenship, we feel that an automatic citizen is a Kenyan whose parents are both Kenyan. But we feel that Kenyan citizenship can be acquired by one who is born of a non Kenyan parent and they declare in court that they agree to be Kenyans. Hence, they can be registered as Kenyans and that non-Kenyan parent should also be registered. A Kenyan citizen has the duty to safeguard the country for his existence.

Ladies and gentlemen, on security and defense, we had the following to recommend; that, the Constitution should enhance for the discipline of the armed forces. The current laws should apply. But for their welfare, a Council should be formed to cater for the forces complaints and also their salaries. The Republic President remains Commander-in-Chief of Armed Forces Constitutionally. We recommend that the powers to declare war and permission to use extra-ordinary powers be vested in Parliament and not the President.

On political parties, we recommend that the Constitution should allow multipartyism but only --- line for a political party to be registered, it must also in addition to the 3000 people, atleast 10% be from each province of Kenya and whose ½ must be women. The Treasury should fund political parties, since the cash is from the tax payers who are owners of the party. Such funds be subject to audit by the Auditor General. The funding should be limited to 3% of the national budget.

Structure and systems of government; we are recommending that the unitary system of government remains because it is easier for Parliament to monitor such a government.

On legislature, Parliament should vet all proposals given by the President and not the President to veto the Parliament's procedures. The President is only to be Chief Executive Officer of the Kenya government and is to be vetted by Parliament. I have written here a few functions – you will read through, of what should be done by the President and the legislative Council. They are many.

I now go to the Executive. The Constitution must specify qualification for a Presidential candidates. For example, he/she must have attained form 4 level of education, must be mentally healthy, ethically and morally fit. He must declare his wealth before he becomes President. The tenure of President be 2 terms of 5 years whose functions are defined by the Constitution. For example he remains Commander in Chief of the Armed forces e.t.c. The President may be removed from office through impeachment or referendum.

On the Judiciary, we are recommending that the Constitution should allow village courts where simple matters can be heard. There cases are such as those of encroachment on one's land through alteration of boundary. There should be a Constitutional court appointed by Parliament and recommended by the LSK whose members should have a law degree from any university at both levels- that is at the Constitutional court level as well as village courts.

The Local Government, we are recommending that Mayors and Council Chairmen be subject to election directly by the people. They will serve within the Municipality or the Council. The Kenya Constitution should specify that any person to hold office be ethically, morally and mentally stable and at least a form 4. Mayors and Council Chairmen be in office for 3 years before another election.

In Kenya we want to suggest that Ministers be vested with powers to dissolve a Council if in his view, the Council has failed to deliver- once he receives 1000 signatures of the complainants of that area.

The electoral system and process; we are recommending that the present system remains. There should be simple majority rule at both Local authority and Parliament and women must form 1/3 of the composition.

Defecting and switching of political parties should not be allowed in the Constitution. But a person who defects or switches, should sit back on the bench and a new person vies for that seat.

Com. Aroni: Please summarize now.

Mr. Lyambira: Okay. For one to be declared a winner, at least one should have 25% of all the votes from the registered area. Parliament should have 300 seats and also we are recommending that six seats be reserved for these bodies; Trade unions two, farmers one, traders one, youth one and disabled one.

Because of time Commissioners, on the basic rights I will only say one thing. It should be in the Constitution that the government should ensure water, security, health care, shelter, food and employment as basic rights for all Kenyans. The government should levy all Kenyans to fund education.

On land ownership we are suggesting specifically how much land each person should have in Kenya. It should not go beyond 50 acres for an individual, and whose 10% should be under trees. Thank you.

Com. Aroni: Thank you very much. We shall read the rest. I gave you more time because you are representing teachers and we know they are important people. But I cannot now go beyond the time that I gave you. Ron Luvai.

Mr. Luvai: Ahsante Madam Clair. Majina yangu ni Ron Luvai. Nitawasomea memorandum yangu. "The Constitution of Kenya should have the following. All governmental ministries should be created by Parliament or the Head of Civil Service in consultation with Parliament and not the President as is the case currently. All government Ministers should be appointed by the President as is now but, only in consultation with Parliament. The same for Permanent Secretaries.

Landless people should be resettled as this was one of the objectives of freedom. This will reduce poverty and bring equality. It is the duty of Parliament to accomplish this.

Corruption should be gazetted as a sin and whoever commits it must be prosecuted as per the Constitution.

The Judiciary as the arm of law should be independent. It should be.....(elevated to the office of by the approval of Parliament.

Defense. The power of defense should be controlled by Parliament as opposed to the present where the Head of State is also the Commander -in-Chief of the Armed Forces. It is the role of Parliament therefore to call a state of emergency, as opposed to the current position. The political appointments should be done with the approval of Parliament in consultation with the Head of Civil Service.

The new Constitution should include the post of PM who will also be Kenya's foreign affairs spokes person, as opposed to the present where the Foreign Affairs minister is the spokesperson of Kenya's policies.

Resources: this is a national cake so it should be shared equally nation-wide. For example National parks and game parks should be spread nation-wide so that all nationals benefit. Thanks.

Com. Aroni: Thank you very much for keeping time. Tafadhali jandikishe pale. Next we have Nicholas Shiuka.

Mr. Shiuka: My name is Nicholas Shiuka. The System of government that I would like us to have is a federal government with eight Provinces in Kenya.

Also, we need a PM in our government who should be the Head of the State. On the side of President, he should remain ceremonial and as a unifying figure.

On the side of elections, the President should attain 50% votes also should his runny mate. In the absence of this 50% votes, the political parties should form a Coalition Government.

Changing the Constitution should be done through referendum.

We also want a President without a constituency- somebody to be picked and if he is popular he contests and becomes the President.

The President should not be above the law. During elections, the Speaker of the National Assembly should act as the Head of Government not that the President is still the head even as the elections are going on. No.

Legislature, Executive and Judiciary should respect one another. Sometimes, you find that the Executive is interfering with the Judiciary.

We also want a government that equitably shares out powers regardless of political affiliation. We should give the Parliament more powers even to select the Heads of parastatals.

If the electorate reject you, you go back home and relax. Not the way it is now, that you failed elections and you get appointed. I think that is all that I had.

Com. Aroni: There is one clarification.

Com. Ratanya: Mr. Nicholas, there is one clarification. You have mentioned that we should have one PM. It is not very clear whether you are saying the PM should be Head of State or Head of Government. Can you clarify that?

Mr. Shiuka: Head of Government.

Com. Ratanya: Thank you.

Com. Aroni: Thank you. Please register. Next is Tabitha Nguhe.

Ms. Nguhe: Majina yangu ni Tabitha Nguhe. Commissioner na wananchi wote nawasalimia.

Hapa nina maoni machache. Maoni yangu ni juu ya elimu. Naona kwamba, elimu ya shule ya msingi iwe ya bure na tena iwe ya lazima kwa kiwango fulani kwa sababu tunapata kuwa kuna umaskini sana ndani ya jamii zetu na unapata kuwa imekuwa mzigo sana hata kusomesha watoto especially kwa watu ambao wamekuwa settlers juzi, wale wamekuwa hawana mashamba, wawamepata hivi majuzi. Tunapata kuwa hawa watu wana shida sana. Hata mzazi hawezi kupata pesa ya kusomesha huyu mtoto hata class one or two. Unapata mtoto huyo yuko tu nyumbani na ukiuliza mzazi anasema hana pesa.

Unapata kuwa serikali haingilii. Huyu mtu anayeshughulika. Huyu mtoto iwapo hatasoma, kutakuwa na shida sana kwa ulimwengu wa sasa, kwa mtu ambaye hajui kusoma.

Katika system ya education, naona ibadilishwe kutoka 8:4:4 irudishwe kwa 7:6:3 ili kwamba mtu anapomaliza form 6, anakuwa na uhakikisho wa kupata kazi hata ingawa hajafika university.

Katika upande wa waalimu, naonelea waalimu wawe distributed equally. Kusiwe na shule zingine ambazo waalimu ni wengi, na ukienda kwa shule zingine waalim ni wachache. Hii husababisha shule zingine kufanya vizuri ni zingine hazifanyi vizuri na hii ni kwa sababu shule pengine imepewa walimu wachache au labda walimu ambau hawajafuzu vizuri Katika discipline kwa waalimu, naona iwe inatekelezwa. Waalimu wachukuliwe hatua ikiwa watafanya mambo yasiyofaa, kama kuwatesa wanafunzi, au iwapo watafanya mapenzi na wanafunzi. Wachukuliwe hatua, hata ikiwezekana, katika hiyo hali, mwalimu afutwe kazi.

Katika ile punishment kwa wanafunzi, naona kwamba, kupigwa viboko iondolewe. Na sio kwamba huyu mwanafunzi asiwe punished, bali kwamba kuwe na aina nyingine ya punishment ambayo watu watajadiliana na waone. Lakini, nilionelea kuwe na aina nyingine ya punishment sio kiboko. Punishment ambayo mwanafunzi atapewa ajisikie amechoka ama a regret.

Katika afya zetu, ningenelea kwamba kuwa na suitable facilities in all health centres, ili wagonjwa waweze kuhudumiwa vizuri. Tunapata kuwa unaweza enda kwa health centre fulani unaambaiwa pengine hakuna vitu fulani, na unapata kwa health centre fulani hizo vitu ziko. Hizo ziwe distributed vizuri na kuhakikishiwa kwamba kila hospitali iko nazo.

Naona kwamba wale madaktari na wale wasimamizi wa madaktari wasiwe na private clinics kwa sababu hizi zinafanya kwamba madawa yanaibiwa kwa mahospitali na zinapelekwa kwa hizo ma clinic. Ukienda hospitali unaambiwa hakuna madawa na unakuta huyo daktari anakwandikia uende kwa clinic fulani ambayo ni yake ukienda huko, unaenda kununua madawa. Kwa hivyo ninaonela kwamba hizi private clinics kwa madaktari ama wasimamizi wa madaktari ziondolewe.

Pia, kuwe na free medical services kwa health centres. Lakini iwapo mgonjwa atakuwa admitted, hapo ajisimamie mwenyewe.

Kwa sababu unapata kuwa watu wana shida nyingi na pengine mtu ni mgonjwa nyumbani, na hana pesa ya kwenda hospitali anaumia tu, kwa sababu akienda hospitali anaitishwa pesa ambazo hawezi kugharamia na huyu mtu anaweza kufa kwa ugonjwa kwa sababu hana msaada wowote. Akiangalia huku, hana chochote. Naomba kwamba serikali iwasaidie, ili kuwe na kutibiwa bure kwa kiwango fulani. Lakini ikiwa ni zaidi, mtu ajisimamie. Ni hayo tu.

Com. Aroni: Ahsante sana. Jiandikishe tafadhali. Michael Munde.

Mr. Munde: Nawasalimu nyote, hamjamboni? Mimi kwa majina naitwa Michael Munde na niko na maoni machache hapa.

Ninaanza na natural resources. Ninaonelea hivi; katika Katiba kuwe na sheria ambayo inasema kuwa watuchukulie natural resource kama forests. Forests ziwe na manufaa kwa watu ambao wapo kwa eneo hilo. Kwa mfano tunaona kuwa kuna forests nyingi ambazo zimekatwa huku lakini watu ambao wako katika eneo hilo hata kuni peke yake hawaruhusiwi kuchukua. Ukichukua kuni unashtakiwa. Pia, forest ile ikikatwa, kuwe na mit mingine ambayo ishapandwa, inaanza kumea, ili wakati hii ikitoka, ile ingine pia inaendelea kukua.

Upane wa kupiga kura: Kupiga kura kuwe lazima kwa kila mtu kwa sababu serikali hutumia pesa nyingi sana kutengeneza vitu vya kupigia kura kama vile kadi za kupiga kura. Inatumia pesa hizi ambazo zingetumika kwa kazi nyingine tofauti. Ili kila mtu apige kura, siku hii iwe National Day kusiwe kazi inafanyika-watu wote waende kupiga kura.

Halafu, katika upande wa kupatiana kadi za kupiga kura, ziwe zikipeanwa wakati ule vitambulisho vinapeanwa pia wakati mtu anajiandikisha hupewa kitambulisho, pia anajaza kadi ya kura vilevile.

Shelter: wakati squatters wanapewa mashamba, ni vyema kama serikali ingewasaidia kuwajengea hata nyumba kwa sababu ukiangalia squatters, wengi wao nyumba zile wanaishi ni nyumba ambazo ukizona. Wangesaidiwa kujengewa hizo nyumba na hata barabara - wengine hata hawawezi wakafika kwao kwa sababu barabara hawana. Ni hayo tu.

Com. Aroni: Asante. Jiandikishe tafadhali. Daniel Osiru Ochomo.

Mr. Ochomo: Kwa majina ni Daniel Osiru Ochomo kutoka pale Mautuma, Makutano market.

Aina na ***** serikali: Maoni yangu binafsi; Nitaogea Kiingereza na pia natachanganya kiwahili. From records of the revised edition (1998) Laws of Kenya printed and published by Government printer Nairobi, a book of Laws of Kenya Constitution, I select a system of government different from the current one whereby chapter 2; executive- part 1 section 14, 1

& 2 .

Protection of President in respect to legal proceedings during his term in office. I am against this chapter. Part 2 Section 14, I and II.

We should have majimbo and also establish *ufalme* in which our 42 tribes each appoint its king as was practised before independence by our grandparents and clan members.

Federal government has to replace the Presidential government.

In Legislature, I prefer in our next government, MPs to expand their functions. Age limit remains. Language tests should increase from current two to three vernacular or language spoken by people of one area. One Parliament to be for government and another on of our chosen tribe leaders to discuss taboos related to our own people.

Land and property rights: Local government should have ultimate power over it and will be released to the family of the deceased who will hand it down to children and grandchildren.

Succession and transfer of power: The Speaker should be incharge of Executive powers during Presidential elections. Presidential results should be declared at the polling station and for tribal leaders, should be conveyed through the media e.g. television, newspapers, radio e.t.c.

Cultural, ethnic, regional diversity and communal rights. *Kwa upande huu, naonelea hivi*: I assume every tribe has men who possess spiritual powers suits women. These should be distinguishing and their interests be catered for in the Constitution. Their interests should be catered for in the Constitution.

International relations: *katika serikali ya federal au majimbo*, the government's foreign affairs be the responsibility of the Executive. For the boundaries, tribal leaders should be responsible.

Participatory government: *kwa federal government, majimbo iruhusu NGOs and other groups in governance*. As such every province to have several NGOs.

Lugari district should be given a Law Court, tarmacked roads and NGOs. This should be considered also for other distircts like Lodwar, Turkana, e.t.c.

Judiciary: In the majimbo government, Parliament to be given more powers to appoint ***** judges in conjunction with Judicial Service Commission rather than the President only as is in the current situation.

In the next government the Head of State has to meet his or her citizens flexibly in all religious centres. For example, Christians, Muslims, Hindus, Budhists not to be seen to attend only one place as is the case today where the current Head of state attends church every Sunday only at Kabarak.

The government should ensure it renovates all rural roads by tarmacking areas where agriculture and other economic activities are carried out.

Com. Aroni: Please summarize now.

Mr. Ochomo: Nikimalizia, due to an increasing number of illiterate population, the Constitution should allow parts of it to be rectified to adopt to the large group since, as from records, Kenya's population has grown from 5 million at independence to 30 million in the year 2002. This population cannot rely on that Constitution of 1963. Thank you.

Com. Aroni: Asante. Tupatie hiyo karatasi yako. Timothy Musoga.

Mr. Musoga: Commissioners, wananchi, jina langu ni Timothy Musoga kutoka Lugari Location.

Serikali ambayo ningependelea ni ya majimbo. Nimependekeza majimbo kwa sababu kilajimbo litokuwa na haki zao wakati huu kitawala, tuko na District Development Focus na watu kutoka job group A to G wanaandikwa kutoka hiyo district na huo mtindo umefanya kazi vizuri (inaudible) imepelekwa kwa distirct. Sioni kwa nini tusiwe na serikali ya majimbo.

Hii serikali ya majimbo ningependelea iwe na House of Representatives na Senate. House of representatives shall be composed of members chosen every 5 years by people from every constituency in each province or state. The senate of Kenya shall be composed of two Senators from each district elected by people thereof, for six years and each Senator shall have one vote.

A Regional Assembly shall be chosen every 6 years by people of every location or every local respective area.

Kuchaguliwa kwa Ministers: Si lazima a Minister awe an MP. Ili, Minister awe ni mtu amehitimu vizuri, yaani professional na expert kwa field yake. Unaweza kuchukua daktari umpeleke kwa ministry of industry na tuko na ministry of Health. Kwa hivyo, ningependelea Ministers wachaguliwe kufuatana na elimu na ujuzi wao. Pia, Ministers wachanguliwe na President kwa chama ambacho kimepita.

Upande wa discipline, kwa sababu President na chama ambacho kimetawala ndicho kimewachagua, hicho ndicho kinaweza ku-discipline hawa.

Upande wa elimu ku-determine a system of education for the country, lazima tutegemee labour force, yaani kazi ambazo zinaweza kupatikana. Tutaangalia zile systems zingine ambazo zimefanya kazi vizuri, ambako scientific innovations zimekuwapo vizuri. Pia vijana wapewe elimu ya bure mpaka kidato cha nne.

Ningependelea mwanafunzi apewe haki ya kuchagua ni elimu gani au ni profession gani anataka kuchukua, akisaidiana na wazazi.

Ukulima: Sheria lazima impatie Minister wa kilimo powers za ku-regulate importation of farm products into the country. A farmer shall be free to challenge any decision or practice that violates his basic rights or freedom. There should be fair land allocation. Wakati huu kupata title deeds ni shida. Ningependa Constitution isaidie kupunguza malipo ya title deeds na vile vile charges za survey ziwe reduced.

The State should finance farmers and purchase farm produce for marketing. Also, credit facilities should be given for purchase of farm machinery, livestock, seeds, fertilizer, chemical and seeds, for a period of 7 to 40 years. Wakulima wanalia sana kwamba AFC ina-charge interest- compound interest ambayo wakulima wengi wanaona wananyanyaswa. Serikali pia iangalie masilahi ya wakulima hapo. Wakati wanyama wa msitu wameharibu mimea au mifugo, lazima wakulima wafikiriwe kupewa compensation, yaani kusaidiwa.

Pia, wakulima waweza kuwa wananunua mbegu au mbolea na unakuta mbegu au mbolea ni fake, si nzuri. Ningependa sheria iwekwe, wakulima kama hao wawe compensated. Asante, yangu yote nimeweka kwa maandishi.

Com. Aroni: Asante. Leornida Wanjala, KANU group.

Ms. Wanjala: Kwa Majina ni Loernida Wanjala.

Katika serikali yetu hii, nitaongea upande wamama. Sisi wamama tumelemewa kwa mambo mengi sana. Kwa shamba, mzee anaandikisha kwa jina lake pekee. Akifa, sisi tunasumbuka sana. Tena, kuna wazee wengine wameoa bibi wengi. Anaandikisha shamba kwa jina la bibi mdogo. Watoto wa nyumba kubwa wanaumia. Hiyo ni shida kwa akina mama.

Kwa elimu ya kina mama, wengine ni werevu kwa kuongea lakini hawakuhitimu form 4.

Nimesikia mnasema mnataka kuchagua mtu aliyehitimu form 4. Kuna watu waliofika form 4 lakini hawana personality ya kusimama mbele ya watu na aongee hata ni wa form 4 na kuna mtu wa standard seven au eight, anaweza kuongea mbele ya watu na kufanya maendeleo mazuri. Hapo mrekebishe sio kusema form four peke yao.

Kweli wasichana wetu wamesoma na hawaolewi. Wazee wakubali kupea wasichana shamba. Msichana akiwa amesoma sana na apate kijana hajasoma, hawawezi kuishi na yeye. Wana-divorce na anarudi nyumbani. Mpatie shamba ajenge hapo nyumba

yake ajilishe na hizo pesa zake.

Upande wa watoto na kiboko: wanasema kiboko ni kibaya lakini, mimi naona hii kiboko hufunza kidogo. Ukikosa kupiga watoto watakuwa rude sana. Hata juzi tumeona mtoto ameambiwa atapewa punishment kwa kuiba shilingi mbili, ameacha shule. Faida ni nini mtoto kuacha shule class six? Mtu wa miaka 13 anaacha shule kwa sababu hataki punishment. Wa-punish watoto kiasi.

Hii subject mmewacha ya Homescience, mmefanya vibaya kwa watoto wetu wasichana. Tunataka wajifunze Homescience. Mme-wacha pia Agriculture. Mtoto akisoma na asipite marks nzuri, akirudi nyumbani nikiwa na shamba na amesoma agriculture, si ataanza kufanya agriculture kwa shamba na apate kitu ya kumsaidia? Mimi naonelea subject ya agriculture irudishwe primary kwa sababu sio sote tunafikisha watoto secondary. Wengi wanasomesha mpaka standard eight na kuwachia hapo. Ikiwa hakusoma agriculture na nina shamba atafanya kazi gani? Mimi naona warudishe hizo subjects za Homescience na Agriculture kwa Primary schools.

Upande wa utawala: Tunataka watawala wachaguliwe, kama Chiefs au Sub-Chiefs ingawaje wanafanyiwa interview. Wachague watu watatu wawarudishe kwa location yao. Tufanye mlolongo kwa hawa, kwa sababu mnatupatia mtu yule hatupendi kwa sababu nyinyi mmempenda. Wafanye interview lakini warudi kwa location tuwaunge mkono. Hata hio group ya wa sub-chief kuchangua, hatutaki. Tunataka sisi tufanye mlolongo kwa wao. Hayo mambo ya kuchaguliwa huko mbele imetufinya zaidi. Unaambiwa tu, amechaguliwa na hakuna mahali unaweza kuenda kungea. Hizo vitu zirudishwe, sisi wenyewe tuanzie grassroots, nyumbani, tujue fulani atatuongoza vizuri. Ni hayo tu ninayo, Asante.

Com. Aroni. Jiandikishe pale tafadhali. Isaac Tawai

Mr. Tawai: Hamjambo nyote? Mimi ningependa kuzungumza kidogo juu ya Provincial Administration, na mtu wa kiwango kidogo sana ambaye anaitwa village elder au Likum. Katika Constitution ya Kenya, ningependa tumtambue huyu mtu anayelitwa Likum kwa sababu huyu mtu hufanya kazi ground level, kusaidia Sub-Chief kwa kazi ndogo ndogo za nyumbani. Ili kuifanya kazi yake iwe mzuri, atambulike na aonekane kama yeye pia ana kazi, ningependelea pia yeye alipwe mshahara. Huyu mtu anaweza ku-form Council ya wazee ambao wata-deal na mambo ya marriage au divorce. Tunaona kazi ya Likuru ni nzuri kwa sababu yeye ako kwa ground na anaweza kufanya uchunguzi mwema kutoka kwa watu ili atoe ushahidi bora kabisa. Tungependa serikali imtambue kabisa yaani wafuate chain of command. Wamtambue.

Huyu mtu inatakikana awe ana elimu nzuri, mtu ambaye anaweza kusoma na kuandika, mtu aliye na personality nzuri, yaani maadili mema, asiwe mtu ambaye anapatikana na crimes, mtu asiye na ubaguzi au upendeleo.

Watu wengi wetu huwa wanauza mashamba humu humu lakini wengine ni conmen. Huyu Likum akiwa yuko, akiulizwa

anaweza kutoa ushahidi bora to witness.

Kuchaguliwa kwa huyu mtu, yatakikikana ofisi ya Assistant Chief i-advertise vacancies ili watu wa area fulani watume barua za maombi. Wakishatuma barua, watu wataitwa kwa baraza halafu watu wenyewe watachagua wanayemwoma ni bora kuwawakilisha.

Com. Aroni: Tafadhali summarise maoni yako.

Mr. Tawai: Basi, hata nitamilizia hapo.

Com. Aroni: Ahsante sana. Tafadhali jandikishe hapo. Laban Kilegwa

Mr. Kilegwa: Macommissioners wote pamoja na wananchi wote nawasalimu, hamjambo? Mimi kwa majina naitwa Laban Kilegwa na ninatoka hapa Chakadili na nitazungumza kama mlemavu. Ulemauvu wangu mimi ni upofu. Ningependa kusema mambo machache kuhusu vipofu. Mimi nilikuwa mwanafunzi katika Kibos School for the Blind- sikuzaliwa na upofu lakini ulikuja nilipopata ugonjwa wa ukambi. Nilisoma katika Special Schools na nilifanya mtihani wa darasa la nane na nikapita vizuri sana. Kwa sababu nilikuwa nasomeshwa bure nilikuwa na sponsors wangu pale; nilipoingia High school, nikaambiwa ni lazima nilipe school fees. Kufika hapo, nilishindwa kwa sababu ile shule ni moja na ni lazima ulipe Shilingi karibu 30,000/= ndio tuitikie hiyo shule- na hakuna shule nyingine, ni hiyo tu moja .

Mimi, naomba serikali, kama ingeweza kuongeza secondary schools zingine kama hiyo kwa kila province, ingekuwa mzuri kwa sababu, hata hiyo 30,000/= haujaweka fare. Ukiongeza, inafika karibu 32,000/=ndio *****nende sence.

Kitu cha pili, mimi sina wazazi. Nilikaa na baba yangu mdogo ambaye alinichukua kama mtoto wake. Alinipeleka katika taasisi za kujifunza agriculture. Nilijifunza kufuga wanyama kama vile ng'ombe, kuku na hata kupanda mazao tofauti. Nilipofuzu nilipewa certificate.

Nilienda tena kwa muziki. Nilifanya vizuri sana na hata tukachukuliwa na Mzungu aliyetupeleka kuchukuliwa video ndio aweze kutusaidia. Lakini kuna mwingine aliharibu kwa sababu alipoteza hiyo ahadi. Mzungu alienda, kwa hivyo ikapotea nikaenda nyumbani nikakaa na ujuzi wangu - hakuna shamba. Mimi nauliza, baada ya kukaa na ujuzi huu nyumbani, nimepoteza namna hiyo ujuzi wa muziki, na tena nimepoteza ujuzi wa agriculture, sasa niko tu nyumbani, hakuna kitu. Mimi nauliza serikali wakati wanagawa haya mashamba kwa squatters wanafaa kukumbuka mlemavu yeyote hata mimi nikiwa example ambaye sina chochote.

Sasa niko tu hapo nyumbani na ninafaaa kufanya kitu What we need is opportunity but not sympathy. Kwa sababu ukinipa msaada na kuni support mimi nitasikia vizuri na nitajiendeleza katika ule ujuzi ambao niko nao kulingana na support kutoka kwa

serikali. Kwa hivyo, ndugu zangu, ninaomba serikali iweze kutufikiria sisi walemavu.

Kwa upande mwingine, tunaomba pia kuwe na Korti ya kushtaki wale watu wanaowachokoza walemavu. Nikitoka mfano mmoja, kuna mwenzangu nilikuwa nikitembea naye -ndugu zangu watatu pia ni vipofu sasa hao wameingia High School lakini kwa sababu ya school fees, term ya tatu hawataendelea. Kwa hivyo, mimi naomba swala hii lifikiwe kwa maana term hii ya tatu, hawataendelea kwa sababu ya hiyo school fees problem. Wameshaa kutoa notice ya kusema namna hiyo. Kwa hivyo naomba tafadhali, mfikirie hayo yote. Korti ambayo nasema ni ya kushtaki wale ambao wamechokoza walemavu kama vile kuna mmoja ndugu yangu aligongwa na baiskeli na hapo akapoteza meno yake. Na kwa maana hakuna mtu wa kumtetea na iliisha hivyo, hata yule mtu hakushtakiwa kwa sababu alienda hivyo na anajulikana huyo mtu. Sasa mimi naomba kuwa korti ya walemavu inafaa kufikiwa na hiyo Katiba ya kumshataki aliyemkosea mlemavu.

Naomba pia, upande wa hospitali pia mlemavu anaweza kuwa mgonjwa na akienda kule anaambiwa ailipe pesa kiasi Fulani. Hii pesa, akiwa ni maskini kwanza kwa upande wa kupotea kupoteza sehemu fulani ya mwili kama vile macho hii pesa ataipata namna gani? Hafanyi kazi yoyote ile ya kumsaidia kupata pesa. Nami naomba mtusaidie nasi pia kwa upande huo. Kuwe na hospitali ambazo zinaweza kuhudumia au kuwe na huduma ya kutusaidia sisi katika hiyo hali kwa sababu hata mlemavu anaweza kuwa mgonjwa mwishowe afe tu kwa sababu hana uwezo. Ni hayo tu ndugu zangu. Asanteni.

Com. Aroni: Asante sana Bwana Laban kwa maoni yako. Sasa Phylis, David na Eliakim. Mko wapi? Tungetaka kuwaomba kwamba huo mchezo mnasema mnao, uchukue mda mfupi sana kwa sababu leo ni siku yetu ya kuchukua maoni na tunatarajia kwamba tutapata maoni kulingana na hiyo play mnasema mko nayo. Tafadhali msipitishie dakika tano

David Kuvo: Nashukuru wageni wote pamoja na watu wote mlioko hapa. Hamjamboni? Sisi ni walemavu tunatoka katika location ya Chekadini, na tuko na maneno machache ambayo nilikuwa nafikiria kuwa serikali ikiweza itusaidie. Kwanza, nitauliza ulemavu ni nini? Tafadhali wenzagu, ningependea kusema kwamba wengi sana husema kuwa ulemavu ni ugonjwa, wa pili husema kuwa ni laana halafu wa tatu husema hawajiwezi. Lakini kwa serikali, vile ninaweza kuwaambia, sisi tunajiweza isipokuwa nafasi ndiyo hatupati.

Niko hapa na wenzangu na wa kwanza ataongea kuhusu masomo kiufupi, halafu tusonge mbele.

Phylis Ayuma: Hamjambo wote? Kwa majina naitwa Phylis Ayuma kutoka Chakadini Location. Ninauliza hivi, masomo ni nini? Kitu cha pili ninataka kusema hivi kwamba sisi walemavu tuko na watoto hao watoto serikali ninahimiza ya kwamba mtuweke kwa ile orodha ya watu wengine juu sisi hatuwezi hata kitu kidogo. Tafadhali, ninamwomba ya kwamba mtusikie, mtuchukue kama wale watu wanajiweza. Msituache nyuma hata kamwe. Ni hayo tu.

Eliakim Msaisi: Kwa majina naitwa Eliakim Msaisi. Mimi nitaongea kuhusu ulemavu kwa uongozi. Mara nyingi ukienda

katika walemavu, wamewachwa nyuma sana. Serikali haikimbuki walemavu. Haswa kwa kupiga kura. Unaweza pata kura iko ni ya mlolongo. Walemavu wanaenda hapo, badala ya walemavu wawe kwa mstari mbele wapige kura zao - wako na kura kama wengine - hao ndio watasukumwa warudishwe nyuma na kura zitaenda mpaka karibu saa tano ya usiku.

Tunapata walemavu hao walikuwa na hamu wapige kura zao lakini hawajapatiwa nafasi hata kidogo ya kusimama au ya kupiga kura zao. Je, nauliza serikali inaweza kusaidia aje kwa jambo kama hilo?

David Kuro: Ahsante sana kulingana na vile wenzangu wameongea. Mimi nitazungumza maneno kuhusu jamii na kiuchumi. Ukiona, kama vile mwezangu aliyekuwa hapa kipofu na mimi ni kiwete. Sasa, mimi labda niko na shida kidogo ambayo nataka usaidizi kwa ofisi kama ya D.C, Chief, Assistant Chief, unapata katika ofisi hizi, kuna steps labda ni steps pengine nne, tano, na labda mimi niko na wheel chair. Sasa hii kupata nafasi ya kuingia huko ndani ni vigumu. Halafu, kulingana na hapo kuna locks kama za mlango. Sasa hapo kwa locks za mlango ndio ninasema tafadhali serikali mzungumze na hao watu wa ku-deal na hizo idara, yaani tafadhali watupunguzie kwa inch Fulani. Kwa vile labda mimi nina wheel chair na labda mvua inakuja na labda kwa familia mzazi hayuko karibu au ndugu yangu. Hii lock mahali penye iko, kwangu inakuwa ni vigumu kufikia niingie ndani. Hapo sio maajabu upate kuwa nimenyeshewa mpaka mvua kuisha kwa sababu hakuna mtu wa familia.

Halafu tena nikizungumza kidogo kuhusu mashamba, sisi walemavu - nikiongea na niseme hivi, tangu hii Kenya yetu tupate uhuru, nafikiri hakuna mlemavu ambaye ashawahi kupewa shamba kama squatter. Sisi walemavu, ukipata yeyote ambaye yuko kwa shamba mwenyewe amenunua. Tafadhali, naomba serikali ikipenda, sisi tuwe tunapewa mashamba.

Halafu kulingana na uongozi, mwenzangu ailiongea lakini - sijui ni woga alikuwa nao hakuzungumza . Mimi naomba katika idara zote kuanzia hata kwa Sub-Chief na Likuru, tuwe hapo katikati sisi walemavu. Kwa sababu, unapata kuwa unaweza kuwa na kesi fulani ukienda pale, kwa vile hawa watu wote sio walemavu unapata kesi yako inatupwa. Tafadhali, tuwe na mlemavu pale atakayejua shida zetu sisi walemavu.

Halafu, kulingana na kura hata mimi nimepata kuna wakati nyingi sana - unapata mlemavu ako nyuma kwa kura. Je, sisi walemavu tutafanya nini? Tafadhali serikali tunaomba ya kuwa, pia sisi tunajua kupiga kura. Tukitaka kupiga kura mtuweke kwa msafara wa mbele .Ni hayo tu. Shukurani.

Com.Aroni: Asanteni. Tafadhali mjiandikishe hapo. Samahani sana. Hezron Ateko.

Mr. Otito: Asante sana Commissioner. Mimi kwa majina najulikana kama Otito, na ninatoa memorandum yetu kwa ajili tuko pamoja na Hezron Ateko, ambaye ako huko nyuma na amenituma na tuko na yeye

Com. Aroni: Sawa tu: Subiri jina lako mpaka wakati tutakuita. Tafadhali, ukitaka kuwa observer unasema hivyo hatutaita jina

lako. Mzee, tuna orodha hapa lazima tufuate tuutamwita jina lake - lakini kama una maoni yako sawa. Kama hauna, ni sawa tu. Pia unaweza kuwa observer.

Mr. Ateko: Maoni yangu mimi, mimeandika na nitapeana hapo msome.

Com.Aroni: Asante peana pale. Chekadini Catholic Youth- Henry Owiti

Henry Owiti: Macommissioners, mimi ni Henry Owiti na nitazungumzia juu ya haki ya makundi hasa watoto.

It's my wish that the Constitution of Kenya will tackle the rights of children in all dimensions of human life. It should ensure security in the rights of children and it should have the interests of the common persons at heart.

It should ensure all children especially the handicapped, have access to formal education, jobs and health care. Their education should be free and fair up to the highest level so that the heavy burden on their parents can be reduced.

On the other hand the Constitution should respect the rights of those rejected and abandoned, like the street children, street families and those orphaned by the Aids. It should ensure they are provided with basic needs i.e. education, food, shelter are homes like any other persons. It should, thus, ensure they are not discriminated against.

The Constitution should protect children from child labor, early forced marriages, rapes, circumcision of girls, wars, poverty, drugs, kidnapping, unemployment, effects of divorce which causes a lot of suffering to children. Cases of rapes should be treated seriously and the offender should be sentenced for life.

The new Government should establish a Ministry of Children Affairs which, will streamline, coordinate and manage children's affairs. It will manage and run Children's Homes more effectively than at present, by ensuring that qualified, effective and learned personnel manage the Homes to ensure they are in good condition to provide basic necessities and get support from the NGOs. This will ensure the children in the Homes grow to be more focussed and responsible citizens without fear of sexual abuse from care takers.

The Ministry will also create awareness about the problems facing children and encourage people to support needy children. It will ensure free interaction between the less fortunate and the fortunate ones, which will in turn avoid discrimination. The Constitution through the Ministry, should oversee the adoption and guardianship of the children to ensure genuinely concerned individuals do this.

Another important thing will be formation of children's Court to deal with children's cases only.

This will also mean appointing full time judges to these courts.

To summarize, the Constitution should protect children from exploitation and child labor whereby they are paid peanuts whereas their employers reap massive profits.

It should also develop an education system that does not burden children. It should also ensure that medical care is cheap, and provision of vaccination to reduce infant mortality.

Death penalty should be abolished since it is against God's teaching that life is holy and special. Hence, serious offences should be punished by life sentence. Thank you.

Com Aroni: Thank you. Please register. Makhanu Matembeya.

Makhanu: Hamjambo nyote? Mimi ni Makhanu Matembeya. Mimi ni mfuasi wa Dini ya Msambwe ya Elijah Masinde. Nakumbuka mwaka wa arobaini na tatu, tulinyanyaswa na wabeberu, kunyang'anywa ng'ombe, kushika watu kwenda "Kanyako", na Elijah Masinde na wenzake, akasema, "wazungu wananyanyasa raia: Heri Mungu uniokoe kwa haya maneno, wafrika wapate uhuru". Alienda kwa mlima Zayuni akachukua mamlaka ya Mwenyezi Mungu, akatoka huko na akasema "Wazungu mwende kwenu". Mwaka 48, Waluhya wakauwawa (inaudible) kwa ajali ya uhuru huu!. Ndipo Kenyatta alisikia na akaanza Mau Mau wakaanzana na Wazungu huko kwao huko.

Ndiyo hiyo ilibidi, mpaka uhuru ukaingia Kenya. Na sisi watu wa Dini ya Msambwa tunaomba serikali ya Kenya au ya Ulimwengu, Wazungu walienda na kitabu yetu ya maagano ya Mwenyezi Mungu, waturudishie. Na Wazungu hao, walikula mali ya Waafrika wakanona, Waafrika wakaachwa na mifupa peke yake. Na sisi bado hatujapata uhuru. Hiyo katiba ikikuja, ndio uhuru kamili tutapata.

Sisi wa Dini ya Msambwa tunataka Waafrika wote wawe pamoja. Maskini kwa matajiri wawe ki-level moja. Hatutaki tajiri anyanyase maskini kwa maana Mungu anasikia maombi ya maskini vile alisika tuliposema Wazungu waende. Na sisi watu wa Msambwa tunataka Waafrika wote - si Kenya peke yake wawe kitu kimoja. Hiyo Katiba ikikuja ndio nyinyi mpate uhuru. Kabla ikuje nyinyi bado hamjapata uhuru. Ninasema, kwa huu mchanga Mwenyezi Mungu aliumba, hakusema ati mwingine aibie mwingine - wawe level moja.

Na hapa Lugari tuko na shida. Maskini hatembei. Wanafukuza maskini kama swara. yale mashamba ndogo yalikuja yote walinyang'anywa - masikini wako nje. Serikali ninaomba isaidie maskini waliobaki hapa Lugari wapate mashamba mingine kwa

serikali hii. Na wale wajumbe wanafanya huko Nairobi mchezo hawa, hawajui Mungu pahali yuko. Warudi nyuma kwa wazee. Wazee wawape mamlaka ndio watawale sawasawa. Kama ukiwa na mlevi pale peke hataweza. Warudi nyuma kwa wazee. Wazee ndio wanajua kuomba Mungu kwa mbali tangu Musa aanze kutoa sisi Misiri kuja nchi hii.

Na sisi Waafrika hatuna ukabila - kama waluhya tuna ukabila. Mbona, watu wa Mau mau wakati Kenyatta alikuwa President aliwapa watu wa Mau Mau mashamba? Na Msambwe je? nini hawakupata mashamba kama hao watu wa Mau Mau? Bado wanafungwa mpaka saa hii kwa shauri ya ardhi hii. Ni Mungu amekasirika. Mnaona sasa mvua hakuna kwa sababu ni kiboko cha Mungu. Vile Mungu alifika kwa Wazungu, na nyinyi Waafrika mchunge kabisa. Hatutaki sisi Mungu akasirike kwetu kwa sababu sisi ndio wenye nchi hii. Hata mwili wetu unafanana na udongo.

Com. Aroni: Ahsante Mzee. Tumesikia maneno yako lakini kuna swali moja hapa. Kuna kitu hatukuelewa vizuri tungetaka utueleze zaidi.

Com. Ratanya: Bwana Makhanu, swali ambalo ningetaka ufafanue vizuri - ambalo umesema kwamba kutoka 1948, kitabu chenu kilienda na Wazungu. Sasa kwa sababu katika dini zingine, tunasikia kuna kitabu kama Quran, Wakristo wana Bible, hiki kitabu chenu, kilikuwa kinaitwaje? Na kilienda na nani?

Makhanu: Hiyo kitabu wakati ilinunuliwa Wazungu walikuwa wanaitwa Governor – mwenye alikuwa governor Nairobi, wakati wa kwenda walienda na hocho kitabu cha maagano – ya Elijah na ya Kenyatta walienda nayo, na ndio tunaomba serikali irudishe hicho kitabu hapa.

Com Aroni: Mzee umeulizwa, hiyo Kitabu ilikuwa ya dini ama. Sasa unasema ni maagano ya Kenyatta na Elijah. Ilikuwa ni barua imeandikwa maagano ama ni kitabu cha dini? Inaitwaje?

Makhanu: Ilikuwa maagano ya Bible - ya zamani ile Mungu alitoa kwa kichwa na wanaandika vile alilitoa kwa Musa zamani.

Com Aroni: Ahsante sana Mzee. Thank you, Charles Aluoch. Yuko? David Kwande.

David Kwande: I am David Kwande from the Democratic Party of Kenya. I have written a memorandum here and I will express my opinion through it. On behalf of the members of the public I am pleased to appear before the constitution of Kenya Review Commission and present this memorandum in relation to the constitution preferred.

Kenya as a nation will remain united and form a government of selected representatives through secret ballot. There will be two Houses for making law- One, House of Representatives and two, Upper House of which members will be elected Senators.

The Head of State shall be the President elected by all people by secret ballot. Every Member of the House of Representatives shall be elected from the constituencies having a population of 100,000 people. The Senators in the Upper House will represent an Area of 300,000 people. Parliament's House of Representatives will pass Bills and the Upper House will recommend the Bill before it becomes Law.

The President will serve for two terms each lasting five years. After two terms, if members of the public still need the service of the outgoing President a two thirds majority vote of the registered voters will be needed to allow the said President to contest for another one term, and that will be the end.

If the outgoing President acquires majority of 2/3 registered voters then he would have won. The composition of 2/3 majority will be made one year to General Elections. The term for Upper House is six years. Election for House of Representative will held one year after election of Senators or Upper House.

Parliament and civic elections. Reference is made to the international Bill of Rights adoption. Articles 19 and 20 state that 'no one shall be compelled to belong to an association and that everyone has freedom as an individual to hold opinion without interference of any media.'

I propose that there should be an Act providing individual the rights; one, to contest for Parliament to Upper House or Council as independent candidate. Two, independent MP to Upper House or Council will be free according to their desire to join any political party and accept any portfolio offered.

Age. The age of 18 years is below standard of voters to understand and elect the right leader. At the age of 18 years concerns and anthropology is below, is premature. I propose that voting age be above 28 years old. Contesting for political leadership shall be above the age of 30 years old. Cabinet Minister must have attained the age of between 40 and 90 years old.

Civil societies. In order to ensure efficiency in civil societies there must be special Ministries or departments to monitor civil servants on duty. The exercise shall be performed secretly. Monitors who will serve as detectives will be attached to all stations or places of work. Monitors will secretly make notes on any servant who is not performing work properly.....

Com. Aroni: Bwana Kwande, thank you very much. We are going to read the rest of your memorandum. Asante. Jiandikishe kisha utuachie karatasi hiyo tutasoma.

Mr. David : May I say one thing. Employment for primary leavers should be considered because having completed primary education and cannot go for further education he suffers. There are jobs that can be offered to these primary leavers.

Freedom for native worship, referring to my brother who has left here, the native worshippers like Dini ya Msambwa should be put in Kenyan Constitution.

Provincial Administration. I pray that it should be removed from the Kenyan Constitution. It has denied members of the public the right to pass their opinion, the right to do what they like that it has so much interfered with human rights. So removal of Provincial Administration is necessary at this time. Colonialists put it there because they thought Africans were primitive and they were to be brought to understand by being whipped or being mistreated the way Provincial Administration is treating us now.

Com. Aroni: Thank you we have that one. Thank you we shall read. We'll definitely read your report. Asante Mzee. Luka Shisavo. Elizabeth Ambale.

Elizabeth: I am Elizabeth Ambale representing Lugari Girl-Child education and District Women Development Committee in the district. We have this to say and I'll read in English.

Citizenship: Any child born in Kenya despite the parent's origin should be regarded as automatic citizens of Kenya. On marrying a Kenyan regardless of gender, a child born of one Kenyan parent regardless of parent's gender should be entitled to automatic citizenship.

The Constitution should regulate management and conduct of political parties to have them have equal opportunities. There should be as many parties as people wish. the Government should finance all Parties equally. Any party that has 15 MPs should be funded from public funds.

Structure and system of government: We should retain the Presidential system of government with the President as Head of State, not ceremonial. Having a Prime Minister would be duplication of duties. We should not have federal system of government so as to avoid tribalism. Power should be devolved to lower levels such as to the district by empowerment of District Development Offices by giving them well trained personnel and allowing them to take decisions and implement them.

The Legislature. All senior civil servants such as Ministers, Permanent Secretaries Central Bank Governor, Parastatal Executives and State Corporation Heads etc should be vetted by Parliament. Parliament should have unlimited powers to control it's own procedure through Standing Orders. MPs' work should be full time. They should not have other jobs to do.

Voting age should remain 18 years. The Presidential candidates should be aged between 40 and 60 years. English and Kiswahili language tests should continue. People should recall their MPs after 2 years if she or he cannot deliver. MPs should have instructions from their constituency. The Public Service Commission should determine the salaries and benefits of MPs.

We should retain the concept of nominated MPs where possible.

Gender should be respected and special measures put in place. Ministerial posts should be divided in half between men and women. Affirmative action should be implemented whereby half of the Parliamentary seats are reserved for women. Where the President is a man, the Vice President should be a woman. That should be done in all job categories.

The President should have the power to dissolve Parliament as the Constitution states.

The Executive: The Presidential candidate should be a graduate and be aged between 40 years 60 years. Presidential tenure should be two terms of 5 years each. Presidential functions should be defined in the Constitution. The Constitution should set limits on Presidential powers e.g. detention without trial should be abolished. The Constitution should provide for the removal of a President for misconduct while in office, e.g. Immorality and theft from the State. Relationship between the President and Parliament is that he/she is ex-officio.

Local Government. Provincial Administration should be part of the Council. Mayors and Council Chairmen should be elected directly by the public. They should serve for 5 years.

Councilors should be form four graduates as we are having the DOT.COM generation to come. There should be moral and ethical qualifications for Local Authority chiefs. If a Councilor cannot deliver within 2 years, he/she should be recalled by people by 2/3 of the voters signing an affidavit. The Public Service Commission should determine remuneration for Councilors. We should retain nominated Councilors. Nomination of Councilors should show gender equality.

The electoral system and process. Representative electoral system should be practised in Kenya. We should retain the simple majority rule as the basis of winning elections. Half of the Parliamentary and Civic seats should be retained for women. Candidates who fail to seek nomination in one party should not be allowed to switch to another party. Defectors from one party (or crossing the floor) should seek mandate from the constituents.

Seats should be reserved for the disabled, NGOs and women.

Current geographical constituency boundaries should be retained.

Civic, Parliamentary and Presidential elections should be held simultaneously. Election dates should be specified in the Constitution. Presidential election should be direct.

The Commissioners should be form four graduates and above and their appointments should be based on districts and provinces. They should serve the Electoral Commission for only 5 years. Electoral Commissioners should be ten- One from

each province and two lawyers nominated.

Basic rights. Our Constitution provisions for fundamental rights are adequate but are not adhered to. The Constitution should include giving care to citizens above 60 years health wise and upkeep. Death penalty should continue and be seen to be done. The Constitution should protect security of people i.e. health care, water shelter, food employment and the basic rights of all Kenyans. Every Kenyan should be given security without being asked to pay for it. We should avoid bosses having their own armies.

There should be piped water for every Kenyan despite the geographical area. Education should be free and compulsory for all Kenyans aged 1-17 years. The government should assist the poor to build shelter. Food produced by Kenyans should be bought and sold by the government. When there is food scarcity the government should feed its citizens.

Com.Aroni : Thank you very much Elizabeth , I think you have taken quite a bit of time Thank you .

Ms. Elizabeth: The rest is to be put on the paper but still we feel that on land, land ownership should be in the hands of the State and individuals and women should have the right to inherit land. Kenyans can own land anywhere in the republic.

Com. Aroni: Thank you. Please register and leave us with your document, we will read it. Henry Owiti. Moses Lukorito. Moses Lukorito.

Mr. Lukorito: Majina yangu naitwa Lukorito Moses na nna haya ya kusema.

Health facilities. The Government should equip all health centres in order to avail free medical care. The Government should guarantee life by rule of law of the Constitution. The Government should put a good cluster of doctors in all places and maintain them by giving them good salaries and what have you. Doctors should not run their private clinics because this is where they spend most of their time and also because they smuggle medicines from the public hospitals to their clinics where they sell them.

Environmental and natural resources. Natural resources should be protected by the Government by enacting laws. They should benefit the local citizens. They should be managed by all citizens of the country.

Education. It should be free and compulsory for all the disabled as well as the able bodied. System should be one of vision where children should learn their profession from the start of their education. The overhaul of the old system should be gradual. There should be corporal punishment in schools as it enhances good behaviour. Teachers should be motivated to have higher education.

Shelter. There should be price control on building materials such as ironsheets bricks, cement etc. The Government should resettle people and assist them to put up shelter.

Political parties. Politicians who defect to another party or fights they should be impeached. Political mobilization. Political leaders should be reminded where they have gone wrong. Accounts of political parties should be audited to reduce corruption. Political leaders should declare their wealth.

The electoral system and process. It should be secret ballot. Women should vie for seats in Parliament and Local Authority-there should be no reservation of seats-everybody has to fight for the Seats. Before MPs cross the floor there should be a referendum in which wananchi vote for them.

Com.Aroni: Thank you very much We shall read the rest. Joshua Simiyu.

Mr.Simiyu: My name is Joshua Nabibya Simiyu. Nina point moja au mbili zangu binasfi ambazo nita ongea juu yao.

Powers za President zipunguzwe. Hizi zigawanywe kati ya PM na President. PM atakuwa ndiye atasimamia serikali.

Ya pili, President asiwe above the law. Yeye ni binadamu kama wengine. Akipatikana na makosa ni lazima achukuliwe hatua.

Appointment ya senior Government officers kama Parastatal Chairmen and Secretariat iwe ikifanywa na Parliament sio President kama iliovyo sasa.

Civil servants kama polisi na wengine wafaa wapige kura kama mwananchi yeyote. Polisi ni mwananchi wa Kenya. Kwa nini asipige kura?

Amri ya armed forces kwenda nje isitoke kwa President. Iwe inajadiliwa na Parliament ndio askari wetu wanaenda nje kufanya kazi.

Viongozi wa COTU wasiintefere na Government Chairman wa COTU kwa mfano akizungumza kucriticize vyama vingine, anakuwa kama ni serikali badala ya kuwawakilisha wafanyikazi.

Provincial administration. DO na Assistant Chief wana kazi kidogo sana. Napendekeza Likulu wapewe power, pasiwe na DO na Sub-Chief. Chief wawe transferred within the Province. Asikae pahali pamoja akiwa hafanyi kazi vizuri, hana development agenda, aende transfer kama anyone else.

Naomba serikali iwe na free medical care kwa mwananchi yeyote wa Kenya.

Education. Serikali husema inapeana free education lakini mwananchi hugharamia hata watoto wa primary ambayo ni very expensive.

Com.Aroni: Asante Mzee. Ingingine tutasoma. Utatuachia hiyo karatasi. Asante sana. Kepha Enunda.

Mr. Enunda: My name is Kepha Enuunda and I have a few points to make. I will dwell mainly on two things and you can read the rest.

On presidency I would suggest that the President should not have a constituency and should be elected by all Kenyans, so that he has time to concentrate on Kenya as a republic and not to deal with his constituency. We want to have a unitary Government whose powers are devolved with the President's powers limited. Most of the powers should go to the Local Authority and other arms of the Government- like the Legislature, Judiciary and Executive- so that the President does not consolidate all the powers to himself and becomes a dictator.

The majimbo type of Government is not desirable, but the Local Authority should be strengthened so that a lot of other duties like health, education and maintenance of roads can be dealt with at Council level. The people advocating for majimboism are enhancing tribalism which we want to do away with.

Electoral system should remain as it is. We want a five-year term for the President and MPs. The political parties should fund themselves. They should not look to the Treasury for money. Elections should be on a level playing field. So, when Parliament is dissolved, we should not have Ministers holding office so that when they move around the country or other constituencies campaigning they do not use government machinery. When Parliament is in recess, the Speaker should take charge of government machinery and even the President if he is seeking re-election should not be in the office.

Basic rights: The Constitutional provisions of basic rights are adequate at the moment but they should be implemented. The Death Penalty should be retained to deter very bad criminals such as murderers. Basic rights like water, security, education, food and employment should be guaranteed in the Constitution so that people are provided with work. Where they are not provided with work they should be given something to live on. At the moment, there is a lot of thuggery because people have no employment.

Com. Aroni: Thank you. We will read the rest of your memorandum. We have over 200 people and we want each one of you to have an opportunity to talk. Thank you. Jacob Waswa Wanjala.

Mr. Wanjala: My names are Jacob Waswa Wanjala. I am a farmer, retired police officer and I am aged 65 years. I pray the Commission to give us a Constitution which upholds the following: It has to uphold the Constitution itself within Kenya's boundaries-that is air sea and land. It has to uphold the Kenyan national unity. It has to uphold the national anthem. It has to uphold the Kenyan national flag.

I also pray that this Commission creates an office of Ombudsman. The role of this person will be to oversee the work of the three arms of Government i.e. the Legislature, Judiciary and Executive. We talk of corruption: When you go to Parliament itself, you find lobbying is there. Is that not corruption? In the Judiciary, our Judges are named in corrupt practices. In the big offices Permanent Secretaries are involved in corruption involving millions of shillings. The office of ombudsman will oversee these three arms.

The office of the President has excessive power. This office has to be held by a person aged 40 and 65 years, holding a degree in Economics, Political Science and Anthropology. He should be ceremonial but can deal with our internal as well as foreign matters.

I request this Commission to create the office of Prime Minister who should come from the party winning with a majority of 65% of all registered voters in Kenya, not 25%, from 5 provinces. We do not want somebody to rule this country with a minority of votes-it has to be majority; that is 65% and 2/3 majority of the seats in Parliament.

Powers have to go to Ministers. We also need to strengthen the Local Government. Most people live out in the municipalities, so the Local Government has to have more power to run services like education, roads, health and other necessities.

Nominated Members of Parliament. I request this Commission to change their number from 12 to 30 and be distributed as follows: 3 will go to farmers, so that there is one man to deal with marketing, one for Agriculture the other to deal with veterinary services. This is the backbone of this country yet the government has neglected the farmers. It has instead put a lot of emphasis on tourism. Tourists stay in America and Britain while Kenyans are here to stay. We should therefore not sell other peoples goods before we sell Kenyan agricultural commodities. The State has a responsibility to protect the Kenyan Agriculture. The other three will go to women-one of them awe mlemavu, the other three will go labour, the other three to cooperatives, the other three the youth, the other three will be to churches- one representing Catholics, Muslims and Protestants- all Protestants will be under one umbrella. The other three will go to pensioners. Although we are under the Office the Vice President, I have never heard Saitoti talk about pensioners. We are here, we are not dead and we can contribute. It is just that the officers neglect us. They do not involve us. We can be used as a kamusi. We have everything on the country at our fingertips.

Com.Aroni: Please summarise now.

Mr.Wanjala: The amendment of the Constitution has to go out in the form of questionnaires followed by a referendum, then a Bill goes to Parliament where it passes or fails depending on what wananchi have said. Lastly, the Parliament should be given its supremacy and dignity to serve. Thank you.

Com.Aroni: Thank you . Please register. Akala Geoffrey. Japheth Atiso.

Mr. Atiso: My names are Japheth Kawaka Atisa. I am a farmer. Mimi ni Mwenyekiti (inaudible) Farmers Cooperative Society . Nina machache tu, mengine kwa Kizungu, mengine kwa Kiswahili.

Political Parties. They must be limited to a maximum of three. They should not be financed by public funds . If possible, we should not have nominated MPS. If tutakuwa na wao they should be six, of whom two are women. We support serikali ambayo ikisimama kwa kura ikipita iunde serikali.

The President should have the power to dissolve Parliament . The President should be a Member of Parliament . Presidential elections must be held separately from Parliamentary and civic elections. The President should be over 40years.

Judiciary. The minimum education level for Judicial Officers should be university graduates .Watu wengi wa university hawana kazi .

Local government. Mayors and Council chairmen should be elected directly by the people. Minimum education level for Councilors should be secondary school. MPs and Councilors should be five years . Village elders- Malikulu wawe class nane kwenda mbele. We should do without Assistant Chiefs, Chiefs, DOs, DCs. Village elders should work directly with PCs. The rule of 25% in five provinces for presidential candidates must be retained.

Electoral Commissioners are too many. They should be reduced to eight or ten.

Ministers are too many. Some ministries like the Ministry of Rural Development should be abolished. We should only have Ministry of Agriculture.

Com.Aroni: Please summarize.

Mr. Atisa: The Cooperatives are dormant and are lacking substantial assistance. The government has to assist in the selling of maize. They take for senior (?) and matajiri but poor farmers kama mini siwezi. The price is very low and inputs kama fertilizers

are very expensive.

Death penalty should be abolished instead let it be life sentence for offenders (inaudible) over 30 years. Minor mistakes should be put under probation and sentences under one year should do civil work.

Com. Aroni: Asante, mengine tutasoma. Okinda Okasa. Gilbert Kaberwa.

Mr. Kaberwa: My name is Gilbert Kaberwa. I am going to present my memorandum. Nitaanza na hii ya walemavu. Nitapendekeza wasitozwe ushuru kwa njia yeyote, watibiwe bure wao na familia zao, sheria itungwe ya kuwalinda dhidi ya ufisadi, na wapewe education ya bure.

Kwa sheria za wafanyakazi, nitapendekeza mtu anapowacha kazi apewe pesa zake, alipwe hata akiwa na miaka ishirini. Nitaendelea kusema hivi: Shirika la NSSF lifanywe kuwa Pension Scheme, in that watu wale wanaopewa (inaudible), kwa vile tuko na tajiri anaye kufuta kazi hauwezi kuwa employed anywhere. Sasa, hilo Shirika lifanywe kuwa Pension Scheme ku cover risk ya huyo mtu till his death.

Labour laws wakati wanafanya calculation ya disabilities, watumie calculation ya maximum sio ya low scale, kwa vile utapata mtu labda ameumia, na kama mshahara wake ni wa chini utakuta ananyanyaswa kuliko yule anapata high scale . Nataka watumie maximum within the company.

Concerning the State Laws, zitungwe ili kila kabila ionje uongozi. Itakuwa makosa kama kabila moja kati ya zile 42 litatawala nchi hii miaka yote. Hapo, demokrasia haitakuwa ikizingatiwa. Kwa vile KANU imetawala isije tena ikagombea.

Nominated MPS wasipewe wadhifa wowote kama kuwa Minister, kwa vile unakuta mtu ametolewa nje, anaenda kwa Bunge, anakuwa nominated na anapewa ministry na hakuchaguliwa na watu.

Permanent Secretaries na Directors wawe wakichaguliwa na Bunge, sio President kwa vile President anateua watu wale wanamfavour na hao watu ndio wana increase corruption in this country.

Speaker achukue mamlaka ya Bunge wakati tunaenda election. Sheria itungwe ili MP anapo defect awe kwa hicho Chama anacho defect kwenda kwa at least five years ndio a-contest. Kwa vile unakuta mtu anachaguliwa na baada ya one year ana-defect kwenda cChama kingine. Hapo anakuwa amesaliti watu wake. Sheria itungwe ya kulinda wananchi kwa hayo.

Com. Aroni: Asante . Tutasoma hayo mengine. Thank you. Christine Karuga. Fanice Munyeko .Aggrey Masia Ukuso.

Mr. Okuso: My names are Aggrey Masia Okuso. I will talk about inpeachment of the President and devolution of powers. I propose the following: When we attained independence, I remember there was government of the people by the people. That was the maxim which was adopted. But today it is not so. Few people are now running the government and the rest of the Kenyans are being viewed as mere objects. In view of this I propose that the next government be one of inclusion of all people of Kenya where all the decisions made affecting their lives are with their approval. In other words any decision affecting the lives of Kenyans should not be vested in MPs alone or senior government officers. In the past we have had this kind of scenario where a few people make decisions on behalf of the majority of Kenyans and these decisions have backfired. For instance, Kenyans are paying for loans they do not know how they were borrowed or what that money has done so far to improve the lives of Kenyan. In view of this, I propose that the next Constitution should consider the views of all Kenyans at all levels of decision-making.

The next one is about Government accountability and transparency. I am sure Commisioners, the review of this Constitution is based on bad governance and the ills that have affected the citizens of this country.

Besides the powers of the President being reduced, I propose that anytime any senior officer or any person who has held public office, his past must be investigated and he or she made accountable for the ills he has committed against humanity. These ills range from economic plunder, land grabbing, corruption and so on. After any government officer leaves that responsibility or relinquishes power, he must be made accountable for his past. Dear Commissioners, mine is as brief as that. Asante.

Con Aroni: Thank you. Please register. I will call the students who are here now. Sheila Milimo. Kabla hajaanza kuzungumuza, tungewaeleza watu walio na memorandum na wana haraka, wanaweza kupeana hapa bila kungojea kuzungumza.

Ms Milimo: I am Sheila Milimo from Bishop Njenga Girls High School. I am going to talk about the appointment of the Vice President. He/she should be chosen through public election. The candidates campaigning for presidency should have his V.P as a running mate so that citizens may know the pair they are voting for. Inorder for one to be a Vice President, he/she should be a university gradutate. The Vice President and Assistant Ministers' titles should change to Deputy President so that whenever the Head of State is not in the country, the Deputy should run the country or ministry without causing confusion among the citizens and fellow politicians Thank you.

Com.Aroni: Thank you . Please register and leave us with your memorandum. Come this side and register the next one is Melsa Wichege.

Mr. Wichege: I am Melsa Wichege. I am going to present on environment and natural resources I propose that the following environmental issues be included in the Constitution.

The law should punish citizens who dispose waste in the water bodies therefore destroying natural resources like aquatic animals. Set a national Environment and Natural Resources Day for enlightening citizens on the importance of natural resources.

We also say that the government has the obligation to provide clean drinking water to all citizens in the urban and rural areas. There should be restriction in exploitation of natural resources since mainly you find that the leaders who are to curb this issue of natural resources exploitation are the ones who are exploiting these natural resources. Therefore it should be curbed.

The government should by law be required to localise industries where the raw materials are found, establish irrigation schemes in dry areas to ensure some of these natural resources are catered for, compel people exploiting resources e.g forests, to improve and maintain infrastructure in the local areas using the profits they have obtained, since we find that it is the local people who cater for these resources but are not given anything in return from the profits which are realised. The local community should be catered for.

In case of any sale of the natural resource, the local communities should be given first priority. For example we have Lugari forest. We find the people exploiting the forest are not the ones who take care of it. Instead, the people who exploit it are just the people who came to buy timber. The local communities have never refused to buy this natural resource. They should therefore be given the first priority. Thank you.

Com. Aroni: Please register. Sharon Wetisha

Ms. Wetisha: I am Sharon Wetisha. I will talk about citizenship and marriage. A person born outside the country can apply for citizenship if any of his/her parents was or is a Kenyan. It should not be based on the father only as it currently is. A person marrying a Kenyan can apply for citizenship. Currently, the Constitution only allows women getting married to Kenyan men to apply for citizenship. The age of consent in matters of the (?) should be moved from 16 to 18 years. At 16 the person is still in secondary school. Lastly, it should be an offense for man or woman to marry a person twenty years older or younger. This is because socially, this age difference gives a parent/child relationship. This will reduce immorality and enhance respect based on maturity. Thank you

Com. Aroni: Thank you. Please register. Christine Indombo.

Ms. Indombo: I am Indombo Christine from Bishop Njenga Girls. My topic is about election system and process. Under Chapter three of the Constitution, I recommend the following: The Chairman of the Electoral Commission be given the power to call for General Elections when they are due. At the moment, the President does that. The Commissioner should also have power to prosecute election offenders.

The Parliament be given powers to vet Presidential appointees.

Election date should be specified to give parliamentary candidates enough time for their plans. This will also keep the citizens aware of the elections and prevent those in authority from tampering with the timing of the elections.

Next, a specified date be put across when the next government shall be sworn in. Once an MP has pronounced his desire to join another party he should be forced to resign from his seat immediately and seek fresh mandate from the electorate. These MPs tend to betray their people so they should seek fresh mandate. You find one MP saying; “even after all you have chosen me on this party but next time I will vie for a seat on another party.” So these defecting MPs should be made to pay a fee to the Commission because he/she has betrayed their people. He will have caused a by-election that is an added expense to the taxpayer. Thank you for listening.

Com. Aroni: Thank you. Sharon Otido.

Ms Otido: I am Sharon Otido from Bishop Njenga Girls High School. My topic is about transfer of political powers. Under Chapter three of the Constitution I am recommending that Executive powers during Presidential election be given to the Speaker of the National Assembly. Between the time of parliamentary dissolution and swearing in of the next government, the Speaker should be given Executive powers and he should not be affiliated to any party, and therefore not an elected MP.

In the meantime the President and Ministers should cede their powers after the dissolution of Parliament. This is to ensure a level playing ground during electioneering.

The third point is, Permanent Secretaries should take charge of the ministries during this transitional period. All appointments to high office, either promotion or demotion should be halted during this transitional period.

Lastly, the Speaker should be in-charge of the Government’s business in Parliament for the 90 days period for any other purpose other than elections time, and not the VP, who could use the time to influence events in his/her favour.

Com Aroni: Thank you. Gillian Ochoi.

Ms Ochoi: I am Gillian Ochoi. My topic is local government. I wish to propose that that the minimum qualifications for Mayors, Chairmen of Local Authorities and Councilors to be Kenyan citizens aged above 21 years, fluent in English and Kiswahili, having basic education level of form 4, having done KCSE examination.

The Mayors and Chairman of Local Authorities should be elected directly by the electorate and not by the Councilors. It is important because this way, the people can have someone of their choice.

Councilors should not operate under Central Government but under Local Authorities because communication will be faster. By operating on their own, Councils will be forced to find a stable source of finance. Even though Councils should stop operating from Central Government, the central Government should not stop offering grants and loans to Councils. Thank you.

Com.Aroni: Thank you. Melsa? Will she be speaking? Okay Give us your full names.

Ms. Muhia: My names are Muhia Jessica. Iam going to present on rights of vulnerable groups found in chapter 5 of the Kenyan Constitution.

I feel that rights of vulnerable groups are not fully guaranteed in the Constitution. I propose that: Education should be made free and compulsory for priamry level. The sentence for defilement should be life imprisonment because the sentence has actually been more lenient t6han that passed on rape. This has made maids abuse even 3-month-old children. Female genital mutilation be a criminal offense. A child who has (inaudibe) it should be punished by law. A mother who has forced the child to undergo FGM should be punished and those who are doing it should be punished by law.

So special courts and police units should be establsihed to deal with violence against vulnerable groups. Failure to report violence against vulnerable groups should be an offence. This means that even those witnessing vulnerable groups being offended should be answerable to the law.Domestic workers shiould be protected by the law against physical economic and sexual abuse.

Prices of basic things needed by the disabled like wheelchairs should be subsidized by the government so that they are affordable to them.

The Government should not leave responsibilities of caring for the disabled to churches and NGOs alone. It should also ensure there is enough (inaudible) for them.

Child slavery in the name of child labour should be a criminal offense. We have seen parents give out their children to work. They call it child labour but I consider it child slavery beauce they do not give salaries to the children. They give it to their parent. If it were child labour they would give the salaries to the children. Let it be criminal offense. Thank you.

Com. Aroni: Thank you. Mildred Achieng' .Lucy Mumia.

Ms Mumia: I am Lucy Mumia from Bishop Njenga Girls High school. I am going to present on land and property ownership under Chapter nine of the Kenyan Constitution. I propose that there should be a ceiling on land ownership. There should be a maximum piece of land owned. This will help curb the cases of landlessness where we find that poor people sell their land to the rich and remain landless. The Government should be strict on this ceiling and anybody found going against it should be punished.

Two, the procedure should be simplified to make activities like land purchase, land transfer and land inheritance and also land consolidation and division among children easy. This means that the first transaction should be at locational level to avoid men taking fake wives to the DOs office- purporting them to be part of the family-in the land transaction agreement.

Three, men and women should all have access to the land and property ownership. This should be done to ensure equality. Land acquired before marriage may be owned individually but land acquired after marriage should be owned jointly.

If women have to share with men incase a divorce occurs, I suggest that women should share equally with their divorced husbands or partners the property they acquired from their parents, not only men should be forced to share their property with women when divorce occurs. Also women should be forced to share the property they acquire from their parents equally with the divorced husbands or partners.

The idea of Kenyans owning land anywhere should be encouraged to ensure unity all over the country. I think this has been in the Constitution but I am saying it should be encouraged to ensure unity all over the country and also ensure dilution of inhuman practices such as women cricumcision and others. Thank you.

Com: Aroni: Thank you please register Musimbi Ruth.

Ms. Musimbi: My names are Musimbi Ruth from Maganda Girls Secondary School. I am going to air my views about Cconstitution of Kenya Review Commission as follows:

I will start with local government. Mayors and Council chairmen should be elected. This is to enable people to make decisions affecting their daily lives through committees. They will be a link between Central Government and us.

The qualifications for Mayors are as follows:- first of all they must be Kenyan citizens, they must be above 21 years, they must be university graduates.

Councils should not continue to operate under Central Government because they spend most of their time with other people and do not pay attention to the people they represent. The qualifications for Councillors as follows: They must be literate, they must be citizens of Kenya either by birth or registration, and they must be above 18 years.

People should be have a right to (?) their Councillors because they have to support them especially during Harambeee projects; they may help them raise a some money which can be used for development in the Wards which they represent.

Electoral system and process. We must not retain simple majority rule of winning elections as this creates hatred. We must conduct elections through secret ballot. Women do a lot, E.g cooking, taking care of children and so on. If they are elected into Parliament they will still carry out the same momentous activities. By so doing they are able to make good President in future.

There should be a percentage for Councillors and Members of Parliament to determine whether he can join parliament. Defections in the government should be (?) because they enable people to form one party. By so doing the party will be united and the problems in the country will be easily solved.

Rights of vulnerable groups. Women's rights are not guaranteed. Their rights should be addressed in such a way that they should know we are all equal and should be taken as (?) Hence they should not be overlooked. A woman can develop a country even better than men.

Interests of disabled people are not fully taken care of. They suffer both physically and psychologically. Hence the Constitution review should be take that into account.

The physical and psychological concerns of the disabled people are as follows:-

The Government should establish Special Schools for people with disability, enough food should be given to them not forgetting better health care.

The Constitution guarantees and protects the children in the following ways: It should offer free education,protect them against any calamities such as wars, provide basic needs.

Land and property rights. The government should control the use of land. Since most farmers use poor methods of land cultivation, this leads to problems such as soil erosion. If the Government comes in, it will help hence improving biological potential of the land. Those are my views thank you.

Com. Aroni: Thank you please register and leave us with memorandum. Wycliffe Onchote. Clement Mchiko. Fred Oyando.

Mr. Oyando: Commissioner, I am Fred Oyando. I have prepared a memorandum and I will give a summary of it.

Everything is answered in that booklet of yours. I will comment on the structure and system of Government which to have. I think I am for a hybrid system where we have the President as Head of State and the P M as Head of Government sharing responsibilities. I give the Head of State military and paramilitary control and PM will control the police .

Ministers I suggest they be nominated by the President but they should not be elected. That is the America style of administration. These Ministers must be qualified in their professions so that if you have a special ministry like health it should be headed by a qualified medical doctor. If it is education there should be an educationally qualified person as Head of the Ministry.

Management and use of natural resources. Kenya I believe is not among the poorest countries in the world. When the colonialists were here, we had many things for free which we now pay for. Education for instance. I think for my O' level I used to pay 450/= in fees. A' level I went without paying anything. Now, everybody pays. It is because of mismanagement of the resource we have. In this case I recommend that the Office of the Controller and Auditor General be strengthened and be changed with the responsibility of accounting for every Kenyan penny received by the government in revenue and accounting for every Kenyan shilling spent in any particular year.

In this case, I recommend that the Auditor do his work during the current period when expenditure and collection are being done. He should be made to submit these reports to Parliament every 3 months. Currently we hear of these reports perhaps 5 years after the money has been mismanaged.

Recommendations given by the Auditor General are never carried out. We really want an effective government to uplift Kenyans to where they are supposed to be. I propose for an independent Anti Corruption Commission and that we also have an independent Anti Corruption Court. If this Court finds that someone has corruptly received property or money from wherever, whether the State or individual, that property or money should be forfeited back to the State, That will give that person equal footing to everybody else.

Com. Aroni: Please summarise

Mr. Oyando: Basic rights. Education. Recently, we had an Act passed by Parliament on the rights of a child. I think I need to stress something here on education as far as the child is concerned. It's true the parent does what they are supposed to do- take the child to school. But, sometimes the children go to school and they are not taught. You look at the children's books and you find they have done one or two subjects a day. I would like it to be incorporated in the Constitution so that teachers are made to deliver what they are paid for.

I propose free education up to form 4.

On teachers I propose that KNUT be left to assistant teachers only. Because at the moment, head teachers and principals are members of the same union. So all of them usually meet to take their complaints to the same people. I also recommend to KNUT that they also establish their own professional union like what we have for medical people, lawyers and so on, so that they can enhance their disciplines in those areas they can uplift their members in those areas.

Com. Aroni: Thank you very much. We are going to read the rest of your proposals. Ebby Kawai

Ms Kawai: I am Ebby Kawai. I am an experienced trained teacher heading a girls school in Lugari, that is Maganda Girls. As a Head of school I have the following issues to raise on education.

One appointment of members of BOG especially for girls school. I have noted that the education Act provides for appointment of BOG by the minister for education.

Those are 13 members. However, the Act does not give a specific education level and gender of the members to be appointed into the BOG. Hence the people who get appointed are mainly men who have retired from private and public sector and may not be conversant with the current policies governing education. Many of them may not be in a position to give relevant ideas towards development and promotion of education. Most of them will be used as rubber stamp.

Further more few women appointed to these boards. It is sad to note that even girls school are not governed by the majority women who should be role models to the girls. When girls secondary schools are governed by majority men, who in most cases are old men who have stereotyped ideas about the girl child, then how will they be forceful in advocating for this girl child when their attitude towards the girl child is negative?

I proposed more women be appointed into BOGs. They must have a minimum education level of secondary and should have relevant qualification in the field of education. The governors should be people still active in employment whether private or public.

Another issue I want to take note of is teenage pregnancies. Most students who get pregnant in school drop out of school. whereas there has been allowance to readmit these girls and we are told to offer guidance and counselling to enable them complete their dream in most cases this has not been realised because of the stigma that goes with such. My suggestion is that a law be passed so that men who are responsible for these pregnancies be prosecuted and held responsible for these pregnancies.

They should be made to look after the children born and be made to pay a fine will go towards the education of these girls when they have readmitted in school. However, if the pregnancy is by a teenage boy, then the parents of this boy should pay the fine cited above. The fine is supposed to be a deterrent measure. It should be clear in the Constitution how these girls should be readmitted in schools because as of now, we are not very sure how these teenage girls are to be rehabilitated when they have given birth and come back.

Finally, on the early childhood education. This is the most important level of education as it forms the foundation of education. This is the nursery stage. This is the period when character is forming and when the basic skills are being imparted. These are listening, reading and writing. It is sad to note that for a long period of time, these areas have been given less attention and it is not provided for in our education Act. Our education system emphasizes on passing of examination, hence examinable classes are given most attention. The most hit children in early childhood are the girls who are made to stay at home and baby sit younger siblings. My proposal is that the law be passed to enable teachers at this level to be employed by the government and be paid well. A clear policy should be made to govern early childhood education.

Com. Aroni: Thank you. Please register. Florence Najoli.

Ms Najoli: Thank you very much. My name is Florence Najoli from Maganda Girls. What I want to talk about are ideas of female teachers from that school.

One the number of women in Parliament should be increased to half the number of parliamentarians. This is because women can address certain issues which affect women whose depth can only be understood and felt by fellow women. E.g. after the death of a husband, the law should help the widow to inherit all the husband's property peacefully as long as the marriage was recognized either customarily or in civil manner. To realize this, women need to be given civil education continuously, at village level countrywide. The educators should be both men and women delinked for the provincial administration whose population comprises majority men.

More women should be appointed to the public sector, provincial administration and local Councils. Security of women and girls should be tightened whereby rapes, wife battering, assaulting of house helps by employers, assaulting of children by parents, sexual assault of minors by mature men should be more seriously punished by the law than what we have at the moment.

On education, the fight against marrying off of young girls to old men in some communities, female Genital Mutilation etc should continue.

Children born of wedlock should be entitled to education sponsored by their parents. Thank you very much.

Com. Aroni: Thank you, please register, Gladys Orambo, Fred Lusweti, Kaleb Malanya, Festus Thamina, Rhoda Nyengesa.

Ms Nyengesa: My names are Rhoda Nyengesa I am going to give my memorandum about child rights, land and property rights and violence .

Child rights. Free education, compulsory primary education. Instruction against free child labor to be enforced. Corporal punishment to be abolished. Sensitise on negative values and their effects.

Land and property rights. Equal distribution of ownership to both men and women. Reduce (?) as to which is registered at locational level. Reduce costs on relevant documents concerning land transfer. Instruction on wills. Land property to be distributed equally to all children both girls and boys. Property to be registered in both husbands and wife names.

Violence women and human rights shall be observed and respected through the Constitution. Any abuse on any offence on onesbasic rights, rape of wife, child (?) defilement, incest, sexual abuse. These shall be subject to corporal punishment. Thank you.

Con Aroni: Thank you Edward Alubala. Daniel Moyeko, George Kimani, Harun Nundu, Phonice Mulei.

Ms Mulei: Majina yangu ni Phoni Mulei. Niko na memorandum mbele yangu ambayo nitasoma.

Imekuwa tena mwaka mwingine ambapo Kenya yetu na serikali yetu tukufu yapenda tuwe na mageuzi kidogo kuhusu Katiba yetu ya serikali. Tangu uhuru, hatujawa na marekebisho yoyote hadi sasa. Sasa tumeona umuhimu wa kuwa na kile mageuzi haya. Marekebisho ni kwa minajili ya hiki kizazi na kule kitakacho kuja. Kwa hivyo imetupa tushirikiane ili tuone ya kwamba tumerekabisha vizuri. Kenya ikiwa ni nchi ambayo unapenda, tungependa tuwe na serikali ambayo kila mwananchi atahudumiwa vyema pasipo mapendeleo au ukabila?

Zile zinazoweza kuandikwa kwenye utangulizi ni hizi. Rais wa nchi hii awe ni mtu mzuri wa makamu eg miaka arobaini hadi sabini. Rais wa nchi hii awe ni mtu wa utu wa ndani yaani awe ni mtu wa ndani yaani awe wa hekima itokayo kwa mwenyezi Mungu. Rais ni mtu wa kuchaguliwa na watu, sio kpendekezwa.

Hali kadhalika, enyi vingozi wa sasa, yaani wale wanaongoza na mtukufu Rais Moi tunawatadharisha tafadhali misifanye serilari yetu iwe ya royal family ili mtoto akaridhi kutoka kwa baba. Tafadhali tuwe na mabadiliko. Hapo mageuzi yetu ya Katiba itakuwa imetusaidia sana, hata mwachanci wa kawaida. Kanuni ya nchi kama Kenya ni ya kidemokrasia.

Tungependa, kiongozi atakaye chukua uongozi awe anayeeliwa Kenya kama yake, na mahitaji ya wale watu anayetaka kutawala. Awe ni mtu anayeweza kuzileta hizi kabila zote za Kenya wote za Kenya pamoja jinsi ilivyokuwa mwanzo. Maadili hayo ni lazima yaweze kutekeleza na sheria.

Muda wa kutawala ni vipindi viwili tu. Rais huyu ni lazima apewe heshima yake naye vile vile aonyeshe heshima kwa wananchi wote. Isitoshe, ikiwa ni kutembele wilaya, ajaribu sana afikie kila wilaya.

Tunajua ya kwamba bunge ndiyo serikali lakini haya ya kusema juu yake. Bunge halina uwezo wa kubadilisha Katiba, bali ni sisi wananchi kuamua kulipo masharti. E.g mtu akiongea juu ya mabadiliko anawekwa kichini chini. Kusiwe kunatokea jambo kama hilo. Tungependa serikali yetu iwe ni ya kidemokrasia. Iende na maoni ya watu.

Kukiwa kumetokea hali ya hatari, Bunge ikae mara moja isuluhishe pazipo ukabila au mapendeleo.

Vyama vya kisiasa. Kwanza tungependa kutahadharisha hao wanaopenda vyama vingi na wenye kujitakia makuu. Wajue kwamba sisi wanakenya ni watu wa mtu mmoja Mkenya. Hata wakati wa kale, kulikuwa na yule mtoto aliyetamani mali ya baba yake na akapewa na babake. Lakini wakati mmoja, dhamiri yake ya ndani ilimshihudia kwamba amepotea na akarudia babake. Kwa hivyo nawaambia rudini mshirikiane pamoja na serikali ile iko .

Miundo ya aina ya serikali. Tunajua ya kwamba Kenya nchi yetu ni nchi ya vyama vingi. Lakini nawaomba tuwe na uongozi wa rais mmoja na sheria yetu itekelezwe tukiwa chini ya uongozi wake. Hii itatekelezwa tu kama hatutakiwa na wenye kuhitaji makku. Kwa hivyo wacheni turudi kushikamane kama mtu wa mtoto mmoja. Hii ni kwa minajili ya yule anayekuja kutawala.

Con Aroni: Asante

Ms Mulei: Mambo ya majimbo isikuwepo kwa sababu sisi ni watoto wa mtu mmoja.

Com. Aroni: Asante tutasoma hayo mengine. Apolo Ananda, Joash Epeiwa Aggrey Kisia

Mr Kisia: My names are Agrey Kisia, I want to present memorandum to this Commission, and I would ask you kindly to allow me to read this memorandum. This memorandum has been signed by African Canadian Continuing Education Society, Literacy For All (LIFA), Nyima Rural Urban Development, Friends of Flora and Fauna, Uzima Foundation , Catholic Diocese of Kakamega, Community Action for Rural Developemt (CARD) Community Education and Economic Development Assistance (CEDA), Western Youth Assembly, Kakamega Deliverance Church. The People Newspaper, Aids Refrain Team Chase Access Almini Association (CAAA) Chamber of Commerce Western Branch, Action Aid- Busia, National Council For

Women in Kenya-Western, Ford People Chairperson- Mumias, Ford people political aspirants.

Allow me at this point to give you the vision of this memorandum on Elimu Yetu Coalition- Western Chapter. Elimu Yetu coalition Western Chapter is a local campaign network of local civil society groups and initiatives dedicated to other related contentions for the attainment of quality education for all in Kenya.

The Coalition operates as rights based campaign towards the achievement for the universal primary education that is free, relevant and compulsory. The vision is to see a literate society that values practices democratic ideas and promotes cohesion in diversity for suitable development. Our goal is to promote and facilitate processes that ensure access to quality education of all. Our broad objective is to mobilize groups and individual to advocate for and influence policy shift towards Elimu Yetu Coalition.

Com. Aroni: I will give you one minute, to summarize your presentation for Constitutional Review - one minute. We will read the rest.

Mr. Kisia: Okay, we members of the coalition, observe that there is lack of participation in the process of decision making, in education institutions in the province. There is minimal no supervision or inspection in schools within Western province. The State has tried to train and deploy teachers to most of the schools in the province but, it has not succeeded in staffing all schools adequately so as to ensure quality education. The collapse of the Kenya School Equipment Scheme was a death threat to the assurance of quality education by the State to its citizens.

On financing, we members of Elimu Yetu Coalition western chapter, felt that the State's refusal to sign as a highly indebted poor Countryl diminished Kenyans hopes of achieving elimu for all. The money that could have been used to service these loans could be geared towards social development of which education is one.

There should be prioritised budget allocation to finance education in the province. Much of the educational budget allocation goes to administration. The State should set up a provincial education fund and money accruing from this fund could go directly into facilitating processes that will enhance the provision of quality basic education in the province.

Finally, 56% of Kenyans who live below the poverty line, need a social welfare benefit to empower them to live and save for the education of their children. However, the role harambees have played in the development of education in this region has worried us and hence, accountability of this type of funding needs to be questioned.

Com Aroni: Thank you very much. Esther Walengai.

Ms Welengai: Thank you. My names are Esther Welengai, Mwenyekiti Maendeleo ya Wanawake, Lugari District. These are the views from Maendeleo ya Wanawake Lugari Constituency they are many, but I will stress a few.

One, the post of presidency should rotate around ethnic groups and provinces. One province should not take the president before all the other have had their chance a term.

About Legislature, women should comprise 35% of parliament and erions and local government and they should be allowed to raise their own funds.

The MP's allowances and salaries should be determined by the Public Service Commission but not by themselves.

On health, the women thought it would be necessary to have funds in all hospitals to cater for poor pregnant mothers and poor needy patients. Many die because they cannot afford.

All Kenyans should be entitled to a passport.

Kenya should be a multiparty State but the number of registered parties should not exceed five. They are just too many.

Nomination posts should be reserved for only women both in Parliament and Local government, because many of them do not contest and so such priviledges should be given to them – not men.

Chairpersons and Mayors should be elected by the local people and they should be in office for five years. Councillors allowances and salary should be determined by the public service commission.

The population of an area, should determine the boundary of a consituency.

We should have free education up to form 4. The government has termed primary education free but in real sense, it is not free. Parents are paying a lot of money.

On retirement, all retired people should get increment of their pension yearly, bearing in mind that everybody employed will one day retire. Their terms also should be renewed every years.

The woment also thought that farmers are really having it rough. Farm inputs are very expensive and the produce are also very cheaply. The government should do something to reduce the price of farm inputs and increase produce sale price. To finish, family property and land should bear names of husbands, wife and any two of their children. There is a lot but that is what I

could read out. Thank you very much.

Com Aroni: Thank you very much. Please register. Jane Kauka.

Ms Kauka: My names are Jane Kauka. I represent the views of Chekadini Location, women caucus (inaudible) The name of our country shall be, "The peoples Republic of Kenya".

Citizenship: any child whose father and mother is Kenyan since 12 December 1963, should automatically be granted citizenship. These should be automatic citizenship for all Kenyan spouses, both men and women.

Defense and national security. The Commander shall be the Chief of General Staff and shall be employed by the service commission.

Political parties. Kenya shall be a mutliparty State. the political parties shall be financed by the Government. Every political party shall have a national outlook. Allow for the 35% elective positions to be reserved for women. Parties should raise their own funds. The registered political parties shall be not less than 2 and not more than 3. Defection of MPs and Councillors should not be allowed.

Structure and system of government; the President shall be Head of State. There shall be a unitary government to put all Kenyans' together. If the President is a man the Vice President should be a woman.

Legislature. 35% of elected MPs and in Councillors shall comprise women. The salaries of MPs shall be determined by the Public Service Commission. There shall a constitution office. The President shall be an MP. They shall serve for two terms of five years each. There shall be an electoral commission which shall be a constitutional office.

The discriminative Section 34c of the Kenyan constitution should be repealed.

The executive: the President shall have a minimum eduaction of Form 4. He or she should be married, Kenyan by birth, 35 years of age and above, of good conduct, of good health. He should be impeachable.

The Judiciary: It should be independent. There should be constitutional and a supreme court to ensure that the police do not harass the public. There should be an independent Judicial Commisssion to appoint magistrates. There shall be no Kadhi's Court because it serves only Muslims and not other religions.

Electoral Commission: there shall be a free and fair Electoral commission. Avoid bribing of voters and vote buying. Cheating

should be avoided. The electoral Commissioners shall be independent in the new Constitution. The Electoral Commission should educate voters before elections are held. Every Kenyan should vote from wherever he or she is but not move from place to place.

Com. Aroni: Thank you. Your last sentence and you finish.. We will read your documents.

Ms Kauka: After the elections, the Electoral commissioners should submit the results of the elections to the Constitution Court for validation.

Com Aroni: Thank you very much, tutasoma hiyo ingine.

Mr Omuka: Habari yenu na asante sana kwa kufanya kazi hii Commissioners. Jina langu ni Samuel Omuka kutoka Chakadini na nimeendika hapa maneno machache ambayo haitaweza ku- highlight. Dear Commissioners, ningependa kuwafahamisha kwamba Constitution Review haikuanza kwa hawa imeanza kutoka kwa Constitution ambayo ni ya zamani. Nafikiri mtakuwa guided very heavily by hiyo ambayo iko. Kina hatari ya ku-overburden the new constitution. Please do not be tempted to overburden the Constitution with repetitive matters.

What do I mean? Kitu kama, Constitution inaguarantee rights ya kila mwananchi. Sioni maana ya kuweka katika mtu, halafu tena tuwe na section ya constitution mpya section ya kulinda mama-kwa maoni hiyo right iko kwa constitution ya zamani kuwa kila mtu ana haki ya kulindwa. kulibnda kila mama. Sioni maana . Unachukua nyumba moja na unaigawa mara mbili tena. Mimi nakataa special rights katika Constitution. Kile mimi naweza kusema ni rights of the disabled, rights za watoto wadogo na wale wananyanyaswa, rights ya unemployed, rights ya wazee – kama mimi nitafika miaka sabini tafadhali I expect the State to care for me if I am thrown out the house. Presidential power: Please Commissioners, don't be driven by over-emphasis on this by politicians. There is nothing (The presiditial powers. What there is a vote of confidence by the electorate-ndio madaraka President anapewa. So sioni maana ya Presidential powes kijazwa. Hiyo kitu itoke kabisa kwa mtu yeyeto wa nchi hii. Huyu presisent awe amefanya kazi kwa party before he is nominated ndio wanchi waweze kumuona ajulikane anaweza kazi namna gani. Is he open? Is he transparent? If he is not, please wananchi msichague mtu kama huyo. Ameshindwa kwa chama chake, ananyanyasa chama chake. Hawezi kulinda nchi tafadhali. Akisha kuwa kwa chama na mmechagua, awachane na vyama awe President.

Tungependa Parliament iendelee kuwa Supreme. Ingeziwe madaraka..Wanchi mmesikia Parliament itakuwa ikifanya kila kitu. Kile nataka msaidie Commissioners na wengine wote mchague watu ambao watalinda Bunge liwe na heshima. Msichague watu waende kwa Bunge hali hata nyumba zao hawawezi kufagia. Tafadhali mchague watu ambao wataenda kwa bunge walinde haya maneno yote mnasema ni “binge ni bunge”. Bunge should remain supreme and Constitutional amendments should only be

passed with 2/3 majority. Where there is suspicion, wananchi hawawezi kuulizwa. Multipartyism iendelee hata kama ni vyama mia moja. What is happening, if you observe, is that vinakufa vyenyewe. Tutabaki na vyama vitatu vyenye vitafanya kazi. Unapokataza watu kuregister their association, you are denying them their rights. Tafadhali msifanye hivyo.

Corruption: Hiki ni kitu kinasungumzwa na politicians. Lakini hawa politicians, trick yao ni kwamba, they never look at corruption in their own pockets and on their own shoulders. They are so corrupt that they forget they are the ones who are causing corruption. The President anachagua commission after commission in Kenya. Anawambia wakakule from Treasury. Commission hiyo hatuwezi kuambiwa ilifanya kazi gani. Please, the President should not be allowed to form any commission at all. That should be done by the parliament. A commission of any sort should be formed by parliament who are vetting the finances of the country.

On the set up of the government wengi wamezungumzia haya. Mimi naweza kusema haya. Mimi mwenyewe sijawai kuona PC akinifanyiakazi. Mimi nimefanya kazi kwa serikali and I have retired sijawai kuwa na nafasi ya kwenda to the PC's office haina maana. Itolewe. Mimi nikifanya kazi, nafika kwa Dc halafu kutoka hapo naenda headquarters Nairobi Ardhi House namalizana pale. PV sijui kazi yake. Kwa kijiji, mimi sijui kazi ya Assistant Chief. Mimi naenda kwa Chief ananifanyia kazi kama ni kazi ya kuiba kuku yangu mimi naenda kwa police station na barua ya Chief. Assistant Chief's sijui kazi yake. Mimi hata haniusu. These are the type of things I am saying overburden the constitution unnecessarily. We have a Constitution which we should rectify and clean it of unnecessary weight and tuweke vitu ya kushikilia madaraka na kulinda wanchi.

National security: Sijui, Commissioners waheshimiwa, mlipoenda North Eastern Provinces, sijui mliambiwa huko? Lakini ninapofikiri about security ya nchi hii, ninafikiria mipaka yetu. Na hawa watu wanaitwa Wasomali wa Kenya, mimi sielewi watu hao ni watu gani. Kenyan Somalis staying in North Eastern! I don't know if you came across this problem. I don't know what you suggested. But I want to tell you that those people, watachukua hii nchi waiite ya Somalia tuwatambua hawa watu waitwe wa North Eastern. Na tusiite hawa Wasomali, kwa sababu Somalia itarudi iseme, "We have a section of Kenya called Somaliland". Tafadhali, we don't have such a place. Na wale Wasomali ambao watakuwa wa kwanza kuchukua jina ambalo Consitution itachagua, waitiwe watu wa North Eastern sio waulizwe. Ukisema waulizwe, hawa watu watanza kuvutana na kupigana mikuki. Waambiwe, jina lenu ni hili kutoka leo, na after three months, hilo jina watakuwa wamelizoea. Infact they should appreciate a change of name because they have blood relations with Somalia land and if we continue playing around, they could annex that area.

Com. Aroni: Thank you very much, I think you have finished now.

Mr. Omuka: I am finishing na freedom of worship. Mtasoma ingine. Watoto wetu wamekuwa na ma-ghosts kwa Makanisa, kwa shule. Sijui hiki kitu kimetokea wapi. While I agree freedom of worship ya Makanisa iendlee, there should be a section of the Constitution outlawing devil worshipping na tuweke limitation. Hata Biblia inasema kwamba kila kitu kina wakati wake.

Kuna wakati wa kuomba, kumwabudu, kusoma kila kitu huwezi kuchanganya vile vitu, halafu mtu anachakua mwingine anamchoma mzima kwa ajili ameanbiwa ataenda Mbiguni. Tafadhali, hizo vitu tukatae. Waalimu, devil worshipping should not be in your colleges if you are serious Christians please. Thank you very much.

Com Aroni: Asante. Jiandikishe na utuachie karatasi. Wesonga William; Otiato Silas?

Mr. Otiato: Thank you very much. My name is Silas Oliato, a teacher at Lugasi secondary School. I want to start by saying that our Constitution does have a preamble I think it is necessary to have a preamble which will specify the objectives of the Constitution. For example, it can say that at the end of a certain period, we should have young Kenyans who are nationalist and who have patriots and it should also say that at the end of a certain period, we shall not have tribalism in Kenya.

On education I have the following: the education system. I feel that 8.4.4. system should this education should be replaced immediately by the former system. I have very many reasons for this but I will just give a few. One, is that first of all, it is not in line with the education system of the East African Community. Secondly, most of the graduates of this system can be described as half baked. They are not academic enough.

Lastly on this portion, the 85% admissions into provincial schools has increased tribalism where you find in some schools, because of the 85% from the home district, you find some teachers teach in vernacular.

On salaries, It is very necessary for teachers to be paid a lot of money so that they do not waste time on businesses. Nowadays, We have very many teachers who are involved in business at the expense of the students. So, the teachers' salaries should be a bit reasonable. Now that we have MPs allocating themselves a lot of money and even Commissioners you have a lot of allowances. I am wondering why you have left out the teacher who is very important in the community.

Appointments of Head teachers. The community has gone too much into the school administration. They want their sons and daughters to head the schools and because of this, we have a lot of corruption and mediocre leadership in the schools. I feel that headteachers should head schools that are far away from their home districts. Even PDEs and DEOs should head those sections far away from their home districts to avoid corruption.

Basic facilities for schools: I feel the government has a big challenge to give the schools most of this equipment because, most parents live below the poverty line. Auditing of school funds; Schools have become corridors of corruption. Heads collude with ministry of Education auditors to fleece schools. Such Heads are known to have been promoted. We, therefore, promote that parents should be allowed to hire private Auditors who will find out how the money has been used. In case Heads are found to have misappropriated school funds, they should be sacked and forced to pay the money they have squandered.

BOG and PTA membership: most BOGs and PTAs are composed of ineffective, illiterate and retired people who have no steam. I therefore appeal that the PTA elections that are done in a hurry leading to the some problem the BOG chairman should be a practicing education 1st with a proven track record of efficiency. Let him or her be a fairly wealth person because you find the BOG chairman (?) the school for long which is very wrong. The PTA chairman on the other hand, should be a sincere parent with a minimum of form four level of education.

PTAs should be included in the Education Act for the purpose of checks and balances on toe BOG.

On farming: the Government has seriously ignored the farmer yet farming is the backbone of our economy. We have blindly followed the conditionalities of World Bank and IMF. Most developed countries subsidize Agriculture. Let us protect farmers by paying for their losses and subsidizing their form inputs.

Basic rights. primary education should be free and compulsory. Any parent found keeping school- going children at home should should be made to maitain roads and build gabbions.

Information: Kenyans have been starved of information by the State controlled KBC.It only reports on politics of the presidency and the ruling party KANU. Let us have equitable access to what all political parties have.

Health facilities it is very expensive and even criminal for one to be sick in this country The State hospitals have become corridors of suffering and death. The National Hospital Insurance Fund should be restrutured .Let the funds cover for medicine also.

The Government should also provide adequate security clean water employment and good infrastructure to its people.

Land and property rights. There are very few Kenyans owning thousands and thousands of acres of land yet we have thousands and thousands of squatters and other with even as little as less than one acre of land. There should be ceiling of land on land ownership to a maximum of 100 acres,so that the rest can be re-distributed to squatters .Let Kenyans own land and property anywhere provided they acure it legally. Let daughters inherit land and property from their parents.

The management and use of resources: Public Servants and Parliamentarians should declare their wealth and how they acquired it. The Harambee Act should have powers too. I know the source of the colossal amount of Harambee money and how the money will be used.

Political parties: I suggest that we should not have many parties..We should have a maximum of three, Currently they are very many and they are confusing Kenyans.

Com:Aroni: Thank you.We will read the rest . Frederick Achinda.

Mr. Achinda: Asante mwenyekiti : Maoni yangu ni ya kibinafsi na yatakuwa machache iwezekanavyo.

Kwanza, ningetaka kusema kwamba sasa hivi tunacompile points ama sheria zile sitatunga Constitution.Ningetaka kuwa na kipengele cha kuwasuia MPs kubadilisha katiba mara kwa mara. Nikikumbuka ile miaka ya sabini mpaka tisaini tmepatamabadiliko mengi ambayo mengine yalikuwa yakitengenezwa maksudi kumpamtu taabu. Ikiwa Kweli haya mabadiliko yatahitaji, ningemba Tume, vile mmekaa hivyo iundwe ipate ku-effect hizo charges.

Pili, ni kuhusu wale sitting MPs .Wawe na mandate ya kuchagua viongozi wa mashirika mbalimbali ya serikali kama viongozi wa mashirika mbali mbali ya serikali kama MPs Executive, Chairmen ,GMs na kadhalika-pamoja na viongozi wa Armed Forces.

Tatu, hizi commissions of enquiry ziachwe zifanye kazi mpaka mwisho kuliko kuwa zinafanya kazi nusu, halafu yule mtu anaye-kuja anazivunja kabla zitoe matokeo ikuwe kuna individual ambaye atai-dissolve hiyo commission, katika Katiba muweke penalty-apewe not less than 12 years imprisonment ama agharamie hicho kikao chote cha hao Commissioners, au alipe pamoja na hicho kifungo.

Com.Aroni:Asante mzee,tutasoma hayo mengine, tumeshukuru . Charles Misoga.

Mr.Misoga: I am Charles Misoga . Mimi ningependa kuzungumzia maneno matatu tu kuhusu hii Katiba.

Kwanza ni haki za binadamu -Human Right Second is on economy thirdly is on corruption .We all have heard of the Amnesty International. It's an international body which dals with Human rights .Some of us do not know what Human being Right mean At primary level every human being has the right to live The basic needs for any human being are food clothing and shelter. Now, there is aproblem we have in Kenya especially for adults above 18 and we have no time to air our views on this problem. Any adult must marry and have children; those children must have food, clothing are shelter .If you are unemployed how do you cater for these offsprings ?

There are people who earn a million a month and others nothing We don't know what the government is doing about this; Both the educated and uneducated may be employed but the gap between the rich and the poor is very big. Amnesty International always deal with countries that do not look into the welfare of its citizens. A normal human bing who has no food, shelter or clothing will either steal, rob or you con to survive.

Com. Aroni: Mr. Misoga give us your proposals because I am going to give you half a minute now. What do you want to see in the new Constitution ?

Mr. Misoga: I want the Constitution to be ensure such that every citizen must have at least a minimal scale of salary so that others can be employed.

Secondly, on economy, we appeal to the IMF because we do not use our money well. Instead of diversifying economic activities, only the rich have monopolized everything in that other personnel cannot be exploited.

Com. Aroni: Okay asante. Thank you very much. Alfred Machayo. Please register here Mr. Misoga. Ambassador Macharia, we don't have your name. Wherever you are, you must register before we can call your name.

Mr. Machayo: Thank you commissioners. In my memorandum, I propose a unitary government headed by an Executive President. Regarding the Provincial administration, I suggest that it be re-organised and merge with the local authority. I feel there is too much wasteful duplication. At the lower level, our local village heads have a lot of work. He does not need to be added more. He already has, but he is not remunerated he should be recognised. There are groups of Kenyans who have been left at the mercy of voluntary associations. These are the disabled, women and many others.

I am proposing that apart from you considering reserving seats for them in Parliament, there should be a department to look after them. Regarding what women propose as affirmative action they have a case because at the moment we have very few in Parliament. My thinking is that you could consider setting something-starting with some representation and being phased out as they increase in number .This could be done for 1-15 years. We recommend the separation of powers or Executive, Legislature and Judiciary.

I also recommend that International Agreements, Treaties and Protocols be subject to by parliament.

On land, I am in dilemma because it is right that people should have at least a piece of land. But our Agriculture is in a shambles. I think, the government should look at the potential ownership and utilization all together when handling this issue. All elective posts from Parliament down to local authorities including the President, should be subject to recall if the person so elected does not deliver.

I also suggest that if we should limit the number of parties and if anything we should allow independent candidates to stand. I am also requesting that if any thing that I have proposed here does not fit in the Constitution, it be forwarded as recommendation for (.....inaudible). Thank you.

Com. Aroni: Thank you very much, please register and give us your memorandum. David Rasa. Andrew Mong'are.

Mr. Nangalama: My names are Andrew Nangalama. I just have a few points to air and due to time, I'll just pick one and I'll read it in Kiswahili. Unaomba Katiba ipunguze wizara ambazo ziko kwa nchi yetu hii wakati huu. Kunazo wizara nyingi ambazo hazina maana. Kuna wizara 27, ningetaka sana zipunguzwe zije ziwe wizara 17, kwa sababu kuna zingine ambazo hazina maana. Kuna moja ambayo ni kama ile Wizara ya Roads and Public Works, iko chini ya msheshimiwa Morogo.

Halafu kuna jambo lingine ambalo kwa mfano, watu kama Wabunge wanapata pesa nyingi sana na hawafanyi kazi ya maana. Wakati ambao kuna waelimu hapa, wanafanya kazi mzuri sana lakini wanapata pesa kidogo, kuna Kenya Police, wanafanya kazi nzuri lakini wanapata pesa kidogo sana. Lakini Wabunge hawana Pesa na wanafanya kazi nyingi sana hapo waangalie. Halafu jambo lingine ni kwamba, wakati hiyo Chairman wa Constitution of Kenya Review commission - yeye ni Muhindi, hata unasikia mambo ya Uhindi analeta Kenya hapa hivi. Hata niombe Serikali wakati wanachagua mtu kama huyo, chagua mtu ambaye Mwanakenya. Halafu, unaona tena badala aangalie zile Katiba kutoka kwa raia hawa Commissioners wengine wanatafuta maoni kwa katiba kutoka watoto wa shule. Sasa watoto wataongea nini? Naomba wale Commissioner wale, yule Prof. Yash Pal Ghai ambaye si Mkenya, lakini ni Mhindi asaidie wale Commissioners wenye elimu ya juu ili- hata angalia saa hii wamechelewesha Katiba. Kwa sababu gani? Wamechukuliwa watu wa elimu ya chini ambao hawajui chochote. Asanteni.

Com. Aroni: Ahsante jilandikishe. Evans Linolo. Emina George. Judith Anyonge, George Chitechi Osindwe, Timothy Maliga, William Wanyama, Zardock Likono, Florence Maluayo.

Florence Maluayo: I am Florence Maluayo and I represent women and consumers too. First, we women of Lugari want the new Constitution to address the following issues.

First issue is gender inequality, patriotism and sense of national identity, equality of all citizens regardless of race, ethnicity, gender class, creed or political affiliation.

Values: the respect of human rights and dignity, respect for the rule of law, affirmative action which has been mentioned and participatory Government.

Principles of State Policy: we recommend that 35% of women representatives in Parliament, Local authorities and all leadership and policy position Because, we have talked about the Parliament and Council and have forgotten about policy positions where we have no women.

The President and Vice President shall not be of the same gender if a woman is the President than a man should be the Vice-President and vice versa. Constitution should be made accessible and easy to all people of Kenya because, at the moment just to have a Constitution to read, is very very difficult. It should be reduced to booklet or paper where everybody

may read. And while we have been going on with civic education it has not been enough it should be a continuous process. Constitutional supremacy; any amendment be made by referendum by the Kenyan citizens it should not be done backdoors.

Citizenship has been said, but I'll say that automatic citizenship be granted to any child whose mother or father is a Kenyan. and also automatic citizenship for all Kenya spouses female or male we have got children who are married out, when they want citizenship let them be given. Every Kenyan citizen be entitled to a passport. They should not restrict passport they should be able to travel wherever they want.

Defence and National Security: we recommend that equal opportunities should be given on be given on gender balance and ethnic balance in terms of employment and deployment within the normal process.

Political parties. Allow 35% of elective positions should be preserved for women.

The Legislature; Parliament should observe affirmative action to benefit women by a 15% margin.

Judiciary; legal aid should be provided for the citizens who cannot afford legal fees e.g. women and children, and other persons with disability. At least, they should be given same legal aid.

Land issues have been said and I'll just add that land should be owned by both men and women and in case of divorce, children should be given a share because they have all worked together.

On natural resources, rivers should be protected. Another issue is and I'll handle this savings and credit. We have banks now that are not national. And I think savings and credit societies should be reinforced and also these people should be taught banking because people are keeping their money in their pockets and in stones and in this way we are not getting any benefit out of our money. Another point is that those who are polygamists should buy land for every woman they marry.

Lastly, I was privileged to send the memorandum of the Consumer organisation to Nairobi and I was replied by the Secretary Mr. Lumumba and friends, this I just wanted you to know I gave the memorandum. The consumer movement in Kenya today has been neglected and is one of the organisation which should look after our rights. Everybody is a consumer and needs to be protected say like now we have got telephones. We have paid for telephone services but we are not using them- they are useless. Nobody is protecting these consumers and therefore, when I sent my memorandum, I was assured that this has been noted they have recognised that the commission has noted our subsequent contribution and formation of consumer rights and that consumer rights are for everybody. Also for contraction, registration and regulation of suppliers. Because, some supplies give us shoddy goods and we don't complain.

Construction registration and regulation of suppliers, for those people who are suppliers they give us shoddy foods and we do not complain.

Advertising regulation should also be observed so that advertisements should be real in away. Also, on offering of goods and services, we have got shoddy services and if the constitution will recognise the consumer movement, we should be able to regulate the services and offers of goods. Credit operation. When you are given credit pesa inakuwa hiked na mtu analipa pesa nyingi sana and for that reason, the Constitution should look into that also. Harmful foods: Recently we had milk in Mombasa and the issue went to court. It's not right to bring bad food into the country and we just ignore that. Also, I impress upon the state to protect the consumer as its' duty. And also, I mentioned of consumer association. The association should be considered in the budget allocation so that they can be encouraged and from there, people will have education on how to protect themselves. Thank you very much for listening.

Com. Aroni: Thank you. Aspin Agiki, Maxwell Mulaya.

Mr. Mulaya: My names are Maxwell Mulaya, representing Education Centre for Women Democracy and these are our views. Kenya being a signatory to the Bill of Rights under the umbrella of Universal Declaration of Human Rights, it shall account for the basic rights such as social, economic, cultural, civic and political rights under which educational rights for both boys and girls, reproductive and health rights of (in-audible), freedom of expression, choice and association, protection rights to vulnerable groups like women, youth, children and the disabled.

Under health the constitution should establish an of environmental programme that promote good health standards, establish awareness programmes on the importance of women's health and rights. It should identify cultural programmes that promote health standards hence prohibition of harmful practices e.g FGM and early marriages through supportive legislation.

It should have provision for affordable motherhood services to reduce constraints on antenatal and postnatal care. Increase resource on medical programmes especially on general victims of violence, provide free and appropriate services on women and people with disability.

Under culture, we know that culture should be protected by the Constitution. But where culture violates one's rights, it should be revoked by law. That is for both men, women and children and disabled. Land and property rights: we feel that we should reduce costs or documents concerning land transfers. Will on inheritance of property should be distributed equally on both children – boys and girls. That is when the Mzee writes the will, it should be equal not to favour others and sideline others. Property be registered in the name of both husband and wife. This is to reduce polygamists who love so many women so that

when he marries another one should also start looking wealth for the other wife.

Political rights: All person should be protected on political matters during campaign and this is what we emphasize actually. We should have prohibition on use of money that's when MPs or aspiring candidates bribe the voters, they should be penalised. No abusive language should be used during campaign. The media should be fair one non-partisan:Tha is we should reduce monopoly.

Com. Aroni: Thank you we are going to read the rest of that memorandum. Thank you. Hannington Tanzi.

Mr. Tanzi: I have a verbal Presentation but I have short points. Hannington Tanzi from Chakalini. My point is that no body is aware of the current constitution that we are rviewing now. So, the constitution should be taught in schools from upper primary to form four – though not necessarily as an examinable subject. This is so because we are not even aware of what we ar correcting right now

My next point is on police and other forces recruitment. I feel that the current qualification for police and other forces recruitment should be based on educational qualifications not the height of 5.2 ft and 32 inches. I believe we amy hae a short man who turns up to be a good policeman or a tall one who harasses innocent Kenyan. I also feel that in the police force and other military services, 10% should also be reserved for disabled people, because you can have a disabled person who can do an intelligent service than somebody who is physically fit and also still on police cells because this is where I feel I am oppressed. the police cells should be checked by public health technicians because it is very dehumanising for an innocent Kenyan empty has bowels in front of other people as it happens in the cells. This should rectified because the current law states states that a Kenyan is innocent until proven guilty. But you'll find you are put in bad condition in police cells while the law has not proven your guilt. So if possible, petty offenders should be bonded on the site of (arrest). If I was found taking busaa I should be bonded at the busaa, site and be asked to appear in court the next day not be taken to the police station so that I in-audible) from offenders. And also these petty offenders I would even propose that they because I want, in my proposal I would pick petty crimes or things like busaa where police are very much interested in their work, should be left to Assistant chiefs if the Government will not legalise and brew.

If the Government feels that taking beer in this country is bad then even Tusker, Pilsner beer should also be banned, so that any drink in this country shall we remain a Christian country if there is no drinking. Otherwise, this local brew should be legalised because it has made the police and police station to be small courts.

Com. Aroni: Thank you very much. We shall read the rest of your paper. Samuel Kalenge, Kamau Josephine, Hannington Bambala, Joseph Mwindi, Juma Keya, Phase Kagala, Rev. Solomon Ahinga, Hezron Lubia, Franics Likono.

Mr. Likono: Nafikiria kwamba mambo mengi yamezungumzwa, nitazungumza machache. Kwanza, mimi mwenyewe ni Francis Likono. Na kwanza, nazungumza mambo ya Katiba. Katiba ni kitu muhimu sana tuseme ni nguzo, ni mwongozo na tuseme ni mama ya sheria zote. Tunausema ya kwamba atakayekuwa lazima yeyote kwa power aheshimu hiyo Katiba ili ifanye kazi vizuri.

Ya pili nazungumza upande wa utawala. Unaona kwamba kuna watawala ambao wanamiuse ya power badala ya kufanya kazi yao vizuri huwa wananyanasa watu. Tuseme kama administration police wamekuwa badala ya kuwasaidia watu wanawatisha na bunduki kila wakati. Kwa hiyo ninasema kwamba any policing away from the police station akienda kushika mtu lazima awe na arrest warrant. Naye pia apitie kwa age group, wazee was kijiji au assistant chief. Vile, vile ningetaka kuwe na mpaka kazi ya administration police kwa vile administration police huwa wako kwa ya chief au kwa ya DO; Lakini unakuta ya kwamba AP anatoka Lugari anakuja Chakalini kukamata mtu (?) Haya yote ni lazima yapitie kwa “Likuru”

Ya pili nitazungumzia mambo ya kuchagua wa hawa Assistant Chief na Machief. Naunga mkono aliyesema kwamba lazima watu wenyewe wawachague kwa maana ndio wanaweza kujua yule ambaye ataeza kuwaongeza kuwaongeza-mtu aliye mzuri. Kwa maana wakati huu watu huwa wanauza mashamba, ng’ombe, rushwa, wana pelekwa na wabunge lakini kazi hiyo inawashinda mwishowe kazi yao hawafanyi.

Jambo lingine ni kwamba watu wana vipawa mbalimbali kama dawa ya kienyeji madaktari wa kienyeji, watu wanaweza kuwa waimbaji, wachezaji wa mpira na kufanya michezo mbalimbali. Nataka Serikali isaidie hawa watu ili waweze kuendesha mambo yao vizuri na waweze kujipatia chakula.

Jambo lingine la muhimu sana ni rationing. Tuseme kwamba ni watu wengi Kenya ambao wana mamilioni ya pesa na mashamba makubwa na huku wengine hawana. Ningependa Serikali ifikirie ya kwamba lazima watu angalau wawe na kitu kidogo ya kujiendelea. Kwa upande wa elimu, elimu ya Kenya imekuwa very expensive kulingana na zingine zote. Ningependa kwamba ministry of education (inaudible) kama tunaweza kulipa school fees ya primary au la. Kama ni bure, hatutaki malipo mengine ambayo yanatokea huko kando kando. Jambo lingine ni uchaguzi; wakati tunachagua Macouncillors au MPs tumenapata ya kwamba hawafanyi kazi ambayo tumetuma hawa, lazima tupige kura ya kwamba we don’t have any confidence in them hata kama terms yao haijaisha, tuwatoe.

Com. Aroni: Asante sana. John Kibe. Mukhasia Peter.

Mr. Mukhasia: Majina yangu ni Mukhasia Malucha Peter. a resident of Lumagunda in Lugari. Kwanza, ningependelea ile Serikali tutakuwa nayo ipeane elimu ya msingi bure. kutoka darasa la kwanza hadi darasa la nane. Baada ya darasa la nane, tupate polytechnics ambazo watoto wetu watajifunza ili akitoka kwa shule awe na kitu cha kufanya. Pili ni nomination. Ninapendelea kuwa wakati wa nomination Diwani na Mumba wasiwe nominated kutoka sehemu moja. Kwa sababu hivyo

itakuwa kwamba sehemu mmoja inawakilishwa na watu wawili. Ikiwa itakuwa namna hiyo badala ya nominations, tuwe na creation of more Wards or parliamentary constituencies kuchukua mahali pa nominations.

Kuna wakati mwingi tunakuwa na commissions ambazo hufanya kazi lakini matokeo yake hatuyaoni. Inatakiwa kuwa, kama commission imechaguliwa, ikifika mahali fulani, report yake iwakilishwe kwa Bunge na hiyo report isomwe. Kama kitu kimekuwa cha magendo ama kitu gani itolewe tujue commission ilifanya kazi gani kwa sababu itakuwa ni bure kuwa na commission ambayo haitakuwa na kazi.

Ile kitu ingine ni kuhusu ufisaidi. Ufisadi umezidi kwa maafisi hasa, Wizara ya Ardhi. Wizara ya Ardhi, unaenda huko na mambo yanaanzia mahali umeanzia kuuza shamba mpaka mahali unaenda kuchukua Title Deed. Unawezapata kuwa hiyo Title Deed unapewa ni ya porojo au ni ya uongo. Kitu kama hicho tunaona kitupiliwe mbali.

Kuhusu ulinzi ama security, nadhani hii kitu iko kwa sababu vijana wetu wanaenda forces wanapata mshahara kidogo, wanatoka au wanafutwa. Kwa sababu hiyo kijana anaweza kuhandle hiyo weapon, kijana huyu amefunzwa kuendesha gari, utapata wewe madam au huyu ofisa mnanyanyaswa tu kwa sababu hawa wanajua kukamata hicho kifaa. Napendekeza kuwa mtu yeyote ambaye amekuwa kwa forces, atoke huko kama ameretire. Akipatikana na offense afungwe huko ndani na akitoka apewe kazi ingine ili kusiwe na insecurity nyingi katika nchi yetu.

Hali ya masomo kwa wale ambao ni walemavu: Masomo ya walemevu hata mpaka university yawe ya bure kwa sababu ukiangalia hawa watu, watu, Mungu anaweza kuwa amemlemeza upande mmoja lakini anaweza kuwa ana kipawa cha kuwa na kazi. Tunaona kama Justice Aganyanya, tunaona kazi yake. Yeye ni kilema na anafanya vizuri sana. Kuna wengine wengi hata madaktari. Hawa watu tunataka, ikiwa wanaweza kufika university, masomo yao yagharamiwe bure. Kwa maana tunaona hawa watu wanaweza kutusaidia.

Mwisho ni Wizara: Mawaziri hawa wetu wapewe kazi yao wafanye. Kama Waziri wa Kilimo, kukiwa na Agricultural Shows, Waziri wa Kilimo apewe nafasi ya kufungua agricultural shows. Mabalizi wetu wakiwa ng'ambo, wako huko kwa sababu wanawakilisha nchi yetu. Ili tupunguze, expenses hizi kila wakati Rais anatoka nje na Mawaziri fulani. Huyu Balozi ambaye yuko huko kazi yake ni nini? Balozi wetu wapewe kazi yao. Waziri apewe kazi yake. Kama ni kupeanwa power kwa ma-college, primary schools hawa Mawaziri wafanye hata kwa University. International Show ndio tu labda President afungue hii. Kwa hayo machache, asanteni.

Com. Aroni: Asante Gilbert Majani.

Mr. Majani: My names are Gilbert Majani. I am a trained educationist. I am a teacher by profession and right now I am acting as District Adult-Education Officer. My memorandum is on education as that is the area where I fit. First of all, I would like our Constitution to have a preamble. I would also recommend that this civic education should be a continuous process. It

should be taught in our primary schools, adult education institutions and so on, so that our people are constantly aware of it.

When I go to education reform, I have written a lot with an emphasis on education but I will not touch on that. I will go directly to recommendations. One, I would wish that our education reform would take a practical view. Our education should be functional. What I mean here is that it should be work-oriented. Otherwise most of our children are spending a lot of time learning a lot of things, which they don't use. Our education should portray our development. It should address the issues- our problems. So that we should be producing graduates who can be employed, who can be used to solve our economic problems.

I feel that the 8-4-4 has outlived its usefulness because as we have learnt, the higher you go the narrower it becomes. But we find that somebody learns so many subjects at the lower levels and they pick a few at Form 4. I feel we should revert back to 7-4-2-3 system whereby people are well prepared to go forward to university.

At the same time, I feel that we have mismanaged our education, whereby the colleges which give diploma courses, have been upgraded to universities so that we are now producing more Generals than soldiers. We need to have more certificate and diploma courses to lead to university, so that we have an apex kind of system going upward.

We have had so many committees running different institutions, may they be education and so forth. We find that especially education has been the most abused. We find that has been handled by laymen. I feel that in any profession, if we have a commission or committee, it should have the professionals to run it. People who are trained in that kind of profession.

Employment should be rewarded. If people who have reached Form 4 are askaris others are teachers and so on, when you give them a review it should almost be the same. Other than making one-because maybe he is a policeman you give them very high and the teacher is given very little. I feel that this kills morale of working.

Lastly, I feel that there are other issues which people have touched so I will leave them out but I will touch on a few. One is on our Land Act. People have a lot of land which is going unused and others have nothing. They may have acquired it legally or not. A law should be enacted to compel every Kenyan who has land to utilise it to produce. If he is unable, he should be taxed for the land, which is not being use.

The other area which should be emphasized here is on Parties which go for elections and con their way into Parliament. They cheat people with very good manifestos. When they go there, they do not effect the manifestos. There should be a mechanism such that if a Party has cheated people, they do not honour their manifesto for up to two years, wananchi should give a vote of no confidence. The party should come back and wananchi elect the party of their choice. Sio kudanganya wananchi. There is

another area I have seen that ...

Com. Aroni: Please summarise now.

Mr. Majani: I am summarizing. In Kenya we have had so many people who are educated without jobs. You find others are having even ten jobs. I feel that every man should have one job because we have enough qualified staff to do the jobs.

Lastly, this is on Harambee. We have had heavy contributors. People who contribute a lot and we do not know the source. It is in good view that they also disclose the source because they could be stealing or robbing the same (inaudible). Thank you.

Com. Aroni: Thank you very much. Please register. Fredrick Shikuku, Justus Mulati.

Mr. Mulati: Bi Mwenyekiti na Commissioners, kwa jina naitwa Justus Mulati. Nina maoni yangu ya kibinafsi. Kwanza, ofisi ya Rais yatakikana ipunguzwe madaraka. Kupunguzwa, yatakikana tume na Prime Minister halafu na Rais wa nchi. President asiwe juu sana ya madaraka. Ikiwa ana makosa, hata yeye aonje rumande kama watu wengine, asiwe juu ya sheria.

Tena ningea kwa maoni yangu, President asiwe na mamlaka ya kuchagua Chairmen wa Parastatals kwa sababu yeye hufuatana na mambo ya urafiki na nini. Hafuati qualification ya mtu ambaye anaweza kufanya hiyo kazi. Ndio unaona parastatals nyingi zinafungwa.

Com. Aroni: Asante.

Mr. Mulati: Nafikiri wacha nimalize kidogo. Kuhusu mashamba, ofisi ya Rais imepewa uwezo sana. Ina uwezo was kuleta watu kutoka mbali na wanaoshi hapa hawapati mashamba. DO ana uwezo wa kuleta watu kutoka mahali pengine, lakini residents wa area hiyo hawapati hayo mashamba. Kwa hivyo sheria iwepo ya kusaidia hao watu wadogo, wawe wakifaidika kwanza kabla ya watu wa mbali. Asante.

Com. Aroni: Thank you. Amulando Moses, Vulimo Japhet, Peter Zudeche, Yussuf Oronje, David Luseno, Sarah Mutolu, Edede Patrick, Philomena Wefila.

Ms. Wefila: I am Philomena Wefila representing (inaudible) Lugari District. We have written a memorandum. First, Constitution supremacy. We recommend that for Parliament to amend the Constitution there should be 90% majority vote. The public opinion leaders should be involved through referendum in amending the Constitution so that there will be a balance with the needs of the common people.

Defense. The President should not be the Commander-in-Chief of the Armed Forces for it is another sector in to be recognised. They need to meet for dialogue if there is misunderstanding within the country. This is to avoid corruption.

Political parties. To avoid clanism or tribalism, political parties should be minimised to be not beyond the number which can bring no meaning, but to make political sense and be strong.

System of government. We recommend that we should have a Prime Minister and a President in Kenya in which their powers should be balanced by Parliament. We also recommend having a continuous Central Government to govern so as to uplift all regions to the same level. I.e. Unitary.

The Executive. Parliament should not determine salaries for themselves. These should be determined by the Auditor General in line with the Kenyan economy. They ought to be (...inaudible).

Com Aroni: Thank you. We are going to read the rest of your memorandum.

Mr. Wefila: In finishing we recommend on education, the old system of education may be brought back. This is one goes to Form Six and then University. This is because many children have good certificates and have no jobs. This has caused people to buy jobs especially in the Armed Forces sector.

Com. Aroni: Thank you very much. Peter Ambaka, William Kilundu, Mary Esendi, Keffa Kisahi, Alfred Khayumba.

Mr. Khayumba: I salute the Commissioners and audience. My names are Khayumba Alfred. The President should be between 40 and 60 years.

There should be a special body elected to oversee the acts of the Prime Minister or President. It will be chaired by the Speaker of the National Assembly. It will look into MPs salaries and determine if there should be any increment. During the transition, this body will assume power for forty days. The body will ensure that the outgoing leader does not rig elections. The elected President should not represent a constituency. When elected from a specific constituency, he should vacate his seat and let someone else be elected in the same constituency.

Police Force. It should be made a parastatal and removed from the Office of the President. This is to make it independent, not to serve a party or an individual or a leader. Once one is arrested, one is not guilty until he is proven guilty. To my surprise, in this country when you are held even when you haven't made a mistake you are squeezed in a cell with as many as twenty-four people though the cell is supposed to accommodate only eight people. Our cells must not be made health hazards. It is like the Government sometimes uses the Policetro harass the public.

Lastly, I recommend that after any level of education, someone should be entitled to an allowance because he is a citizen of the country. This will reduce the number of school leavers turning into thieves because they have nothing in their pockets.

Com. Aroni: Thank you. Please register. Washington Ndeya, Willis Ndote, Inzoka Omuhundo, Inea Okolla, Emmanuel Kosgei, Sheldon Abukusa, Polly Inungira, Samuel Otimba, Samson Masiba, Ishmael Makanga, Leah Madangi, Aggrey, Imbwaga, Isaac Njoroge, Silas Otiato, Peter Elagwa Buka.

Mr. Buka: This is my memorandum to the Constitution of Kenya Review Commission.

Government. A federal government based on provincial administration boundaries is my preference. It should be a Government in which no one is above the law.

Religion: All the religions that teach about equality and love among all human beings in Kenya should be given an equal status by the Government of Kenya.

Education. Let there be an education system that provides specialisation (inaudible) at an early age. If a student passes in Kiswahili and Biology but fails in Physics, Mathematics and Chemistry, he must be allowed to pursue a medical profession, which is he is interested in. Adult education programmes and (...inaudible) give them a degree for those who desire it for academic progress regardless of age. They should be made readily available by the Kenyan Government of the (...inaudible).

Law. Persons living below poverty line or any other underprivileged person should be able to get a free advocate to defend them free of charge in a court of law. If there happens to be no advocate, then the magistrate or judge should accord them the same respect the learned professionals are given. The sentence handed down to someone considered a criminal yet when (?) the court decision does not follow logically (?) due to the influence of corruption within the court room. (...inaudible) the victim of injustice must be compensated or if he had lost a job he should be reinstated.

Lastly, employment. There should be a provision in the new Constitution to the effect that both employee and employers are equal human beings and no employee should lose his job because he has refused to furnish those in superior position with a bribe. Efficiency in the strictest sense of the word ought to be only criterion for promotion in all employment sectors (...inaudible).

Com. Aroni: Thank you and please register with us and give us your memorandum. Andrew Nangalama. Sai Mukoya Joya.

Mr. Joya: Majina yangu ni Sai Mukoya Joya. Napendekeza haya maoni yangu. Oni la kwanza ni kwamba agriculture ndiyo

backbone ya nchi yetu. Tuna vitu ambavyo tunaita free riders joy kama omena, sand and natural forests. Tungependeza ya kwamba hizi free riders joy ziuzwe halafu zile pesa zisupplement the input of agriculture.

Education sector. Ningependekeza ya kuwa tuwe na continuous assessment kwa primary na secondary kwa sababu tunaona kuwa mtoto anaweza kuwa mzuri halafu akifikia mthihani anafail KCSE ama KCPE. Unaona anaweza anguka kwa sababu ya ugonjwa. Kwa hivyo tuwe na continuous assessment.

Armed forces. Tuwe na army kwa kila jimbo, kwa kila province. Sio tu President akisema ndio armed forces zitaenda kule. Nikiongea tena mambo ya internal security, tuangalie sana mambo ya traffic police ambao hawana faida yoyote. Kazi yao ni kuchukua hongo. Tuwe na watu wa Vehicle Inspectorate pekee.

Kwa kumalizia, ningesema juu ya chokora, wengi wetu wakienda town wanahatari ya kusumbuliwa na chokora. Armed forces in conjunction with police wenye wako saa hii, wachukue chokora wote wawaweke kwa kambi ili wawe wakifanya kazi fulani kwa forest kupalilia miti na watalipwa pesa na serikali. Kwa kumalizia, nasema asante na President asiwe above the law. Katiba inayokuja, President asitoke Central wala Rift Valley province.

Com. Aroni: Jiandikishe tafadhali. Michael Mafunga

Mr. Mafunga: Commissioners, ladies and gentlemen. My names are Michael Wamalwa Mafunga from Cheregoi Scheme (?) Division of Lugari District. I would like to tell you that most people start things without proper analysis of the whole issue. As far I am concerned Constitution Review (...inaudible) is the (?) of corruption. Kama si corruption we would not be having this (?) here. It is corruption which has brought us here. So many people have complained about the powers of the President which were not, there when the Constitution came from London if you have read 'The Constitutional Development of Kenya' by an American Professor, you will have noticed that. This is why I said it is corruption that moved all powers- when the Constitution came from there, we had all the (?) Parliament free, Judiciary independent under the Judicial Service Commission. The President was only an executive officer running the country.

Now, Parliament because of our people who just elect people like that who are hungry. I think that this Constitution should now say that our education syllabus from nursery to teach our children the laws of God to teach our children to be sincere and (?) to their parents and their country. Because our people are not. Watu hao wanaenda huko, mtu anaona hana motokaa. Anaambia watu, "nipigie kura and you will get that Mercedes."

Parliament is no longer supreme because it (?) its own power. This is the only country in the world as far as I know where we have developed through Constitutional means to set up a dictators whom we have exalted by accepting and continually referring to him as 'Mtukufu'. Mtukufu is holy. If you look at the person and (...inaudible) not anybody. God whose mind is as high as

the heavens and here you are calling somebody Mtukufu!

This blasphemy!

Now you Commissioners, I want to summon you. I don't know how many of you are MPs but you have been with Ghai and gone through all the provinces. Can you tell me was there any significant difference from what you got in Kakamega.

In Kakamega, Ghai said you are going to write the Constitution and finish it before the 2002 Elections, after which you could produce a new repealed Constitution, which will see us through the Elections. After that there has been wrangling and fighting and you said you want more time. I have been sitting and wondering why. Do you know that all the farmers cannot plough because there are no maize payments and the farmers can do very little (...inaudible). My view to this Constitution Review Commission is that we need transparency in this country for all government expenditure. Mimi natoka hapa juu today for example. The road between Soi and Tango is being levelled out. Walikuwa wamechimba zamani lakini mvua imekuja imeharibu barabara and yet I told the engineer that you need to bring the breaker and level it first before you put the murrum. But he has started putting the murrum and he is going to waste a lot of money and the job will not be good. I don't know who is supervising that.

I told the people who were here that when the money for completing barabara has come, we need road committees- from every location- because we are the people who know how roads are and we are not being given the chance and this is why we are here reviewing the Constitution.

I told Dr. Ooki Ombaka in September 2001 that wananchi are not going to help you review the Constitution because they don't know the Constitution is. Even here if you ask, "Katiba ni nini?" There are people who will tell you they don't know. Nilimwambia awaambie Katiba ni nini, awaambie vile vile Katiba ilikuwapo vile vitu ilikuwa inapitisha. Awaambie vile vile what went wrong and how you are going to correct it.

The new Constitution should be as simple as possible and should be distributed to everybody hata the old mama ajue her rights.

It is only educated people like me – I am an agricultural officer – and I don't see anything here, which is what makes Kenya a poor country. I was educated in the United States in agricultural economics.

Com. Aroni: Mr. Mafunga, please give us your proposals for Constitutional review because I want you to summarise now.

Mr. Mafunga: You can read, but in this memorandum I have said that...

Com. Aroni: Basi asante. Tutasoma tukimaliza hapa kwenu.

Mr. Mafunga: Let me take this opportunity to tell you that what we really need is a new Constitution. We do not want to use the old Constitution because it is enabling people to rig the elections. As I said here, the current Constitution is the brainchild of corruption. What we want now is to stamp out corruption. We cannot stamp out corruption if we do not have elections. Polling should be done and votes counted there and then. Another thing is that the Electoral Commission be given powers to control all the elections and as somebody here said, the Attorney General's office should be a Ministry under which the Judiciary falls.

When it comes to agriculture which is the backbone of this country, I have written a (?). What I want to see you people in the Constitution do is this: Ghai told us there that after you have collected these views you are going to give us the Draft Constitution to see if the points we proposed have been reflected. He told us that in Kakamega because we complained that many commissions come and go and we don't see what they do.

With agriculture I have proposed that, agriculture which is the growing of crops and keeping of animals is the backbone of this country. Therefore the Constitution of Kenya, as well as the rulers should give it the prominence it deserves. The rulers crush the backbone. How do we stand? I have proposed that there should be a national farmers body formed by farmers' representatives through elections and called Kenya National Agricultural Farmers' Board to represent the interests of farmers. These should be elected for every crop, which the Government has started by having (?). Now I want them to come to maize, cereals and all others. These people will be charged with the responsibility of knowing the costs of inputs and how much the produce will sell for.

Com. Aroni: Asante sana Mzee. Give us an opportunity now to go through your papers, na tuweze kupata mtu mwingine atupe maoni. The next person will be Seth Otimba. Mzee weka hapa. Tunaweka kwa file kwenda kusoma. Thank you. Simon (?) Mzee. Jiandikishe ndio tuweze kusoma documents zako. T. G. Onzere, Ezekiel Manyani, Gabriel Juma, John Kisiangani.

Mr. Kisiangani: Kwanza majina yangu ni John Kisiangani a free citizen of this country. My presentation is personal. First of all, I will talk about some of the most unfortunate people in this country who are the orphans. I am happy to report that our Government has done all within its capacity to assist orphans. The Government always says it is assisting orphans whose parents have died of AIDS. I keep on wondering about those orphans whose parents died of malaria or in road accidents or any other cause. My proposal here is that I would like us to state that orphans- without categorising whether parents died of AIDS- should be assisted by the Government but particularly in education as it is the most pressing issue in our country.

Secondly, corporal punishment in schools should not be abolished but should be left to teachers and the students themselves to decide with parents should take a very vital part in this context.

The last one, though it has already been said is on citizen equality. When it comes to law, I recommend that nobody in this country should be above the law. If this is done, it will reduce corruption from the top. That is all I had. Thank you.

Com. Aroni: Thank you very much. Please register. Margaret Wamalwa, Gladys Nyongesa, Beatrice L. Kiroli, Mary Kapsaya, Robert Kasayo, Manoh Orira.

Mr. Orira: Asante sana. Mimi nimefika hapa kusikiliza maneno ya Katiba. Jina langu ni Manoah Orira. Sisi wengi hatujui kuhusu Katiba.

La pili, Katiba ya kwanza ilikuwa ya Mzungu. Katiba ya pili itakuwa ya Mwafrika. Bunge ina Katiba ngapi kwa vitabu zake? Mngetuletea hiyo Katiba ambayo Bunge ilipitisha sheria Fulani ndio mtu anajua sheria fulani ndiyo mbaya tunatoa au sheria fulani ni nzuri, iendeleo. Mnatwambia tupitisha Katiba hali hatujui uzuri na ubaya wa ile Katiba iliyoko. Kila mtu anakuja na maoni na hatujui ile mbaya au nzuri.

Upande wa serikali, imetupa sisi raia uhuru wa kuchagua Wabunge na kila kitu watu hao wote tunaweka kwa mkono ya Rais. Rais, juzi alichagua Makamu wanne wa Kiti Cha KANU. Hakutuwachia sisi raia tuwachague wenyewe yule mtu tunapenda. Hatutaki tuchaguliwe kwa sababu sisi tunaweza kuchagua, na hao wengine hatuwajui.

Namba ingine, serikali imewaachia uhuru sana maadvocates. Tukiwapelekea malalamiko wanatupeleka hivi na vile. Badala ya serikali kuchukulia hatua hao advocates maana tukipata pesa tunaenda kulipa kwa judge ambaye anakwambia advocate wako ni huyu. Serikali itutengenezee sheria kwa mashamba, kama vile schemes. Hakuna sheria nzuri za kupitisha mashamba.

Com. Aroni: Mzee, ya mwisho. Ama umemaliza? Yaonekana umemaliza. Kuja ujiandikishe tumpee mwingine nafasi. Joash Lambeshi. Newton Welangai, Zakaria Ilavanga, Peter Shikanda, Joseph Mbugua, Getrude Waswa, George Opiyo, Barasa Lumbasi, Joash Saiti, Henry Lubanga, J. C. Ochieng, Aggrey Chagusia, Jirus Kisia, Buyela Nabibia, David Ongaya. Who are you? Okay, haya wewe subiri kidogo tafadhali.

Mr. Nabibia: My names are Buyela Nabibia from Bishop Njenga Girls. My proposals are on political parties and the Local Government. I would wish that the number of political parties be limited to four. This is in order to avoid frequent defection and duplication and mushrooming of many tribal based parties. I would also wish that any MP who defects from the party that sponsored him to Parliament should not run for the by-election. He should wait for five years before running in the next election.

On Local Government, I would wish that local authorities stop taking money from factories and cash crops that locality so that

instead they will allow the factories to pump that money into public facilities and development of roads in that given locality.

Also, the minister for Local Government should not upgrade local authorities without the consent of the residents of that locality because upgrading brings with it extra responsibilities that the Local Authority cannot shoulder. So, residents should be consulted before local authorities are upgraded. Also, the nomination of Councillors and Mayors to local authorities should stop because the nominated Mayors and Councillors pay their loyalty to the parties that nominated them to the Local Authority instead of serving the common mwananchi. This leads to mismanagement of revenue, land grabbing etc.

Also, I would wish that the Local Government Minister's power over Local Authorities be reduced. The idea of the Minister appointing town clerks and other Council authorities should stop because the appointed Council officers tend to serve the interests of the minister instead of the common mwananchi. Councillors should be given powers to vet the appointed officers like clerks.

I would also propose that Local Authorities should be compelled to publish annual reports in the newspapers every year or on notice boards at their offices so that members of the Local Authorities will know if they are spending their money well or not. That will ensure transparency and accountability in the Local Authorities.

Com. Aroni: Thank you very much. Please register. David Ongaya.

Mr. Ongaya: My names are David Ongaya from Narakusi. I think I will use Kiswahili. Mapendekezo yangu, kulingana na memorandum yangu ambayo inashirikisha wawili – David Ongaya ambaye ni mimi na Josephat Kandee. Ninapendekeza hivi; kwanza, Ofisi ya Urais. Kiti cha Urais chatakikana kipunguzwe uwezo kidogo ili Rais ambaye ni binadamu kama binadamu wengine, raia kama raia wengine awe na sheria ya kutii. Pia kuweko na masharti yanayo mkinga Rais kutokana na lawama ama mambo mengine ambayo ni ya kumdhuru kwa vyoyote vile, yaani tukifanye kiti hicho kiwe ni chenye kuheshimiwa. Nitaenda kwa mukhtasari kwa sababu ingawa ni mengi yanafaa, kuna umuhimu kidogo kidogo.

Kuhusu vyama vya kisiasa, taifa letu limehalalisha vyama vingi. Ingawa ni halali, vyama visiwe vingi kupita kiasi ambapo tunaruhusu vyama vya kikabila viwepo. Vitajificha lakini ukiangalia msimamo na misingi yao unaona wazi kwamba vinazingatia kabila Fulani.

Upande was udiwani. Utaratibu tunaotumia kupata Madiwani wetu ni mpangilio wa uchaguzi mmoja ambao unahusu Rais, Mbunge na Diwani. Hiyo ni vyema, isipokuwa upande wa kugawana mamlaka kama kuchagua ni nani atakuwa Mayor na kadhalika, tuzingatie kwamba, kulingana na vile ilivyo mtu kama Mayor kuna marupurupu fulani ambayo ni ya kibinafsi upande wake kama yeye mkuu katika hiyo kamati inayohusika. Hii nafasi ijariibu kushirikishwa wengine katika sehemu ile, ili angalau kile kitu cha ziada kitumiwe na watu kadhaa.

Ardhi: Urithi wa ardhi unapaswa uwe kwa baba, mama, na hata wa watoto wote alio nao.

Com. Aroni: Asante. Mengine tutasoma. Mkanzi Francis.

Mr. Mukanzi: Nazungumzia walemavu. Haki za mlemavu zitimizwe. Ziandikwe katika Katiba kama zilivyoandikwa na nchi zingine zinazotawaliwa kwa njia ya kidemokrasia. Walemavu wapewe nafasi ya masomo na serikali. Apewe kazi kulingana na ujuzi wake. Asiye na ujuzi apewe ujuzi. Mlemavu apewe kazi serikalini. Viti vya walemavu vitengwe Bungeni kwa sababu mlemavu amesahauliwa kabisa. Section hiyo 34 inayopinga mlemavu kutawala iko na kasoro, kwa hivyo isahihishwe mlemavu aweze kutawala. Kwa mashamba walemavu wafikiriwe kwa vile hawana pesa za kutoa hongo.

Walemavu wana watoto na hao watoto wasomeshwe bure au Serikal iwalipie. Kila kampuni iliyoko Kenya ipewe hesabu ya walemavu wa kuandika kazi.

Tunataka Serikali ijue walemavu wakekwa kila district hata location. Na ijue ni wangapi wamajiriwa na ni wangapi wana watoto wanaolishwa. Kwa mfano, ukiwa na watoto, lazima uwajue na uzijue shida zao ili uweze kuwasaidia.

Com. Aroni: Ya mwisho Mzee. Ya mwisho.

Mr. Mukanzi: Ya mwisho ndio hii. Katiba ni nini? Ni mwongozo wa sheria itokayo kwa maoni ya wananchi wanaochagua viongozi kutunga sheria. Kiongozi ahakikishe kuwa haki ya mlemavu imetimizwa. Mlemavu apewe kazi na asaidiwe kuuza mazao ya kazi yake. Kila kitu tunachonunua kna na kodi na Serikali lazima irudishe hizo pesa kusaidia waliotoa pesa hizo. Lazima tuchague viongozi wanaojua kufikiria waliotoa pesa kwa njia ya kodi...

Com. Aroni: Asante sana. Tutasome hayo mengine. Thank you very much. Mulati Nelson, Elizabeth Nafula.

Ms. Nafula: Asante sana, my name is Elizabeth Nafula Songa from Mautuma Central. Asante nimeanza. Ninaanza kwa kuchangia kwamba Sheria ya Kenya ipokee malilio yetu kwa maana wale wa (?) katika Lugari, hawackukulii kama ni watu. Kuna wale maskwota walipewa mashamba na Mtukufu wetu Rais kwa ajili ya kuweka makao, lakini hawana makao. Walipewa (?) ikisema hivi; miezi mitatu, kama umepewa shamba ujenge kwa hiyo shamba, hiyo shamba si lako. Na ni (?) ni hivi, ninaomba Tume ya kurekebisha Kenya ifikirie. Maskwota halisi tumeishi kwa hayo mashamba kwa miaka sita. Sasa mwaka wa sita na nusu ndio tunaanza kuona wale watu 'wadosi' wakiingia kwa hayo mashamba wakisema ya kwamba hayo mashamba ni yao. Ninaomba hili Tume litufikirie ili hayo mashamba tuliyo ombakama wanachama wa Kamati ya Maskwota. Sasa wamewatupa nje na hivi sasa Kamati ya Chief ndio inatumika kutupa maskwota masikini nje. Nimeomba Tume itusikilize na iwe kuwa Assistant Chief asitoke kwa area yake, aende kwa area nyingine kuuza mashamba ya maskwota.

La tatu, Chief wa area nyingine huwa anasema yeye ndiye mwenye uwezo wa mashamba, wamevunja ile Kamati iliyo kuwa ainaenda na kuombahilo shamba kwa mzee wetu, Rais. Sasa uwezo wamempea Chief. Kwa sasa hivi vile tunachangia maoni hapa, huko nyuma mashamba yanauzwa, nyumba za masquatter zina bomolewa, mashamba ya wajane yanauzwa na pengine ana watoto sita, nao wameoa kama ni wawili. Hapo unaona kuna shida. Je? Kuna vile Katiba yetu ya Kenya itakuwahaina ukweli ikiwa iliandikiwa 1960's?

Jambo lingine, ikiwa umeka ama umeuliza shamba kwa muda mrefu-kama mimi, huu ni mwaka wa saba-si hilo shamba ni lako? Maskwota wale maskini, wako Mautuma Central, wako nje. Nikichangia hivyo, sasa saa hizi, tumepata big man, mmoja, from Nakuru. Ameingia akichangia kwa zile plot za serikali na wale wameishi kwa mashamba hayo mashamba yameisha na hapa ...

Com. Aroni: Asante mama tumesikia habari ya maskwota, huko na maneno mengine? Ama utupatie karatasi tutasoma.

Ms. Nafula: Asante, niko na maneno mengine. Tuko na watoto wengine karibu saba, wazazi wao walifariki na wale watoto kila mtoto alikuwa na mzazi, yaani ni manyumba saba. Hawa watoto wamechukuliwa na watu wa jamii kuwalindia pale, na kulinda hizo mashamba zao, ilhali watoto hao waliwachiwa hapo. Hiyo ma-ploti saba, saa hizi, imeuziwa mtu anaitwa Richard Masika, mtu wa Mrembe ambaye amegawanyisha watu, maploti kutoka Nakuru, to Nairobi kwa hayo mashamba saba. Sasa wale watoto wamebaki kwa wale watu wanawalinda hawana makao. Sasa ninaomba Tume muende mukiwafikiria wale watoto warudishwe kwa ardhi yao, na wale wenye kuuza vile wanaema pesa inaenda kwenye account ya serikali, watuambie serikari gani yenye inachukua hizo pesa. Yangu yameisha. Mpokee malilio yangu.

Com. Aroni: Asante mama, jiandikishe pale. Francis Ombajo.

Mr. Ombajo: Asante sana kwa Tume kunipatia nafasi. Kwa majina mimi naitwa Francis Ombajo nikiwa mkaazi wa hapa Lumakanda. Mimi, nimeshukuru kwa nyinyi kuwa hapa ili tutoe maoni yetu kidogo. Mimi, kwa upande wangu, naongea kuhusu sheria yetu ya Kenya. Ile Katiba ambayo imewekwa ya kufanya kazi hata ikiwa ni Katiba ambayo ilipitishwa hapo awali, tunaona hiyo Katiba imepuuzwa.

Kwa upande wa Sheria, Ofisi za serikali nyingi sana ziko corrupted na inaanzia mashinani. Ukiwa na shida, ukienda kwa Ofisi ya Serikali husaidiwi bila kutoa kitu. Hata ikiwa ni kuandikiwa barua ya kutembea mahali kwingine, utaulizwa utoe kitu.

Com. Aroni: Mzee saa imeisha, sasa tupatie mapendekezo; sasa unataka tufanye nini.

Mr. Ombajo: Mapendekezo, mimi nataka sheria ichunguzwe kufuatana na hizi Ofisi zetu za serikali, zimetunyanyasa sana. Kwa upande wa mahakama mambo yameharibika sana.

Kwa upande wa mahakama, mimi naona Serikali na hii Tume yetu ambayo imeundwa sasa, ichunguze isaidie. Mtu anaweza kuwa na maneno mabaya au mtu aue mwingine au mtu afanye unyang'anyani na akifika upande wa mahakama, unasikia mtu anawachiliwa na hiyo mimi napinga.

Nikimalizia upande wa watoto, watoto ambao ni mayatima- kuna ugonjwa umeingia Kenya na kumekuwa msiba mkubwa sana, na huo ugonjwa umemaliza watu. Watoto wamebaki mayatima- hawa watoto mimi naona kama hawaangaliwi. Sasa ikiwa baba ya hao watoto aliaga dunia, tena mama baadaye akaaga, wamebaki, wamebaki kwa mtu mzee kama mimi namna hivi, sioni njia ya kuwasaidia, Serikali itusaidie na hii jambo. Nikiongea hivi, mimi ni mmoja wao. Nilipoteza kijana wangu mwaka wa 1995- mtu ya Serikali- bibi yake naye 1999. Wote wameenda nikabaki na watoto saba na hakuna mtu ananisaidia mimi. Wako shuleni, hata mmoja ameingia sekondari na mimi natoka jasho. Sasa nikichunguza hii miaka niko nayo naona ni vigumu sana kwa hivyo, Tume itusaidie. Yangu ni hayo sina mengi.

Com Aroni: Asante Mzee, Jiandikishe tafadhali. Lucy Amonya.

Ms. Amonya: My name is Lucy Amonya and I'm going to emphasise on three points. I'm not going to repeat what people have talked about. First, I'll talk on education. One, I will talk on education from pre-unit and nurse ryas the foundation of education. It is a fact that you cannot build a house without a foundation. But here in Lugari, you find that most of us women who teach at nursery are being tosased, so to speak, from Local Authority to Central Government when it comes to our payment. The Ministry of Education doesn't even recognize us. It is my request through this Commission that the Government should absorb us into the Ministry of Education or employ us for we are the ones who lay the foundation of education, and without a good foundation a house will fall.

My second point is on inheritance. While talking of inheritance, if a man decides to marry me as a sixth wife, and I decide to stay with him in Nairobi, after his death, let whatever we have be shared equally among us wives. Coming here to Lugari, especially that point I have said, you find that it is only the first wife who is recognized. The second wife may even be yhrown out by the family. In fact, call you some awkward names. Some say, "huyu ni bibi ya town" And yet it's that man who decided to marry you.

Third point is on Local leaders. I am very much sorry here. Because here in Lugari, we have women who are under that sector. Women who work there as a (?). They have never being paid by the government. And if they go to court, they are the first people to face the sword before the Chief or Assistant Chief faces the sword, you will find that a case comes up and because these people are not paid by the government they really threaten the culprit so that they can earn, or the culprit can give him some good and, hence they make very poor judgments of which I am not very satisfied there. It is my request that these people should be paid and if anything let them be trained. Thank you.

Com Aroni: Thank you please register, please come and register here. Ebi Mulosa

Ms. Mulosa: As mentioned my names are Ebi Mulosa, a teacher by profession. First of all I am going to talk about citizenship. Who is a citizen? A Kenyan citizen should be one born in Kenya, should be an African one who is registered as a Kenyan. He or she should conform to a Kenyan culture i.e. pay a certain tax, which should be approved by the government. Why should somebody be called a Kenyan citizen? We realize that some Kenyan citizens have been harassed by some foreigners especially the Asian community. The same Asians have been known for evading taxes by bribing their way out. They are also known to be hostile to Kenyans, back at their home. By so doing they promote racial discrimination in our country e.g. refusing to inter-marry. So we discourage that frustration.

Now what are the rights and obligations of Kenyan citizens? They should have freedom of (?) freedom of speech and freedom of association. Also, they should be free to own property anywhere in Kenya.

Now, we find that in spite of freedom of worship, certain cults should have their worship stopped because they have turned the Kenyan citizens to be something else and people are worried whatever they are.

Now what are the obligations? We should work to earn and not for free. For instance, Adult-Education Officers. I feel they are getting free money because in the real sense, that adult education is not practical especially in Lugari. I don't know about other places if there is adult education. So, such money which is being paid to Adult-Education Officers or teachers may go to other sectors especially for paying or increasing salaries of primary school teachers because they have been crying for long. Kenyans, regardless of their position or rank, should pay tax, including Members of Parliament.

Secondly, I will talk about defence and national security. Recruitment of security officers should be on merit and not basis of corruption. It should be done on national basis and not on quota basis. This quota basis of recruitment has caused a lot of corruption because somebody is dealing with a small area in recruiting, and before the day reaches he goes around to be given bribes in order to take somebody. So it should be done nationwide. If possible, the interview can even be conducted in Nairobi.

Commanders. They should be people of high integrity and approved by parliament. They should be highly learned and well trained. They should have a good track record and must be loyal to the country. What are their powers? They should not have sweeping powers. The Commanders should be answerable to the Parliament and not the President. Their salary should be approved by the Parliament and not an individual person who is the President.

Com. Aroni: Thank you, we are going to read the rest.

Ms. Mulusa: Because of time I have more about political parties.

Com. Aroni: We will read, don't worry, we shall read everything that you hand over. Okay thank you.

Ms. Mulusa: At least you could just give me just a minute to summarize. Now, this is what I am concluding. Elections or appointments must be gender sensitive. Heads of government parastatals should be appointed by the government. Land laws should be revised and regulated e.g. idle land to be repossessed by the State. We need a national good leader who can be chosen regardless of tribe. The three Arms of the Government should be absolutely independent i.e. court judges should be approved by the parliament. Free basic education should be pressed for in primary, college and secondary.

Com. Aroni: Asante, thank you very much Ebi, we shall read your memorandum. Henry Mulusa.

Mr. Mulusa: My names are Henry Mulusa, teacher at Koromai primary School. I go straight on what I have put down, as number one and it is land ownership. In independent Kenya one should actually have the right to ownership of land anywhere and the genuine squatters should actually be settled regardless of where they live.

Two, land should be distributed fairly to all Kenyan, but, the acreage should be not less than or rather than fifty acres. Okay, the private sectors should be scrapped. The Assistant Chiefs should be given the right to mandate. The Succession Law should be simplified. The title deed should bear the name of husband and wife. 'Land corruption board' should be replaced by land tribunal. Men and women have a right on either ancestral or bought land. An unmarried daughter has the right to inherit ancestral land, but should not sell it.

Com. Aroni: Please summarise now.

Mr. Mulusa: Okay. Thank you. Management an use of natural resources. Now, resources should be used rightfully. For example, the people living or using land anywhere should utilize it fairly where every person should get a share, inspite of where he was born. Thank you very much.

Com. Aroni: Please register. How many people, - wangapi bado hawajaongea? Sasa vile tutafanya kwa sababu saa imeisha sana, tutawapatia nafasi kulingana na majina yenu hapa. Dakika moja moja msituambie na hadithi ndefu. Kuja na utoe pendekezo ili tusiache mtu yeyote bila kuzungumza. Timothy likuyani, Petronilla Makokha. Dakika moja usitupatie story mama, tupatie pendekezo.

Mrs Makokha: Majina ni Petronilla Makokha, nikisimamia kikundi cha wamama. Mine is on a special court. There should be

a special court to deal with cases of marriage, divorce and succession of property. This court should scrutinize all the marriage certificates that certain men or women, might be holding. We have learnt some of these certificates are given to people who do not deserve them.

Secondly before a man decides to marry a third, fourth wife let him share the property as obtained with the first or former wife. Thirdly, any property whether small or big should be owned by both man and women and there should be law to protect all these. Thank you.

Com. Aroni: Thank you, please register and leave us with the paper. Michael Indimoli, Peter Mutoro, Penninah Akinyi, Musa opondo, Margaret Wanyonyi, Elphus Odero, John Lusamamba, Peter Kanyonyi, Abdalla Oduor Musungu, Peter Musanyu, Nickson Lusinde.

Mr. Lusinde: Commissioners, thank you for being around, it is said by Harry Culpeld that the doctrine is, in effect, a source of protection.....

Com. Aroni: Please give us your name first.

Mr. Lusinde: Nickson Lusinde Imbado. The Constitution says, there is a doctrine- it is stated by Harry Culped. The doctrine is in effect a source of protection under the Constitution. It is articulated a notion which has some significance in the formation of the Constitution of some States like in U.S.

Thank you for coming around, you are here for the sake of us, our children, our great grandchildren, because we are building the nation. Thank you so much. I will briefly deal or talk about two issues or three.

One, I would request you to consider looking at the Constitution such that a Member elected in any elective position is accountable to the electorate. In the same way, if an MP for example, or a Councilor, a President is elected as per the Constitution right now- three quarters. If twenty thousand people elect an MP and two thirds of them feel this man is not delivering, because we know we have MPs or elected officials in particular offices who once after election, wanahamia Nairobi na vijiji vile vingine. We should have mandate because we have sent them there to make law. Parliament is meant for lawmakers, if you cannot make any law, then what business do you have there. We should have power to sack you. Anyway all said and done, thank you.

I will also dwell on the second thing about the police Act. The security forces we like them because they are to protect us. They are here meant to serve you and me; they are not there for whatever. But you wonder, why don't we have some checks and balances such that you Madam Commissioner, assuming you were in an assembly locally here you are coming from a

funeral, then a police officer arrests you here all of a sudden and when he records the statement it reads, “Ulipatikana na lita ishirini ya busaa na chang’aa lita tano.” This power that the police have, we should find a way such that the police- we must have checks and balances. Alternatively if I can read and write, why don’t I register myself in the OB that on or around four thirty today I was talking to Commissioner then I sign in the O.B. Because I go there I am arrested then tomorrow morning its a different story of having been found with stolen property- a case that is not there. We should find a way such that the Police Act is put in a way. Alternatively, warrants be issued such that I can sign that I have been arrested, I can appear before any court at a particular time. Thank you. I know time is running out, but you know today is it’s own day. Lugari will not have another time.

The Judicial Act. There’s something amiss about this Act. The Judicial Act should be amended in such a way that judicial officers should be people veted and appointed by Parliament that is accountable to us- the voters. It should be such a way that even commissions that are appointed, here and there, the report should just be open.

Lastly, service to the community. I am just finishing Madam. Madam I will never have another chance to talk to you and the Commission. I am just finishing by concluding this way. Think about a way such that people can be told the truth in a better and fair way. I will not talk about succession issues because it has been talked about. We should look at issues the way they are; there are people in Lugari who do not even know that today the Commission is here because of poor publicity. People know that their M.P is around and that is why you can see this hall full. People wait for handouts but if we have checks and balances such that this MP is accountable to us and if we are discontented with him we can sack him, then definitely he should have been here with his people. Thank you very much.

Com Aroni: Thank you. Please register. Dan Okiri, Peter Maganda. Dakika moja tafadhali.

Mr. Maganda: Good afternoon Commissioners. Thank you very much for giving me this chance, to say whatever little I have. I have written the following few points. On political affairs, the President should be elected by all voters in the republic. He or she should be vested with powers in order to run the government effectively. The President’s post should be rotational among the 41 Kenyan tribes. The Vice President should be elected by the voters but not appointed by the President. The term of President should remain two terms of five years as it is currently in the old Constitution.

Employment. I would suggest that the government should abolish extending service of certain senior civil servants because we have many young unemployed Kenyans- men and women- suffering around.

Com. Aroni: Asanti, tutasoma hayo mengine. Muguta Richard one minute please.

Mr. Muguta: Thank you Commissioners. I want to present the following. On civil service, there must be adherence to the civil service scheme of service, other than this haphazard appointments. Remuneration must be looked into such that it is worthy

working with the civil service. The Public Service Commission must be re-invigorated to oversee the Public Service.

On Cabinet, I would propose that it be approved by Parliament- the appointment be approved by Parliament- and that it be cut down- the size be cut down- to avoid duplications.

On economic path, I want to say there must be an economic crime laws, we have economic sabotage by our leaders and this has to be taken into the law. On administrative units like Lugari now here, ladies and gentlemen, we are the headquarters yet there is no electricity and we are expected to advance in this particular district. I think the government has a duty having come up with such a place, to ensure that there is infrastructure that is necessary for the people to advance.

On the agricultural sector, I would say that a fund be made to cushion farmers on the days of adversity. On privatisation, it is going on, yet I would require that the Kenyan people be given a percentage to own the economy. Let it not be taken by the foreigners.

Madam, if you would allow me to comment on education. Now, the policy is education for all. But education for all will require funding, yet the government has not come up with a system of funding. I would suggest that all sectors, especially the private sector which benefits from education- I would say that all institutions in Kenya that make a total income of over 3 million be made to subsidize education in Kenya to a certain percentage in order to fund education for all in the country.

Then I would talk about enforcement of laws. It would be meaningless Commissioners for us to sit here yet what we put on paper will not be enforced. So give independence to those three arms of the Government so that it will be possible to enforce what we put in the statutes.

Finally, business laws. Multinationals have been given an upper hand over the small-scale people on licensing. Licensing is very prohibitive on small-scale people. I would say that if a business cannot make for example twenty thousand a year, I don't see why the government should tax such a business-person through licences.

Com. Aroni: Thank you, thank you very much.

Mr. Muguta: Would you allow me finally to say that police roadblocks-Police roadblocks in Kenya are meaningless? They should be scrapped; let's move freely let it be only at the borders. Thank you so much.

Com. Aroni: Please register. Elias Ouma, Charles Mbaya, Wilson Kidaki.

Mr. Kidaki: My names are Wilson Kidaki. I want first of all to talk about education. I will specifically address the issue of

quota system of admission of students to secondary school. I would beg that this one be scrapped so that all deserving students go to any institution of their choice.

Two, I want to talk about equitable sharing of resources in our country. You'll find that some areas are more advanced than others and this will come as a result of abuse of power. You go to a place you find that there's no tarmac road, yet in other areas the roads are tarmacked.

Now on M.P.s, their minimum qualifications should not be lower than O' level with passes, and these qualifications should be clearly spelt out so that we have a Parliament with people who are learned. The Presidential candidates I propose should have a minimum qualification of a Bachelors degree. The issue of land ownership in Kenya should be controlled. Some people have thousands of acres whereas we have some people who are landless. Thank you.

Com. Aroni: Thank you very much please register Wafula Nabwera, Hezekiah Momanyi.

Mr. Momanyi: Thank you very much Commissioners. My names are Hezekiah Momanyi. Infact, my problem is that I see corruption in Kenya as a very dangerous thing. It is like Aids. Therefore, I ask the Commissioners to develop laws- very clear and strict laws in this Constitution- to see to it that corruption is ended in Kenya. All the time we are talking about the evils of corruption but after finishing talking about the evils of corruption, you see it taking place. Like now, it has been announced that teachers will be employed but if you don't- I tell you the truth- if you don't have money to bribe, I tell you your child will not be employed. That is because of corruption.

There's a mother here who has discussed about squatters being snatched their land by the big people, it is because of corruption. There are many areas where infact corruption is killing people (?) You kill somebody or murder somebody but if you have money to bribe you will be out. Therefore my problem here or my recommendation is that please Commissioners, develop very clear and strict laws so as to see that corruption in Kenya is ended by this new Constitution.

Another point I would like to make is that if an MP from a constituency wishes to defect, that MP should defect after being given a mandate by the people who elected him or her. I see it as something bad because when the MP defects, he interferes with the development of the constituency. Infact he should be given a mandate to defect by the constituents or electorate. Otherwise, he should infact wait to defect after five years.

Com Aroni: Thank you. The last one please.

Mr. Momanyi: There is one more point I would like to make. Another point I would like to make is that the MPs- our MPs should not be given that right of discussing or planning their terms of service. It should be given to someone else to decide on

their terms of service.

Com. Aroni: Asante, Daniel Buyonga . Festus Mbiji- OCPD Japheth Nabutete Ndulu.

Mr. Nabutete: My names are Japheth Nabutete Ndulu and I will start straight away. The Constitution should have a preamble, which should state clearly the parts of the Constitution that are amendable by parliament. Two, supremacy of the Constitution. Three, objectives and values which should be implementable and effective in operation aimed at bringing peace and reconciliation in (?) To avert poverty, it should (Inaudible) on family planning matters. We should have for example, a zero birthrate as the ground of sound economy.

The Electoral Commission should have powers to declare the election spoilt if the election did not conform to the election code of conduct without waiting for the loser to complain. Because they normally wait for the loser to complain before they declare that the election was not good. They should have that mandate instead of waiting for the loser to complain.

Ministers should be left to appoint their Assistants and other Senior Government Officials of their ministry for example PS and so on- not the President- because in case of a problem the minister is blame.

Parliament should not be a part time job but full time work, it should operate full day on Tuesday, Wednesday and Thursday. The minimum quorum should be a quarter of all MPs. If it lacks quorum six times consecutively then the Speaker should dissolve that Parliament at the sixth sitting at the (?).

There must be a customary law to deal with succession and inheritance. That is, the wife should not be automatic successor because if you have children outside wedlock they are disadvantaged.

Com. Aroni: Thank you very much we shall read the rest of the story to know anything different you'd like us to know about. Thank you very much. Iko mtu yeyote ambaye hajaitwa na angependa kuzungumza? How many? Okay watu watatu. I'll give you one minute each.

Mr. Juma: Okay ladies and gentlemen I want to present this. I am Hamed Juma from the Department of Education Lugari District. One- I want to just to mention in passing- something to do with land. I want to say that those who own land should account for the its acquisition. I want to say that a ceiling should be put in place for those who own land. We are proposing maximum acerage of land owned by a person should not be more than 800 acres.

On defence, I would like to say that our Armed Forces should really represent the true national army. I also want to say that our armed forces should owe their allegiance first to Kenyans and secondly to the Commander in Chief. I also want to emphasis

the fact that the appointment of the same should be on merit, that's what I want. In peace times I would like to say that the same should engage in socio-economic activities eg construction of roads and dams in areas of need.

Judiciary: I would like to propose that the tenure of judges be once more guaranteed in the new Constitution. The appointment of the same- that is judges- should be by the Judicial Service Commission through Parliament, and that the cases of national interest be handed by a Jury and not by individuals.

On education; I would like to say that a Standing Commission to review education from time to time with a view to improve quality and delivery be put in place, that education be made a basic right and of course I want to re-emphasise that that tax be introduced to provide education freely from nursery to standard eight. Then the issue of quota system in education circle be reviewed to enhance national unity.

Finally, a referendum- I suggest that crucial matters touching on national interest be subjected to referendum- its quite important. Thank you very much.

Com. Aroni: Thank you please register. Next, give us your names first.

Mr. Yusuf: (Arabic) Kwa majina naitwa Maalim Yusuf. Hapa kidogo, nazungumza kwa niaba ya jamii ya Kislamu ya hapa. Nitazungumzia habari za mahakama. Kuhusu swala la mahakama, tungependa kama jamii ya Kiislamu tushughulikiwe na Makadhi- yaani Kadhi awe na uwezo sawa na mahakima wengine. Si kusimamia tu swala la urithi ndoa na talaka kwani mbali na hayo mambo matatu, kuna mambo mengi yanayohusu jamii ya Kislamu kama vile uvunjaji wa sheria na kadhalika. Pia, tungependa kusema kwamba Kadhi Mkuu awe miongoni mwa Mahakimu Wakuu wa mahakama. Mahakama ya Kadhi iruhusiwe kukata rufani ya mwisho, na Kadhi wachaguliwe na Waislamu kwa njia ya kura. Asante.

Com Aroni: Jiandikishe tafadhali. Give us your name.

Mr. Nyongesa: I am Francis Nyongesa, from Kinoo location Lugari division. Much has been said, but I would like just to ...

Com. Aroni: Tafadhali rudia jina.

Mr Nyongesa: Francis Nyongesa Makama. Much has been said but I would like to say a few things. In the first place, I would like political parties to be reduced up to three so that they can be funded by the government.

Two, mtu wa mwisho sana kuwa na shamba awe na ekari tano kwa sababu kuna watu wengine wamepewa nusu acre, wengine wamepewa acre kumi, wengine wamepewa acre mia moja. Ningependekeza kwa Katiba ambayo inaundwa sasa- mashamba,

mtu wa chini sana akipewa na Serikali ya Jamhuri Kenya, ambayo itaundwa hivi karibuni safi- awe na ekari tano.

Pia, ningependa mtu ambaye anapigiwa kura awe amepata asilimia hamsini na moja au hamsini na zaidi ili awe declared the winner- fifty percent and above of the registered voters.

Kuhusu mahali pa kazi ningependa- kwa sababu there is this national census exercise which takes place after ten years- kama watu wanaajiriwa wafuate hiyo census, jinsi walikuwa kwa Jamhuri ya Kenya. Kama ni watu milioni moja, milioni mbili hata in all sectors of the government iwe properly represented.

Pia, ningependa waalimu wa primary schools wapewe mishahara sawa, sababu unapata mwalimu mmoja anapata shilingi elfu tano, na mwingine anapata elfu ishirini nao wana funza tu darasa moja. Kwa hivyo ningependekeza mishahara ya waalimu wa primary schools iwe sawa kwa wote na wale ikawa hawa kuhitimu vizuri- walienda through the backdoors- wale ningependa wapewe kazi nyingine na Serikali ile inayowafaa.

Mwisho, ningependekeza wasichana ambao wanasoma kwa primary schools au secondary schools wenye wanapata mimba- na wamepewa na kijana ambaye pia anasoma- yule msichana aruhusiwe aendelee na masomo yake akiwa na mimba, kwa sababu msichana akifukuzwa kijana naye ataendelea kusoma au kijana akifukuzwa kutoka shule hiyo ataenda shule nyingine asome, lakini wasichana sababu ya mimba atakaa nyumbani na atapotea sana. Kwa hivyo, ningependekeza katika Katiba hii waweke kipengele ambacho kina kuza wasichana na mimba zao kama wamepewa kihalali na mwanafunzi mwenzake.

Mwisho, ningependa kusema vile wengine wamesema hatutaki Assistant Chief- itolewe kabisa- Chief abaki. DO pia atolewe. Halafu PC asikuwepo maana hatuoni kazi yake. Yeye hupata tu maneno kupitia kwa DC na DC naye hupata kutoka kwa Chief. Kwa hivyo Likulu- wale watu wa chini sana wa kufanya kazi wapewe allowance- hata kama ni shilingi elfu moja kwa mwezi au shilingi mia nane- hiyo itawapea motisha na pia kusoma, chini sana kama kwa Chief, iwe kiwango cha Form Four and above. Ikiwa hivyo atajua kusoma Kiingereza na Kiswahili na hata kuna Katiba fulani atasoma na aielewe.

Sitaki kuwachosha kwa mengi. Kwa sababu nimekuwa mtu wa mwisho, nawashukuru tu siku ya leo kwa kuja hapa. Watu wengi hawajakuja kwa sababu wanatarajia Mtukufu Rais anakuja hivi karibuni, sasa wanasimama kwa njia kando kando. Tafadhali ningependekeza, kama Kiongozi wa Taifa anatembea mahali na kuna jambo kubwa kama hili, watu wakusanyike hapo sio kukaa kando vikundi vikundi nje kungonja pesa ambazo zimepatikana kwa njia mbaya. Mungu awabariki sana.

Com. Aroni: Asante. Tafadhali jiandikishe. Kwa wakati huu tumefika mwisho wa hiki kikao cha leo katika constituency ya Lugari lakini bado tutakua na nyinyi kesho kule Nangili High School, kwa hivyo ukisikia jirani yako anataka sana kutoa maoni mwelezee pale tutakapo kuwa kesho na tumewashukuru sana kwa kijitokeza na kutoa maoni ambayo ni ya kufaa sana. Na hasa wale ambao wamekaa hapa tangu asubuhi tunawashukuru kwa kuketi na kuwezesha siku hii kuwa ni siku ya kufaa.

