

CONSTITUTION OF KENYA REVIEW COMMISSION

(CKRC)

VERBATIM REPORT OF

CONSTITUENCY PUBLIC HEARINGS,

LUGARI CONSTITUENCY,

HELD AT NANGILI GIRLS' HIGH SCHOOL

ON

JULY 30TH, 2002

CONSTITUENCY PUBLIC HEARINGS,
LUGARI CONSTITUENCY AT NANGILI GIRLS' HIGH SCHOOL ON JULY 30TH, 2002

PRESENT:

Com. Domiziano Ratanya
Com. Keriako Tobiko

ABSENT WITH APOLOGY:

Com. Abida Ali-Aroni

SECRETARIAT STAFF IN ATTENDANCE:

Ismail Aden	Programme Officer
Mercy Mayabi	Asst. Programme Officer
Suzanne Mutile	Verbatim Recorder

The meeting started at 9.25 am. with Com. Domiziano Ratanya in the chair.

Com. Ratanya: Ningetaka kuwaambia wale wako nje, waingie ili tuweze kuanza mapema, na wale wanajiandikisha ukija unajiandikisha hapo nje, na halafu unaingia kwa hall.

Sasa wananchi, nafikiria kwamba sasa tungeanza mkutano wetu na kwanza kabisa ni kumuita Bwana Benson Omuse, ambaye ni mmoja wa committee kwa sababu co-ordinator hajaingia. Kwa hivyo Bwana Musa tutafutie mtu wa kutuongoza kwa maombi.

Benson Omuse: Basi Commissioners wetu, na wakaaji wa Nangili nawasalimu, hamjambo? Nafikiri kulingana na programme yetu, tulifaa kuwa tumeanzia hii programme saa mbili, na vile saa imekwenda ninaamini tutaaza. Kabla ya jambo lolote nafikiri ni vizuri mara nyingi tumuweke Mungu mbele. Kwa hivyo nafasi hii nitauliza mheshimiwa Bwana Mandigili, atufungulie programme yetu kwa maoni. Karibu Bwana Mandigili.

Alfred Mukabwa Shihafu: Asante sana Commissioners wetu, nafikiri tuta mheshimu mwenyezi Mungu tusimame na tuombe. Mungu wetu Baba, tazama ni siku nyingine ulipanga na Commissioners wetu tupate kukuzanyika hapa tutoe maoni yetu. Mungu tunajua ya kwamba yale ambayo tunatoa, hata wewe mwenyewe ulipanga Katiba na Musa wakati wa Musa. Tazama hiyo sheria inaendelea mpaka wakati huu. Yale ambayo tutakayonena siku ya leo, yaoke kinywani mwako na uyabariki yapate kuandikwa na yapate kusaidia nchi yetu tukufu ya Kenya na wananchi kwa jumla. Mungu bariki kikao cha leo, tunaomba

tukijua kwamba wale ambao wanakuja watatembea kwa imani yako. Ni kwa ajili ya Yesu Kristo aliye Mwokozi wetu. Amen.

Benson Omuse: Basi baada ya kupata maombi yetu, nafikiri Commissioners wetu kwa niaba ya wakaazi wa Kongoni na Likiani division kwa jumla nataka tuseme karibuni sana. Sisi hapa kwetu katika Kongoni location nafikiri tumejiandaa kutoa maoni ambayo yatahusu Kenya yetu ya siku zijazo. Na kabla sijaendelea, tunajua wageni wetu wa heshima ni Commissioners wetu, kwa hivyo bila kupoteza wakati mwingi, tungewauliza hawa wageni wetu labda watujulishe wamekuja na wametembea na akina nani na watupatie mwongozo wa kutoa maoni. Nafikiri sisi wenyewe tutakuwa tunajijulisha wakati tutakuwa tunatoa maoni yetu. Lakini kwa sasa nafasi hii nitakaribisha Commissioners wetu ili watufanyie introduction fupi na baada ya introduction watupe mwongozo wa kutoa maoni. Karibu Commissioner.

Com. Ratanya: Sasa wananchi ningetaka kutangaza, hiki ni kikao cha Tume ya Kurekebisha Katiba ya Kenya na tumeanza sasa. Kwanza ningetaka tuanze kuwajua watu ambao tuko nao hapa. Kwanza tungeanza upande wetu, kutoka upande wa Commission. Hapa nina wafanyikazi kutoka secretariat, na yule ambaye mnamuona hapa ni Bwana Ismail ambaye ni Programme Officer, na ambaye amebeba office yetu maandishi huko na kila kitu anatarishia hapa. Ana wale wanamsaidia. Upande ule ukiangalia kuna Assistant Programme Officer ambaye ni Mercy Mayabi na mwingine ni Suzanne Mutile ambaye anasaidia kwa recording na hata wengine ambao tunao hapa wa muhimu wanatusaidia ni madereva wetu ambao wako nje kwa magari. Nao tuna madereva wetu wawili. Mmoja anaitwa Abraham Muthee, na mwingine ni Obare. Tuko na driver wetu wawili.

Sasa hiyo ndio team yetu halafu Commissioners wenyewe. Upande wangu wa kushoto tuna Commissioner Keriako Tobiko ambaye ningetaka awasalamie yeye mwenyewe.

Com. Tobiko: Hamjamboni ndugu.

Com. Ratanya: Na mimi naitwa Domiziano Tochekera Ratanya Commissioner, na mimi nitakuwa mwenyekiti wa kikao hiki. Tukienda upande wenu tungetaka kuwajua. Na kwa sababu hakuna Co-ordinator, tulikuwa na huyu mzee anaitwa Benson pengine ataendelea kufanya hivyo.

Benson Omuse: Basi asante sana Bwana Commissioner. Nafikiri kwa haraka haraka popote ulipo utaamka useme jina lako na unatoka katika sehemu hipi ya Likiani division ama kama unawakilisha kikundu utumbie unawakilisha kikundi kipi ili tuaze kutoa maoni yetu. Kwa hivyo mimi naona tuanzie kule mbali kabisa. Yule mzee wa kando usimame useme jina.

Committee members yes, utaratibu ni huu, tunataka tujue wale CCC members, kamati ya Constitution Review Committee na Committes ya makundi ambayo yanafanya Civic Education kama yako hapa. Kwa hivyo kama wewe unajua kwamba unawakilisha kiti fulani cha Civic Education unaamka unasema jina. Mimi nawakilisha upande wa CCC members kwa hivyo

wawakilishi wa makundi kama wako tafadhali simameni na msembe majina yenu. Makundi yale yalikuwa yakipeana Civic Education nafikiri yanajulikana. Nafikiri tumeelewana. Kwa hivyo unaamka unasema jina lako, unawakilisha kikundi kipi. Tafadhali twende kwa haraka ili tuokoe wakati. Hakuna waliokuwa wakipeana Civic Education hapa? Hawajafika? Okay labda kwa sababu ya saa tutaendelea, mimi naitwa Bwana Benson Omuse CCC member na mimi ndi in charge wa mambo ya operation katika mambo ya Constitution Review hapa Lugari. Natoka hapa Kongoni location, nawakilisha Kongoni location.

Com. Ratanya: Asante sana Bwana Benson, na sasa ningetaka kuwaambia mpango wetu wa kuchukua maoni yenu. Kwanza ningeanza kwa kusema kwamba hiki ni kikao cha Tume ya Kurekebisha Katiba ya Kenya. Na sheria imetukubali tuketi na tuchukue maoni ya wananchi katika Kenya, kila pahali. Sisi tuko hapa tukiwa leo Panel Commissioners wawili. Sote ni watatu lakini mmoja ana kazi nyingine Commission na atakuwa nasi baadaye, pengine kesho ama kesho kutwa.

Kazi yetu ni kusikia maoni yenu. Na nyinyi mko huru kusema lolote. Mtu asiogope, tumekubaliwa na sheria, tunalindwa na sheria, kwa hivyo usiseme ya kwamba utamuudhi mtu yeyote ukisema maoni yako. Kama ni mama usifikiri utapigwa na Bwana ukienda nyumbani kwa kutoa maoni. Ama Bwana usiseme kwambi bibi yako atakupiga huko ukienda nyumbani ukisema maoni yako ama yeyote. Kwa hivyo sisi sote tuko huru. Wewe uko huru, maoni ni yako.

Tena kitu kingine ningetaka kuwajulisha, hapa tuna registration, hizi forms unaona tunatengeneze hapa, watu wanaandikishwa, tutafanya ile tunaita First Come, First Served. Yaani ukiwa wa kwanza ni wewe utahudumiwa kwanza. Hatuna mambo ya kuruka ruka. Ndio unaona tunaandika, tutaanza wa kwanza wa pili na kuendelea. Lakini kama kutakuwa na sababu yoyote ya kuruka, hata nyinyi mtaelewa. Kwa mfano tukiona mama anakuja mzee sana ama baba mzee kabisa na pengine ni kama mgonjwa. Pengine tutampatia nafasi tumsikie akiwa wa kwanza ama turuke hii list na halafu tutumie uwezo wetu hapo tumuone na aende nyumbani. Kama ni mtoto wa shule ametoka katika class room. Mtoto mmoja ama wawili ama watatu. Tungetaka hata huyo tumsaidie, tumsikie na arudi kwa masomo yake. Ama kama ni disabled. Mtu tunaona kweli amewezwa na tungetaka kumpa nafasi, tunaweza kumpa nafasi tumsikie, turuke list halafu yeye aende nyumbani. Lakini hiyo itakuwa ni juu yetu, itakuwa our discretion. Sisi tutaangalia na nafikiria mtatukubalia kufanya hivyo. Si ndio wananchi? Hiyo ni mbaya kuwasikia watu kama hao kwanza? Okay hiyo tumekubaliana.

Nyingine ni kwamba wakati tunapokuja hapa tuseme mambo ya lugha sasa. Ile lugha utatumia ni ile kama Kingereza kama umeandika memorandum yako kwa Kingereza tumia hiyo sawa sawa ama Kiswahili. Ama lugha hata lugha ya kienyeji. Lakini tunaimiza sana kwa sababu tunajua kila pahali watu wanaelewa Kiswahili na Kingereza. Mkitumia lugha ya Kiswahili ama Kingereza tutafurahi zaidi na itakuwa ya haraka zaidi. Lakini hiyo si lazima, wewe mwenyewe amua lugha ambayo ungetaka kupeana nayo maoni yako. Kama ukitumia lugha ya kienyeji hapa sijui pengine ni Kiluhya ama Kilugari, uko huru kufanya hivyo kwa sababu co-ordinator atatutafutia mtu wa kutairi hivyo na tutachukua maoni yako. Tungeweza kujua kama kuna mtu yeyote yuko hapa wa sign language wale ambao ni viziwi hawasikii tutamuuliza Bwana Benson ajaribu kuona kama kuna yeyote anaweza kusaidia. Kama hakuna hiyo hakuna taabu. Tena wakati unapokuja hapa utaketi hapo na hapo kuna kipaza sauti

pamoja na recorder. Haya mambo yanaenda kwa record. Usije ukasema kwamba mimi naonega sana sana kwa hivyo sitaki kutumia hii. Hapana. Hiyo tunatumia kwa sababu ya ku-record. Maneno yako yaingie kwa record twende nayo Nairobi na yakae kama history yako ya yale mambo ulisema. Kama kuna wakati utasema hukusema mambo fulani tunakufungulia. Kwa hivyo hii ni ya ku-record na kipaza sauti. Utaitumia, uwe karibu ili tuweze ku-record.

Na lingine, kama utakuwa na maandishi umeandika, memorandum utapewe dakika tatu, just to highlight. Kusema yale ya muhimu. Hatuwezi kukubali uendeleo kusoma memorandum. Kwa hivyo usije hapa kutusomea memorandum. Kwa sababu memorandum nitaichukua nitaenda nayo ofisi, tuta-analyse na tutakuwa na wakati wa kusoma. Tuna experts huko ofisi yetu ambao watasoma memorandum yote kabisa. From page to page. Kwa hivyo wewe kama umeandika memorandum, utatwambia yale ya muhimu, point ya kwanza, pengine unaona ya pili haina maana ya emphasis unaenda ya tatu ya nne. Dakika tatu unamaliza mambo ya memorandum na unatupatia hiyo memorandum tunaenda nayo. So do not read the memorandum but highlight the most important points. Three minutes. Kama hauna memorandum ni maoni yako tu utapewa dakika tano ya kuongea. Na hiyo utaonyesha maoni yako, dakika tano ikiisha nitawapatia wengine nafasi.

Kuna mtu ana-memorandum pengine na hataki kusema lolote. Huyo tuna register yetu, utapeleka memorandum yako, utaandikisha jina yako na kila kitu, kwa sababu tuna register nyingine, hii ni ya kuingia pale, lakini kuna nyingine ya muhimu sana ya kutoa maoni. Kwa sababu unaweza kuingia hapa na ukae bila kutoa maoni. Hiyo ni sawa sawa, usikilize wengine. Lakini ukiingia hapa na unatoa maoni, there is another register. Kwa hivyo unaweza kuwa una memorandum na hautaki kusema lolote, unataka kupeleka mambo yako in writing and then you sit down and listen. You are free to do like that. Utasema mimi sitaki kusema lolote nina maandishi na upeane. Kwa njia hiyo tutachukua.

Kiti kingine ni kwamba kama Commissioner yeyote hapa, mimi ama mwenzangu tungetaka kuuliza kitu, kufafanua, ama clarification, hiyo tutakuuliza baada ya kupeana maoni yako. Kama hakuna hiyo ni sawa sawa utaenda ujiandikishe kwa register. Kwa hivyo ni kama kwamba kusema ukimaliza hapa huendi nje directly, ukimaliza hapa unaenda hapo. Register, is it there, is it there? Okay sorry, this is where the register is. Ukimaliza hapa unaenda kwa register, halafu unawekwa kwa register, unaenda nje ama unaketi kusikiza wengine.

Naona ya kwamba nimemaliza yale nilikuwa nataka kusema na kile ningetaka kuhimiza sana ni mambo ya time. Wakati mwingine tunakuwa na watu karibu mia mbili. Kwa hivyo ndio tunataka tuheshimu masaa. Kwa sababu ukizungumza sana wengine utawapotezea nafasi na ndio tumeweka set time ambapo tukifika jioni tutakuwa tumemaliza kila mtu, amesema kitu fulani. Nikisema ya kwamba masaa yako yamekwisha, usikae hapo maliza na ufanye na heshima uweke memorandum yako na uende. Kwa hivyo kwa hayo machache mengi, ningetaka tuanze na mtu wa kwanza ambaye tunamuita Jumbo Lukas. Bwana Lukas ni wakati wako.

Jumbo Lukas: Mimi nimefika hapa kutoa maoni yangu na nimeandika nitasema tu points za muhimu kwa dakika chache.

Com. Ratanya: Ningetaka tena kuwakumbusha kwamba niliwaambia hiki ni kitu cha recording. Kwa hivyo ukija hapa sema jina lako wewe mwenyewe ili iingie kwa record. Kwa hivyo Bwana Jumbo Lukas sema jina lako. Na hata wengine anytime you come here, you start by saying your names. Thank you.

Jumbo: Jina langu ni Jumbo Lukas, Likuyani location najulikana kama councillor without portfolio. Maoni yangu ni haya. Education: Kumaliza ujinga katika Kenya ni heri Serikali igharamie elimu ya primary na irudishe ile foundation ya Jomo Kenyatta ya vitabu na wazazi tu wawe wakijenga shule. Tuna Minister wa Labour; yeye ana kazi chache sana katika Serikali ya Kenya. Maoni yangu ni kwamba huyu Minister wa Labour katika kila district tuwe na Labour office ya kuandikisha wale wanatafuta kazi. Wajiandikishe pale na labour iwatafutie kazi na wakiendelea kutafutiwa kazi wawe wakipewa pesa kidogo ya sabuni kama elfu tano kwa mwezi. Watu wetu wameanza kufa kwa wingi. Yaani social services ipewe kazi. Tuna watoto ambao wamewachwa na wazazi, mzazi mmoja ama wawili. Orphans, na hao watoto hawawezi kusoma, hawawezi kula vizuri. Kwa hivyo tunaomba Katiba ambayo itakuja, itunze orphans wote ambao wamewachwa wasome na wamalize shule bila shida yoyote.

Land: katika Kenya tuna watu ambao wanaitwa masquatters. Kumaliza hili jina masquatters, provincial administration itoke kabisa kwa mambo ya mashamba na wazee wa mitaa na viongozi local wasimamie mashamba ya Serikali kama inagawa ili mambo ya hongo ama officers wa Serikali ama DC kunyakua mashamba hilo jambo litakwisha.

Mambo ya politics, tuna siasa katika Kenya na hivi viti vya Civic inatakikana mtu akitaka kusimama awe amejua kusoma Kizungu na Kiswahili na awe na good conduct katika area yake. Pia local authority ama Councillors wapewe uwezo wa kusimamia mali.

Com. Ratanya: Lukas jaribu kumaliza, wakati wako umekwisha.

Jumbo: Councillors wapewe uwezo wa kusimamia mali ya local authorities. Nikimaliza, mambo ya headquarter ya Kenya kuwa mahali pamoja, ni heri tuwe kama Lugari ni agricultural district, headquarter ya agriculture iwe Lugari ili ifanye kazi ikijua hiyo ni sehemu ya agriculture. Mengine mengi nimeandika, asante kwa kunisikiliza.

Com. Ratanya: Asante sana Bwana Lukas, leta report yako ije hapa, hapa ndio kuna register. Asante kwa maoni yako, tutaenda kwa Ruth Mwambane.

Ruth Wambane: Commissioners, secretariat, ladies and gentlemen. My names are Ruth Wambane, Divisional Secretary Maendeleo ya Wanawake. Following the exercise of Constitution of Kenya Review, Maendeleo ya Wanawake Lukiyani division sat down and put their heads together and came out with the following recommendations:

The structure and systems of Government: A president should be in office for one term or two not exceeding ten years.

Citizenship: any child whose mother, father is a Kenyan should be given automatic citizenship. Unlike the system being used at the moment, if a woman wants a passport she must have a letter from her husband, marriage certificate, birth certificate etc. Every Kenyan citizen irrespective of age shall be entitled to a passport.

Health: women in rural areas, pregnant mothers and children should have free medical services at all levels. Poverty and Women: the poverty eradication programme to reach all women through registered women groups yearly to uplift their projects and run their affairs. The Legislature: The Kenyan Parliament and local authorities shall comprise 35% of elected women. The Electoral Commission of Kenya shall be a constitutional office. Political parties: Kenya shall remain a multi-party state. The party shall not be more than five. Every political party to raise its own funds. Defections should be discouraged.

Defense and National Security: The President shall not be the Commander-in-Chief of the armed forces of Kenya. Women should be given equal opportunities during recruitment with men. The Executive: the office of the Executive will be a Constitutional office. The functions of the head of state must be defined in the Constitution. The powers of the Executive to be devolved.

Local Government: Affirmative Action to be applied to allow 35% women representative on local authorities. The local authorities shall be independent. Councillors' allowances be determined by the Public Service Commission. The Judiciary: There is need for legal aid to be provided for all citizens who cannot afford legal fees. Particularly women, children and persons with disability.

Electoral system: The Electoral Commission office to be de-linked from the Executive and be allocated Constitutional office status. The population of constituency to determine the constituency boundaries. Affirmative Action for people with disability participating in election be institutionalized.

Girl Child and Education: Girls should be given all chances of education to discourage the girl child to be a bar maid or maid at early ages. Child labour should be abolished. Encourage girls to go on with education even after delivering or early marriages.

Human rights: Equality of gender in succession of property. Children to get free primary education upto standard eight. Women and children to get their rights from parents. That is property distribution. Children to get their rights from teachers, guardians and parents.

Violence against Women: Violence against women shall be dealt with promptly by the law and the practice should stop.

Retirement Policy: Retired people to get increment of their pension yearly. If a husband pensioner dies the wife should be given the pension until she dies too.

Land and Property: Land certificate to bear names of both wife and husband and two of their children. Equal rights of land ownership for both male and female members.

Constitutional: The formation of a Gender Commission which should be a constitutional office. Lastly, management of natural resources: Equal distribution of natural resources to all Kenyans in all regions and districts of the country without bias. Thank you for listening to me. Thank you.

Com. Ratanya: Thank you very much Ruth, the next one is Andrian Cosmas Atakha.

Andrian Cosmas Atakha: Honourable Commissioners, secretariat, other officials, ladies and gentlemen, I am very much pleased to have this opportunity to present our views on behalf of a self help group called Nangili Tumaini Self Help Group. My names are Andrian Atakha to present their views and put them across. I have a few recommendations to make. There should be a centralized Coalition Government and we do not need a Federal Government. The Coalition Government should be formed by a winning Prime Minister together with the President who should be a Ceremonial President. To officiate important functions such as presiding over occasions like university ceremonials and other things like that. The Parliamentary Select Committee should appoint both Vice President and the Assistant Prime Minister. Qualifications: the President and the Prime Ministers should be persons of standing integrity in the society and they should be citizens of Kenya aged 40 years and above. They must be university graduates from recognized universities with proven experience in administration. They should be medically fit.

The President and Prime Ministers should have limited powers on matters of national importance. They should be liable for prosecution for mis-use of office upon they retirement of resignation. They should be nominated by the respective parties both at grassroot and national level. Elections: a candidate who secures 20% of votes in seven provinces and 80% votes in his or her province shall be declared the winner, hence form governance. Powers: Judiciary should be totally independent and be separate from any interference by the Executive and the Legislature. Judges should have job immunity guaranteed. The president and the Prime Ministers should not interfere with the affairs of the national assembly. On defection: any member of a political party who defects to join another party should not participate in the by-election which he or she caused by defecting. On corruption, any officer found soliciting bribes should be imprisoned for a term of five years or to pay a fine of upto Kshs. 100,000. Government officers should be paid handsomely. Promotion on merit should be introduced.

On landlessness: The Government should provide half of the forest land and game reserve land to settle the high number of

squatters in the country. The settled people should be instructed to plant trees along their farm boundaries to form afforestation.

In business: The Government should abolish all forms of taxation to small-scale business people. They should not be required to license their businesses. They should be given soft loans to promote their businesses.

On education: There should be free education to all primary and secondary schools. Parents should maintain the schools development projects.

Com. Ratanya: Try to sum up, masaa yamekwisha.

Andrian: Medical services should be free countrywide. Employment: People that have no jobs should be paid some allowances. In that way we will have put down some crimes. Thank you very much.

Com. Ratanya: Next one is Peter Lukwiro.

Peter Lukwiro: The Commissioners of review of Kenya Constitution, my names are Petet Lukwiro, I am a retired senior chief of this area. Nitasema Kingereza pamoja na Kiswahili. Nina memorandum ambayo nimeandika.

Com. Ratanya: Ni sawa senior chief, useme kwa hiyo lugha unataka, lakini ujue dakika yako ni hiyo hiyo tano.

Peter: Asante Commissioner. Nitazungumza juu ya Rais. Kwa sababu tungependa tuwe na Rais wa Jamuhuri ya Kenya na Rais wa Kenya huyu asiwe Mjumbe wa Parliament. Achaguliwe Kenya mzima. Na tena awe mtu mwenye heshima na amesoma kiwango ambacho anaweza kuelewa mambo yote ya Kenya. Na Vice wake wakati wa kura pia awe running mate kutoka kwa party yake. Na akiwa na maneno, awe answerable kwa Parliament ya Kenya. Na kuchangua watu hasa wakubwa wa kusimamia armed forces, Public Service Commission na security iwe akichagua na ana-propose majina yapelekwe kwa Parliament for approval in consultation with the Prime Ministers.

Mashamba: Sababu area hii pahali tunakaa tunajua uchungu na uzuri wa mashamba. Katika area hii ndio settlement. Lakini mtindo ambao unaonekana haukuwekwa maanani. Mtu anaweza kupata shamba kwa Kenya pahali popote. Na tuwe na public Commission ambayo itasimamia mashamba yote katika Kenya, kwa sababu ya management na kuona. Hata tuwe na allocation committee kama mashamba yamepatikana kwa Kenya. Mambo ya agency na companies yatolewe, ndio yanaleta corruption katika Kenya. Appointment of nominated MPs and Councillors itoke kabisa haina maana yoyote.

Com. Ratanya: Jaribu kumaliza wakati wako umekwisha. Give us your memorandum.

Peter: Nimeandika na memorandum iko hapa tuliandika watu wawili. Pengine he is next Mr. Shihafu.

Com. Ratanya: Nashukuru senior chief, peana memorandum yako pale jiandikishe na yule ambaye anafuata ni Bwana Alfred Shihafu.

Alfred Shihafu: Thank you Commissioners and your team, my names are Alfred Mukabwe Shihafu, I have a written memorandum. I will talk about the President. The President to remain Commander-in-Chief of the armed forces but the Parliament to be always granted supervisory and monitoring powers through the establishment of the Parliamentary security committee to ensure that this vital area is not controlled by one person. Ministers: Unsuccessful candidate shall not be nominated to an elective post. For instance, MP, Ministers or Assistant Ministers.

Constitutional offices shall be nominees of respective Commissions, secretariat,, committees etc. Armed forces and police recruitment: The current recruitment system should be diminished, for instance applicants should be vetted from village level through the district level by local leaders. Parliament: the person to be elected as Speaker and Deputy Speaker of the national assembly must meet the criteria of aspirants of the Parliamentary seats. On election, as Speaker and Deputy Speaker respectively, they will automatically relinquish their Constituency seats and a by-election shall be held. Local Government: the role and duties of a local councillor must be clearly defined. Qualifications: secondary education and at least and appropriate managerial and administrative skills. Commissioners to Electoral Commission of Kenya: The proposal for appointees to be done by registered and represented political parties in Parliament. Electoral Commission shall involved in administrative boundary review with view of harmonizing electoral and administrative boundaries. Qualifications: At least secondary education or proven managerial and administrative skills. A person of outstanding integrity in the society.

Education: The current 8.4.4. system is producing half-baked people in as much as its concept could have been noble. Its functionality has brought nought, hence should revert back to the old 'A' level system which was internationally recognized. And corporal punishment should carefully be introduced back. That is I say seven years in primary school, four years in secondary school that is 'O' and two years 'A' level. Then four years university. Thank you very much Commissionrs.

Com. Ratanya: Asante sana Peter. Next one is Daniel Napiswa. Are you the one?

Francis Maruti: Na nitazungumza Kiswahili. Mimi naitwa Francis Maruti former Kanu Chairman.

Com. Ratanya: Ningetaka yule ninaita hapa. Ninaita mtu ambaye anaitwa Daniel D. Napiswa. Nani anaitwa hivyo? Napiswa ndiye nimeita. Okay wananchi sawa sawa. Bwana Daniel endelea na majina yako.

Daniel D. Napiswa: Daniel David Napiswa.

Com. Ratanya: Sasa wananchi mnajua mkiendelea kuzungumza hayo maneno yataenda kwa record na si vizuri. Kwa hivyo tumsikie Bwana Daniel ambaye tunamsikiza.

Daniel: The Commissioners of the Constitutional Review Commission, ladies and gentlemen, I am appearing for St. Augustine Catholic Church. I have a few things to say here about the public service vehicle owners. The public service vehicle owners should be providing the details of the passengers from the point of origin to the destination, so that in the event of an accident these people can be properly identified.

The farmers need to be given concession in the cost of cattle dips and in many farm input like fertilizers and they should be protected from threats of similar cheap products from developed countries. The Government should give price subsidy and other incentives to those farmers who manage to produce certain goods. For the pensioners, in view of the increasing cost of living, from time to time their pension should be reviewed by a Commission which should be appointed so that they can fit in the economic hardship.

The Board of Governors should be replaced by sponsors and Parents Teachers Association for effective management of schools, as the Boards of Governors are irrelevant and are a common source of social conflict at schools. Quota system of education should be done away with in the recruitment of students, because those poor students who come from a particular place where the school is given priority when it comes to recruitment, leaving out the more competitive students who would improve on the school. Greater subsidy be placed on medical services, possibly medical services be made available especially for the killer diseases like HIV. Better and efficient checks and balances be put in place on imports so that the cheap-standard things should not be brought into our country to interfere with our local industries which have almost collapsed. Our industries and farmers producing foreign exchange earning products should be given support and incentives to expand and be protected from unnecessary competition.

Com. Ratanya: Daniel, jaribu kumaliza wakati wako umekwisha.

Daniel: Education especially at primary level should be made truly free. The fund-flows should be included in all audited accounts, by the Kenya accountant and auditing standards of Kenya. Thank you very much.

Com. Ratanya: Okay asante Daniel, peana maandishi yako hapo. Next is Moses Wafula.

Moses Wafula: My name is Moses Wafula Wepukhulu from the Kenya Christian Reformed Church. This is a memorandum to the Constitution Review Commission of Kenya by children rights, stake holders from the Kenya Christian Reformed Church. We stake-holders on issues concerning children, having considered comparatively the provisions for children in the

constitutions of our sister countries, Uganda, Ethiopia, South Africa and India, and having considered international trends and the provision of international instrument protective of children's rights, key of which are the United Nations Convention on the Rights of the Children, that is 1989, and the African Charter on the Rights and Welfare of the Child 1990, believing that the issues of governance are core to our society and the principles that guide our governance should be manifested in our constitution, call for an inclusion of a preamble in our reviewed constitution that embraces the fundamental values which would be essential for the protection of children of Kenya and which include:

- a) Freedom
- b) Participation
- c) Equality
- d) Solidarity
- e) Tolerance
- f) Respect for nature
- g) Shared responsibility
- h) Fidelity to human values
- i) Responsibility of citizen

Constitutional principles:

1. Distinct recognition of children in a special section under the bill of rights. Children as a distinct category of citizens deserve express constitutional identification and recognition.
2. Definition of a child: for the purpose of legal interpretation and connected intent, a child should be any person below the age of 18 years and this definition shall be considered to mean every boy or girl and children with disabilities.
3. Nationality and citizen rights: All Kenyan children have a right to a named nationality from birth to automatic citizen. All unaccompanied children below the age of eight years found within Kenyan border should be automatically presumed to be Kenyan citizen. The reviewed constitution should provide for the registration of birth as a fundamental right of every child. Birth certificate should be prima facie evidence of citizenship.
4. Right to life and basic rights: Children have a right to life. Their survival and quality of life depend on their access to basic needs like nutrition, health care and shelter, water, sanitation, safety and security, and equitable distribution and access to resources and services in the community. Every child should have a right to life.
5. Right to education: Every child should be entitled to free and compulsory basic education and affordable subsequent education both of which should be the state responsibility to guarantee. Children have the right to develop normally so that they can fully participate in the society in which they live in. Education is key to development, which involves the mind, the body and the soul.
6. Protection from abuse and exploitive measures: To protect the child today is to guarantee a secure tomorrow. Yet there many ills that children are exposed to which are not conducive to their well being. Abuse, neglect, discrimination.

Com. Ratanya: Jaribu kumaliza sasa.

Moses:

7. Best interest principle.
8. Special constitution office for protection of children. I.e a children's office should be formed called the Children's Ombudsman. This would be an independent Constitutional office vetted with full security of tenure in the following mandatory among others.
9. Access to justice by children: there should be constitutionally recognized superior courts for children of original jurisdiction administered by officers trained on children issues.
10. Governance: The reviewed constitution should provide an avenue that enables children's voices to heard. The reviewed constitution should have provision that enables the state to facilitate privatisation of certain institutions to enhance the welfare of children. For example children institutions. However the Government should still maintain its control within the institutions for purposes of accountability of service provision. Thank you very much.

Com. Ratanya: Anayemfuata ni Elam Kipande. Bwana Kipande ni wakati wako. Na niliwaambia kama ukisoma memorandum, utapoteza wakati mwingi sana, tuambie yale ya muhimu. Usijaribu kutueleza kwa sababu hayo yote tunajua. Tungetaka maoni yako kwa kufanya Katiba mpya.

Elam Kipande: Commissioners, ladies and gentlemen, my name is Elam Luvandale Kipande. These are the few recommendations made for this Constitutional Review of Kenya. There should be a preamble to our constitution. National vision should be Civic Education to all electorate. Common experiences should be education on constitution to all Kenyans. Number of political parties should be limited to three; one, ruling party, the second one, opposition and third, ----- . They should receive their funding from public funds. Parliament should have unlimited powers to control procedures through standing orders. MPs should be full time. No changes in age requirements or voting and contesting Parliamentary, civic and presidential. We should introduce moral and ethical qualifications for Parliamentary candidates. No special measures should be put in place to increase women participation in Parliament. There should be coalition Government for all parties to have access representation at both levels, Government and Executive. President should not have powers to vet Parliamentary legislation. Parliament should have powers to over-ride president's vet. President term should be two terms of three years each. Mayor and Councillors should be elected by electorate, for one term of five years. There should be minimum education qualification of standard seven and above. Special economic and cultural rights should be included in the constitution.

Death penalty should not be abolished; should be enforced and no amnesty. Constitution should protect security, health care, water, education, shelter, food and employment, as basic rights of all Kenyans. Government should shoulder the responsibility. Every Kenyan should have access to land taxatin on idle land to encourage utility. Cultural and Ethnic: should be protected and

the Constitution should provide for the protection from discriminatory aspects of culture.

Com. Ratanya: Jaribu kumaliza, wakati umekwisha.

Elam: Traditional brew should be allowed to match with foreign brews. Thank you.

Com. Ratanya: Anayefuata ni Bwana Andrew Ochieng.

Andrew Ochieng: Majina yangu ni Andrew Ochieng na maoni yangu ni yafuatavyo. Kwanza ni Rais. Rais akistaafu, asiruhusiwe kushiriki katika siasa, la sivyo iwapo kuna marupurupu yoyote ambayo angepata, apoteze. Serikali ijayo baada ya Serikali hii iundwe kwa njia ya Mseto. Hapo itampa mwananchi uwezo wa kuweza kumchagua hata na Makamu wa Rais. Wabunge wanaoasi ama kutojali sehemu zao za uwakilishi wananchi wapewe nafasi ya kuwakataa na kuitisha uchaguzi mdogo kwa haraka. Hivyo iwe kwa madiwani wale ambao wanaasi na kuwacha sehemu zao zenye walichaguliwa kutowajali. La pili kwa Wabunge, Mbunge asiruhusiwe zaidi ya mihula miwili ya miaka mitano katika Mbunge. Asiruhusiwe kusimama kwa mara ya tatu. Kuundwe sheria kali dhidi ya Wabunge wasiofika katika vikao vya Bunge. Kabla ya Wabunge kupitisha hoja yoyote katika Bunge, ingelifaa wafikie wananchi waliowachagua wapate kuwauliza maoni yao ndiposa wapitishie hiyo hoja.

Lazima viboko virudishwe shuleni kwa ajili ya nidhamu, asanteni.

Com. Ratanya: Nashukuru sana Bwana Andrew kwa kuweka masaa, huyo ndiye ametumia masaa yake vizuri. Very good. Osindo Stephen.

Osindo Stephen: Bwana Commissioner, haya ni maoni yangu na rafiki yangu. My full names are Brookes Stephen Osindo, I am a retired officer, farming here. In my view I have started with number one, which is presidency. That is a symbol of unity. All other powers and responsibilities remain. Age limit, not younger than 40 years and not older than 75 years. He should be of high integrity, being determined by the public through a referendum including no criminal record. Education minimum, mandatory form four. Be a practicing family person. To be seen in public with his or her wife/husband. He will appoint senior servants, having being previously nominated and vetted by MPs. He will not appoint Chief executives of parastatals. Has to be above party politics and should not be an MP.

My second place of interest: Judiciary to be totally detached from the influence of the Executive, either directly or indirectly, in performing of duties to avoid compromising of justice.

Legislature:

1. To have her own calendar of activities. An MP must seat in the house during the seating for at least three quarters of

the day's seating. He or she will earn only allowances for the day, which is seating allowance, travelling, accommodation and constituency responsibility, but not earn money simply for technical appearance of three minutes. Ministers will on top receive separately salaries from their respective ministries. Since the MP's earnings will be allowances, they will be tax free. While the president goes for not more than two terms, the MP should do so not more than 3 terms, but after a break of five years, the MP can return and be elected. The VP will be a running mate of the president; in the case presidential candidate win, but if his VP loses, he will pick the winning VP from any party, because votes will be above party politics then.

Com. Ratanya: Nimekupatia wakati mrefu, kwa sababu wewe ni mzee retired kama mimi, lakini jaribu kumaliza.

Osindo: With all geographical factors considered the constituency voters' population will be between 20,000 and 40,000 adults. Last, human rights: No police brutality; corruption should be outlawed. Decent prison conditions. Right of ownership of property without political interference, especially in land cases. No domestic violence, gender abuses and child abuses. We should have land ceiling, for example, maximum 2,000 acres of land. All owned land be utilized by at least 40 and not more than 30%. If you have more than that it should be kept in food security fund. This fund will be loaned to needy farmers to produce food.

Religious freedom means, respect for one another's faith and nobody will exercise his freedom at the expense of others. Anybody who preaches antagonism will have his demoninational license withdrawn. All preachers of faith will have renewable licenses at an annual fee. Chang'aa and busaa should be legalized and the brewers will seek permit from the local chief and a public officer at a fee. This practice will generate funds at the local level. The public service officer will be facilitated to determine the degree of hygiene.

Com. Ratanya: Sasa Bwana Osindo, jaribu kumaliza unajua wanaongojea wengi. Tupatie hiyo memorandum tutaisoma kabisa. Asante sana kwa maoni yako.

Osindo: Yuko mama mmoja ameenda Lumakanda na alinipa memorandum yake ni- present, it is very short.

Com. Ratanya: Utapeleka hapo, ukipeleka yako umwandikishe kwa register yetu. Kuna Mary Njambi. Hayuko? Mark Lighagha. Ni wakati wako.

Mark Lighagha: Mr. Chairman, my name is Mark Lighagha, I am making a personal contribution. The first one is the constitutional obligation of the constitution. The constitution should have an obligation towards the citizens of this country. Am contending that the present constitution does not stipulate what kind of society we want to build here in Kenya. The next constitution, Mr. Chairman, should very clearly state what kind of society Kenyans want to build. The present constitution I feel

is based on self interest and self interests have in turn produced corrupt politicians, corrupt elections and even worse in the long term, wastage of natural resource. So I therefore submit that the new constitution should embrace the concept of state obligation and responsibility to we Kenyans of not only today, but of future generations. Future Government, should understand that above all they have a constitutional obligation, they are bound by a contract of five years to govern in the interest of wananchi.

The next one is bill of rights. I feel there should be a bill of rights in the constitution. A preamble should state, as I said, what kind of society we want to build for ourselves here and for our future generations. For instance there should be no discrimination of any kind, either by tribe, by age or by anything. Retirement, for instance at 55, I do feel is a form of discrimination. We have been out, like in my case for 10 years now. I think a doctor should have said I am incapable of working. Otherwise I feel I was discriminated against working when I was still capable. So I feel the future constitution should not discriminate people at 55 years and relegate them to the dust bin of they are no longer of any use.

The Legislature, I feel we should have two legislative chambers, house of representatives, which should be based on population and we should have a senate whose membership should be based on equal representation from the eight provinces. And once we have those two, one should not dissolve itself or one should not dissolve the other. Two-thirds majority would be required in both chambers to change the constitution. I feel we should have a Unitary Government, we should preserve the one that is here. Because a Federal Government would be too expensive and also will create constant friction. But Central Government must devolve its powers to locals.

Com. Ratanya: Try to wind up, we are running out of time.

Mark: Local Government should be strengthened to provide services. The principles of separation of powers, the Legislature, the Executive and Judiciary, they must be made watertight. President and the Executive are too powerful, and the other two are rubber stamps, and this leads to mis-Government. Powers of the head of state, personality cults, must be avoided because presently, personality cult is a feature of this country. I think it borders to the stalinist regime of Russia in 1930's and 1940's. The question of printing currencies with portrait of head of state, only the founder of this nation should be on our currencies. All others that are coming in the next constituency they should not have their heads printed on our currency. This even makes them feel that the money is theirs. They can print and retain power by using that money. It would even be ridiculous to keep printing every time we have a new president.

Policemen should be re-trained to be for the people and not against the people. Office of the president, PCs should be eliminated, DCs perhaps retained, DOs abolished, Chiefs retained but electable. Assistance chiefs abolished. Presidential appointment must all be vetted by the Parliamentary committee. Finally on education: primary must be made compulsory and a right of a child of this country. Secondary must be retained, must be sizeable, university education should be made very small,

because I feel it is the right of all Kenyans to have food, to sleep with a full stomach, be accessible to medicine in hospital than to have a lot of education. Thank you.

Com. Ratanya: Asante sana Bwana Mark, kuna Timothy Sembaya. You know Sembaya you have a written memorandum, which you have to hand in to us, and so do not read your memorandum. We only give you five minutes, after that you stop and hand in your memorandum to us.

Timothy Sembaya: My names are Timothy Sembaya, I am the current civic leader of this area. My views are as follows: street children and the disabled should be taken care of. Education in the country should be free and mandatory. Under agriculture, the sector should be taken care of by ensuring that importation of farm produce is totally stopped or accepted when situation demands. Under environment, the security of our forests should be ensured to have a continued rain pattern. Under land, the land ownership should bear the names of both husband and wife on the title deed to avoid unscrupulous fellows. Under health, facilities should be provided in all the health institutions to try to improve treatment and at the same time it should be free. Under politics, there should minimum education required to anybody seeking either civic or Parliamentary position, thus, form four for civic, and university for Parliamentary.

The appointment of chairmen and mayors in local authorities should be through elections. The appointment of Ministers should be in accordance with their education, such that each one who becomes a Minister gets a Ministry he understands. They should be given absolute powers in their ministries, to make it easy to run them. The appointment of a Vice President should be through election. The tenure of Parliament should be very specific, such that when it expires, the election date is known. Thank you.

Com. Ratanya: Thank you Timothy, we have Anthony Wesonga.

Anthony Wesonga: My names are Anthony Wesonga. On the Constitution; constitutional amendment should be at least 80% of the seating MPs. Qualification of MPs, MP should be at least university graduates and then Councillors should be at least form four leavers. The president should get at least 50% of the total votes, but 25% in every province. He should have a running mate in the name of a VP, and in case he dies in the office, there is no need for another election, let the VP take over.

About land ownership, let us have a ceiling on the number of acres one should have, preferably a maximum of five hundred acres. We should have no nominated MPs, let us have a House of Senate and then House of Representatives. Then Parliament term should be known, just five years. The seating procedure should be from Monday to Friday and starting from 8.00am and then to 5.00pm, and it should be compulsory. The question of lack of quorum should not be there. Then on the provincial administration, the provincial administration should go, it serves no purpose at all and then there is overlapping of duties. Let us have ministries do their work from the location to the head quarters. We can have the chiefs, who should be

elected.

The passport to replace the ID, so that we do not have the influential people as the ones to have passports. The ID should go and we have passports for everybody. Then as for the veterinary surgeon Act, I suggest that it should remain as it is. The number of political parties, let us have a maximum of three parties to wipe out tribalism. Then let us have Parliament deciding the number of ministries, so that no single person should create more ministries to reward his friends. About non-performing MPs let us give them one year to get used to it and then if he can not perform by two and half years, we will have power to recall him and then we elect another MP.

Com. Ratanya: Bwana Wesonga hakuna masaa, jaribu kumaliza sasa.

Anthony: On education let us have compulsory and free primary education. Secondary education should be optional. With that thank you very much.

Com. Ratanya: Asante sana Anthony, peleka hapo kwa register yetu. Then we have Jonathan Juma.

Jonathan Juma: Jina langu ni Jonathan Juma Kimweli. Mimi nimeyanakili maoni, na sitasoma hayo, nitampa Commissioner, na Commissioner ataenda kusoma.

Com. Ratanya: Nashukuru Bwana Jonathan sana, hiyo ni kawaida kama una written memorandum andikisha pale na tunashukuru sana kwa hiyo memorandum yako. Kwa hivyo tunaenda na Wanda Wamalwa Wanjala.

Wanda Wamalwa: Thank you very much Commissioners, my names are Wanda Wamalwa Wanjala, high school teacher and I have the following proposals to make. There is need for a preamble. This should reflect our common sufferings right from independence up to this day, through the struggle for multipartism. On the principles of state policy, that we need to have the principles of state policy which will serve as the framework on which we should lay our political, social and economic development. You will agree with me that at independence, the ruling party set out to launch what we call African Socialism. Unfortunately this was a brilliant document which was only launched at the party level. I strongly propose that this particular document today, with its principles, should be actually entrenched in the constitution, so as to be adhered to. The harambee concept along the same line, on the principles of state policy, has also served us well and I strongly propose that we should have the harambee concept being entrenched in the Kenyan Constitution, to avoid people abusing the same concept that we are actually trying to promote.

Defence and National Security: the office of the Police Commissioner should be constitutionally. This is in order for us to avoid being influenced politically and from the Executive, so that the tenure of this office should also be secured and his appointment

and dismissal should be through a committee or rather, we should have some kind of committee which would look into the dismissal of the Police Commissioner. On the political parties, we need to have a constitutional demand that a political party must be national in outlook and its internal organization should actually reflect the democratic principles that the Constitution is set of course to achieve.

The structure of the Government, you will agree with me that more than 90% of the Kenyan pre-colonial society, were based on council of elders, except perhaps one or two. If you run away from this party then our constitution will neglect our traditional values, which our old societies were based on. And therefore in short, I am proposing strongly enough we need to have, President, Prime Ministers, Deputy President and of course Deputy Prime Ministers. This is actually well dealt with within my proposals.

On the Legislature, I have proposed that the role of MP, should remain representative, they should actually be consultative enough when they are making any decisions whether inside or outside Parliament. I say this because MPs once they are elected, their role as representatives of the people ends on the election day. Rampant defection in the Seventh Parliament is actually a case example over this. MPs were defecting without consulting, lack of quorum and many others. I have dealt with this within my memorandum. Nominated MPs, the constitution should state clearly and specify the purposes for which nominated MPs are actually nominated. It is my consideration that nominated MPs should be restructured, so that we have nominated MPs from professional groups, from youth, from women, from the disabled, from the religious groups, from trade unions, and those people to nominate should be the stake holders, the same people who are actually set out to give us these leaders. This will serve well especially when it comes to the current system where it is abused. Where MPs nominate their friends, relatives and business friends.

Electoral system: I propose that the Civic, Parliamentary and Presidential system should be changed so that we should have them not held simultaneously. I therefore propose that to avoid the case of a three piece pattern, which was rampant in Central Province, Nairobi Province, and Nyanza Province, some parts of Rift Valley. We should have these elections held differently. Therefore, I propose that civic elections are held after three years; parliamentary elections are held after four years; presidential elections are held after five years.

Finally on essential services, compulsory education, health and security are recognized as essential services. I strongly propose that these being the bedrock of our social security in any particular society, these services must be entrenched in the constitution, and must be given what I would call a roof and this roof will shelter them against any problems in terms of economic problems, in terms of social problems and other problems and this will enhance the provision of these services by the providers. Thank you very much, that is all I had.

Com. Ratanya: Thank you very much Bwana Wanda. John Baraza, I can also see that you have a written memorandum, so

just highlight in a few minutes and then hand in your memorandum to us.

John Baraza: Thank you very much for this time. Before I say anything, first of all, I will say pole sana kwa kupoteza mmoja wenu. My name is John Baraza, I will start with education because everybody in this world or in Kenya has gone through education. Education is very important. In my own views, I would like the Constitution to be drawn, which will enable free primary education in the country. I would like the constitution to be written, which must do away with extra levies which are charged in learning institutions, for example, tuition fees and examination fees.

A law should be drawn to enforce Government in power to put up structures in poor areas. For example learning institutions. Constitution to be passed by the Commission, to expel teachers from teaching force, who befriend a school child. A law to be passed enabling bursary being given to only poor children.

Health: Constitution should be passed by Commissioners enabling its people to get free medical services. Because this time for example, people are having malaria, but they are unable to meet the expenses in the hospitals. So I would like to urge the Commission to see that health institutions are free to everybody. Also, I would like to put up Constitution sections, which require review. Properties of constitution which are wrong, section 14, (23) (24), (25), (41), (59), (61), also part 3, section (58), (59), and chapter four section, (60), (64), plus others. Also I would like to say, you Commissioners, let no body be above the law. Because you are Commissioners and the law you put down also you should be in. Because at the moment we have people who are above the law. And always people being above the law they make a lot of mistakes.

Chang'aa brewers: chang'aa is prohibited by the President and also it is being promoted by police officers who accept to be bribed and release those chang'aa brewers hindering the Government from receiving it's extra charges. So, a law should be put down by the Commissioners to enforce the chang'aa brewers to be highly charged, the police officers to be sacked if found releasing these people. For you Commissioners to be remembered, 2002 Constitution of Kenya Review Commissioners, for you to be remembered for a long time, it will depend very much on the transparency of Constitution Review you are making now. Most of Kenyans are not educated and some of those not educated can reason out better than those who have gone to school. So a law should be drawn by the Commissioners, to allow anyone with the following qualifications:

- i. One who can reason and think rationally.
- ii. Who can express himself.
- iii. Who can read and write.
- iv. Who can speak both English and Kiswahili languages.

Thank you very much.

Com. Ratanya: Asante sana Bwana John, Melikisedek Lichuma, ni wakati wako.

Melikisedek Lichuma: My names are Melikisedek Lichuma. First I will start with, when the President retires, all Government resources should be investigated and be returned for the next Government and in fact he should be prosecuted in case found guilty. Traditional brews should be legalized. Anybody with more than 50 acres should set aside one acre free, for the squatters.

Prostitution is on a very high rise, so the Government should abolish. Girls dressing is pathetic, so the girls should see that they change their dressing. All form four leavers who are unable to continue with their studies should be given free courses, for example, mechanical. Women should not be equalizing themselves with men, because a promise from God says that 'woman should be under a man'. Medical charges are too high for the poor. Prefects should not be given powers to rule so harshly. Rapists should face death penalties. Child labour: a strict law should be amended to the people who employ children. Government should look after the children when they stop that child labour. All roads to be re-carpeted to stop accidents. Corruption in all public sectors, a law to sack and sue anybody found grabbing a bribe, because corruption is very rampant. Condoms should be abolished, they contribute to a lot of STDs, because the youth assume that condoms are 100% yet they are not. Pick pockets and street children should be rehabilitated, because they might turn Kenya upside up once they are grown-ups.

Com. Ratanya: Jaribu kumaliza wakati wako umekwisha.

Melikselik: Torture and murder in cell, yet one has not been proven guilty, and you are being beaten by police. Bursary should be given to the poor not to the rich. Civil education should be planned for every village in Kenya. Thank you.

Com. Ratanya: Thank you very much, we go to John Sirengo. John ni wakati wako sasa.

John Sirengo: Bwana Electoral Committee, naitwa John Sirengo Mukweyi. Nina maoni yangu na memorandum yangu imetafsiriwa kwa Kiswahili. Sitasema mengi kusudi nina memorandum. Uraia, yaani citizenship, raia wa Kenya bila swali awe mzalendo wa Kenya. Utoaji wa uraia wa Kenya ufuata utaratibu kama: mtu mwenye anaipenda nchi yake awe mzaliwa wa Kenya. Ikiwezekana awe mvumilivu wakati wa matatizo ya nchi, kama njaa, ugonjwa, ghasia na kadhalika.

Ulinzi na usalama wa taifa: vyombo vya usalama, majeshi na matawi yake kama polisi, askari jela na kadhalika yaundwe na Katiba. Rais hasiwe amiri mkuu wa majeshi. Mamlaka ya nchi, Katiba ifafanue mashariti ya kutimizwa na wagombea wa viti kama cha Rais. Na mashariti yawe haya: Awe na umri wa miaka thelathini na tano au zaidi. Awe na kisomo kisichopungua degree. Asiwe na record la kosa lolote, kama ufisadi, ukabila na kadhalika. Awe ameo na ana familia. Awe mwenye uwezo wa kulinda raia wake bila ubaguzi au ukabila. Tuwe na kipindi maalum cha urais kuongoza, vipindi viwili vya miaka mitano kila kipindi.

Mwisho, utawala wa mikoa na majukumu yake yawe wenye huruma, hasa kwa akina mama wajane au vikongwe au wale wasiojiweza na wanaelimisha wanao. Kwa hivyo waruhusiwe kutengeneza pombe kidogo ya kienyeji ili waweze kuelimisha wanao. Mengi yatasomwa kwa memorandum. Asante sana.

Com. Ratanya: Okay, tupatie hiyo memorandum Bwana John, na asante sana. Martin Kweni, Martin ni observer. Mtu anaweza kuketi hapa na asikilize. Kwa hivyo Martin ni observer hana cha kusema, lakini kuna Stephen Scolia. Huyu alikuwa na memorandum, pengine amepatiana, asante. Christopher Makokha. Christopher naona uko na memorandum, kwa hivyo, just highlight for three minutes and we would like to have your memorandum.

Christopher Makokha. Commissioners, before you is Christopher Makokha. I want to represent the following. The will of people is supreme. Preamble should involve Kenyan's history. All Kenyans remain committed to democracy, liberty, equality, economic and prosperity. New constitution to create clear checks and balances between the three arms of Government, Executive, Judiciary and Legislature be independent, equal powers and decentralized. Head of state be above party politics.

My summary: constitution should put clear checks and balances, otherwise the new constitution should have a President, Prime Minister and Vice President with their duties spelt out properly.

One to be elected as a President or the head of state must have at least university degree. Declare his or her wealth and how he/she acquired it. For any presidential candidate to be declared a winner, must garner 51%. If not met, then first and second winner go in for a run off.

Powers of the Parliament: to impeach the president, to approve Executive appointees, to summon and dissolve ministers, cabinet to be answerable to the Parliament, approve Government appointees. Have its own calendar. The office of Attorney General and director of public prosecution be separate. For any change of constitution in Parliament the Government side must have three quarters or 75%. Vacancy in the Presidency, Parliament to decide who from the two, either the Speaker or Attorney General. Any electorate or Parliament showing interest in a different party, that Member of Parliament should vacate the seat, and the defectors not to be allowed in the by-election.

Election and powers of Electoral Commission: Anybody over 18 years to vote. A voter should use either a voting card, ID card, birth certificate or passport. Political parties be limited to four and tribal parties not to be registered. Independent Electoral Commission, the Chairman and Commissioners of Electoral should not be President's appointees.

Com. Ratanya: Christopher, tupatie memorandum yako, kwa sababu wakati wako umekwisha. Tunangojea mtu mwingine. Tunashukuru sana na tunaenda kwa Richard Sirengo, kama una memorandum, just give the highlights for three minutes, and

then you give us your memorandum, because we shall read and analyse.

Richard Sirengo: My full names are Mr. Richard Sirengo Wanyonyi, I am before you to present few things about the Constitution. I will start with the administration. Presidential powers should be limited to nil after retirement. All provincial administrators should be having retirement age, which should not be appointed after as chairmen or secretaries of companies. All the PC's positions should be stripped off. The DC to remain, the DO to be stripped off, but the chief and sub-chief to remain.

Education: all principals and heads of learning institutions who do not deliver should be sacked, or be called back to the Commission to be assigned different duties as they are not delivering well. All primary education should be free, because most Kenyans are living below poverty line and cannot be able to educate their children in primary, secondary and university level. At least one year free education for the university qualified students, so that we encourage students to work hard.

Law enforcement: all provincial administration, the police and the administration officers should at least have a minimum qualification of college level to be awarded the responsibility they are heading. Because some of them do not know the law and they go on mis-using the office they have at the moment. The Attorney General and CJ should also be vetted by Parliament, so that we have little biasness. All people heading financial institutions should be audited before they depart office or resign on their own or be sacked when caught with anything that is illegal to the Government. Judges in the courts should not be sentencing criminals without going back to their professional ethics, because the prosecutors and the police are using malicious things to prosecute some of these people who are innocent. All civil servants who have retired and have once served in the Government should not be given any other duties after retirement. So that we have a protocol. Retrenchment that was done recently should be reviewed, because some people who were retrenched were still under age and could perform better than what other people are going in for contracts that are being legally given by the Government. So that we have at least three quarters of the people sharing the national cake.

Com. Ratanya: So Bwana Richard, your time is up, if you have any memorandum you give us. Just wind up the last word. If nothing then you hand in your memorandum and thank you very much. Kuna Amon Businei.

Amon Businei: My names are Amon Businei, I have some Constitutional views here. All chiefs and sub-chiefs should be transferred like any other civil servant. They should be responsible directly to the president. Any person should not own land above 500 acres. Any squatter should be allocated land by the Government and the selling of land should be illegal. Travelling passports should be legalized and replaced by the ID cards. Demonstrations should be legalized and given security by the Government and issues addressed immediately. Since this is a developing country, the Government officers should not use expensive vehicles. They should be given cheaper ones. Any MP who is not performing should be recalled after two and half years. Law courts should be at a divisional level for petty cases to avoid congestion in district courts. No case should delay

more than three months. Corrupt people should be severely prosecuted and the sentence should be higher than that of robbery case and rape case.

President should use electronic media to address the nation, instead of meeting people in tours to avoid so many expenses. Roads should be privatized, whoever in charge should maintain the roads properly. Medical fee and the mortuary fee should be free. Thank you.

Com. Ratanya: Asante Bwana Amon kwa kutumia wakati wako kwa njia nzuri kabisa. Twende kwa Reuben Nabwera. Okay twambie majina yako vizuri sana Bwana Reuben, imeandikwa vibaya kidogo hapa.

Reuben Nabwera: Bwana Commissioner, my names are Reuben Nabwera. I would like to comment on the office of Vice President briefly. I am pleased to be accorded this opportunity to write and present my views regarding the office of the Vice President and Minister and I say that:

- (i) The Vice President, who is the top man or person in the Government, should be elected directly from electorate.
- (ii) The Vice President must be a citizen by birth and at least he must be a holder of a university degree.
- (iii) The Vice President must be above 40 years and not more than 70 years.
- (iv) He must have a proven record and experience in public administration and finance management.
- (v) The Vice President must be acquainted with international affairs and history of this country in democracy.
- (vi) The Vice President must be a person of integrity and impeccable character.
- (vii) The Vice President must declare his wealth.
- (viii) The Vice President must have separation of power by the law.
- (ix) The Constitution for the Vice President should be the head of Government or Chief Executive.
- (x) The Vice President should be answerable to the business of the Government.
- (xi) Should he err in his office, must be fired by the Parliament and not by the cabinet as it is now.

If I can state briefly on Ministers, the Ministers' appointment should be appointed by the head of state and be approved by the Parliament. Must be a citizen by birth, must have a social status.. The appointment of any Minister must depend on his line of profession, because if he is a doctor, and you appoint him as Minister of Education, then he will not be doing his profession. Minister must be above 35 years and not more than 70 years. A minister must have no criminal record and must declare his wealth. Thank you Commissioners.

Com. Ratanya: Asante sana Bwana Reuben Nabwera, peana memorandum yako hapo. Kuna Sitati George, are you the one? Okay tuambie majina yako vizuri. And since you have a memorandum, just be very brief to only three minutes.

George Sitati: I am George Sitati representing Nangili Girls teaching staff. And the point of reference was succession and transfer of power, but I will have to look at only one element, and that is how we can ensure that the outgoing president does not rig the elections.

Of late we have had international observers and it is our request we have more international observers to monitor the election process. If the president is using a lot of Executive powers during this period, he is likely to interfere with the whole process and therefore some should be stripped off. The chairman of the Electoral Commission should have the security of tenure and his appointment to be approved by the Parliament.

The one I will elaborate on is the so called election date or the calendar so far being used in the Kenyan system. It has a loophole in that it has been left at the mercy of the President in power be it she or he. He has all the powers to influence direction because he is the one who knows the date when the elections can be held. But if it can be fixed so that Kenyans are aware of specific date when the election shall be called, then it means that the electorate shall not be ambushed and therefore they are caught when they are not are disorganized.

Then the issue of transportation of votes. The counting has to be done at the polling station and only the results be submitted and if possible, if the Government can be able to get computerized system it should be reflected all over the country. All ballot boxes to be serialized and to be transparent. Otherwise this other method a person can manipulate and dump there some papers or some papers could be left in the box. Finally, the control of the mass media. You will find in any given situation it is the ruling party being given all the monopoly and other parties have no chance to air their views. Although it is just in written that all parties shall be given ample time, it should be constitutionalized that the mass media is there to serve the interests of all parties in Kenya. Thank you.

Com. Ratanya: Asante Bwana George, peana memorandum yako hapo. Albert Abwogi. Tuambie majina yako vizuri na ni wakati wako sasa.

Albert Abwogi: Thank you Commissioners, mimi ni Albert Abwogi, ni mkaaji wa hapa, ningependa kutoa mapendekezo yangu juu ya constitution ya Kenya. Kwanza nitaanza na President. President ningeonona awe ni mtu ambaye amechaguliwa na wananchi. President awe ni mwananchi, president awe na miaka arubaini kwenda juu. President awe ni mtu ameo. President awe Mkuu wa majeshi yote Kenya. Awe na uwezo wa kuchagua Ministers wake. Asiwe na uwezo wa kuchagua nominated MPs.

Tuje kwa upande wa family, hapa naona tumefikiria huu ya watoto, na anayefanya kazi ya mtoto ni mzazi. Ningependa wakati kijana ama msichana wakifanya marriage wazazi wote wawili wa msichana na kijana wawe pamoja. Watoto hao wasifanye marriage bila wazazi wawili kujua.

Next of kin, nimeona wakati mwingine, mzazi huyu uwa ni mgonjwa na ana kijana ambaye anaweza kumpeleka hospitali, huyu kijana anakataa kumpeleka hospitali kwa sababu si mzazi wa huyu kijana. Ningependa sheria iweko ya kuangalia hao wote. Ikiwa ni kijana amefariki awe ni mzazi mmoja anaweza kuwa next of kin ama yeyote akiwa ni bibi awe next of kin, wazazi hao wote wawekwe pamoja kwa sheria moja.

Education, ningependa watoto wa primary wasome bila kulipa fees. Appointment ya waalimu iwe ni wale ambao hawawezi kuwa walevi. Akipatikana kwa shule akiwa ni mlevi apate punishment ya juu. Hii mambo ya kusikia wale ambao wanatembea na vifaa vikali vikali kama ammunition, sentence zao ziwe za juu, ikiwezekana wawe sentenced kwa kifo.

Com. Ratanya: Jaribu kumaliza Bwana Albert, wakati umekwisha.

Albert: Kutengeneza Serikali kuwa na nguvu, ni hao watu wa kutembea na ammunition wachukuliwe hatua ambayo ni kali kwao. Yangu sio mengi, nimetosha namna hiyo Mungu awabariki.

Com. Ratanya: Bwana Albert, kuna kitu kimoja ningetaka ufafanue. Umesema President awe na umri wa miaka arubaini, mwanzo, lakini unasema na kuendelea mpaka wapi?

Albert: President afike miaka sabini na terms za Bunge ziwe ni terms mbili, na Wabunge wasipate pension.

Com. Ratanya: Okay, tumesikia hayo. Laura Jumba, mwanafunzi wa Nagilii. Laura ni wakati wako.

Laura Jumba: Mr. Chairman, Constitution of Kenya Review Commission, my names are Laura Jumba, From Moi Girls' Secondary School students. Subject one: Increasing the number of women in Parliament and local council. We as young women of Kenya feel that the number of women in Parliament and local councils should be the same with that of men. The Kenyan woman is now mature enough and should be at the same footing with the man. The following should be considered if this is to be achieved.

1. Social related ministries such as health and education be reserved for women. Women being mothers of the nation can handle this with impartiality.
2. Women be given leadership roles in society to exploit there inherent capabilities
that have not been realized for a very long time.
3. An equal number of women to men in local council will ensure that the village woman is not marginalized, and such barbaric and insignificant practices like female genital mutilation should be properly checked by women. If the number of women is increased it will ensure development projects in the society, because women have the spirit of hardwork

and co-operation.

Subject two: Establishment of Gender Commission in Kenya, to deal with gender related matters. The Kenyan woman has suffered a long time at the hands of men. A Gender Commission will go a long way in blocking the various loopholes in our Constitution that have allowed men to trample on the woman. Such areas should include: land and property ownership. All Kenyans regardless of gender should have the express right to inherit and own property and land. Men and women in marriage should be at equal footing when it comes to ownership of family property. Marriage should be a matter of choice. A woman should choose when and to whom she intends to get married. This will get women out of chains that make them subordinate or subject to their husbands, a situation that makes them subjects and not partners in marriage.

Subject three: Dropouts in school, especially female students, should be taken back to school, if they dropout because of pregnancy or through rape.

Both male and female should have equal opportunity in education. Deliberate measures ensure that the girl child should go to school and compulsory bursary to girls who cannot afford school fees.

Strict measures to be taken against men who underrate the rights of women, for example by battering them. The last subject is guarantee of women rights in the constitution. The current constitution is biased in favour of men. Women's rights are not guaranteed in the constitution. Such guarantees can be achieved by one, having them well represented in Parliament. Women should be given leadership posts to defend their rights. General women population should be enlightened on their right, through extensive campaigns a cross the country. These will ensure that the village woman, has access to their right, because the village woman is always disadvantaged. Men to consider the female as counterparts and not as tools to satisfy their sexual desires. Thank you.

Com. Ratanya: Thank you very much Laura, if you have any memorandum hand it in. Then we have Webi Hamphrey. Hata huyu ni member of staff. Tell us your name Bwana Hamphrey.

Hamprey Samson Webi: I am Hamphrey Samsom Webi, a member of non-teaching staff. The subject: terms of employment of schools employees. We fail to understand if the Government recognizes the efficiency of school workers. This is because there is no uniform way of setting their terms and conditions of employment. Therefore, the Government should come up with standard guidelines of remunerating school workers.

The Government also gives guidelines of fee structures to the schools for collection of fees, which is a source of staff salaries. However, it does not make a follow up to know how poorly or how well the workers are paid, and this makes them remain at the mercy of the BOG. There should be a standard way of salary review. Trade union movement, which should protect the

welfare of workers has been rendered a toothless bulldog. The Government should choose either to empower them, and allow them to play their roles or to do away with them. This has made the employers to deliberately under staff, under pay and then over work the staff to the advantage of the employers.

There should be a standard way of dealing with the retrenchment and redundancy of workers. In some institutions and organizations, these are done to the disadvantage of employees where they are not given notices and benefits of their long terms of service. Apart from that, as a parent, I feel that the Teachers Service Commission should take up the responsibility of employing teachers as they graduate. The boards are only employing relatives or the people they know, including the school's other employees. And that is all Sir.

Com. Ratanya: Nashukuru Hamphrey kwa hayo maoni yako. Tunaenda kwa Jotham Kusimba. You have a written memorandum and you have only three minutes to highlight. And then you hand in your memorandum to us, we shall read.

Jotham Kusimba: My names are Jotham Kusimba, from Sinoko location. One, system of education, it is high time now for Kenya to bring back the old system of education, form one to form six. The 8.4.4. system does not give the child enough education to pursue er education, such as university abroad. As a result of the poor education, children cannot be employed within and outside the country. And that is why we have so many unemployed people. Ministries: in order to improve the economy of this country, ministries must be reduced to have few, and to appoint an assistant minister one in every ministry. We cannot really expect good and sound economy when we have too many ministers, assistant ministers, PS and deputy PS drawing big salaries for nothing. Such, I suggest that in future the minister appointed must be a person with higher education, preferably with a degree, and who has a good knowledge of the Ministry that he has been appointed to head. For example, if one is appointed to head the Ministry of education, he must have a degree in education. Also assistant minister and deputy and the PS of the same.

Tribal clashes: many Kenyans in some parts of the country lost their lives and their property because of tribal clashes. It was very shameful for Kenyans killing each other and making them poor and homeless in their country. As I am writing this report, those affected are staying with their relatives and some on the lands of rich people as squatters. As a result of clashes, the country was hit by the economy. Upto now, no one of those affected by tribal clashes has been resettled by the Government or returned to their original lands at all. It is very difficult to understand why the Government has not bothered. I suggest that Government should do every effort to re-allocate the land to suffering wananchi who were removed from their homes by attackers. All blame goes directly to the Government. Because the reason of tribal clashes has never been made public for wananchi to know since the Commission of inquiry completed their investigations. Finally, we shall be cheating ourselves when we talk of united Kenya until those involved in tribal clashes are charged with the offence.

Idle land and town plots. There very many idle pieces of land and town plots in this country owned by rich people who do not

develop them, while poor mwananchi has no even a half an acre. Therefore, I suggest that the Commission to consider seriously and recommend that in future, such idle lands and town plots be re-possessed by the Government and allocate same to poor wananchi who are ready to developed it, so that the country can have enough food to feed the nation. Government must in future encourage the farmers to double their efforts in farming, so that to produce enough food and create employment to young Kenyans.

Com. Ratanya: Naona kwamba wakati wako umekwisha, please give us your memorandum.

Jotham: Corruption: wananchi have no confidence in civil servants because of demanding bribery when serving them. This has tarnished the good name of the Government. Surely corruption is a bad thing, it brings poverty in the country. The Government should not allow the civil servants to do business until they retire. The Government to have hard working civil servants and well disciplined officers. Must use the system of one man one job. Finally, the new constitution must protect the need, of the common mwananchi and his property than rich people because poor mwananchi has suffered a lot under the old constitution. Thank you.

Com. Ratanya: Asante Bwana Jotham, twende kwa Joseph Mulando. Ningetaka kuwakumbusha sasa mtumie masaa sawa sawa. Niliwaambia ni dakika tatu kama una memorandum, kama ni kusema kwa yale yako kichwani mwako ni dakika kama tano na ukisikia wakati umekwisha, umalizie hapo kwa sababu kuna wengi ambao wamebaki, karibu 80 sasa ambao wamebaki na kila mtu lazima aseme kitu.

Joseph Mulandi: My name is Joseph Mulandi, na ningependa kuongea juu ya Wabunge. Mbunge hastahili kutoka constituency ingine aende constituency ingine kwa sababu amenunua shamba huko aende agombee kitu huko. Secondly, civic seat mtu akinunua shamba mahali na aende kugombea kiti cha civic huko, haitawezekana.

We as Luhyas, huwa tuna muda ya Waluhya, that is traditional na mambo mengine. Huwa tunatahirishana na kufanya mambo mengine. We should be allowed to be free for that. The fourth one, mambo ya police. Police awe amesoma, na kama hatakuwa amesoma haitawezekana, because three quarter of them, ukikutwa na shida ukimwongelesha kwa Kingereza anakuona ni kama hauongei.

The fifth one, people, kuna wale wamefiwa sana, three quarter of Africans now, kwa mambo ya ukimwi na mambo mengine. Inastahili yule mama na mzee yule amekufa na wamewacha watoto wao, Serikali iangalie hao watoto wote wasome. The sixth one, the Commission of the elections, wawe wakiandika watu as a contract of five years. Waalimu wale wameandikwa kuwa UT, waajiriwe permanent kwa TSC. Lastly mambo ya watoto, primary school wafundishwe free, halafu secondary wawe na malipo kidogo. It is only that, I say thank you.

Com. Ratanya: Peana mambo yako hapo. Tunaenda kwa Haron Aradi.

Haron Aradi: Thank you Commissioners, Secretariat, my names are Haron Aradi, I have some proposals to make before the Constitution Review Commission. The system of Government: The Government should be formed by the Central Government system headed by a president. The cabinet should comprise of 20 Ministers only. Nominated MPs, appointment of the nominated MPs should be done by the Electoral Commission and it should be based on merit as per performance in the general elections. Governance: the government should be formed by Coalition Government to facilitate equitable representation in Parliament. Opposition parties should get financial support from the Central Government to enable them to run their party matters.

The other issue is about education sector. Public universities, teachers colleges, national schools, Government polytechnics and Government training institutes should be distributed and developed equally in all the eight provinces of Kenya to foster national unity in national development. Primary school teachers should be promoted to the next grade after every three years to avoid uncalled-for strikes, thus destabilizing learning in the country. Every Kenyan child should have access to free primary education. Punishment: corporal punishment should be reinstated in schools for pupils to have discipline. School co-curricula activities: The Government should support financially the school co-curricula activities to promote mental and physical development of the Kenyan child.

Com. Ratanya: Haron, wakati wako umekwisha, tupatie memorandum. Sema the last sentence there.

Haron: The Kenya Schools Equipment Schem should be revived to enable run the schools, and country investment, there should be a body to care of investment in all parts of the country in the eight provinces. Provincial administration: chiefs should be deployed to work in any part of this country and be ready to be transferred like any other civil servant. The village headmen should be handsomely paid to avoid corruption. Land adjudication policy should be reviewed to make it easy for the procession and transfer of land ownership from the seller to the buyer.

Government PI areas, the Government should take care of the boundary and be reviewed every after five years to avoid people settling in the PI lands. The formation of a district should be based on the policy of availing services closer to the people, but not for political advantages. The local beer should be legalized and be licensed in order to improve the economic status of the proprietors. Thank you.

Com. Ratanya: Mwingine anayefuata ni Alex Masika. Naona Alex una memorandum, nilisema hapo mbeleni usiendelee kuisoma, just highlight and then you hand it in to us. Three minutes only.

Alex Masika: My names are Alex Masika and I hereby break history by presenting the shortest memorandum so far. During

the current constitution which allows centralized and monopolized governance, some regions and provinces have ended up being totally under-developed in one field or the other, hence they fail to get their national cake percentage. In conclusion, I therefore exercise my freedom of expression to strongly condemn and totally reject Majimboism.

Election: To discourage and terminate dormancy in MPs who are people's representatives to the Legislature, I therefore recommend for vote of no confidence to be vested in the people as their sole employers.

Reducing presidential powers: I personally regret for the current constitution as being highly overburdened because it allows for presidential powers and privileges which could have been performed by other competent Kenyans. For example, commanding armed forces, heading universities and appointing less competent people to head parastatals. If this is effectively undertaken we shall avoid choir masters being appointed to head parastatals.

Lastly, employment act: whoever retires, resigns or is sacked from the civil service should never at any time be either re-employed or appointed in any civil sector regardless of his or her profession background. This will enable us as youth to also acquire employment, and this will automatically reduce social vices like drug traffic and robbery, hence uplifting the status of our country in the name of security. Thank you.

Com. Ratanya: Okay, asante, Ale Kipton, huyu ni observer, lakini kuna Kimani Njuguna.

Kimani Njuguna: Ladies and gentlemen, my names are Kimani Njuguna. I will highlight only three items in my memorandum, and the first item concerns the arrangement of cabinet positions. The number of cabinet positions should be specified and limited by the constitution. I have explained the reasons behind this in my memorandum. The second thing I have to highlight is the fact that I have mentioned task forces, judicial inquiries, and Commissions of inquires etc. for example this Commission. All these Commissions and their recommendations should be entrenched in the constitution such that whatever they recommend is implemented by the powers so concerned. There is no need of having Commissions, task forces, Commissions and so forth and yet their recommendations are never implemented by those who are supposed to implement. This should be enjoined by law, without compromise. The third thing I have mentioned is in regard to increasing the efficiency of elected and nominated persons that is Councillors and MPs. If you notice in this country we have a lot of harambees, which waste a lot of time. Harambees are not bad as such, however, the most important thing is not money as such, but ideas. Since you are elected to be Councillors or ministers or MPs to contribute in terms of ideas, but not necessarily finance, I have indicated that they should be limited in the amount of money they contribute in harambees, to a given fraction of their salary, I have proposed 10%, but perhaps that can be adjusted, 10% of the net salary of these people. This will give them enough time to concentrate on ideas, why are we not developing, instead of just donating in harambees. And allow me to comment that most of those people currently in Parliament who contribute a lot of money in harambees, hardly have anything constructive to say in Parliament. You know this most of them just sit.. So those are the only three recommendations I have to the Commission and I have explained

in details in my memorandum. Thank you Commissioner.

Com. Ratanya: Thank you very much for the brief representation, hand in your memorandum. Moses Waswa.

Moses Waswa: Asante sana Commissioners, majina yangu ni Moses Waswa, senior Assistant Chief retired. Napendekeza ya kwamba, vyama vya kisiasa katika Kenya viwe tu viwili. Katiba isimamie idadi za wizara, ipunguze ziwe kumi na tano. Wale ambao wako ndani ya mamlaka wafanya kazi yao bila kuingiliwa na wanasiasa, wafanye kazi yao kisiasa. Kila wizara isimamiwe na Waziri ambaye ana ujuzi wa wizara hiyo. Katiba ipitishie sheria, mtu mmoja kazi moja. Nyongeza ya mishahara ya Wabunge itegemea uchumi wa nchi. Wizara moja isimamiwe na waziri mmoja. Bidhaa ambazo zinaingizwa hapa nchini zikubaliwe tu kama kuna upungufu wa bidhaa za aina hiyo hapa katika nchi yetu. Serikali ya majimbo hapa Kenya haifai. Uhuru wa kuabudu umepoteza mwelekeo, badala yake umeleta faragano na fujo nyingi. Mekanisa zipunguzwe na Serikali ihakikishe ya kwamba yule ambaye anaabudiwa ni Mungu Muumba pekee yake hakuna mtu mwingine.

Mwananchi wa Kenya akubaliwe kiwango cha shamba ambacho anaweza kuwa nacho. Kwa sababu kuna watu wengine wanaweza kuwa na ma-elfu ya heka ya mashamba na wengine ni squatters na hawana mali pa kwenda. Ufisadi umezidi juu ya mashamba. Unaweza kupata shamba moja ina title deed mbili, unakosa kujua zinatoka wapi. Mtu ambaye anahusika na kosa la unajisi, afungwe maisha. Land board na tribunal land committees na zingine ziwe zikivunjwa baada ya miaka miwili. Makao makuu ya wilaya yapewe mamlaka ya kushughulikia malipo ya wale ambao wanastaafu badala ya kwenda Nairobi kwenda kuhangaishwa na mikora huko. Malipo ya pension kwa wale ambao wanastaafu iwe ikiongezwa wakati Serikali inaongeza wafanya kazi wake mishahara. Squatters ambao wako katika nchi na wanajulikana wapewe mashamba. Pesa na misaada mingine ya wagonjwa wa ukimwi ambayo inapeanwa kwa nchi hii, haifikii wale watu ambao wanaumia. Inatakikana hii pesa na hii misaada ipewe vikundi vya akina mama ambao wako karibu na hao wagonjwa.

Com. Ratanya: Bwana Waswa, tupatie memorandum yako, wakati umekwisha.

Waswa: Machifu na manaibu wao, wote wawe wanapewa transfer kama wafanyi kazi wengine. Recruitment ya wafanyi kazi iwe ikiangaliwa kupitia kwa division, location, sub-location na hata kwa vijiji, isiwe tu ni watu kabila moja ndio wanaandikwa na wengine wanakaa bila kuandikwa kazi. Kwa hayo machache nasema asante.

Com. Ratanya: Asante Bwana Moses, Priscilla Wanjiku.

Priscilla Wanjiku: Mimi kwa jina naitwa Priscilla Wanjiku, kwanza ninakuja kuongea juu ya wakulima, kwa maana sisi tunalima mahindi, lakini hatuna mtetezi. Kulima mahindi hayo yanakuwa ni ya bure. Na ukiona huko western huko juu, kama ni kahawa wako na watu wa kuwatetea. Kama ni majani wako na watu wa kuwatetea. Tunauliza kwa Katiba, watu wa kulima mahindi tuwe na watu wa kututetea kwa maana hatuna. Na tukipeleka malilio yetu hayasikiki, yanafika hapa kwa hewa na

yanakwisha. Na hicho chakula ndicho tunategemea sisi akina mama, kulima na kufanya mahitaji yote ya kusomesha watoto wetu. Sasa tunashidwa vile tunaweza kufanya. Ya pili, akina mama wapewe mambo ya juu, wapatie akina mama wengi viti kwa Bunge, kama ni Rais anakuwa Rais mwanaume na mdogo wake akuwe mama. Ndio tupate akina mama wa kututetea, kwa maana tuna wakati mgumu sana nyumbani kama sisi akina mama. Kwa maana wazee wakiondoka, si akina mama ndio wanawachwa nyumbani.

Haya mashamba yalikuwa ya Serikali, tunaona hayagawanywi kwa njia nzuri. Tunaikataa hongo kama ni shamba linakuja kupewanwa, lipewe wale wanatakikana, wale masikini, kwa maana tunao wengi sana, wanazunguka zunguka huko barabarani. Na ndio unasikia majambazi wanakuwa wengi, kwa maana hawana pahali pa kukaa. Hao watu wapewe mashamba yakipatikana. Lakini ubaya ni hongo. Hongo ikwishe kuhusu ardhi, itumikie haki ya Kenya. Asanteni.

Com. Ratanya: Asante Priscilla, sasa tuna James Kimoli, Priscilla andikisha hapo kwa register yetu. Okay James.

James Kimoli: Majina yangu ni James Kimoli Amaka, na mimi ni mwalimu wa Kiswahili nafunza huko Lukuyani. Bwana mwenyekiti, mambo ambayo ningependa kusema nimeandika katika lugha ya Kingereza. I will highlight that the extension of the life of the Eighth Parliament should not be allowed at all. Then I may also take special note that, the entire Commission body should be serious. In so being serious, it must just complete its work. Should this Commission fail to complete its work, then they should be prepared to wind themselves up and hand over their unfinished product to the Ninth Parliament not the current one. The Eighth Parliament must be de-linked from this Commission. And this Commission must also be de-linked from the elections, which are scheduled for this year.

For the rest of the document, I have some comments on the presidential elections, I suggest that elections in Kenya be timetabled. We should know just when we are going to vote every five years. The president, plus the mayor should be elected directly and the presidential elections should be, say, the presidential candidate should secure at least 51% of the total votes. I have noted that we should have an Executive President and a Vice President who should be elected by the people directly. Ministers should be limited. They should be between 12 and 15 maximum, and be vetted by Parliament. Nominated MPs and members of local councils should be professionals who can offer essential services, otherwise there is no need for such nominations. I have proposals requesting for constitutional declaration and among them, I suggest that there be such declaration.

A teacher in the Republic of Kenya is the most important person. The teacher shall be the best paid person in the Republic of Kenya. The teacher shall be promoted regularly, that is just among those recommendation that I have offered. In addition, teachers who retire or need to put claim should not be requested to hand in documents, like some past pay slips, which can never be discovered. After all we have computers at the TSC, unless they are manual computers.

I suggest that we have visible justice in this country. In other words we should have some potent legal seating at the Judiciary. And deregistered advocates should not be allowed to operate an office or offices in the Republic of Kenya. Commissions and committees of inquiry, once they produce their report, this report should be public property and should be released or made public within 30 days, after they have been handed over to the president. Civic education or civil education should be a large long process in the Republic of Kenya. And then, I would feel that there should never be a general amnesty for land grabbers, looters of public resources and corrupt persons. People should account for their wealth. Workers should account for their promotions too. And probably the poor should also be given a chance to account for their poverty. The jobless should be given an allowance, at least a certain percentage of may be what would be their entry points in the labour market. The last one is that tribalism is manifested in unfair distribution of national resources and job opportunities at all level. May I also request that natural resources should benefit people of the surrounding areas. For example I would want it to be declared that it is immoral for electricity to pass through an area without benefiting the locals, it is immoral for water to pass through an area without benefiting the locals. All roads must be maintained at all times and not only when the president visits an area.

The Teacher Service Commission should be headed by an Executive of proven record of successful teaching in the class room, for not less than twenty years, and apart from that he should serve only for two terms of four years each and should have assent of serious interest in teachers and show high intelligence in handling their matters. Thank you very much.

Com. Ratanya: Thank you for your very focused presentation, Mwalimu. We have Francis Maruti. Maruti you tell us your proper names.

Francis Maruti: Mimi kwa jina naitwa Francis Wanyonyi Maruti. Na maoni yangu, nimeonelea high court na advocate wamefanya korti kuwa biashara. Wanashirikiana mwananchi akifanya ukweli, wanaenda kukaa kwa Chamber, unaona hiyo kesi imefanyiwa ----- . Na iko kampuni inaitwa AFC ya loans.

Com. Ratanya: Kwa sababu ya muhimu, si kusema mambo ya watu fulani, lakini unataka nini wewe? Mapendekezo yako.

Francis: Mapendekezo yangu naonelea ikiwa law court imepitisha pengine ushahidi umetolewa na high court nayo inaenda kukaa na advocate hajui hayo maneno. Unaona wewe unapelekwa njia nyingine. Kampuni ya AFC, ambayo iko chini ya Serikali inampatia mwananchi shilingi elfu kumi na sita na ikileta bill inawekea wewe shilingi mia mbili na hamsini elfu na pengine hayo mahindi mvua iliharibu ama kiangazi. Uko wakati president alisema hiyo loan ya AFC imetupiliwa na ukienda pale unapata inaendelea kuzaa. Sasa ninataka hata ikiwezekana Commission ichugulie hayo maneno yatafikia wapi. Na nikikuja kwa usalama, ningependa Commission imuone Commissioner wa polisi, kwa sababu polisi wamefanya station yao kuwa biashara. Wakikuta mtu na chang'aa au busaa baada ya kupeleka yeye kortini wanamtoza shilingi elfu tatu. Ningependa ikiwezekana kwa mambo ya matibabu, wananchi hawana uwezo, na ikiwa hospitali zinapeleka sisi zaidi, saa zingine mtu anauza shamba heka moja ndio atibiwe na wewe uko kwa heka moja. Hapo irekebishwe kwa upande wa malipo ya hospitali.

Com. Ratanya: Unapendekeza nini? Unataka matibabu yawe bure, yawe nini, tunataka mapendekezo.

Francis: Tunataka malipo yawe chini pale mwananchi anaweza lipa. Na nimefikia hapo.

Com. Ratanya: Nashukuru sana Bwana Maruti, ningetaka kuwaambia wananchi kama unakuja, tuambie mapendekezo yako, kwa sababu tunataka usaide kwa kurekebisha Katiba yetu. Sema umeona hivi ni vizuri. Hayo ndio tunataka mapendekezo. Twende kwa Moses Saisi.

Moses Saisi: Constitution Review of Kenya, before you is Moses Saisi and I have a few items to put across.

1. There should be no nominated MPs in Parliament. And if there is any, he should not vie for presidency.
2. There should be abolishment of traffic police, simply because these guys are actually promoting some ideas that are leading to accidents on our roads and they are not doing their job professionally. So instead we should do it by ourselves to promote our lives on our roads.
3. Passports and birthcertificates should be offered free of charge. Passports should replace IDs.
4. Ministers and their assistants should be appointed to ministries according to their profession. For example, if you have a profession in international affairs, you should be appointed with the Ministry of foreign affairs and not maybe agriculture. One should be appointed according to his profession.
5. There should be no sub-chiefs, instead we should have chiefs, and these chiefs should be elected by wananchi and there should be no transfers like other civil servants.
6. Rent, anybody who is constructing or who is setting up a building or a project, maybe for business or for rental, before he rents this house to anybody he should work together with the local Government so that a rent should be set for him, so that at least he has the various services that will enable the tenant be safe. No just to construct anything and maybe you are charged highly.

Com. Ratanya: Bwana Moses, umemaliza wakati wako, nitamuita mwingine, if you have any memorandum hand it in to us. Willy Kasavuli. Francis Koi, Francis alikuwa amesema ana memorandum. Okay dakika hiyo tatu tumia vizuri na utuletee memorandum yako.

Francis Koi: Mimi nawasalamia Commissioners, na kitu cha kwanza kabla sijaanza maneno yangu, nataka kuwaambia watu wa Lugari Constituency, wameniambia nimueleze maneno haya. Kitu cha kwanza maneno ambayo wameniambia niwaeleze ni hii. Jina ni Francis Koi Musungu. Kulingana na elections za mwaka huu, vile miaka hii yote hatujakuwa na election ya president na mwaka huu ni mwaka ambao iko tough kwa maana tutachagua Parliamentary, tutachagua civic, tutachagua president. Watu wa Lugari wamesema nimjulisha mambo haya kama hamjajua. Tangu zamani wakati tulikuwa tunateta uhuru hapa Kenya mimi

nilikuwa Senior Youth Wing wa KADU na Kibaki akawa senior Youth Wing wa KANU. Kwa hivyo dakika hii ambayo tumekaa na nyinyi ni shauri Mungu alipenda mimi kukaa na nyinyi na nimueleze mambo haya. Wakati ule tulikuwa na wazee watatu ambao walikuwa wanatawala hapa Kenya. Mzee wa kwanza alikuwa Mumia Nabongo kutoka Jinja mpaka Naivasha, Longonot. Mzee wa pili alikuwa Kassarim Kinyajui alikuwa anatawala central Kenya, na Mumia western Kenya. Halafu tukawa na mzee mwingine ambaye aliitwa Lenana ambaye alikuwa anatawala Rift Valley. Kwa hivyo watu wa Lugari wamenambia Kassarim Kinyajui ametawala 15 years hapa Kenya ameaga dunia. Halafu sasa Lenana ni Moi ametawala sasa mpaka dakika hii ambayo tunaongea. Kwa hivyo wanasema mjukuu wa Mumia ambaye anaitwa Musalia Mudavadi apewe nafasi hiyo naye atawale. Kwa maana makabila yote ya Kenya yanasema wanataka kuona utawala wa Mluhya, kwa maana Mluhya ni mtu ambaye anakaa na makabila yote bila ubaguzi.

Com. Ratanya: Sasa mkizungumza hayo mambo yataenda kwa record. Ana haki yake ya kupeana moani yake. Na sasa umebakisha nusu dakika kwa sababu saa karibu kwisha.

Francis: Kwa hivyo mimi sitaenda nje ya Katiba yenu ya election, kwa hivyo wanasema hivi, president asichagulie Kenyans mtu. Hao vijana saa yote anasema young turks, waende uwanja raia wa Kenya watoe kijana mmoja na huyo kijana mmoja ndiye atakabiliana na opposition party. Na hayo ndio maneno ambayo sasa yako Kenya. Watu wa Kenya wana hamu ya kuona Mluhya akitawala, kwa maana tuko clans 75% kwa House of Commons huko Lancaster House na picha ya Mumia iko huko na mwaka huu inatajikana wawaambie huyu ni mjukuu wa Mumia, Musalia Mudavadi ndiye huyo amekuwa third president Kenya. Na hayo ndio maoni ya watu wa Lugari, na hayo maneno mwambie President, mimi jina nickname naitwa Nelson Mandela, nataka anipatie shukurani kabla hajastaafu kwa kumpigia kura miaka hii yote.

Com. Ratanya: Okay mnyamaze, pengine tutawaambia watu wa magazeti wafanya hivyo. Asante sana. Joseph Soita. Sasa tunataka kumsikia Joseph M. Soita.

Joseph Soita: Kwa majina naitwa Joseph Manyonge Soita. Ile Katiba yenye inaudwa, inatajikana watumishi wote wa umma wasikae mahali pamoja kwa miezi sita. Kuzidi hapo hiyo ndio inaongeza ufisadi. Na kwa upande wa uuzaji wa mashamba, iwe ikifanyiwa kwa Land Control Board mbele ya chairman wa Land Control Board, kwa vile yeye ndiye anajua ni nani mwenye shamba. Kwa upande wa elimu, Serikali ipeane elimu ya bure ya msingi kuanzia one mpaka eight. Na kwa upande wa matibabu kama malaria na matibabu mengine madogo madogo, Serikali isilipishe wananchi. Serikali iweke mtu kwa kiwango fulani ndio ikipita ndio aanze kulipa.

Na kwa upande wa wakulima wa mahindi kama upande wa Western. Serikali inatajikana ijue kama kuna shortage, wajue wanahitajika ku-import milioni ngapi ya gunia ya mahindi. Kuliko kuanza kuruhusu tu wakubwa wanaleta million ya magunia na wakulima wa kawaida ndio wanateseka sana. Halafu ndio tunaambiwa muweke mahindi kwanza mpaka wakati bei itakapoimarika. Mkulima kama amepata mahindi gunia kumi na hana mahali popote ataweka aje mpaka bei iimarike? Kwa

hivyo hii Katiba inatakikana ichuguze kwa upande wa ukulima wa mahindi sana. Wa kahawa wako sawa, wa majani wako sawa, wa mahindi sasa unatakikana uwe sawa.

Upande wa machifu, inatakikana wawe wakienda transfer, wakikaa pamoja wanaongeza ufisadi.

Com. Ratanya: Bwana Joseph tumesikia maoni yako na asante sana, na peana memorandum kama iko na kama hakuna sign register yetu. Maoni yako yatachukuliwa kwa njia nzuri kama kawaida. Wamang'oli Wanyonyi. Hayuko. Florence Matanda, huyu ana memorandum, kwa hivyo nakupatia dakika tatu just to highlight and then you hand in your memorandum, we are going to read.

Florence Matanda: My names are Florence Matanda a human rights paralegal with Education Center for Women in Democracy. I will just highlight a few points. One is death penalty should be abolished because the right to life is a God given gift which no one has a right to take or deny. So to kill someone is taking the place of God.

Since corruption is rampant in our courts, in most cases it is very difficult to know the real truth, especially in court ruling. It has not been established yet if death penalty prevents or reduces crime. Lastly, the use of death penalty hinders the purposes of the law and discovery of the root cause of the crime. And therefore I suggest that the highest sentence the new constitution should guarantee is life sentence, for cases like rape or sexual offences.

I would like to say something about the rights of women, there should be an improvement on the portrayal of women in the media, because in most cases women are portrayed as people who can not stand for themselves and also as objects of gratification. Then I will also say the new Constitution should consider violence against women seriously by protecting women against violence and dealing with causes and consequences of violence against women. I also want to comment on the rights of children, especially the girl child. We have talked about free and compulsory education, but in providing education for the girl child, we should not create problems for that child again by maybe using too much time in educating the child. Maybe spending too much time in school, so that the child does not have the time with parents and also may be delaying in school until late at night, especially in such a season, such children can be raped or they can be harmed on the way back home or going very early to school.

So those are some of the few points I would like to highlight and hand over my memorandum.

Com. Ratanya: Okay, thank you very much Florence, hand in your memorandum. Then the next one is Joseph L. Ombaka. I also see you have a memorandum, just give highlights briefly.

Joseph Ombaka: My name is Joseph Lawrence Ombaka. I will comment on defence and national security. The recruitment

should be on merit. Like in the recent recruitment in our defence it was favoured under people who are serving in the services where there has been tribalism, bribery and also relatives being taken in forces. The Commander should be chosen on merit of their ----- and their reasoning capacity and the powers of their ranks should vary their powers given.

Political parties should be formed and be registered under their memorandum. They should be financed by the Central Government. Structures and the System of the Government: there should be one president under a united Government. Legislature: we should have appointment on secret ballot and the salary of our MPs and Ministers should depend on the income of the country by the Central Government. The poor should also be considered to be paid their allowances. The services of a President should be five years and his age 40 years. He should know his country better and should have served as an MP or a Minister in various departments. And if the president messes in office, he should be removed by vote of no confidence. The Local Government should be under the Central Government. Qualification, form four and above.

Basic rights: death penalty should continue to serve the purpose of punishment. The Central Government should take care of the national security, health care, water, education, shelter, food and employment for the people of the country.

Com. Ratanya: Bwana Joseph, nasema asante, we would like to have your memorandum and then we are getting the next one. That is John G. Kibe. Please we have eighty people waiting, we are going to read your memorandum very well. Please say your names we would like to have the record of your names.

John G. Kibe: Jina langu ni John G. Kibe retired teacher. Katiba iwe na uwezo kuliko sheria. Kama kuna sehemu ya kubadilisha wananchi wahamishwe kupitia mawasiliano ya umma. Uraia: wageni ambao wamekuwa raia wahusike katika kazi ya umma kama vile polisi, waalimu, askari na hata mashambani. Hii ina maana, kuna wengine ambao wamechukua uraia wa Kenya lakini kazi yao ni kukaa katika miji kubwa kubwa na kadhalika. Wahusike katika kazi ya umma. Makisio ya Serikali yazingatie sana maisha ya mashambani wananchi wanakoishi. Kwa hivyo Local Authority au Local Government iimarishwe ipasavyo maana wako karibu sana na wananchi na tunaambiwa three quarters ya wananchi katika Kenya wanakaa mashambani. Kwa hivyo local authority wapatiwe madaraka zaidi. Uchaguzi: Rais achaguliwe na watu kutokana na kuteuliwa na chama chake. Lakini uchaguzi wa Rais uwe wa kipekee. Yaani iwe ni siku maalum ya kuchagua Rais, lakini Wajumbe na madiwani tuwe ni kama kawaida.

Maoni makali, kila wakati tunaambiwa uchumi wa Kenya umeharibika, ni kwa sababu wafanyi biashara wengi wanaweka rasilmali zao au pesa zao katika benki ya kigeni na hata pengine Wajumbe wetu wana rasilmali na akiba katika nchi za ng'ambo.

Kwa hivyo wale ambao wataingia katika uchaguzi ujao, wasiwe na akiba katika nchi za ng'ambo na hakuna sababu kadha wa kadha.

Wastaafu, sisi ambao tumestaafu, mwenyekiti wa Tume hii, wengine tulipata taabu sana, mtu anaenda kukaa miaka miwili mitatu

bila pesa zozote. Tafadhali, ni maoni ya sisi ambao wako na ambao watakuweco, anapopata notice ya miezi sita, anapokwenda kuchukua mshahara wa mwisho apate benefits zake ziko tayari bila kusumbukana hata kidogo. Kwa mfano wengi wamepoteza maisha yao Nairobi wakienda kutafuta pension zao. Na kumbuka 1998 katika Co-operative House kilichofanyika huko.

Tena katika hayo, tunajua mtu anapopata pension yake anaendelea kupata, ikiwa ni mama au ni mzee. Anapoaga dunia mwenzake wa ndoa hupewa miaka mitano na baadaye inakuwa ni mwisho. Tafadhali anayebaki akiishi, ikiwa ni mimi nimeaga mwenzagu apate pension yangu mpaka naye apumzike. Hali kadhalika ikiwa ni bibi.

Youth service, mwenyekiti, tunasikia kuna youth service. Sijui ambao mko hapa mngeniambia kazi ya youth service ni gani. Tunayo moja Turbo, kazi yake ni nini? Mwenyekiti, tungetaka youth service ambayo itahusika.

Com. Ratanya: Malizia hapo, hiyo memorandum yako ni nzuri sana, tutaisoma lakini just one minute, umalize.

John: Tuwe na youth service ambayo itashiriki kazi ya kupanda miti katika forest, kulima barabara zetu, na wawe wakitoka manyumbani wakienda kazini na kulipwa kitu kidogo. Miti ipandwe kando kando ya barabara zetu, kutoka Nairobi mpaka Mombasa, kutoka Nairobi mpaka Kisumu na hali kadhalika sehemu zingine. Nikiendelea misitu yetu katika forest, kuna mashamba yanakatwa miti, ikisha kukatwa tafadhali, vijana wapatiwe angalau heka moja walime wapate usaidizi. Na wachunge hiyo miti iwe safi, kwa wakati huu watu wanalipishwa, tafadhali vijana wetu ambao wanahangaika wapate kazi hiyo na kadhalika. Makao ya uzee, tafadhali mwenyekiti ni jambo nzuri sana, ninapofikisha miaka sabini, niende katika homage. Nakaa na wazee wenzangu wa kila aina. Nitakaa miaka zaidi ya ile ambayo ningekaa nikiwa nyumbani, kwa mfano cardinal wetu anakaa katika homage na angali ana nguvu.

Uchukuzi: barabara zetu zimeharibika kwa sababu magari mazito mazito ya tani sabini hadi mia moja na zaidi yanakanyaga kanyaga barabara hizi na hali barabara hizo hazistahili uzito huo.

Com. Ratanya: Asante sana Bwana Kibe, unasema mambo mazuri lakini saa imekwisha na tena tutayasoma vizuri. Tupatie na you sign our register. Nashukuru sana. Twende kwa Benard Kidogo, hata Benard Kidogo ana memorandum chukua hiyo dakika tatu just to highlight and then you give us your memorandum please.

Benard Kidogo: My names are Benard Kidogo, I have few recommendations to make before the Commission.

1. The president must be above 40 years of age.
2. He must have two terms in Parliament.
3. The powers of the president must be reduced in order to enhance good Government and to enable the three arms of the Government to perform their duties effectively.

4. The Judiciary must be completely independent, because currently the Judiciary is not independent. Most cases are not conducted properly because they are not free.
5. The Vice President must be appointed directly by voting.
6. Ministries must be reduced, at least it must be put in record, there must be 18 ministries only. And at the same time, there so many assistant ministers, they must be reduced. That is, in every Ministry we should have one minister and one assistant minister. This will enable the Republic of Kenya to improve her economy. Even in developed countries like America or all over the world there is no place where we have two ministers in one Ministry. This has contributed to the deterioration of our economy.
7. Office of the President, it has so many departments, and this has caused most employees in the office of the President not to perform their duties properly. For instance, AIDS programme department is under the office of the president, whereas it is supposed to be under the Ministry of Health. Two, famine relief is supposed to be under the Ministry of Agriculture.

Appointment of Ministers: I would like it to be put in record in the new constitution that Ministers must be appointed according to their professions. For instance, Minister of Education must be somebody with know-how of education. He must be a graduate. He must have served for 10 years as a teacher in order for him to be appointed as a Minister of Education. For instance, if you appoint a doctor to be in charge of Ministry of Tourism, he will not perform his duties well because he is not professionally qualified in tourism.

8. Corruption: In order to curb corruption in our country, workers must be paid properly. If you pay for instance, somebody who was appointed in 1979 and he is earning Kshs. 7,000, that fellow can not perform his duties well because he will be forced to indulge in corruption because of poor salary.
9. Employment of foreigners, for instance, a foreign doctor is employed, and is paid Kshs. 1.5m, whereas a Kenyan qualified doctor is paid Kshs. 100,000.

Com. Ratanya: Just summarize half a minute, kwa sababu wakati wako umekwisha.

Benard Kidogo: What I am saying is, to curb corruption, for instance Ministry of Works, tenders are given wrongly and therefore, they are forcing us to pay a lot of tax. On elections the Speaker must act as a President in the event of national election. That is all I had, but I will request the Commission to hasten their work in order to give us enough time to do our elections. Thank you very much.

Com. Ratanya: Bwana Kidogo, you can see the Commissioners are working very hard, we are going to leave here very late at night and this is what we do daily. Then we have Masinde Wanakai, ni wakati wako.

Masinde Wanakai: Majina yangu ni Masinde Wanakai. Maoni yangu, wazungu walienda tukabaki sisi Waafrika. Na Mzee

Kenyatta, kama alipokuja akapata uhuru, sisi tulikuwa tushikamane tukuwe kitu kimoja, watoto wasome, wapate kazi. Kama sisi wazee tukuwe vizuri, tukule vizuri. Watoto wetu wapate mkate wa kuletea sisi wazee tukule. Kwa nini sisi tunakosa pesa?

Mzee alisema tushikamane tukuwe kitu kimoja.

Tunataka Mzee huyu wetu mzuri, baba wetu atupatie mtoto mzuri mwenye kulinda sisi watoto wetu wasome wapate kazi. Na mimi kwa kusema kwangu, Serikali inatulinda vibaya sana. Waturudishie kitu kizuri chetu cha wazee kinaitwa busaa, basi sasa sisi tutaona watoto wetu watasoma vizuri na tena tutakuwa vizuri. Yangu ni hayo tu. Asanteni.

Com. Ratanya: Okay, asante Masinde, umetumbia bibi yako ni busaa na hayo ni maoni yake. Sasa twende kwa Manyorori Makhanu.

Manyorori Makhanu: My names are Manyorori Makhanu, key points. Chiefs and their assistants, to be transferable. Eradication of squatters in Kenya. Kenya Constitution to be taught at school. Details:

1. Chiefs and the Assistance to be transferable for them to gain enough experience from various communities to enhance satisfactory development. gauge their own strength of leadership in readiness of promotions to the post of senior chief or district officers. Breaking the monotony at their place of residence, hence promoting better working relationship.
2. The existence of landless, that is Kenyan squatters since independence contributes to the high poverty level, thus hindering economical growth. Land ownership in Kenya should be limited to a maximum of 500 acres and to be mandatory that each Kenyan at least owns two acres of land. Those owning more than a hundred acres but not putting into use, must be penalized and surrender a portion of such land to the Government.
3. The Constitution of Kenya is a growing, binding legal document to every Kenyan. It is unfortunate that since it was written less than 50% of Kenyans have ever heard about it, leave alone understanding it. It is my feeling, therefore, that it should be taught at primary school and other higher levels of education in Kenya. The constitution should be given a priority of review, since it grows with time and circumstances. Your Honour, thank you very much.

Com. Ratanya: Asante sana, Bwana Makhanu kwa hayo maoni yako kwa ufupi, Joseph Shirubu.

Joseph Shirubu: Thank you, my names are Joseph Shirubu, Box 150 Matunda. Mine are as follows. Primary education should be free and one year free education to university graduates. Land title deeds should bear all the names of the husband and the wife. Appointment of the Vice President should be done through elections. Local bears should be legalized to reduce bribery by the police officers and the brewers to be taxed and the money to be used for road maintenance. Nobody should be above the law.

Security: policemen should be retrenched, administration police to be done away with, and the prisoners to be given the right to meet with their spouses, something, which will reduce Aids or sexually transmitted disease. Thank you.

Com. Ratanya: Protas Wabwile. Tuambie majina yako vizuri. I can see you have a memorandum, so you have three minutes to highlight the most important points. And you hand in your memorandum to us.

Protas Timothy Wabwile. My names are Protas Timothy Wabwile.

1. Preamble: I think we should have preamble in our Constitution. This will give the people who will read it what we have in the Constitution.
2. Supremacy of the constitution: Parliament should be allowed to amend any part of the constitution with 85% majority vote. But some parts should be beyond the amending power of the Parliament. For example, the creation of new districts, provinces or altering any boundary, because this will need the people of the area affected. And thus they should call the people of the area.
3. Political parties: the number of political parties in the country is too high, that is around 47, so they should be limited to five, as these 47 surpass the tribes in Kenya which are about 42, so they become merely tribal parties.
4. Legislation: the minimum academic qualification for a Parliamentary candidate should be a graduate. The salary for MPs should be amended by salary review, appointed to review the salary of all public servants, not only the MPs so that they can give 200%. The concept of nominated MPs and Councillors should be discarded in our constitution and in its place replaced by all the MPs who are elected because they will be answerable to the people they serve.
5. Executive: a presidential candidate must be a university graduate with at least masters degree in social science. The president must have two terms of five years in office. A presidential candidate should appoint a running mate for the vice President and both of them should be elected by the public. This makes the job of the Vice President secure and checks presidential dominance.
6. Provincial administration should be done away with and in its place we have elected officials who will represent regions and counties, instead of having the districts and divisions. Village elders should have a minimum of KCPE education with credits in English and Kiswahili and should be put on the payroll of civil servants.
7. Local Government: the minimum qualification for a councillor must be KCSE and above or its equivalent. Mayors and county council chairmen should be elected directly by the people but not the Councillors.
8. A Kenyan citizen should not own more than 500 acres of land, and the minimum a Kenyan should own should be two and half. State land like e.g. ADC research station, should be reserved for the state so that they can generate income for the country.
9. Lastly, environment: destruction of forests in Kenya is rampant, and this is changing environmental pattern of weather in the country. It has also changed the rainfall pattern and our experts are not able to tell us exactly when the rains will come. To correct this situation we need to have a law in Kenya, such that every Kenyan citizen plants at least three tree seedlings every year in each acre he or she owns, until the Ministry concerned is satisfied. A law also be enacted to protect land along the rivers, dams, lakes, be it natural or manmade. This will boost the environmental pattern as stated above. Thanks for giving me your audience.

Com. Ratanya: Thank you very much Protas, hand in your memorandum and sign our register. John Kithalo, Benson Muluchi, tuambie jina lako vizuri Bwana Benson.

Benson Muluchi: Majina ni Benson Muluchi. Maoni yangu ni kama yafuatayo. Machifu na manaibu wao wawe wakipata uhamisho kila mara. Malilio kortini yawe yakisikizwa kikamilifu na hata yakikubaliwa. Michezo inatakikana ichukuliwa kama kazi zingine hapa nchini. Kwa sababu kuna Ministry ya michezo, na pesa zinakuja, lakini michezo mingine unasikia tu labda michezo ni chache kama mbio. Lakini michezo mingi huwa haizingatiwi na ni kazi kama kazi zingine.

Wanaume hapa nchini watapewa haki yao kulingana na maisha ya kisasa. Kesi kama za raping zitachunguzwa kikamilifu, kwa sababu kumekuwa na visingizio kwa wasichana wa kisasa. Labda amefanya mapenzi na wewe na anataka pesa kidogo, unapokosa pesa utasingiziwa kisingizio kwamba ilikuwa kama raping, halafu unakuta mtu amehukumiwa kwa jambo ambalo walikuwa wameelewana, limesingiziwa kuwa ni raping.

Wananchi wa Kenya wote wanaweza kukosa imani kwa viongozi wowote kama vile Mbunge kabla ya muda wake wa miaka mitano, iwapo anaweza tumia ahadi na asitimize ahadi kabla ya muda. Tunaweza kukosa imani na yeye na kura ipigwe upya. Chang'aa itafanyiwa mpango kamili kwa wale ambao wanajisikia kuiuza labda iwe ikipatiwa licence ama barua yoyote ile na yule ambaye atapatikana anauza chang'aa bila barua yoyote, sheria itachukuliwa kali kabisa.

Wiwete, vipovu na visiwi, wawe mstari wa mbele kwa nafasi za kazi katika Serikali. Watapatiwa mstari wa mbele kwa sababu wao hawana uwezo kwa maumbile yao. Masomo yatapewa bure kwa shule za msingi na universities. Especially universities, kwa sababu universities ni kama mtu anafanya course na courses kama za police, wanajeshi, wanapatiwa free, hakuna malipo mtu analipa pale. Kwa hivyo university iwe free in Kenya. Kiwango cha ku-retire humu nchini kinatakikana kichunguzwe kabisa. Iwe kuanzia miaka arubaini na tano hadi hamsini. Unakuta mtu amekaa kwenye kazi na ana miaka sabini, themanini, ambapo hata akili yake imechoka na anakosa hata ujuzi.

Wafanyi kazi wa Serikali wawe wakikaa katika ofisi kwa muda mfupi sana, kwa sababu wakikaa pale kwa muda mrefu wanachangia ufasadi. Rais wa Kenya hatakiwi awe na uwezo zaidi kushinda hata sheria za Kenya. Migomo humu nchini inapaswa isikizwe, kwa sababu kuna migomo nyingine kama ya wakulima, hata waalimu, ni za maana, lakini migomo huwa haichukuliwi kuwa kama sababu ya kusaidia wananchi. Unasikia tu wametawanywa na polisi, hauwezi kusikia wakitangaza kwamba wale wakulima waliogoma, wamesikizwa. Kwa hivyo migomo iwe ikisikizwa. Kama ni mgomo wa maana unazingatiwa na unachunguzwa kabisa ni kwa nini hao watu wamegoma.

Ufasadi, mfanyikazi yeyote wa Serikali akipatikana kama anafanya ufasadi afutwe, afungwe, ama ahamishwe mara moja ikiwezekana. Masomo kwa viongozi wowote wale wa Serikali, wafanyikazi, lazima kiogozo yeyote kama Wabunge wawe

wamesoma. Ikiwezekana kuanzia form four, form six hadi kiwango cha juu. Asiwe ni mtu yule yeyote ambaye hana cheti chochote cha masomo.

Magereza: magereza yawe na ulizi ulio mzuri kwa sababu magereza ya Kenya yako na mateso. Badala ya mtu aende kuishi gerezani anaenda kuteswa. Halafu matibabu ya magereza yako chini sana. Unakuta sidano moja inatibu wagonjwa wote gerezani na wanasema tunataka tupunguze ukimwi. Hii ni kueneza ukimwi na magonjwa mengine. Kwa hivyo, magereza yafanyiwe uchuguzi ulio wa hali ya juu.

Com. Ratanya: Bwana Benson, naona wakati wako umekwisha kabisa, wapatie wengine nafasi. Tuna Isaak Moto, ana memorandum kwa hivyo, ni highlight kidogo halafu upeane hiyo memorandum. Na mwingine ambaye atajitayarisha ni Richard Kibeni. Huyu akimaliza Richard Kibeni awe tayari.

Isaak Moto Pitolo: Mimi ni Isaak Moto Pitolo, kutoka Lukuyani location, sub location Sorokoit. Mimi nina machache ambayo nimeweza kuchangia na nimeandika memorandum yangu. Lakini kwa sababu ya kusema machache ambayo ni mengine nayo, naweza sema hivi. Commissioner katika sheria zetu ambazo tunarekebisha mtusaidie kuunda sheria kabisa ya kuhusu watoto wetu ambao tunawazaa, watoto wasichana. Wanadungwa mimba na vijana, na wanawachilia hao watoto ovyo ovyo, hakuna mtu wa kutunza hao watoto, tunaanza kuwa na watoto wengi ndani ya nyumba. Kama huko na wasichana karibu tano, vijana wa watu fulani wanawadunga mimba na watoto hao wanazaa wote kwa nyumba na hakuna Serikali ama sheria ambayo inaweza kuwafuata. Kwa hivyo Serikali mimi naona tutunge sheria ya kuweza kuwafuata kama kijana amedunga mtoto wangu mimba, yeye amuo, asipomuo, awekwe adhabu kali apate kuchunga yule mtoto ambaye alizaliwa. Sababu ya hayo, wazee ambao unawaona hapa wako na shida nyingi, kuna mtu ana wajukuu karibu hamsini ndani ya nyumba na hakuna sheria ambayo inaweza kuwafuata vijana.

Mimi naongea lingine moja tu. Sisi hapa ni wakulima, na tunaposikika ni wakulima, mashamba yetu ni madogo, hata kuna mwingine ambaye ana shamba heka moja ama mbili na mwingine point moja. Lakini mbolea tukinunua, tunanunua bei kali. Tukija kununua bei kali, kufika wakati fulani kama yale mahindi ambayo ningechukua kidogo niyauze nipate pesa ambayo nitarudishia mbolea kwa ile shamba haiwezi kupatikana, hayo mahindi yanakuja bei ya chini kwa sababu hatuna mahali pa kuuza na Serikali haichukui mahindi yetu.

Com. Ratanya: Isaak, tutasoma hiyo memorandum yako ambayo umeandika vizuri sana, na tunasema asante sana kwa hayo maoni kwa ufupi twende kwa Richard. Jairus Khatich atangoja.

Richard Kibeni: Kwa jina ni Richard Kibeni Lwero, natoka Lukuyani location. Pendekezo langu ni kuhusu haki za kimsingi. Naonelea kwamba hukumu ya kifo iondolewe. Kwanza kifo husababishwa na sababu tofauti. Kwa ajali, kwa uwazimu, kupitia kwa mchezo, kwa dhibu, hasira, chuki, wivu na tamaa. Kwa hivyo mtu afungwe jela kwa muda, na adhabu. Pia hata

kifungo cha maisha. Katiba ina jukumu la kulinda haki ya uhai. Upande wa usalama, afya, maji, elimu, makaazi, chakula, ikiwa ni haki za kimsingi kwa Mkenya yeyote, lazima Katiba ilinde ili kuzuia mwongozo mbaya. Pia swala kuhusu usalama huduma ya afya, maji, elimu, chakula, ni jukumu la Katiba kuhakikisha kwamba huduma zinazohitajika zinafikia kila mwananchi katika pembe zote za nchi bila upendeleo.

Pia Katiba ilinde haki ya wananchi kupata elimu ya lazima na bila malipo mpaka kiwango cha darasa la saba, na utaratibu wa elimu ya 8.4.4 ufutiliwe mbali, badala yake 7.4.2.4 uendeleo. Upande wa wafanyakazi, Katiba iwahakikishie wote haki ya uwakilishi katika vyama vya wafanya kazi. Jambo hilo litazuia hali ya migomo isio halali. Pia Katiba hiakikishe kwamba kila Mkenya ana haki ya kupata habari zilizoko mikononi mwa Serikali shirika lingine lolote au tawi lolote la Serikali. Ni hayo tu.

Com. Ratanya: Nashukuru Bwana Richard. Jairus Khatich na halafu kutakuwa na F. K. Oduor, ambaye atangoja. Jairus ni wakati wako.

Jairus Khatich: Jina langu ni Jairus Khatich Lugalia kutoka Lukuyani location. Niko na machache ambayo ningelipendekeza ya kwamba yaweze kurekebisha katika Katiba yetu ya Kenya. Kwanza kabisa nitaongea upande wa mipaka. Mara kwa mara kumekuwa na mizozo ya makabila inayoletwa haswa kwa mipaka kutoonyeshwa vizuri ama mipaka hiyo ilionyeshwa kwa muda fulani kama miaka mitatu, baada ya miaka mitatu wakapata ya kwamba mipaka haionyeshwi kwa njia ambayo ni ya kisawa sawa. Jambo hili ndilo limeweza kuleta mambo ya vita vya kikabila katika nchi yetu hii ya Kenya.

Pili, nitaongea kuhusu provincial administration, kuhusu machifu na manaibu wao. Napendekeza ya kwamba hawa wasitolewe, lakini wawe wakienda transfer kama vile wafanyikazi wengine wa Serikali wanavyofanya. Kuhusu upande wa ukulima, ninapendekeza ya kwamba vyombo vya ukulima kama vile mbolea, mbegu, vimewekwa juu sana. Nikisema ya kwamba Kenya Seed iko hapa kwetu nchini Kenya, mahindi yanayotelewa yakienda sehemu zingine kama Uganda, Tanzania na hata Malawi na zile sehemu zingine, yanatoka hapa kwetu. Ajabu ni kwamba, bei inayowekwa kwa hiyo mbegu, unakuta kwamba ni ghali sana na sisi ndio tunaotao mbegu hizo. Kwa hivyo bei ya mbegu, mbolea iwekwe chini.

Jambo lingine ambalo ningelipenda liweze kurekebisha ni kwamba.

Com. Ratanya: Sema hiyo ya mwisho na utupatie memorandum.

Jairus: Haki za kimsingi, kama vile afya, maji, elimu, kazi, chakula, napendekeza ya kwamba ziweze kulindwa vizuri maanake hizi ndizo zinazofanya wananchi kuweza kuishi, yaani kwa ufupi ndizo maisha. Kwa hivyo ziweze kulindwa vizuri, kuwe na hakikisho ya kwamba katika kila nchi, yaani sehemu ya Kenya, maofisa wawe wakigawanywa and be posted kwa njia ambayo ni ya usawa. Hospitali, hivyo hivyo kwa kila mmoja iwe ni namna hiyo. Nina mengi lakini nimeweka katika maandishi, yatasomwa. Asanteni.

Com. Ratanya: Nashukuru Bwana Jairus, tutasoma hayo yako kwa maandishi yako. F. K. Oduor. Huyo akimaliza tutaenda kwa mwingine, Bwana Rev. Anthony Ozele ajitayarishe.

F.K. Oduor: My name is F.K. Oduor, I had already handed in my memorandum and I just have a bit of an addendum.

1. First an electoral candidate who causes violence either directly or by agent should be disqualified.
2. The President and his candidate should be above party politics, particularly in public.
3. Active politics is not professional occupation, so the MPs should only receive seating allowances and not salary. He who is absent gets nothing for the day.
4. Constitutional changes and any other Government bills should reflect national interest and not party exigencies.
5. Taxation system should be streamlined to generate enough money for all our budgeted purposes. This will eliminate harambees for practically everything in the country, and we let harambees to remain for parochial projects.
6. Government projects should be as per planned not according to political favours or whims.
7. There should be no classification or categorization of schools when it comes to Government fund distribution. All our students go through the same syllabus and they take the same examinations.
8. Finally, school text book system should be streamlined, we have standardized text books, not to change books every year to enrich a few publishers favoured by somebody somewhere.

Com. Ratanya: Okay, Bwana Odour, thank you very much. Nilisema yule ambaye atafuata ni Rev. Anthony Osele. Reuben Mudenbei, hata yeye alikuwa na memorandum, pengine amepeana. Are you Reuben? Okay, take your three minutes to highlight a few points.

Reuben Mutembei: Thank you, my names are Reuben Mutembei. On land ownership, all Kenyans should own land everywhere. And there should be a ceiling of land ownership by an individual to a maximum of 100 acres. Thus, nobody should own more than 100 acres in Kenya when others are landless. The procedures of land transfer should be simplified to minimize the cost of transfer.

Provincial and district boundaries: No boundaries should be marked to set aside the colonial demarcation, which were drawn on tribal lines, enhancing divide and rule administration. The district headquarters and the provincial headquarters should be closer to the common mwananchi. In other words, the boundary should not bar a common mwananchi to travel long distances.

The management and use of natural resources: the resources should be distributed at the constituency level, and the management of resources should comprise representatives from the locational level. The terms of the office representatives

should not exceed one year. When it comes to environment and natural resources, tree seedlings should be supplied freely to the common mwananchi who owns land. And at least every farmer should plant 100 trees yearly.

Elections: the local community should be informed about any interference and should have a final say. On succession and transfer of power, the Speaker of the general assembly should be in charge of Executive powers during presidential elections. The declaration of presidential results should be through the media. The incoming president should assume office within 14 days and the Chief Justice should do the swearing in broad day light in Uhuru Park. The Electoral Commissioners should not be appointed by the president, and Parliament should give green card every after three months to ensure that they are not drifting.

Com. Ratanya: Say the last word and hand in your memorandum.

Reuben: The last one is the office of the Vice President. Parliament should nominate two candidates, with 75% approval each, and then the president should appoint one of them. Qualifications of the Vice President should be married, should not be corrupt, never jailed, not mentioned in scandals. Must have a degree or a diploma in political science. Must declare his or her wealth and how he acquires it, and must be trustworthy and trustful. The Parliament should protect the Vice President constitutionally. Thank you.

Com. Ratanya: Okay, the next one is Michael Wambula. Give us your proper name. Ninaona hapa Wambula una written memorandum, so I only give you just three minutes to highlight.

Micahel Wambula: Commissioners and members of the public who are here, I am here mainly to deal with the issue of the new Constitution. The Commissioners should know that they would not be here if Kenyans had made any constitution. We never made any constitution, the constitution that came from London was give to us by the colonialists, those Wazungus who were settlers. So it is not a Kenyan one and this is why we are here now to make a Kenyan Constitution. Now in this Kenyan constitution, I would like to stress that as you too are of the country, you know the wishes of the people, worthy really to have a new constitution in order to go for the ninth Parliament elections.

This one I am saying you have betrayed the country, because you said you will do that or you will give us a mini-constitution. Ghai said he will produce one probably by August, now I am saying, let it be produced and from what he said in Kakamega, follow it, so that when this constitution is produced, because it is a Kenyan constitution, mlete kwa wananchi wenyewe, na tena mmechelewa kitu kingine. You said you will have elders, na hao watu hawajui elders watakuwa elected namna gani. Mnataka tena muwachie politicians? Hapana. Nataka saa hii mtoe njia ya ku-elect elders from every constituency, who will go to debate the draft constitution. Na wao wakipitisha, they are majority better than few Members of Parliament. It should go into action. That constitution passed by elders, for the first time, we should use that, because this is real people's constitution, which they want. Let us try and see how it works. When it does not work properly, we will have a chance to correct it by

referendum, because the previous constitution was even mutilated greatly by a few Members of Parliament changing it. And this is why we do not want the constitution to be changed by Members of Parliament. Even they say that it is their right. It is not in any clause, in any constitution that came from London. They made it here themselves and they say it is their right. It is not. Nobody gave it to them. Now we are making our constitution and we are saying, it should not be mutilated by them. It should just come back to us by referendum and the referendum should carry at least 95% of voters accepting the change or reviewing.

Com. Ratanya: Now, I think you have run out of your time, we are going to read your memorandum. We have over 60 people waiting.

Micahel: Let me say, first I want to see that every constituency to have at least a council of voters who will now work with MPs to see to it that what they promised that it is going to be done, they are doing it. If they do not, that should be non-performing MPs. Parliament should be given six years, so that every two years a non-performing MP is out.

Com. Ratanya: We have taken your views, because this is in addition to what you told us yesterday at Lumakanda, you were there? So we have taken a lot from you and we are going to consider all your views. The views you represented there and here, we have taken enough, thank you Bwana Michael, you are really concerned. But give us something in writing.

Michael: I want to see that what Yash Pal told us is done. You see the President is already campaigning. Timetable iwekwe. Yeye kama yuko kwa seat, he cannot campaign for anybody else. Okay, thank you.

Com. Ratanya: It is better for you to know that our Commission is independent, you cannot link us to any other, and we are working that way. The next one is Shem Musee. Yuko? I can see you also have a memorandum, so only three minutes to highlight the main points.

Shem Musee: My name is Shem Musee, former chairman Kakamega County Council and I have few things to say on structure and system of Government. Kenya should adopt a system whereby the president serves as the head of the state, while the Prime Minister serves as the head of the Government. The President's duties and head of state's should be more or less ceremonial to exercise national holidays and approve bills drafted and passed by the Parliament. The Prime Minister as the head of Government should be under the Government business in Parliament and ensure that ideas and manifestos are implemented. Shall appoint Government Ministers.

A parliamentary service Commission should be set to determine Parliamentarian salaries and should include four MPs appointed by the Speaker of the National Assembly, the Clerk to the National Assembly, head of Public Service Commission, Governor of the Central Bank of Kenya and Permanent Secretary in Ministry of Finance and Planning. The term service should be indefinite if a member serves for two consecutive terms, should be entitled for pension.

Executive: A Kenyan citizen about 35 years who, shall be sponsored by a political party. Win the election by a margin of 50% of the votes cast. He should not have a criminal record.

Limitation of powers: the President shall be subject to the Kenya Constitution, shall give clemency as pertains to prisoners. The President shall dissolve Parliament as routine upon expiry of the life of Parliament. There is something I want to mention about the police, the police force should be removed from the President's office to Ministry of Home Affairs, because they are now so important to wananchi because they use the office of President.

Lastly, because I have already written, Judiciary: I concur with the Commonwealth Report on Judicial, Reformation that:

- A supreme court should be established.
- Establishment of AG's office that is separate from the Judiciary.
- The Chief Justice be appointed by the council, consisting of judges from the Supreme Court and the High Court. There should be a provision for Judiciary review of laws made by Parliament. Dissolution of Parliament shall be determined by life of five years, that is indicated as a time table, unless extended by the Parliament during war time by 2/3.

Com. Ratanya: Asante sana Bwana Shem, give us your memorandum please. Gerald Nahado, hata yeye alikuwa an memorandum, amepeleka, asante sana. Jane Kauka, Jane ana memorandum kama alipeana ni sawa sawa. Patrick Pepela.

Patrick Pepela: Jina langu ni Patrick Pepela vile mmesikia, natoka Kongoni location, Kongoni sub-location. Nina maoni hapa machache na kwa sababu ya muda labda sitasoma yote kwa sababu nitapeana makaratasi. Kwanza kabisa ni kuhusu mashamba. Serikali yetu inatoza ushuru wa shamba kwa pesa nyingi sana, hasa kwa watu ambao wana mapato ya chini. Wakati unaponunua shamba kama hekari moja kurudi chini, utaona kwamba unatumia pesa karibu shilingi elfu ishirini ndio upate title deed. Na mtu ambaye ana shamba kubwa analinganishwa na huyu mtu wa chini. Hiyo ndio inayochangia ufisadi na ndio ukoloni mambo leo.

Sisi wote tukiwa wananchi wa Kenya, tusiwe na tofauti kubwa sana ya wingi wa shamba. Mtu mmoja asiwe na zaidi ya shamba hekari elfu moja na mwingine hana hata point moja. Atakuwa ana-enjoy uhuru wa Kenya kweli? Mazingira: Serikali ilinde misitu yote ya Kenya. Utakuta kwamba wakubwa wa misitu wanaharibu miti, lakini raia wa chini wanaambiwa kuchukua permit ya kukata miti wanapotaka kutumia. Kuwe na sheria kali kwa ukataji wa miti.

Kuhusu Tume, kuwe na Tume ya kushughulikia mashamba ambayo itajumuisha wazee wa kijiji, yaani sub-location, location , division na district. Hiyo itasaidia kupunguza unyakuzi wa mashamba ambao unaendelea. Na Tume zote ambazo zinachaguliwa ziwe huru. Ningependa Serikali ya Majimbo ili kuwe na usawa wa ugawaji wa rasilmali ya nchi.

Masomo: masomo ya msingi yawe huru na lazima kwa watoto wote, lakini masomo ya 8.4.4. yatolewe. Kuwe na masomo ya

kawaida ambayo yamekuwa yakiendelea. Afya: daktari ambaye bado anafanya kazi kwa Serikali, asiwe na hospitali ama chemist. Hiyo itapunguza wizi wa madawa hospitalini. Magonjwa kama malaria na mengine madogo madogo, yawe yakitibiwa kwa pesa kidogo. Kuhusu kazi, kuajiri watu Kenya kuna ufisadi wa hali ya juu zaidi, yaani kitu kidogo. Tume ya kuchunguza ufisadi iwe huru and sheria iwekwe ya kuilinda bila kujali mtu yeyote. Mtu anapostaafu asipewe kazi nyingine kwa Serikali. Mtu anapofanya kazi fulani kwa mfano, ya kujijiri, apewe usaidizi na Serikali. Pia kuwe na Tume ya kushughulikia wale ambao wana vipawa mbali mbali. Kuhusu utawala: utawala uheshimu wananchi bila kujali chama ambacho wanatoka.

Com. Ratanya: Hayo mengine tutasoma, kwa sababu wengine wanangoja Bwana Pepela. Sema ya mwisho kabisa.

Patrick: Ya mwisho ningependa kusema kumekuwa na Tume nyingi sana katika nchi yetu ya Kenya na sijui mtatuhakikishia namna gani, ama mtahakikishia wananchi namna gani ili tuwe na imani kwamba hii Tume haitachukuliwa na kutupwa na yule ambaye yuko above the law, kama vile huwa anafanya mara kwa mara. Asanteni

Com.Ratanya: Asante sana, twende kwa Jacob Korir.

Jacob Korir: My names are Jacob Korir. The new constitution should establish local administration structures manned by elected officials to replace the existing provincial administration structure which are merely relics of Kenya's oppressive colonial past. The constitution should establish mechanism to curb corruption, economic sabotage, funds and other economic crimes and conspiracies. The constitution should be written in simple language and be translated into various languages of the ethnic communities in Kenya. A code of conduct be enacted to govern conduct of holders of political and public offices. The constitution to establish human rights courts. The presidential elections should be held at different times, than the Parliamentary and civil election. Under the new constitution, there should be an Executive consisting of the president, the Prime Minister of the Republic. The President shall be leader of Republic or head of state. The Prime Minister shall be in charge of Government. Both President and Prime Ministers to be under the law. Prime Minister to be answerable to National Parliament. Thank you.

Com. Ratanya: Thank you Bwana Jacob, mwingine ni Davis Omwambia. Ni wakati wako.

Davis Omwambia: My names are Davis Omwambia, and I have some few points to highlight.

- The Constitution should guarantee fair and equitable distribution of our national resources.
- The new constitution should be translated into local languages and provided free of charge to every citizen upon issuance of national identity card.
- The entire provincial administration should be scrapped and replaced with democratic institution, that is directly elected by people.
- The new constitution should ensure that the rights of the prisoners are constitutionally enhanced, and corporal punishment

in human treatment and torture be outlawed.

- The new constitution should establish a new Electoral Commission that is independent, politically neutral and enjoys the confidence of political parties and people of Kenya.
- The new constitution should prohibit nomination of any person rejected by electorate as Member of Parliament or councillor.
- Lastly, the new constitution should uphold and promote gender equality in public service appointments, political leadership and provision economic opportunities and social progress. That is all.

Com. Ratanya: Asante Bwana Davis Omwambia, tunaenda kwa James Baraza na James akimaliza tutaenda kwa Sammy Kiprono. James Baraza yuko karibu? Okay naona hayuko, Sammy Kiprono, hayuko pia. Benson Wakwela, hata Benson. Lukas Wanyonyi, Lukas Wanyonyi utafuatwa na Stephen Theuri.

Lukas Wanyonyi: My names are Lukas Wanyonyi, from Kongoni location, Kongoni sub-location, Lugari district. I have got some few points here to let you know.

- The President should not have powers over Parliament as per now.
- We want one person to hold one office, thus, one job to one person.
- Those people who have retired should not hold any more job as we have got so many youth who are educated, but they are jobless.
- There are three kinds of people here in Kenya. First-class people, second-class people and third-class people. First class people cannot be compared with third class and second class cannot be compared with third class people. With this I would like the Government to allow the third class person to enjoy the limit that they have. That I mean that local beer, such as busaa should be legalized to allow the third class person to enjoy the uhuru we have.
- Chiefs and assistant chiefs must be transferred like any other worker in the Government.
- Last and not least, old people over 55 years should be taken care of by the Government as they cannot get what they want because they are old. Thank you.

Com. Ratanya: Okay, Theuri, ni wewe Theuri? Okay ni wakati wako Bwana Stephen.

Stephen Theuri: Kwa majina mimi ni Bwana Stephen Theuri, ningetaka kueleza maoni yangu kwa ufupi. Mimi kama mwananchi wa Kenya natoka sehemu hii ya Kongoni location, Lugari District. Ningependa kueleza ya kwamba office ya Rais isiwe na mamlaka zaidi. Office ya Rais isiwe na mamlaka zaidi kuhusiana na Bunge, mahakama. Mimi ningelipenda kusema hivi, Rais awe mtu ambaye amechaguliwa na wananchi moja kwa moja kutoka kwa wananchi na awe ameteuliwa kutoka kwa chama ambacho kimenteua.

Ya pili, kuwe kamati za Bunge ambazo ziko ndani ya Bunge, ziweze kuwa huru kulingana na Katiba ambayo tunatengeneza

sasa wakati huu, ambazo hizo kamati kama vile Public Accounts Committee ziwe na nguvu, ambazo zisiingiliwe na kiongozi wa taifa. Zenyewe ziweze kufanya kazi bila kutishwa ama furugu yoyote. Na upande wa mahakama kuweze kuwa na Supreme Court ambayo itaweze kuchunguza mambo ya kisiasa, mambo ya Katiba, na kufafanua kuhusiana na sheria za nchi hii ya Kenya, kulingana na vile ilivyo. Kusiwe na loopholes ambazo ziko kwa Katiba ambayo inatumika sasa. Viongozi ambao wako kwa mamlaka wanatumia hayo mambo kugandamiza wananchi na mambo mengine. Mbunge aweze kuchaguliwa na Mbunge aweze kuwa ni mtu ambaye ataweza kuchunguzwa mali yake. Asiwe mtu ambaye ametolewa kwa msitu na anakuwa ni tajiri kwa siku mbili. Tunashidwa hajafanya kazi na anakuwa billionaire, tunashidwa pesa hizi ametoa wapi. Ameiba ama namna gani? Sheria iwekwe kusema ya kwamba mtu yeyote mwenye ufisadi aweze kushtakiwa mbele ya mahakama na aweze kusema vile alipata utajiri wake, kulingana na mali yenye ako nayo.

Neno lingine ni kwamba, watu wenye wanatolewa kusimamia uchaguzi, waweze kuwa watu ambao wanawasilishwa kwa Bunge na kujadiliwa. Si mtu anatolewa huko, mtu ni mchafu, mfidadi, mnamleta hapa, ndiye anasimamia uchaguzi, sasa anafanya tu kama kutimiza kazi ya mtu fulani ambaye alimleta. Mambo mengine ni mhasibu mkuu wa mali ya Serikali. Lazima awe pia akiteuliwa na Bunge. Na wakuu wa majeshi, polisi, CID, lazima pia wajiadiliwe na Bunge, liweze kuidhinisha hao watu kushikilia vyeo, sio watu kushikilia vyeo wakiwa na nia ya kwamba Rais ambaye ako mamlaka ndiye anaweza kuwateuwa.

Halafu upande mwingine ningependa kusema ya kwamba, mtu kama Councillor lazima awe mtu msomi. Mnaokota vitu huku vichakani mnasema ni councillor. Mpaka awe mtu amepitia KCSE, ambaye ana elimu yake hata kama ni D+ na kuendelea mbele. Na aweze kuendelea ku-address wananchi vizuri.

Com. Ratanya: Sema ya mwisho Bwana Stephen.

Stephen: Ni hayo tu asanteni.

Com. Ratanya: Stephen nenda u-sign our register na kama una memorandum utupatie itasomwa na itakuwa analysed. Bridgit Makokha. Hayuko. Benster Mukhagai, utatwambia hiyo jina vizuri, pengine sikutamka vizuri.

Benster Mughakai: Mini jina langu ni Benster Mughakai, ninatoka Kongoni location, Mawe tatu sub-location. Mimi nina mambo machache tu. Hasa ninapenda kwamba President ambaye anaweza kutawala nchi awe na umri wa kutoka miaka arubaini na mwisho ni sabini na tano. Na have na makamu wake. Awe tu President wa mambo ya sherehe na mambo mengine, lakini Prime Minister awe ndiye ataunda Serikali na hiyo tutakuwa tumeponyesha wale Mawaziri wanaojaa kwa President wakati huu ambao wanakula pesa zetu bure.

Jambo la pili, kuna uajiri wa watu wa Serikali. Yaani chairman wa Kamisheni wa civil servants. Huyu yeye huwa pale kama sanamu tu, kwa sababu watu wanapoajiriwa mtu mkubwa anakwenda pale anasema chukua huyu anachukua, yeye hafuati amri

zake. Kwa sababu katika army, katika mashirika mbali mbali ya Serikali, utakuta kwamba wale walio juu ni kabila moja. Yaani hata hawana ujuzi lakini ni wakubwa kwa sababu yule mtu anayesimamia uajiri anaogopa. Yeye akikataa kufuata maneno yao ataondolewa pale. Kwa hivyo tunataka mtu wa kuajiri watu, chairmen wa wizara za Serikali awe mtu ambaye atatumia mamlaka yake bila kutumia ukabila, ama kutishwa ama kuogopa. Nakuja juu ya mambo ya mashamba. Mashamba yapo na walio nayo wanazidi kupewa. Ukiwa nayo, unakwenda hata scheme mpya unaongezewa. Ukiwa nayo unakwenda kwa --- unaongezewa. Na kama hauna, ukienda huko unafukuzwa, kwa sababu wewe hauna mkubwa yeyote huko mbele.

Com. Ratanya: Kwa hivyo unapendekeza nini?

Benster: Mimi nataka mashamba tuhakikishe ya kwamba hakuna squatter, mtu yeyote ambaye ni masikini awepo hata na angalau heka moja. Kuliko watu wana heka elfu tano na huyu mtu hana hata nusu heka. Mpaka sasa tumepata uhuru lakini bado tuna squatter mpaka hata tumezidi na wakati wa ukoloni na nchi imepeanwa. Sasa tuna ukoloni mpya kwa sababu Waafrika wakubwa wana mashamba hata kushida yale yalikuwa ya wazungu.

Ninakuja kwa jambo la utamaduni. Sisi ni Waluhya na utamaduni wetu unajulikana tangu Mumia mpaka wakati huu. Hata jadi na jadi, sisi sio watu wa kukimbizwa kama mbwa. Tukiwa tunaruhusiwa heti tuwe na sherehe mwezi wa nane na mwezi wa kumi na mbili. Na miezi mingine hii tunafukuzwa, tukiwa na mila zetu na pombe yetu ya kienyeji ya kimila tunafukuzwa kama mbwa na nchi imejitawala, hii kweli iko sawa?

Com. Ratanya: Mzee hapa ni heri upeane mapendekezo. Useme ungetaka hivi, ungetaka hivyo.

Benster: Sisi tunataka pombe ya kienyeji ya wazee iruhusiwe. Kwa sababu hii pombe inakatazwa ndio watu wanakula vitu vibaya vibaya kwa sababu hii ya kimila imekatazwa. Wanaingia kukula vitu vibaya wanaokota wanakula ndio wanakufa. Lakini ukinywa hii unashiba na unanono. Hata mimi nang'ara kwa sababu ya hiyo.

Kitu kingine, watumishi wa Serikali, DC, wakubwa wakubwa hata ukienda kwa Commissioner huwezi kumuona. Unafika hapo wanakuuliza wewe ni nani? Mpaka useme mimi ni mkubwa fulani ndio wanasema ingia. Mtu wa kawaida haruhusiwe kuona mkubwa mtu yeyote wa Serikali. Sasa hawa wameajiriwa kwa sababu ya watu wakubwa ama kwa sababu ya sisi? Kwa nini wewe ukienda kwa DC, unaambiwa wewe kaa huko, wewe ni nani. Mpaka ujitaje mimi ni baba ya fulani, ndio unakubaliwa kuingia. Hata ukitaka kuona medical officer, hata ukitaka kuona registration officer, mpaka uwe na mtu mkubwa ndio uingie. Hata ukitaka kupeleka mtoto wako kwa kazi, lazima uwe mtu mkubwa ndio uingie. Sasa hii Serikali ni ya wakubwa. Masikini tutaenda wapi? Yangu ni hayo tu.

Com. Ratanya: Sawa sawa Mzee, lakini niliwaambia hapo tulipoanza kama Commissioner ana swali lolote la kufafanua ama swali, utapata nafasi ujaribu kujibu. Sasa tumesikia kwamba unasema utamaduni wenu kama Waluhya, hakuna heshima, ama

unatupwa. Lakini hukutuambia ni utamaduni gani ambao ungetaka uheshimiwe? Tupatie mapendekezo yako ya mambo ya utamaduni. Yale unataka yaheshimiwe.

Benster: Mimi ninaposema heshima ya Waluhya imerudi nyuma, hata mimi nina chifu wangu anajua namna wazee wanavyonyanyaswa. Yeye anafahamu jinsi wazee na hata wa Lugari wanavyonyanyaswa. Na sisi tunataka tuwe na heshima, tukiwa na sherehe yetu. Assistant chief akishajua na chief, tuwe tukikaa vizuri kuliko kunyanyaswa, tunafukuzwa na AP, tunafukuzwa na polisi mpaka sasa sisi tunaona ni maadui sio marafiki wetu.

Com. Ratanya: Unataka tu mheshimiwe lakini husemi ni utamaduni gani? Okay pengine wengine watafafanua, that is a very important point.

Benster: Kuna utamaduni wakati wa ndoa. Kuna utamaduni wakati wa kutahiri. Hayo mambo yote, pia kuna utamaduni wa mazishi. Kwa sababu wakati wa matanga lazima tuwe na mambo ya sherehe ya kushirikiana na kukaa pamoja. Yote hii lazima iheshimiwe.

Com. Ratanya: Upande wa tohara kwa sababu ni utamaduni, kuna ubishi kidogo unaendelea pengine katika watu mbali mbali, kuhusu kutahiri wasichana. Sasa unaweza kufafanua hapo?

Benster: Sisi tunataka kutahirisha wanaume, wasichana hapana. Na tusilazimishwe kufanyia hospitali. Hapana. Lazima tutumie mambo yetu ya kienyeji kwa sababu tunajua kile kisu kinawekwa kwa moto kwanza ndio kinakata mtoto.

Com. Ratanya: Wananchi unajua hayo ni maoni ya Benster, kila mtu ana nafasi ya maoni yake. Na yanaheshimiwa. Asante sana Bwana Benster, wewe ni mzee, nimekupatia wakati mrefu ili ufafanue. Kwa hivyo peana memorandum kama unayo. Kama hauna na ungetaka kuandika, andika baadaye, umpatie co-ordinator na itatufikia huko Nairobi. Nashukuru sana. Sasa tutaenda kwa John Wabwai. Huyu naona ni kutoka kwa Muslim Community na ana written memorandum. What is your name? But are you a Muslim? Somebody has written Muslim here. So, John M. Wabwai. Tuambie jina lako kamili na sasa ni wakati wako.

John Wabwai Masaka: My names are John Masaka Wabwai. Before you, I have got a few proposals to be made in this current constitution of ours, which is actually the law of the land. And some of the remarks I would like to make are as follows:

- I would like in the next Government not to have anybody who is above the law. The law of the country should be supreme. Means the powers of the president must be reduced and be distributed to the Prime Minister whereby in case a country will be in turmoil the President must approach the Prime Minister to discuss and their resolution to be subject to Parliament approval. There is possibility of the current Vice President, whereby the VP currently is just a

liability to the President who appointed him, should be removed and be transferred to the Prime Minister who should be now a person with a position and with a certain designation of recognition.

- Another part on the provincial administration, I would like the PCs to be appointed by Members of Parliament, so that in case there is any mis-use of the public interest in that office the PCs should be answerable to the Parliament. Still on the side of PA, I come to the chiefs. The chiefs should be elected by the members where she/he comes from, so that in case there is any mis-use, this person should stand a risk of being removed after five years as term of service. I do not recognize the position of the sub-chief. There are Wakasas who are doing a lot of work because they are reporting to the office of the chief every time. I would like them to be given some certain allowances because they are also excluding a certain responsibility. Now to eradicate corruption in the next Government, I would like the police force, because they are mis-using the common wananchi by using a scapegoat that liquor is illegal. I would like the liquor act to be eradicated. And busaa to be made so that these people will be paying money to the treasury, which will assist the Government to improve its economic status other than the police force to be getting money through corruption.
- Appointment of Ministers. The ministries should be reduced to 15 and the ministers to be appointed in various capacities, should be appointed as per their profession, skill and the ability to serve. And there should be one job, one man. Not to have three ministers in one Ministry, because it will be reducing the Government resources and jeopardizing the economic status of the country.
- The current system of education should be replaced by the previous system of 7.4.2.3, whereby our children should get quality education, but not just to have a number of subjects, which have got no any quality in their lifespan. The current system of education is just a system that is used to drop out children and not children to be used anywhere.

Com. Ratanya: Okay John, try to wind up.

John: I would like the Chief Justice of this republic to be appointed by Members of Parliament and the Judiciary to have an independent Commission. Thank you very much and I hope what have put before you will be taken seriously.

Com. Ratanya: One clarification Bwana John. Now when you talk about the village elders, there is place where we had this term Liguru, do you mean the same village elders?

John: I am meaning the Liguru or the Wakasa. These are the people who are everytime with wananchi and they report to the chief's office everytime.

Com. Ratanya: Lakini wanaitwa Liguru, tulisikia hiyo pahali pengine. Dr. Kibuguchi, ni majina yameandikwa vibaya daktari, lakini tuambie majina yako vizuri. Okay doctor go ahead. You have a written memorandum? And you know we only give you three minutes to highlight the main points, because we shall read that memorandum.

Dr. Kibuguchi Wamalwa: The names are Dr. Kibuguchi Wamalwa. I have a written memorandum, but I will just like to highlight one or two things in it. As I have sat here some of the things that have been discussed are like really we were of the same mind. I would like our Government, the powers at the top, to be devolved down. We should have a president and a vice president who are directly voted for by the people and a Prime Minister who comes from the party with the largest majority of Members in Parliament or or with a coalition. All these people at the top, I propose that they should have a minimum of university education. The same thing with our Members of Parliament, I think they also need to have a minimum of university education.

I would just like to dwell a little more on the electoral system. I propose that the representative system should be retained as it is now; any elected Member of Parliament, or councillor should garner at least 50% of the vote. If we do not have that, then we should have a run – off, so that we have a Member of Parliament who represents the majority. This country sometimes finds Members of Parliament that represent only a small minority from their constituencies. I also propose that once a candidate has lost nomination in one party, he should not cross over to another party like it has happened. I also propose that presidential, Parliamentary and civic elections should be held on the same day simultaneously like it is happening now, to lessen costs. The counting of votes, should be done at the voting station. In that respect, I propose that elections should be held in only one day, you remember last time, there were two days and there was a lot of mess that happened. Preferably, elections should start at 6.00am in the morning and end at 4.00pm in the afternoon. And thereafter, we count votes. So that we count votes during the day. I also propose that election petitions should be disposed off expeditiously and the cost should be reduced. Once a Member of Parliament has lost his seat through a petition, he should be asked to refund the salary he has earned upto that moment plus interest.

The next thing I would like to talk about really, is about our economy. As it has been mentioned before, I think we need free basic primary education. Health care should be decentralized, and NHIF should be refined to cover both inpatient and outpatient. On agriculture I propose that AFC loans, so far, should be written off and the farmers' title deeds that have been confiscated should be returned to them. AFC should then be converted into a farmer's bank. I also propose that there should be no importation of whatever is produced locally. For example, milk, sugar, maize and wheat. We should give a chance to our farmers to sell these products before we can import from outside. On the provincial administration, I propose that the chiefs and the sub-chiefs should be elected directly by the people in those areas. The PCs, DCs and the DOs should be selected, preferably through advertisement and then they should be vetted by a committee of Parliament. As things stand now I do not see the need of having PCs in this country. Thank you.

Com. Ratanya: Thank you very much, Dr. Kibuguchi. Julius Kundu.

Julius Kungu: majina yangu naitwa Julius Kundu Fwamba, kwanza ningependa kutoa maoni yangu kuhusu busaa. Busaa ni

kinywaji cha wazee tangu zamani na ningependekeza kwamba busaa ipewe huru, wazee wawe wakinywa busaa yao. Walemavu: ningependa kusema pia kwamba walemavu pia wapate nafasi ili waweze kuingia Parliament na waweze kusaidia walemavu wazee ili tuone kwamba pia wako pamoja nasi kama watoto wetu.

Utamaduni wetu, ningependa uzingatiwe kwa sababu tuna Minister wa utamaduni. Kwa hivyo ningependa kwamba, utamaduni wetu kama Waluhya ubaki vile ulivyo na tuweze kuendelea na utamaduni huo. Pesa: ningependa Serikali iwe ikiwalipa wale watu ambao wanakaa nyumbani, wenye hawana kazi yoyote kutoka katika mfuko, jinsi vile sisi tunatoa kodi, ili wao pia waweze kupata kitu kidogo cha kuweza kuwafanya waendeshe maisha yao.

Majimbo: ningependa tusiwe na Serikali ya Majimbo. Tuwe na Serikali moja ambayo sisi sote tunaonekana kama watoto wa mtu mmoja ambao ni Wakenya. Elimu: ningependa tupate elimu ya bure vile tulipata elimu kule nyuma, na pia elimu hiyo hiyo iendelee mpaka class seven na kutoka form one mpaka form four walipe, na university wasome bure. Kuhusu machifu, ningependa kusema kwamba chiefs wachaguliwe na wananchi na kwa muda wa miaka mitano; akifanya kazi yake vizuri, aweze kuchaguliwa tena.

Nikimalizia, kuhusu machokora, hao watoto machokora wanapatikana kwa ajili ya watoto wasichana wetu kupata mimba na watoto wanakosa namna ya kusaidiwa. Ningependa Serikali itenge sehemu ya kujenga manyumba za hao watoto ili waweze kupata elimu na wawe watoto wazuri siku zijazo. Asanteni ni hayo tu.

Com. Ratanya: Okay, asante, nenda u-sign register yetu hapo. Kuna John Bunyasi. Okay ni wakati wako sasa.

John Bunyasi: Sina mengi, mengi yameongewa na kitu kimoja tu ndio nitaongea. President awache wananchi wenyewe wapige kura, si ati anasaidia watu. Kama hapa Lugari sasa. Mr. Jirongo anaweza shindwa kabisa na anamwambia Mr. President, sasa nitafanya aje? Anaona Dr. Kibunguchi amekuja, sasa huko anapigia PC, PC anapigia DC, tufanye aje? Ati nataka huyo mtu arudi. Sasa hayo mambo yatoke. Polisi warudi training, ili wasaidie wananchi vizuri. Kwa maana wanaweza pata wewe kwa busaa, unaona wamekushika tu hivi wanakupiga mbele ya bibi yako, unashidwa utafanyaje na kitu kidogo tu. Sasa president mwenye atakuja, ama wa saa hii ajue vile tutakaa. Ni hayo tu sina mengi.

Com. Ratanya: Nashukuru sana John. Sasa wananchi naona tukiangalia saa imeenda sana, na kama kawaida yetu, ikifika saa kama hii tunaangalia ni wagapi wamebaki na kila mtu niliwaambia kutoka asubuhi, lazima awe na nafasi ya kusema kitu. Na wanaendelea kufika. Kwa hivyo mengi yamesemwa na ningetaka kuwajulisha kwamba si vizuri kurudia yale yamesemwa sana. Kama una mambo mapya, yale ambayo yangeweza kutusaidia, mapya. Ili we save time and at the same time tuone kama wengine watapata nafasi. Tusitoke hapa usiku. Na kutoka hapa tunapunguza dakika zile tatu tunaweka mbili kusema yale mapya. Kama una memorandum, niliwaambia kutoka asubuhi, unaweza hata kupeana tu na u-sign ukae usikilize, kwa sababu hiyo memorandum itaangaliwa. Twende kwa mtindo huo sasa na tuheshimiane kwa njia hiyo. Jackson Lusala.

Jackson Lusala: Thank you Commissioners and the public, I greet you all. On behalf of Lunino Primary School, I wish to say a few things, which would help our education system in Kenya. First of all I would say we have a system where there has been a lot of politiking. This politiking has gone to the appointment of Ministers who are very much unconcerned about the education system in Kenya. Ministers who have been very rude, and who have not been following the profession has such. We wish to have appointments with the Ministry and also in the TSC, which could cater for the education system which is an inside economy server in the country. Because a country without educated people is not a country at all. Because, if we wish to lead our people in the country, we need to have these people educated. This therefore says, that if we have anything to do with education in Kenya let it be delinked from politics in the country. Permanent Secretaries in the Ministry of Education, the Teachers Service Commission, should be non-partisan in the politics of the country. We wish also to say that if we have to have a good education system here, then let us have proper remuneration of teachers, which can lead to proper academic standards. Of late, we have seen a lot of politiking in the Ministry and in the country as a whole as regarding to the remuneration of teachers which has already become too political.

Promotion of teachers: as an old teacher it is very embarrassing when you meet a pupil or a student you have taught for the past 20 years and you are still in the same grade. This is very embarrassing. We wish teachers to be promoted after 10 years in service or so. We have unnecessary transfers in the teaching profession and this has led to very high rate of HIV/Aids which has also been contributed by our zonal inspector of schools and the DEOs. It is very embarrassing, you have female teachers on the staff, you have those who are married and those who are not married. When these zonal inspectors of schools come, they converse with headteachers, they converse with zonal inspectors, they converse with the DEOs that when they come you will find that there is a lot of cohesion. There is that tendency of this bulldozing the teachers on the staff and then when you go, if you follow them in the evening, you will find them with the female teachers, irrespective of whether these teachers are married or not.

Com. Ratanya: Jackson just try to conclude now.

Jackson: The quota system of Kenya we wish it to be eradicated, because it enhances our local tourism. If you ask what Eldoret looks like, you will find a child in Western Kenya may not know what Kakamega is or may not know what Nairobi is because of this quota system. Because of the facilities that we have, which are very much limited we wish them to be distributed equitably in the whole country.

The teachers also cry, they lose a lot of time, going up and down, going for their salaries, which we wish that the TSC should be able to pay them in good time, say, once in a while, let the teachers go, have their salaries and come back to classes to boost our standards of education.

When we come back to the appointment of vice chancellors in our public universities. These ones we wish that they be appointed by a special instituted education panel, which is de-linked from politics. Many of our scholars have been placed out of classes. Thank you very much for listening and I hope the bursary system should be back to the needy children, whose parents are trying to brew these things we call chang'aa and busaa. When they brew we have very good fellows in blue uniform. They are very good at going to these villages and getting whatever little these parents have tried to get as a matter of educationg their children. Free education in Kenya please. Thank you.

Com. Ratanya: Asante sana, Bwana Jackson. Ni wakati mrefu tumekaa bila kusikia sauti ya akina mama. Ningetaka sasa kuwatafuta wako wapi kwa list yangu. Kama wako. Kuna Rachael Mulama. Tulipoanza mwanzoni niliwaambia tunaweza kuruka kuwapatia akina mama nafasi, ama disabled, ama wazee sana hivi, kwa hivyo hiyo ndio mamlaka natumia, hebu tusikie sauti ya akina mama. Sema majina yako madam.

Rachael Mulama: My name is Rachael Mulama, from Lukuyani division, Maendeleo ya Wanawake. It has already been read here, and I am just trying to add on a few points, because when it was read we were not around and we thought we better come in and add a few things to that report.

Constitution must ensure people lead a life of dignity. Social rights, food preservation, storage, cloth, shelter and education. Compulsory education upto standard eight and after that military or youth service to equip the youth with skills so that they can employ themselves. Healthy environment should be guaranteed to all Kenya citizens. Cheap and affordable medical services for women. The constitution should consider old aged people especially when they cannot care for themselves. They should have a place to stay or a village.

Com. Ratanya: Tunashukuru sana Rachael, kama una mambo umeandika, tupatie hapa tuyachukue na halafu u-sign register yetu.

Rachael: Kuongeza kwa yale ambayo yameletwa.

Com. Ratanya: Asante sana, kuna John Shitanda, kutoka kwa people with disability.

John Shitanda: Commissioners ambao wamekuja hapa siku ya leo, kwa majina ni John Shitanda nikiwakilisha kikundi ambacho ni cha disabled people. Kwanza kabisa, nataka nizingumzie kuhusu uchaguzi. Katika disabled tunaona kwamba ili kuwapatia motisha wasiojiweze waweze kugombea viti vya uchaguzi, tunapendekeza kwamba wakubaliwa to apply for unpaid leave for three months, ili waende wajaribu uchaguzi. Lakini iwapo watashidwa, warudi katika kazi yao kama kawaida. Kwa vile bila hivyo, mtu asiye jiweza hana njia nyingine ya kupata tena kazi, kama pengine kazi ya kufanya kwa shamba. Kwa hivyo anaogopa kwenda kwa uchaguzi, kwa sababu anajua atapoteza pahali ambapo anapata lisha yake.

Jambo la pili, ningependekeza kwamba katika nominated MPs na pengine Councillors, as interested parties vile tunazungumzia mambo ya gender, ya akina mama, wale watu ambao pengine wanaumizwa zaidi hata kuliko akina mama ni wasiojiweza. Kwa hivyo tunapendekeza kwamba tuwe considered kama interested parties kwa nominated MPs na Councillors. Fundamental Rights: wasiojiweza tunaona kwamba hatuna nafasi sawa na watu wengine kuhusu upande wa kazi. Kwa mfano, sisi tunaamini tukipewa uwezo kama vile DOs na DCs wanasaidiwa na magari na askari vile walivyo navyo, tunaweza ku-prove our provincial administrative powers kama wasiojiweza. Kwa hivyo tunapendekeza kwamba tupewe nafasi kwa kazi kama hizo, hata sisi tuweze kufanya. Kuhusu maneno ya mashamba, tunasema kwamba wasiojiweza, wa are not considered wakati mashamba ya squatters yanatolewa. Ndio sababu utapata kwamba wasiojiweza wanaomba omba katika towns, hawana pahali pa kuishi. Tunaamini kwamba wakiwa considered kama squatters wengine na wapewe mashamba, tutapunguza nambari ya watu ambao wanaomba katika mitaa na hii itakuwa njia mzuri ya kuwasaidia, kuliko kuomba omba.

Kuhusu education, katika education tunapendekeza kwamba, turuhusiwe shule zote, ziwe na facilities za kusaidia wasiojiweza. Kwa sababu tukiwa na special schools ambazo ziko mbali, wale wazazi ambao hawawezi kupeleka watoto wao kwa shule kama pengine, Joy Town ama Joy Land, ama Thika Blind School, inakuwa ni vigumu kwa hao watoto kupata nafasi ya kusomo. Kwa hivyo, tunapendekeza Serikali iweze kutusaidia, iweze kuleta facilities za education system katika shule zetu zote ambazo tunaweza kujiunga nazo. Jambo lingine tumesema kwamba, tunataka National Disabled Fund, weze kupewa uwezo saidi. Na iwe decentralized, irudi katika district, badala ifanyiwe Nairobi na hiyo itatusaidia sana.

Jambo lingine ni office accommodation. Sisi kama wasiojiweza, hatujafurahia na maneno ya office accommodation. Kwa sababu kwa mfano, hata Commissioner ukiniita saa hizi hapo hivyo, itanibidi nifikiri sana vile naweza kuja na nikufikie hapo ulipo. Kwa hivyo tunaona kwamba office accommodation tafadhali, tupewe nafasi, tutengenezewe offices ambazo mtu yeyote asiyejiweza anaweza kuingia ndani. Vile vile, tunapendekeza kwamba, tusaidiwe tupewe special vehicles ambazo ziko tax free. Kama vile, kuna groups kama lecturers, ambao wanaruhusiwa to import vehicles bila tax yoyote. Hata sisi tunapendekeza kwamba tupewe hiyo nafasi to import special vehicles kwa ajili yetu. Vile vile, tunazungumza kuhusu travelling of disabled. Tunapata kwamba matembezi yetu yamekuwa magumu sana. Especially in towns, kama rush hours. Hatuna utaratibu ufaao wa kutujali sisi wasiojiweza. Kwa hivyo inamaanisha ya kwamba, magari yakijaa, mtu ambaye hajiwezi, hawezi kupanda hilo gari. Kwa hivyo tunapendekeza tuwe na utaratibu maalum wa kutuwezesha sisi wasiojiweza tuweze kupata nafasi ya kupanda magari kama watu wengine bila kunyanyaswa ama kusukumwa.

Vile vile, tukizungumzia upande wa prisons na police cells, ingawaje we do not advocate for that, lakini tunasema kwamba sisi tusiojiweza, wale ambao wanaweza kuwa wanapatikana na makosa, hatuna cell iliyo nzuri ya kuwekwa ndani. Utapata ya kwamba if somebody it crawling down, anawekwa kwa cell pamoja na wale ambao wanatembea vizuri. Kwa hivyo utapata anakanyagwa huko ndani na kadhalika. Kwa hivyo tunaomba kwamba prisons, tutengewe cell tofauti na watu wa kawaida ili tuwe na nafasi ya kuwa humo ndani. Na tunaamini kwamba, tukisaidiwa na mambo kama hayo madogo madogo, na

tukipunguziwa umasikini, sisi i tusiojiweza hatutakuwa na shida yoyote tena. Ni hayo tu.

Com. Ratanya: Okay John tunashukuru kwa hayo maoni yako. Wapi co-ordinator? Okay, twende kwa akina mama tena. Faith Wanyendo, hayuko na Juliana Mulama? Pengine alipeana memorandum. Kuna mzee hapa Burudi Nabwera. Tupatie mawaidha yako na experience yote.

Burudi Nabwera: Waheshimiwa Kamishena wetu, mimi nina maneno machache ambayo ningependa niongeze kwa yale ambayo mmesikia katika sehemu nyingi za jamhuri. Jina langu ni Burudi Nabwera na nilikuwa Mjumbe wa hapa wakati mwingine, sasa ni mkulima.

Kuna maneno mane, ningependa nizungumze juu yake, na jambo la kwanza ni kuwaomba Commissioners wote, ambao wakati mnafikiria mambo ya kututengenezea Katiba yetu hii mpya, najua mtachukua Katiba zingine nyingi zote ambazo mnaweza kutumia na kuchukua sehemu moja hapa na kuitumia kwetu. Lakini hapa kwetu Kenya kwa sababu mimi wakati wa uhuru nilikuwa mtu mzima, nimeona jinsi tumeenda. Nimeona jinsi tumeteleza, lakini sasa tufikirie mambo ya mbele. Jambo la kwanza ningependa mtu ambaye anachaguliwa kuwa Rais wa Jamhuri ya Kenya, kikatiba tuseme mtu asiwe Rais zaidi ya mara mbili. Awe Rais miaka mitano, kama watu bado wanampenda, tena Rais miaka mitano. Hii mambo tulipowacha peupe ndio inatuletea taabu. Mtu miaka yake imekwisha, lakini bado anataka aendelee. Ningependa tena mheshimiwa, Rais asiwe na constituency. Na ningependa Rais kila chama kisimamishe Rais na makamu wake ili Rais aheshimu makamu wake. Wakati Rais hayuko, makamu awe ndiye anashika nchi. Kwa sababu kwa wakati huu makamu anapelekwa huku na huku.

Nikitoka hapo, ningependa kusema, madaraka ambayo tulimpa Rais wetu ni nyingi zaidi. Kwa hivyo twataka yale madaraka Rais ako nayo, mengine yaende kwa Parliament na mengine yaende kwa local authority, county council na municipal council. Mimi sioni sababu ya sisi kuwa na Majimbo. Nataka devolution of powers. Tunataka kila municipal council, ile kodi inatoka kwa sehemu hiyo, sehemu fulani thelathini na tano kwa mia kwa mfano ili watu wa huko wenyewe waendeshe mambo ya barabara, waendeshe mambo ya elimu, waendeshe mambo ya health center. Na ikiwa namna hiyo, mheshimiwa Commissioner, itatubidi Katiba tuseme mtu kusimama kuwa county council au municipal council, ni lazima awe anaweza kusoma na kuelewa Kiswahili na Kingereza, kwa sababu hao watakuwa na pesa nyingi ya kutumia kwa kuendesha sehemu yao. Na ningependa kama niko pale niseme county council chairman asimame kwa county yake apigiwe kura na kila mtu. Asiwe na ward. Ward yake iwe district hiyo. Hata mayor asimame apigiwe kura na kila mtu katika sehemu hiyo, ili hizi pesa tunawapa tujue wana uwezo wa kutosha. Ningependa kama kuna president na vice president kwa Katiba mpya tuwe na Prime Minister, ambaye atakuwa kiongozi wa chama ambacho kina Wabunge wengi kwa Bunge. Tuwache nafasi yeye azungumze na vyama vingine kuuda Serikali ya muungano hata Serikali ya national unity, ili tusifanye kama tunavyofanya wakati huu.

Nikitoka kwa President, ningependa nije kwa Parliament. Parliament kuna jambo moja ambalo ningependa waheshimiwa Commissioners mfikirie sana. Hivyo viti maalum kumi na mbili, ambavyo viliwekwa wakati wa Lancaster House vilikuwa

vimewekwa vitumike kwa watu fulani. Na mini ningependa tupendekeze kwa Katiba hii hivyo viti viende kwa watu wasiojiweza, vingi vyao, na nusu iwe wanawake na nusu wanaume. Na ikiwa ni lazima viende kwa mtu mwingine, viende kwa mtu ambaye ni unique. Kama ambaye ana qualities ambazo sisi wengine hatuna. Kwa mfano kukiwa na mtu kwa university ambaye ndiye anajua kabisa mambo ya uchumi, Bunge ifikirie ku- nominate that person. Na tusiwache saa yote iwe ni president anafanya nomination. Lakini tushike Parliament kikatiba ya kwamba hivyo viti viende kwa watu ambao hawajiwezi. Kwa sababu campaign kwao ni ngumu, hawana njia wanaweza kufanya hiyo kazi. Ningependa pia kusema juzi, imeonekana wazi ya kwamba, wakati tuna Parliamentary Service Commission, inatakikana tena tuweke checks and balances. Kwa sababu wakati mimi nilikuwa Mjumbe na waziri, mshahara wangu ulikuwa shilingi elfu kumi na nane. Na tulikuwa tunaendesha mambo tu. Juji baada ya kura ya 1997, waheshimiwa Wabunge, kwa sababu wanasimamia mshahara wao wenyewe, walijiongeza mshahara kuwa elfu mia nne. Na juji tena wametaka waongeze. Kwa hivyo kwa hiyo Parliamentary Service Commission, ni vizuri tuongeze watu watoke upande wa Serikali na watu watoke upande wa business. Wacha Speaker aendelee kuwa chairman. Parliament iwe represented, public iwe represented, na Serikali iwe represented kuweka break. Hao Wajumbe wanajiongeza wakijua kwamba Serikali haikubali kulipa waalimu. Hata haijalipa waalimu na bado inaongeza mshahara. Unajua binadamu, hiyo ndio sababu sisi Wakristo tunaamini, Yesu alikuja kutusaidia kutoka kwa dhambi zetu. Tusifikiri Wajumbe ni malaika, hao watafanya pia makosa tunayofanya Kenya. Kwa sababu kila mtu anapendelea apate pesa Kenya. Kwa hivyo ningependa tuweke kikatiba ya kwamba Parliamentary Service Commission kuweko na watu wanaweza kuwasaidia.

Kila mtu Kenya anajua ya kwamba Judiciary yetu haiko independent, na ni kwa sababu ni jinsi Judicial Service Commission inavyofanya kazi. Hawatupatii majudge ambao wanastahili kuwa judge. Judicial Service Commission iwe ikipendekeza majina, na hapo watu wote ambao wanaajiriwa kazi kwa Serikali, wawe majudge, wawe PCs, wawe watu gani, wawe mawaziri, tutumie mpango ambao unatumika kama America. Kuweko na Parliamentary committee, ambayo inaweza kuhakikisha kabla huyu mtu hajapewa madaraka raia wamejua yeye ni mtu sawa sawa. And that to apply in all major public appointments. Vile vile, ikomeshe hii mambo ya kupendelea, ya kwamba president akitoka kabila fulani watu wengi wanaajiriwa kutoka kwa hiyo kabila. Na tena tupitishie kabisa ya kwamba mtu hatakuwa president zaidi ya mara mbili, ya miaka tano ili mtu asiwe life president. Kama umezeeka hata ubongo hafanyi kazi sawa sawa. Unasahau vile ambavyo uliamua.

Jambo langu la mwisho, waheshimiwa, ni ya kwamba, mimi nafikiria tumefika wakati ambao wazee ndio wanafikiria mambo ya ukabila. Watoto wetu wanataka wawe watu wa Kenya. Na ingefaa kuweko na provision ya kusema ya kwamba watu ambao wanaeneza ukabila katika jamhuri ya Kenya iwe kama ni kosa kubwa kikatiba, kwa sababu tunataka watoto wetu waoane. Tunataka tuwe taifa sawa sawa. Hatutaki tuwe wakati wowote tunafikiria huyu ni Msomali na huyu ni Mluhya. Ni hayo tu ningependa kupendekeza.

Com. Ratanya: Asante sana Mheshimiwa Burudi Nabwera kwa hayo maoni yako. Nimempatia mheshimiwa wakati huo kwa sababu tungetaka kujifunza kutoka kwa experience yake kama mzee na kiongozi na dakika ikawa nyingi. Kwa hivyo pengine mmekubali hivyo. Sasa tutarudia pale pale tulikuwa, kuna student mmoja ambaye tutamsikia halafu twende kukimaliza hao

wengine. Luke Wasike, we are only allowing you three minutes to highlight what you have in the memorandum.

Luke Wasike: My names are Luke Wasike, from Kongoni Secondary School. We the students of Kongoni Secondary School have had to deliberate on what we feel should be included in the new constitution and came up with the following:

- The 8.4.4. system should be done away with because it was not given enough piloting. Further still, the 8.4.4. curriculum is overloaded and mixed up, some contents started still cannot be of any practical use for its graduates.
- Gender equality: job opportunity, men and women should be given equal job opportunities if they qualify. They should not be discriminated upon.
- Education: parents should provide education to all their children, without denying female child her opportunity.
- Inheritance: widows should have a clear right to inherit her husband's property without any interference from her in-laws. Female child should also have a right to inherit parents' properties including land.
- Forced marriages: the law should protect a female child from force marriages. Parents forcing their female children to get married should be dealt with severely.
- Student mothers: female students getting pregnant while in school should be re-admitted back to school, same or different. The fault is not theirs alone but even the male students'. If a female child is expelled from school, the same case should happen to the male student who caused the pregnancy.
- Corporal punishment: Corporal punishment should be abolished completely; instead, there should be intensive guidance and counselling of students. The fear of corporal punishment may lead to drop outs.
- Corruption: the deep rooted corruption within the police force and civil service, should be checked. The police officers are rottenly corrupt demanding bribes unnecessarily. Furthermore, police officers respond swiftly on petty crimes and reluctantly to more serious crimes.

Mbali na hayo tungependa Tume yetu kufahamu uhuru wa kujieleza. Wananchi wawe na uhuru wa kutoa maoni magazetini na redioni bila kuingiliwa. Kujieleza baada ya kukamatwa na polisi, bila kuingiliwa au kuharakishwa. Vituo vya Serikali, vya runiga na radio vipeane muda sawa kwa vyama vyote vya kisiasa. Aidha, vituo hivi visipendeleo upande mmoja. Sera ya ardhi nchini inapaswa kuangaliwa, hii ni kwa sababu ya kuongezeka kwa masquatter nchini. Tunapendekeza kwamba, mtu aruhusiwe kumiliki hadi hekari mia mbili pekee za shamba na ikiwa atazidisha hapo atozwe ushuru kwa ardhi anayomiliki.

Kura ya kukosa imani. Ili kumaliza kiburi walicho nacho machifu, madiwani na hata Wabunge, Serikali iwe ikiandaa kura ya maoni kila baada ya miaka miwili. Wanaoshindwa katika kura hii, viti vyao vitangazwe wazi na kung'ang'aniwa. Vile vile, kuna uhuru wa kustarehe, kuna wanaostarehe kwa kupenda kuvaa kofia.

Com. Ratanya: Wasike, hautasoma memorandum yote, tungetaka utuachie tusome, you only highlight the most important points. Because you had only three minutes, you have gone beyond that, so please try to summarize.

Wasike: Uhuru wa kustarehe, tunaona kwamba wale watu haswa wale ambao wana nywele zinaitwa rasta, wanaingiliwa kwamba wao ni magaidi. Vile vile wale huvaa kofia fulani wanaitwa magaidi. Wapatiwe haki ya kustarehe watakavyo. Nikiendelea mbele, madiwani wanapoaga dunia ama kuhama vyama vyao, au kujiuzulu inagharimu Serikali pesa nyingi kuandaa uchaguzi. Ili kupunguza matumizi ya pesa za Serikali, jambo kama hili litokeapo, iwe ni kwa mgombezi ambaye alimaliza wa pili katika uchaguzi apatiwe hiyo nafasi ya yule aliyenjeuzulu, kuaga dunia au kuhama chama.

Miaka arubaini na tano, mtu astaafu na asipewe nafasi nyingine.

Com. Ratanya: Wengine wanagoja malizia hapo, nashukuru sana. Kama una memorandum utupatie. David Makosi, huyo hayuku, Humphrey Webi, Jotham Murunga, Eliud Lubonga yuko? Ni wakati wako Eliud. Na tulisema mengi yamesemwa ni kusema machache tu kwa dakika mbili.

Eliud Lubonga: Asante sana, jina ni Eliud Lubonga Wanyama, mkulima wa Kongoni. Yangu ninachangia kwa Serikali yetu. Mtu akiwa ameshafanya kazi na kuenda retire hapana ruhusa ya kurudi tena kwa kazi. Watoto wa university, umeshasomesha, wana makaratasi yao kwa nyumba, umekaa nao unafikiria mtoto atasoma kama amefika university akusaidie. Unakaa naye na mtu anafanya kazi tatu, unasikia ati Commissioner wa nini, unasikia director ya nini, na wewe una watoto tano kwa nyumba na hawana kazi. Mtoto kwenda kutafuta kazi, na kama wewe hauna pesa masikini mkulima, hawezi kupata kazi. Na unapata factory zingine, mtoto wa 1980, unasikia director na ni mtu wa class nane. Sina mengi imetoshia.

Com. Ratanya: Nashukuru sana. Jotham yuko? Jotham Murunga. Are you Jotham? Okay, not you, maybe somebody else, maybe he is not there. Jacob Kombo? Endelea. Sasa tunasema yale mapya.

Jacob Kombo: Mimi kwa majina naitwa Jacob Kombo natoka Lukiyani location, Lumino sub-location. Mimi nina maneno matatu. Neno la kwanza, matajiri wanatunyanyasa sisi masikini. Kunyanyasa kwao ni huu. Mtoto wangu amesoma pamoja na wa tajiri. Miezi mbili utasikia mtoto wa tajiri ameandikwa sababu wewe hakuna chochote unapeleka.

Com. Ratanya: Nimesema ni vizuri mtu kutoa mapendekezo. Kwa sababu sasa ukituambia story bila mapendekezo haiwezi kutusaidia sana. Sema ungetaka hivi, ungetaka hivi, bila kupeana story.

Jacob: Ningetaka Wakenya tuwe kitu kimoja. Mtoto wako akihangaika na mimi masikini nimuokoe. Wangu akihangaika wewe tajiri umuokoe. Ya pili, Serikali yetu saa zingine inapoteza pesa bila majibu yoyote. Juzi tulikuwa hapa na kamati ya Njonjo ya mashamba. Mpaka saa hii, hatujasikia report yoyote.

Com. Ratanya: Ungependekeza nini?

Jacob: Wangeleta report ile Njonjo aliona. La tatu, Kenya kuna makabila mingi sana, lakini kuna wengine wanajificha ndani, kitu ikitoka unaona kabila ingine inaingia ndani, inatoa watu wao. Tuseme kama kazi ya kuandika askari, mtoto wangu akienda huko kuandikwa askari, hawezi kuandikwa bila kupeleka kitu kidogo huko. Na mimi ni masikini sina chochote. Hiyo nataka Serikali ifikirie wale wanakosa kitu.

Com. Ratanya: Jacob Kombo, nashukuru sana kwa hayo maoni yako na sasa tunaenda kwa mwingine. Nenda pale u-sign register yetu. Isaiah Dalili. Are you the one? Just highlight a few points and then you give us your memorandum. There are very many people waiting and that is our procedure. We do not allow reading the memorandum.

Isaiah Dalili: Jina langu ni Isaiah Dalili, nina mambo matano ya kuongea juu yake. Serikali za Majimbo, utawala wa mikoa na wilaya, vyombo vya habari vya dola, jeshi la wananchi na matibabu.

Majimbo: mimi ningependelea kuwe na Serikali ya Majimbo aina ya Kimerikani na Ujerumani. Kwa nini? Upendeleo, uonevu na unyanyasaji wa walio na nguvu madarakani dhidi ya wanyonge utapunguzwa. Heshima na ubinadamu kwa wasio na nguvu kijamii na kimadaraka ambavyo huchochea ukabila, wivu na chuki, zitakatwa mizizi na usawa utazaliwa.

Utawala: watawala wa wilaya wateuliwe na watu wenyewe au kama ni Serikali itachagua, wasiwe watu kutoka jamii moja tu. Isiwe kama ilivyo sasa, kwa watawala au watumishi wa mashirika ya umma wanakuwa elfu mbili ya watu wote.

Vyombo vya habari vya dola: watu au vyama mbali mbali wapatiwe nafasi sawa kwa matumizi ya upashanaji habari. Hii itawezesha, yaani kama radio na TV, itawezesha wananchi kusikia, kufahamu na kufanya uamuzi sahihi wakati wa uchaguzi kama huu unaokuja.

Jeshi la wananchi: ili kuepuka mizozo, uhimla, kiburi ambavyo vinaletwa na jeshi la kikabila, ambalo hutetea na kuendeleza ukabila na hata kuhudumisha hapa Africa, jeshi letu liteuliwe kwa uangalifu kutoka sehemu zote, au jamii zote za humu nchini, ili umoja, upendo, usawa ziweze kudumishwa na kila mmoja kujihisi kama yuko nchini mwake.

Com. Ratanya: Sasa jaribu kumaliza wengi wanangoja.

Isaiah: Matibabu: Kuwe na uangalifu katika mipangilio safi, kuwezesha kuwa mwananchi kupata matibabu sawa, awe millionaire au kabwera, maana wote wahitaji tiba sawa na kupitia madaktari wenye ujuzi wa hali ya juu na maalum. Bila kutegemea nani ana malipo ya juu na ni nani asiye shauri yake. Kwa njia hii ubaguzi wa kitabaka utakomeshwa na upendo utazaliwa.

Com. Ratanya: Asante sana Bwana Isaiah, peana maandishi yako. Samson Asiya, huyu alikuwa na memorandum. Fidelis

Okongo, hata hiyo peana, hiyo ni mzuri. John Mukhwana. Hayuko. Jothan Kisero, ni wewe? Very good, you have been waiting, ni wakati wako.

Jotham Kisero: Thank you very much Commissioners, I would rather not repeat what has been said. My name is Jotham Kisero. I do not have a memorandum, but I have been listening to what people have said, I do not want to repeat. But what I would like to say is that the local Government have agreed that Councillors should be educated at least at the level of form four.

Mayors and chairmen should be elected directly from the electorate. What I would like to add is that, in the recruitment of workers in the local Government, they should be checked, because the way it is done at the moment, you must be a relative of a councillor or a very senior person to get recruited there.

Another thing, I agree that presidential powers should be reduced so that other powers are given to other people. Now I agree that Kenya should have national unity, and for it to have national unity, our culture should also be unified. In other words I look at culture as a moral discipline and if you would like to have Kenyan society to be morally disciplined in the same way, then the culture should also be unified. In other words this culture can be unified through education. People have also said culture like circumcision, we have some tribes who do circumcise, others don't. If the Kenyan society feels that circumcision is a very important culture to be retained, then it can be retained and ask all society to follow it. And if you find other cultures would not be good for the society, then can be done away with.

Another thing which I would like to add on what have said is on education. I would like teachers to be recruited according to the needs of the school to avoid understaffing. Because you may find that some schools are overstaffed, others are understaffed just because we recruit. When it comes to posting them, it becomes a problem and therefore all schools, primary, secondary, should give out their needs and teachers be recruited according to the needs of various schools, so that when a teacher is recruited, is recruited to say that you are going to a certain school. So that the problem of refusing a transfer is avoided.

At the same time, I would like also to propose that any officer who is going to be recruited as an education officer, should have taught for at least 20 years. Experience so that he can be considered to be an educational officer.

On retirement and employment I have agreed with the sentiments that have been already expressed here, but I would like to add that on employment, more powers should be given to the Public Service Commission, so that it employes all cadres. Because it looks the lower cadre seems to have been left free and there is a lot of corruption on employment at that level. And if public Commission is decentralized, so that we have units in provincial or districts to assist in recruitment then that would reduce over-employment and therefore, if overemployment is reduced, retrechment will not be there. Because retrechment is a very bad immoral thing, because somebody coming in the morning and he finds that he has lost a job, it becomes very difficult for such a person. So I would propose that this word retrechment should be avoided as much as possible, so that we do not demoralize our workers.

On farming I would like add, that there should be a constitution to protect farmers. Farmers should be protected in that, the produce they produce should have ready market. And the Government should be able to market the product so that farmers are not destabilised. Because you find farmers who produce maize, millet, they find it very difficult and some of these produce go to waste and the farmer is left penniless.

Com. Ratanya: Try to wind up. Kidogo umalize.

Jotham: There should be a constitution to protect natural forest or forest in our country, so that forest should not be cut down to dish to people who already have land. Otherwise, most of what I had has already been said. Thank you very much.

Com. Ratanya: Thank you very much Jotham. Josephat Abwao, just come out with just very new things. Do not repeat. Yale mapya unajua yako hayakusemwa na mwingine.

Josephat Abwao: Kwa majina naitwa Josephat Abwao. Mimi maoni yangu ni kwamba wazee wale bado wanafanya kazi wafutwe na watoto wale wamesoma wanakaa nyumbani wapate kazi. Hayo ndio maoni yangu.

Com. Ratanya: Asante, kama umemaliza maoni yako nashukuru. Mwingine tuna Peter Toroni, naona kama hayuko. Christine Waswa, alipeana memorandum. Ezekiel Kiuza Kibu. Ni wewe? Okay. Sasa ni wakati wa kusema yale mapya ambayo hayakusemwa na mtu mwingine. Kwa sababu napeana dakika mbili ili tumalize.

Ezekiel Kibu: Mimi naitwa Ezekiel Kibu, mkaaji wa Kongoni. Maoni yangu ya kwanza ni kuhusu waalimu wa nursery. Pili, ni kuhusu machifu. Tatu, ni kuhusu wazee wa mitaa. La nne ni kuhusu washirikina.

Kwanza, waalimu wa nursery wapewe mshahara maana ndio waalimu wa kwanza kwa watoto. Kulingana na machifu, mimi ningependekeza warudhishiwe mamlaka yao maana hao ndio wako karibu na wananchi. Kuhusu wazee wa mitaa, wazee wa mitaa wapewe mshahara na Serikali kufuatana na kazi yao. Kazi yao ni nzito, maana hao ndio wako karibu na wananchi. Nikienda kwa upande wa ushirikina. Serikali sijui itatumia mbinu gani, kuweza kumaliza umasikini. Maana umasikini unachagiwa sana na ushirikina. Nikienda hivyo hivyo, kuna jambo moja nimesahau kidogo, na ni jambo kuhusu mipaka. Mipaka mtu unaweza kuwa umenunua shamba lako heka moja na unakuta jirani mwingine, yule ambaye anasongesha, sijui ni usiku, unakuta ulikuwa umenunua shamba yako heka moja na unakuta una point nane ama saba. Serikali ichunguze hali ya hayo mambo. Nafikiri ni hayo.

Com. Ratanya: Okay, asante sana Bwana Ezekiel. Pauline Isuta, huyo hayuko, Charles Musudi, Paul Samweya, alipeana memorandum, John Macharia Kamau, Jevan Makunda, hata yeye ameenda. Mulule K. M, hata yeye ameenda ama ni huyu?

Ni wewe Mulule? Okay, sema majina yako Bwana Mulule na utumie dakika yalo mbili kusema kwa ufupi.

Mulule K. M.: I am Mulule from Kongoni sub-location. There three points I would like to place in the part of social part of life in Kenya. Looking at 40 years we have come from since independence, it is so clear that we have not been able to control alcohol consumption, especially the illegal alcohol being brewed in the villages. Now I propose that if at all it is very obvious that we can not give it up, let us have the legalisation of local brews like chang'aa and busaa, whereby we will be able to have the Government monitoring the brews, as in the standard of production and also it will be getting in some revenue earned from the sale of these brews. And let them be sold in the bars. I am sure the common mwananchi would like to spend some time in the bar, but it is only that he can not afford the beer. I think that will be a better way of controlling the alcohol consumption.

Next point goes to agroforestry. Since the Government has not been able to help us protect the current forests that we had, and it is very evident that particularly looking at this area, like Lugari area, look at the crops we have in the field. It is a pity, since the Government can not work as a whole, let us have a law that will enable us have for example, 50 trees per acre of land. Let them make it an individual effort, not talking of making of forest.

Next goes to economic part of life whereby I will talk about the colleges, I will propose that, after form four level, it is very clear that 70% or 60% of the form four leaves are left in the cold, because it is only a small share that goes to the university, hence get the privilege of the Higher Education Loans Boards loans. I will propose, let us have this idea of people feeling that since they did not qualify to go to the university, you are a fool or you are useless in the society. Let us have the Government providing loans to people who go to other tertiary learning institutions like colleges, polytechnics etc.

Coming back to the idea of the media, I think and I propose that, let us not have the Government restricting the media, like we are giving all the Kenyans KBC, KBC only talks about the goodness of the Government. I disagree with a station that will present three quarters of its news, will talk about what good the President has done, even if he is going to sell some goats, they will talk about that. Let us have stations be given the idea like Nation to come to the villages because they will give a better opinion of what the Government does. They give the reality of the matter.

Going back to the political sector, I will not only talk of clipping of the presidential powers, I will talk of, let us have the presidential powers, not only being clipped, but be taken back to the Parliament, because I believe that, it is said in Kiswahili that "kidole kimoja hakuui chawa". It is only Parliament as the only people's representative that can give us a better rule on any matter, apart from being placed on an individual who will do it on selfish grounds. Let us have most of the powers of the President, for example, appointment of senior officers, like the Chief Justice, Judges, let them get back to the Parliament.

Then I will talk of the MPs. Since the Kenyan public is getting better and better, I am talking on the literally part of life, let's have a possibility whereby, if an MP is elected and goes to Parliament, let there be no that assumption, you know MPs have

taken advantage of the assumption that once you are elected in 1997, you will go out of the House in 2002, whatever you will do, even if you are helping those people or you are not helping them. Let's have a situation whereby, we are allowed as the Kenyans and citizens, let me talk of Lugari, we have a population of 23,000, I ma taking an example, 23,000. Let it be said that, if at all somebody can come up in 1998, we are dissatisfied with this MP, we can have let's say a population of out of the 23,000, let's have 15,000 people signatories who are able to cause the MP out of the Parliament and call for new elections. Let us not talk of a motion of no confidence in the president and the vice President alone.

Going to the immunity of the ex-rulers. I actually believe that, if at all you are good and you did your part as a ruler, there is no need for you to be immunized against the public. Let you be tackled like any other person. When we talk of immunity, it is giving the public an impression that this person, he did something that was against people's interest.

Com. Ratanya: Try to restrict to yourself to specific recommendations. Not giving us many stories. This would be very important for us.

Mulule: I propose that, the immunity given to ex-rulers should be abolished. Let's have them being tackled as Kenyan citizens and that's all. Thank you.

Com. Ratanya: Thank you. Haron Agoye.

Haron Agoye: I think I am audible enough. I have indicated there, I am representing masses. When I talk of masses I mean very vast following behind me. I have done research, I have come up with very pertinent issues that affect Kenyans. Kenyans, not tribes!

1. I will talk about land tenure system, and when I talk about land tenure system it goes about communication. That one narrows me to what is called Kenya Gazette.

Com. Ratanya: Give us your recommendations please.

Haron: Kenya Gazette, because of communication, when you come to land tenure system or inheriting, this information is covered in Kenya Gazette. How many rural people are accessible to Kenya Gazette? An old mother of 80 years, does she know of Kenya Gazette? Her land is sold, she does not know where it is. Therefore, we would like this Kenya Gazette to be village level. Every village, wherever that issue is. It should be in that village on posters. But this issue of Kenya Gazette should be cut off. It should be in that particular area. That is my recommendation, because, they not accessible to the village.

Because I am dealing with land and other succession bit, I will also say about land distribution. There is no land for distribution,

if you are a squatter remain a squatter. We can not destroy our forests for land. Kama hauna, hauna. Unless urban areas. Then I talk about politics, defection from party to party, this one we call them political prostitutes, and we will not allow it. It should not be allowed. If this man wants to defect, I voted him on a Kanu ticket, he should come back to me and ask me, so that I can allow him to defect. Wakuje waulize 80% of the electorate who voted for him to sign that they have allowed him to defect. Unless he gets 80% signatories, this man is a political prostitute and we do not want him.

Summary: Kenya Gazette should not be there. Why do we con people who have not gone to school, under the issue of Kenya Gazette?

Com. Ratanya: The issue of Kenya Gazette we have heard, thank you very much. Enda hapo uandike vizuri wengine waendeleo. David Juma. Rev. Charles Simiyu, yuko? Mr. Webala Leonard. Ni wakati wako. Na utuambie majina yako.

Leonard Webala: My names are Leonard Webala Simiyu, I am a teacher. On the presidency, I will recommend that every president to nominate his VP before contesting for the post of the president. The president must own 80% of his property in his country and not outside the country. Election date to be fixed. For example the first week of December, after every five years. MPs must be native residents of the constituency and must have invested between 60% - 80% of their wealth within their constituency. They should also declare their wealth before they contest. Because we have people who live in Kitale, they only have their mother and father in a constituency and they claim to be residents of the constituency.

Land ownership is a very crucial issue and I am proposing that, people to be allowed to own land should be within 18 years upto 82 years and they should own not more than 200 acres of land and minimum to be 2 acres of land to be issued with a title deed to minimize this issue of people buying small points of plot per acre. This brings fragmentation of land and this leads to food problems. The tax from land shall be used to settle landless people within the home district, and there should be no squatters whatsoever within a given district. Because these are citizens, how can they be squatters in their own country? Squatters therefore must only be foreigners from other countries and not people from the same country and yet they have ID cards. Civil servants should be given house loans to purchase a house within a town where they are staying. It should be automatic, such that we should not have this problem of housing. A person is working senior officer and he has no property within the district. Every village should have a cemetery where to bury their dead and not their homes. They should always bury their people in a cemetery to minimize this problem of burial disputes where a lot of funds is wasted. You remember the issue of a very prominent Otieno down there. So a lot of money was wasted.

Compulsory education for every Kenyan upto the age of 21 years. Even school dropouts to at least attend two hours per day to be educated in communication skills, emergency, production, housekeeping and any skillful work to be productive members of this nation.

Com. Ratanya: Wakati umekwisha, many more are waiting, try to wind up.

Leonard: My last point, maximum number of children to be six and four to receive free primary education, any extra to be taxed or pay school fees. Thank you very much.

Com. Ratanya: Nashukuru sana Bwana Leonard. Martin Shikuku.

Martin Shikuku: Ningependa kushukuru Tume ya kuchukua maoni ya Katiba. Kwa majina ni Martin Shikuku Wamalwa, mimi ni mratibu wa ----- a CPO. Yangu ningependa kuongea juu ya public administration ambayo ni kutoka office ya local Government, office of the president na pia Public Service Commission, ambayo pale awali imeshidwa kukomesha ufisadi ambao ndio umetuletea mateso na kilio katika nchi yetu. Ningependa ya kwamba kwa kila jambo linalofanyika nchini, kila Mkenya aweze kupewe fursa ya mafunzo ya kuelewa haki yake na kuwajibika kuona wazi ni jinsi gani anaweza kuchangia na kuona maovu na kusema, hayatakikani, ili iweze kukomeshwa. Sehemu hiyo naongelea ni kwamba tumepata watu wameongea juu ya umasikini na hata kutokusoma. Msingi wake umekuwa ni utumishi mbaya wa nafasi wanaopewa ofisini. Ili tuchangie mambo ya uchumi, lazima kila mtu aweze kupewa kitu cha kukalia ama ujuzi wa kuweza kumwezesha kuzalisha mazao na pia kuhusishwa katika kila mpangilio kutokea mashinani in villages ama kutoka kwa wakaazi wa chini.

Com. Ratanya: Tupatie hiyo memorandum tutasoma, kwa sababu wakati wako umekwisha.

Shikuku: Nashidwa, ninaketi chini na inakwisha?

Com. Ratanya: Ndio, sema la mwisho.

Shikuku: Jambo lile nataka kusema pia ni upande wa mahakama, ya kwamba Chief Justice achaguliwe na Bunge, maana kwa sasa naona haki haitendeki, kwa vile aliye mchagua ndiye anaweza kuimba wimbo wake, hawezi kufanya kwa usawa. Ndio maana kesi kama ya Goldenburg imekaa muda mrefu na watu wengine waliohesabiwa kwa ufisadi hawajafanya. Kile ningependa kupendekeza ni kwamba watu wote waliohusika katika vikundi vya kama clashes, pia ni pendekezo langu kwamba ile Tume ya kutafuta makosa yaliyofanyika itoe majina itangazie watu na watu wajue wahusika kama wako wasiuanie wadhifa wowote katika serikali.

Com. Ratanya: Malizia hapo, ili wengine waweze kuchangia. Mathew Shikuku tunaye hapa. Usirudie yale yamesemwa, kwa hivyo ndio tunaona hakuna sababu ya kuketi kama unaenda ukirudia, sema yale mapya na ya muhimu.

Mark Oshikuku: Naitwa Mark Oshikuku, nilikuwa nataka kusema juu ya retirees. Kwa sababu naona retirees kuna mmoja, mwalimu mmoja ali-retire, anapata saa hii shilingi mia nane kwa mshahara. Na mia nane saa hii haiwezi kufanya kazi yoyote.

Kwa hivyo mngifikiria mambo ya retirees waangalie kama kila mwisho wa mwaka waongezewe kitu kidogo, kwa sababu cost of living imeenda juu, na sasa mtu kuweka familia kwa shilingi mia nane haiwezekani.

Ya pili, tuko na watu ambao wanaishi hapa kwetu kwa Railway. Wameishi hapo miaka mingi sana na sasa hawajapatiwa pahali pa kukaa. Na saa hizi sisi ambao tunaishi karibu hapa tunaumia kwa sababu wanaingia kwa mashamba yetu kuchukua chakula.

Mahindi ikiwa tayari wanakuja kuvuna, hata wengine wanakuja na mawe, wanataka kuchukua mahindi kwa nguvu. Serikali iaagalie maneno ya watu ambao wanaishi kwa Railway hapo, karibu Kongoni hapo. Ni hayo tu. Nilikuwa na mawili ya kuongea. Asanteni.

Com. Ratanya: Hayo ni mazuri kwa sababu umeongeza yale mapya. Asante sana. Weka sign kwa register yetu hapo. Susan Naliaka.

Susan Naliaka: Asante, mimi naitwa Susan Naliaka. Mimi ningependekeza kuwa Rais Moi azidi kuendelea na kipindi kwa Urais, kwa sababu wanaotaka kiti cha Urais wamekuwa wengi mno. Hawataweza kujali masilahi ya wananchi.

Pili, ningependekeza kwamba machifu wachukue nafsi zao kwa miaka mitano sawa na Wabunge wao, kwa sababu kuna vijana wengi ambao wanao ujuzi katika hiyo kazi. Machifu hukaa katika kiti chao kwa muda mrefu, mpaka wanaharibu kazi zao.

Tatu, wanawake Wabunge wanastahili kuchunguzwa mienendo yao kabla hawajachaguliwa Bungeni. Kwa sababu wanapofika Bungeni huwawacha waume wao na kuchukua wanaume wengine.

Nne, mkuu wa polisi anastahili awe aki-patrol katika station zake za polisi, maana police stations zimekuwa na ufisadi mwingi. Maofisa wa polisi wamechukua hongo mbele kushinda kazi zao.

Tano, pesa za Kenya zinastahili kuwekwa picha ya Mlima Kenya, kuliko kuwekwa picha ya Rais, kwa sababu ikiwa Rais atachukua miaka mitano na Rais mwingine kuchaguliwa, itakuwaje tena hiyo pesa kubadilishwa picha yake? Sasa inastahili kuwekwa picha ya Mlima Kenya. Upande moja uwekwe picha Mlima Kenya na upande mwingine iwekwe picha ya mahindi. Hiyo itakuwa ni sawa, kwa sababu nafsi za urais zinang'ang'aniwa sana kuliko nafsi zingine.

Sita, wananchi wa Kenya wanastahili wawe watulivu, wasiwe na mawazo ya kihuni bila kujali masilahi ya wananchi. Wabunge wasiwe na harakati nyingi sana za kung'ang'ania nafsi ya urais. Wanastahili wawe na nidhamu katika kazi zao, maana Wabunge wengi wana mawazo ya kihuni.

Com. Ratanya: Na shukuru sana Naliaka, asante sana kwa maoni yako. Sasa wananchi naona kuna still watu ambao tuko nao hapa, na wale ambao waliandikisha kuonyesha wangetaka pengine kupeana maoni wamekwisha. Lakini naona tunao hapa

na pengine wangetaka kupeana maoni yao dakika ya mwisho. Ningetaka kujua ni nani na nani wale wako hapa. Mkono juu niwapatie nafasi. Kuna mmoja, wawili, watatu. Ni hao tu. Kwa hivyo kila mtu atachukua hiyo dakika moja moja, akimaliza halafu tufunge, tunaaza na wewe.

Nebard Nabiswa Wafula: My names are Nebard Nabiswa Wafula, I come from Likuyani location. I have recommendations from general elections, the presidency and appointment of cabinet ministers. I am suggesting the elections to be co-ordinated and managed by director of elections who should be appointed by the Speaker of the National Assembly, but Parliament must approve that appointment.

The Speaker of National Assembly, should be mandated by Parliament to dissolve Parliament when elections are due. Immediately Parliament is dissolved, the president, Ministers, MPs, and Councillors should surrender Government offices including State House and vehicles attached to them until after swearing-in ceremony. Campaign period should be extended to 30 days instead of 21. The President, MPs and Councillors should serve their electorate for a term of five full years and be eligible for re-election for a second and final term. The two-term rule should therefore apply to MPs and Councillors not just the president. This is to avoid a situation where Kenyans in some constituencies have been lead by a single MP for over 40 years e.g. Baringo Central. A by-election should only take place when the president, MP or councillor resigns, dies or is incapacitated due to illness.

Defection: the president, an MP or councillor should only change parties when Parliament has been dissolved. Our general elections should be conducted in two stages. In stage one we should have primary elections where only MPs and Councillors are elected. In stage two, tht is secondary elections, we conduct presidential polls only.

The presidency: the President should hold the Executive powers of running the affairs of Kenya. He should not be above the law. He should not have been committed to any civil jail. For one to be eligible to contest the presidency he must have been educated upto university level, have attained a minimum of forty five years and a maximum of 65 years, have been elected MP during primary elections. Should have been sponsored by a party that will have won not less than one eighth of the total number of Parliamentary seats.

Com. Ratanya: I think we said we are not going to read the memorandum, because we do not have time. Just have a minute to summarize. We shall read the memorandum, but give us the most important points.

Nebard Nabiswa Wafula: We reduce the excessive powers of the president. The Speaker will not be eligible to contest the presidency. The President should also go on leave like any other public servant and when he goes on leave he surrenders the State House and Government vehicles attached to him. All senior appointments in Government should be done by the Public Service Commission. The president should only appoint Permanent Secretary, subject to have approval by Parliament.

Parastatal Service Commission should be established to appoint senior officers in Government parastatals, corporations and financial boards. The position of district officers should be abolished, position of PCs, DCs, chiefs and the assistant to remain but the last two should be transferable like the first two. The president should be neither the Commander-in -Chief of the armed forces nor the chancellor of all public universities. Other competent Kenyans can be appointed to such positions.

Ministers: all ministers should elected MPs. The cabinet should be reduced to 16 people. The president should appoint ministers who are educated upto at least university level. The 16 ministers, eight should come from the opposition and eight from the ruling party. In the event of president dying, resigning or incapacitated, it should be the Speaker of the National Assembly who should act in his capacity. Thank you.

Com. Ratanya: The second one? Tuambie majina yako.

Isaac Wanyama: I am Isaac Wanyama.

- Agriculture: all machineries accessed on agriculture should be tax free. Because majority of those concerned with production are being wiped out by Aids, so agricultural machinery should be free of tax, so as to make this nation improve in terms of mechanization.
- Judiciary: it should be free from manipulation from powerful politicians, the rich, provincial administration and the like. Otherwise it should be a rude conclusion to summarize that wananchi believe in the law.
- The retiring president: his benefits should not exceed 50% of his wealth acquired while in office. Otherwise it should be investigated and anything acquired outside the boundaries of the constitution should be national.
- One man one job, otherwise an individual should be highly paid so that the performance of his work should be realized by all. Unless it is a business.
- Education: it should be limited. ----- in between the ----- and below the ladder should be an expert head teacher to avoid waste of funds and for quick link of information and destruction of message and duplication of duties.
- Prisons: women prisons should be run by women to avoid sexual harassment from men.
- Health: there should be free tax on imported drugs so as private and public hospitals should render services at the lowest cost possible so as to reach the simplest widow at the village. Therefore there should be a law enacted to control Aids drugs imported into the country, so that the poorest mwananchi can afford.
- Last, in order to fight drug abuse, there should be special courts which should be introduced to deal with culprits and advertisements of cigarettes in public places, because it is a drug.
- Chiefs should also be empowered to be a signatory to land allocation so as to avoid robbery and deny the legal squatters the right to own land. Documents issued to plots in town should be extended to small portions in rural areas so as to achieve those who are landless, because the population of this country is growing at a very high rate and the acreage of Kenya is still the same.

Com. Ratanya: Wakati wako umekwisha, peana memorandum yako ili tusikie mwingine. The last person now.

David Situma: Kwa majina naitwa David Situma, nanitatumia Kiswahili. Watawala kutoka kwa sub-location, location.

Com. Ratanya: Ujue kwamba ukiendelea kusoma dakika yako inakwisha, tupatie maoni yako kwa hizo dakika nimekupatia.

David: Nitaongea kuhusu utawala. Watawala kutoka kiwango cha sub-location, location na tarafa, wapewe mamlaka ya kuajibika kusuluhisha mambo muhimu kama mashamba na nidhamu. Elimu ya msingi katika act yao, hawamtambui mweka hazina. Pension kwa jumla, watumishi wa Serikali ambao wamestaafu, hawapati pension ya kutosha ili waweze kumaliza umasikini.

Yangu nyingine ni ya mashamba. Hatuna maofisa wa survey katika division yetu kuweza kutupimia mashamba ndipo mtu apate cheti. Ya mwisho kuhusu utawala, camps za chiefs tuko na administration polisi hizo zikibadilishwa kuwa police posts, itatusaidia zaidi kushida administration. Hayo ndiyo maoni yangu.

Com.Ratanya: Nashukuru sana Bwana David. Kwa wale ambao walikuwa wamejiandikisha kupeana maoni yao tumewasikia na tukawauliza wengine wainue mikono wakainua, kwa hivyo naona ya kwamba ni kama tumemaliza. Naona huyu mama anakuja usiku kabisa na unataka kusema kitu. Lakini kwa hivyo, hakuna kina mama wengi walisema nitakupatia dakika moja ili utumalie na pengine ni wewe utatuongoza kwa maombi ya kufunga. Anza na kusema majina yako mama.

Malsiana Kuta: Kwa jina naitwa Malsiana Kuta. Mimi nitazungumza juu ya wanasiasa. Wanasiasa wawe watu wa miradi, yao ifanywe mbele, wakishachanguliwa Bungeni wawe na miradi yao, wajenge ili mwaka wao wa mwisho usiwe ndio mwanzo wao wa kufanya harambee. Kama wanataka kuchangia harambee, wachangie mbele mbeleni na kuwa na miradi zao. Ili wakati wa mwisho wawe wakitembea na kuzungumzia juu ya maendeleo yao badala ya kufanya harambee wakati wa mwisho badala ya wakati wa mwanzo.

Masomo: watoto wa mitaa wote wachunguzwe pahali wanatoka vijijini ili warudishwe vijijini badala ya kuwa na street children, ili Serikali ijue kila kijiji kina watoto wangapi wenye hawana wazazi kamili badala ya kuwawacha kuranda randa na kuwapa elimu ya kutosha ili wawe citizens wa kujenga siku za usoni. Badala wawe watu wa kutatiza watu kwa mitaa. Ni hayo tu.

Com.Ratanya: Nashukuru sana mama Malsiana na utuongoze kwa maombi.

Malsiana: Maombi: Mungu Baba, Mwana na Roho Mtakatifu, twakurudishia asante mchana wa leo. Ulitupenda, ukatuumba, ukatuweka siku ya leo, ili wananchi wa Lugari, wa likuyani waweze kutoa maoni yao. Mungu Baba waongoze

