

CONSTITUTION OF KENYA REVIEW COMMISSION

CKRC

VERBATIM REPORT OF

CONSTITUENCY PUBLIC HEARINGS,

LUGARI CONSTITUENCY,

PUBLIC HEARINGS HELD AT ST. ANN'S GIRLS HIGH SCHOOL

ON

31ST JULY 2002

**CONSTITUENCY PUBLIC HEARINGS, LUGARI CONSTITUENCY, PUBLIC HEARINGS HELD AT ST.
ANN'S GIRLS HIGH SCHOOL ON 31ST JULY 2002**

Commissioners Present

1. Com. Domiziano Ratanya
2. Com. Keriako Tobiko

Absent with Apology

1. Com. Abida Ali- Aroni

Secretariat Staff in Attendance

1. Ismail Aden - Programme Officer
2. Mery Nayabi - Asst. Programme Officer
3. Suzanne Mutile - Verbatim Recorder
4. Amaswache Temba - District Co-ordinator

Meeting started at 10.45 a.m. with prayers and Com. Domiziano Ratanya.

Com. Ratanya: Wale ambao wako inje na wanakuja kupeana maoni yao, ningetaka waingie katika hall. Sasa wananchi wa Lugari Constituency upande wa Nzoia, hamjamboni nyote? Hata ingawa tunaona watu ni wachache, mwenendo wetu ni kwamba tukikuta wale ambao tunakuta, tukiwa na karatasi ya kwanza, watu kumi, sisi tunaanza, inaendelea hiyo hiyo, kufika njioni pengine watu wanaingia sana. Hiyo imekua kawaida yetu pahali popote tunapoenda. Hatungoji watu kama Baraza situation. Sisi tunatumia saa, wakati tunafika, wananchi ambao wamefika wanapeana maoni yao na tunaendelea namna hiyo kwa sababu tutakaa hapa the whole day. tutakaa hapa siku yote.

Kwa hivyo wale ambao wameanza, hatuwezi kuwambia kwamba wangoje tungonje watu kwa sababu wana maoni yao na wataanza kutupatia maoni yao. Kwa hiyo mumekaribishwa sana, kwa huu mkutano wa Tume ya Kurekebisha Katiba ya Kenya, na ningetaka kutangaza sasa tumeanza hiki kama kikao cha Tume cha Kurekebisha Katika ya Kenya.

Kabla ya kuanza na kusema yoyote, tungetaka kuomba Mwenyezi Mungu atusaidie kwa kazi hii yetu ya kusikiliza maoni yenu siku ya leo na atuongoze atupe nguvu. Kwa hivyo tungeomba tusaidiwe na mtu moja kwa maombi. Naona hapa Reverend, pengine angetufungulia kwa maombi.

Prayer: Tuombe. Baba Mwenyezi Mungu na Mwenye rehema, tunatoa shukurani kwa ajili ya siku hii ambayo umetufikishia. Ni asante Baba Mtakatifu kwa ajili ya kuwafikisha viongozi wetu. Zaidi ya wote wale ambao wanatuongoza katika mambo

haya ya kurekebisha Katiba. Tunaomba ya kwamba hata nao wale wote ambao watasimama hapa, ukawabariki, ukawa pamoja nasi, utupe mwanzo na mwisho, na zaidi ya yote Mungu wetu, kazi hii nzito ya Commission, Mungu ukawapa nguvu, mahali popote ambapo watatembea. Tubariki na zaidi ya yote ubariki nchi yetu, wakati hii mgumu, na tunajua ya kwamba utakua pamoja nasi. Ni kwa ajili umetuongoza katika kila jambo, na yote tuaomba katika jina la Yesu Kristo, Bwana na Mkombozi wetu. Amen.

Com. Ratanya: Asante sana Reverend. Na ningetaka kuwambia tunapoanza mkutano wa Tume ya Kurekebisha Katiba, tumepewa nguvu na sheria kusikiliza maoni yenu na hata nyinyi kupeana maoni yenu, kwa hivyo hakuna mtu yeyote anapaswa aogope. Msiogope kupeana maoni yenu. Msiogope mtu yeyote. Sheria imewalinda. Yale unayo ni maoni yako na yatasaidia kurekebisha Katiba hii yetu ya Kenya, kwa hivyo usiogope kwamba utapigwa na mtu yeyote ukipeana ama kusema lolote lile unataka lile ambalo unajua litasaidia kurekebisha Katiba yetu.

Kama kina mama wasiogope kwamba watapigwa na kina baba huko nyumbani wakisema maoni yao. Ama kina baba pengine wafikirie watapigwa na kina mama wakienda nyumbani kwa kusema maoni, ama watu wengine wa siasa hivi hivi. Kwa hivyo mko huru kwa sababu sheria imetupa hiyo nguvu, na hata mnaona tumeanza na Mwenyezi Mungu anatulinda. Kitu cha kwanza ni tujue wale ambao tunao hapa, wale ambao tumekuta na wale ambao wametoka Nairobi kutoka kwa Tume. Hiyo itakua introduction. Co-ordinator atachukua hapa atujulishe watu wake. 3C's. 3C's, Committee wa Constituency, wapi Co-ordinator?

Amaswache Temba – District Co-ordinator: Watu wa Nzoia hamjamboni nyote? Mimi ndiye Co-ordinator wa Review Commission, jina langu ni Caleb Amaswache, mimi ni mzaliwa wa Lugari, Chekalini. Watu wa Committee yangu, wengine tulikua nao jana, wengine tutakua nao Lumakanda, lakini nafikiri tena wamefuatana wamenda Lumakanda kwa hii function ya President, lakini sijisikii niko vibaya, naona wazee wako hapa, tutaongea maneno yetu. Asanteni.

Com. Ratanya: Asante sana Bwana Co-ordinator, na upande wetu, wale ambao wametoka Nairobi pande wa Commission, kwanza wale ambao wanaakilisha ofisi yetu, tuna Ishmael, ambaye ako hapa, huyu ni Programme Officer wetu ana akilisha secretariat yetu kutoka Nairobi. Na ana team yake, ambayo inasaidia, ukiona upande mwingine, hapo tuna Mercy Mayabi. Na mwingine anaye msaidia hapo ni Suzanne Mutile. Suzanne atajihusisha na mambo ya recording kwa sababu kila kitu munasema hapa kitakua recorded, na huyu mwingine Mercy Mayabi atakua anasaidia Programme Officer.

Wengine ambao tumeandamana nao, munaona tuna magari mawili, na officers wale wanaendesha, yaani ma-driver, mmoja anaitwa Daniel na mwingine anaitwa Ibrahim Muthee. Kwa hivyo hiyo ndio team yetu. Na Commissioners wenyewe, upande wangu wa kushoto nina Commissioner Tobiko Keriako, ambaye tumeandamana naye na atawasalimia aseme jina lake. Commissioner.

Com. Tobiko: Hamjamboni ndugu? Jina langu ni Keriako Tobiko, Commissioner.

Com. Ratanya: Na mimi naitwa Domiziano M'chokera Ratanya, Commissioner. Na mimi nitakua Mwenyekiti kwa kikao hiki cha leo. Tena ningetaka kuwajulisha procedure yetu ambayo tutafuata. Kwanza tutakua na list ya majina. Hii ambayo iko hapa, tuna andikisha kila mtu ambaye anakuja. Wale wanataka kupeana maoni yao, na hata wale wanataka kuketi tu kusikiliza wanakua registered hapa. Na kwa kuwaita tutatumia hii list. Kama ukiwa mtu wa kwanza utaitwa ukiwa wa kwanza na kuendelea namna hiyo. Hakuna kuruka ruka.

Lakini, kama tukiona kuna sababu yeyote, ambayo hata nyinyi mungekubali turuke hii list, tutaruka. For example, kama mama ama mzee akija hapa mzee sana, na tunaona kweli ni kama mgonjwa, tunaweza kuruka kumuita ili aende nyumbani. Kama tukiona mwanafunzi wa shule, na ametoka katika class na angetaka kuchanga kwa kurekebisha Katiba hii yetu ya Kenya, tutampa nafsi, atoe maoni yake, na arudi katika class. Pengine hata mwalimu. Pengine kiongozi anaweza kuja. Akiwa pengine anaharaka anaenda function ingine nani kiongozi wetu zote area hii, kama mtu wa dini ama mtu mwingine, na anapendekeza asaidiwe ili aende kutumikia pahali pengine, hiyo tunaweza. Ama disabled. Mtu ambaye hana miguu, ama disability yeyote, na angetaka kusaidiwa tunaweza kumsaidia. Lakini tutajaribu iwezekanavyo na hata nyinyi mtashuhudia tufuate yule anakuja kwanza ahudumiwe. Hiyo ni mambo ya list.

Ingingine, ni mambo ya lugha. Lugha ambayo tunatumia pahali popote unapoenda, munajua lugha zetu mbili; Kiswahili na Kingereza. Hizo ndizo lugha zetu za Kenya, English and Kiswahili. Kama umeandika memorandum yako kwa Kiswahili ama Kingereza, ni sawa sawa, lakini ukiwa hujui Kiswahili ama Kingereza, unajua lugha tu ya Kienyeji, sijui hapa munakita Ki-Lugari ama Ki-luyha, utazungumuza hiyo lugha. Hakuna mtu atakataza wewe. Utazungumuza lugha yako ya mama, na Co-ordinator atatutafutia mtu wa kutuambia unasema aje. Lugha yeyote, utajaribu kuona vile utasema mambo yako.

Kuna hii lugha ya sign language. Hii ya viziwi, hata hiyo, kama kuna yeyote, pengine co-ordinator amefanya huo mpango, tunatumia hata hiyo. Na kwa kupeana maoni. Kama una memorandum umeandika, maandishi yako umeandika page kama ishirini ama kitabu chote ama Constitution yote, ama yeyote, utapeana hiyo memorandum yako kwa officers wetu. Kwa co-ordinator wetu utampatia na utasign hiyo register yetu. Lakini ukitaka kupeana na uende, hiyo ni sawa sawa, ama uketi usikilize wengine bila kusema lolote. Lakini ukitaka kutetea hiyo memorandum yako kidogo, just to highlight the most important points, sikuja kusoma hiyo memorandum, kwa sababu tutakaa hapa mpaka jioni, na wakati mwingine tunawasikiliza watu karibu mia mbili. Tunakaa hapa mpaka jioni. Hata ikiwa unaona watu wachache, ikifika jioni watakuja wengi. We have that experience. Kwa hivyo, usiendeleo kusoma. Taja yale ya muhimu. Just highlight the most important points. Kama una points ishirini, pengine points moja, mbili, tatu ungetaka ku-highlight hapa. Utupatie memorandum yako kwa sababu hiyo memorandum, itasomwa vizuri, itaenda huko ofisi, itakua registered, na hata hapa, na itasomwa na experts wetu. Na mambo yako yote yatakua analyzed. Kwa hivyo hapa ni dakika chache tu, just to highlight the most important points and then you hand in your memorandum.

Na hiyo, mtindo wetu tunapeana just three minutes to highlight. Because we don't expect you to read the whole memorandum. Again you have already presented in writing, so we shall take your views in writing. So you can highlight for about three minutes.

Then, ikiwa huna memorandum, unataka kuzungumuza tu kwa yale maoni yako, una points zako, tunakupatia dakika tano kusema hizo points zako umalize, na halafu umalize maoni yako. Kwa njia hiyo naona kila mtu anasema kitu tukifika jioni. Usisema hakuna watu hapa, ikifika jioni utaona watakua wanaendelea kuwa wengi. Kwa hivyo tuheshimiane kwa huo mpango. Ukiambiwa saa yako imekwisha, using'anganie hapo ukisema "Hebu ni seme la mwisho, the last one, the last one!" and then you stay for an hour. Hiyo haitakua mzuri.

Tena, kama Commissioners, mimi na mwenzangu tungetaka kuuliza kitu chochote, a point of clarification, tutakuuliza ukiwa hapo, na utafafanua kama kuna points ungetaka kueleza. So they will be that point of clarification. Kitu ingine ningetaka mjue kwamba proceedings zote tuna-record. Tutachukua record yako, kwa hivyo tumia hii machine ambayo tuko nayo hapa. Hiyo inapeleka mambo yote yale unasema kwa record yote. Usiseme kwamba wewe unasauti kubwa, na hutaki kuzungumuza kwa hiyo. Hiyo inasaidia kupasa sauti sawa sawa, na inasaidia kuweka yale maoni yako kwa record. Kwa hivyo tumia hivyo.

Kingine ni kwamba ukianza, sema jina lako. Kwa sababu tungetaka kujua ni nani anapeana maoni. Anza na kusema majina yako. Nafikiria-sijui kama kuna mengine. Kama kuna mengine, pengine tutawambia, na tungetaka sasa kuanza mkutano wetu bila kupoteza wakati, na ningetaka kuita mtu wa kwanza, anaitwa Joseph M. Matero. Matero ni wakati wako, chukua kiti chako, uketi ama usimame, ile unataka utupatie maoni yako.

Joseph M. Mutero: Mimi Joseph Matero Murungutha. Kwa wale Commissioners ambao wamekuja kutoka Nairobi, tumefurahi siku ya leo, na ninawasalimia kwa uwezo wa Mungu. Hamjamboni wageni wetu? Jambo sana wale ambao tumeshiriki nao kwa mkutano huu, hamjamboni? Nina neno kwamba wakati mwingine watu wa Commission mulikuja hapa Matunda, Sokoni hapa centre, jioni sana karibu saa kumi na moja, na tulingoja, watu wengine walikua wanaenda kwao, na mukatusomea maneno tukafurahi. Na mimi, nilikua tu na neno moja kufuatana na ugawanyaji au misaada ya Provincial Headquarters yetu ya Kakamega tangu zamani, ilikua na mahitaji yake na mipango yake, mpaka wakati huu, niliuliza kwamba "mbona hizo nyumba zetu za ghorofa, Kakamega hazionekana?" Hata kama kutoka Kakamega kwenda Vihiga, Bungoma District, Busia District, Kitale District. Na ukienda kando huko unaona nyumba zingine ziko juu, upande wa Kapsabet, ghoropa, Nairobi, Naivasha mpaka Eldoret, Baringo.

La pili ni kwamba, kuna kiwanja chetu cha ndege kilikua Headquarters tangu zamani. Na hiyo kiwanja haifanyi kazi. Halafu, kuna kiwanja kingine Kitale, nikipita huko juzi nikaona kiwanja kimekua nyasi tupu. Hakuna kitu kama kiwanja ya ndege inafyekwa kama vile ilikua inafanyua zamani. Ya tatu, ni upande wa uchumi wa kifedha kutoka kwa madini yetu ya Kakamega.

Mahitaji iko ya Gold Shigalagala, halafu kimingini salt

Shinyalu huko Mako. Mahali pengine ni Imakuti, Kiliki

huko. Hizo viwanda vingetakiwa vijengewe ile Central Bank ya kutoa pesa hapa haraka watu wafanye kazi na kupata mshahara kujisaidia wale masikini. Na pia, ya nne ni kwamba msitu wetu wa Kakamega ambao mbao zilitengenezwa nyingi, na mashua ya Port ile ya ship, yaani meli za Kisungu. Hizo meli ziko ngapi ambazo zimejengwa kwa upande wa Western Province, Kakamega, na Ndebe, na pia huko Kitale zinatoka miti ya Elgon teaks zinatengenezwa vifaa mbali mbali, ama ma-lorry zile zimepangwa huko hutengenezwa kwa hiyo.

Pia naomba serikali yetu tukufu itulete technology, ama university ya kutengeneza pesa kutoka kwa hiyo gold yetu ya Kakamega. Tuko masikini kwa hali ya pesa kupata mkopo ile ya kutosha. Tujitegeme, asante kwa kunisikiliza.

Com. Ratanya: O.K. Asante sana Matero. Kutoka hapo wazee, ukitoka hapo utakua unaenda kujiandikisha. Una-sign register hapa, na kama una-memorandum utandikisha na utacha hapo. O.K. sasa, wapili ni Samson M. Onyango. Samson, ni wakati wako.

Samson M. Onyango: Asanteni sana. Nashukuru kwa nyinyi Ma-Commissioners kuja ili mtupatie nafasi ili tuweze kutoa maoni yetu kuhusiana na hii urekebishaji wa Katiba. Kwa kweli mimi ningelianza katika kiwango cha juu sana ambacho ni cha Rais wetu. Tungelipenda kiti kama hicho kitambo mtu achaguliwe ili awe Rais, awe amefikisha - -

Com. Ratanya: (interjections). Uwe kwanza unasema jina lako ili liwe recorded.

Samson M. Onyango: Jinal langu ni Samson Njoroge Onyango na ninatoka upande huu wa Nzoia (inaudible)

Com. Ratanya: Ningelipenda sana hasa kuanza na upande wa cheo kikuu kabisa hapa nchi kwetu ambacho ni cha Rais. Utakuta kwa mfano kama sasa vile mtu amechaguliwa kama kuwa Rais, yeye mwenyewe kweli anatakana awe kiwango cha miaka kiwe tayari kimethibitisha kuwa, ni mtu ambaye amekua kiakili, amekua kimawazo, na pia ni mtu ambaye katika serikali yetu amehudumu kama ni tuseme sehemu mbili za Bunge na awe ni mtu ambaye kweli ana nguvu na uwezo wake wa kimawazo.

Haya, la pili, nigelipenda kuongea kuhusiana na haki za kibinadamu. Utakuta kua kwamba sisi haswa hapa Kenya tunasema ndiyo tunauhuru lakini uhuru wenyewe hauko kabisa kwa sababu kuna njia nyingi ambazo tunafinywa kama upande wa security, unakuta kama unatoka kama una vitu vyote ambazo zinahitajika kama vitambulisho, lakini bado unakuta bado unazidi kunyanyaswa, na kuonyeshwa kuna hiyo kitu ambayo inaitwa 'kitu kidogo' ambayo inaleta shida sana.

Ya tatu ningelipenda kuongea kuhusiana na haki za ardhi. Utakuta hapa kwetu haswa unakuta mtu anaimiliki ardhi kama zaidi ya acre elfu moja, ama zaidi ya acre elfu tatu. Na utakuta wakati unakuta watu wengine tumewabandika majina tunawaita Ma-squatter kwa vile hawana nafasi ya ardhi ambayo wangeweza kupata ili kujisaidia. Kwa hivyo kama kiwango cha ardhi

kingeweza kuwekwa mtu awe na zaidi ya tuseme acre mia moja, hapo hiyo ni kiwango, na awe na akitumia vizuri. Kama hataweza kuitumia hiyo ardhi, awe akiweza kulipia ushuru ardhi yenyewe.

Haya, upande wa sheria. Utapata upande wa sheria pia, ndiyo tuna manyumba ambazo tumehifadhi kuwa ni mahali petu pa kuweka sheria zetu ambazo zinaitwa kama law courts, Judiciary, nini. Lakini utakuta kuna ile nafasi ya Waisilamu kama wana ile yao inaitwa Kadhi court. Kadhi court utakuta Mislamu kama amefanya kosa mahali, badala ya kupelekwa kwa korti hii ambaye ni law court, anachukuliwa anapelekwa kwa Kadhi's court. Surely na huyu Mkristo naye, atapelekwa wapi? Sasa Wakristo wenyewe kama Mislamu anaweza kuwa na Kadhi court, basi wacha pia Mkristo naye apate nafasi yake ya kupata court yake.

Nafasi nyingine pia nikiruka kwa maana muda ni kidogo, ningelipenda kuongea upande wa citizenship. Utakuta kua kwamba hapa tunaweza kua na msichana wetu kutoka Kenya hapa ambaye ameolewa na mtu kutoka Ngambo na huyu mtu ambaye yuko huko Ngambo, anawezakua pia ni mtu labda ana mali yake na anaweza kuleta zile resources ambazo anatoa kule kwao alete huku ili ziweze kuendeleza nchi yetu hapa. Lakini unakuta huyu mtu hawezi kupata ile uhuru ya citizenship hapa Kenya yetu awe na mke wake, waishi kwa usalama na furaha, inakua huyu mwanamume ni ngumu sana kupata hiyo citizenship. Inakua ni mwanamke peke yake na huyu jama anaishi kwa hii mambo ya kucheza cheza visa kila wakati kila wakati akija, visa kila wakati akija na hii nikupoteza wakati wake pia.

Nafasi ingine pia ningelipenda kuongea ni upande wa rights za wanawake. Utakuta wanawake wengi kusema ukweli-si kama wanaume, ndiyo tunaweza sema tumefinya wanawake sana. wanawake wameumia sana kwa maana hawana haki haswa. Utakuta zile sheria za mali zile za kitamaduni ndiyo bado tumezishikilia mpaka sasa kwa manyumba zetu kwa kua mwanamke hana uwezo mbele ya mwanamume wake. Na utakuta pia kwamba, unakuta ki-elimu, ki-kazi, ki-hospitali, ki-siasa, infaa tupatie hawa wanawake nafasi sawa na wanaume. Juu mwanamke naye pia mwenyewe nafikiri hana akili kungwani anajua kwake pia lazima awe na bwanake na lazima atii amri za bwanake.

Haya, upande wa viwetu, vilema. Utakuta labda vilema ni watu ambao kweli, mtu hana mkono, labda hana miguu, nafasi yao pia wamenyimwa, kwa sababu mtu anaweza kuwa na ile akili amesoma, anaelewa kuwa ya kwamba kimawazo anaweza kua hata judge, anaweza kua hata mwalimu, lakini sasa kulingana na ile haki yake ya maumbile, kuwa ulema, utakuta labda nafasi zingine za kazi pia ananyimwa.

Nafasi zao za barabara pia. Utakuta vilema barabara zetu tunatengeneza kubwa, tunaweka nafasi ya ma-baiskeli, na magari lakini pia njia ya hawa vilema ili waweze kupata ile uhuru wa kutembelea kwa barabara zao pia inakua ni shida. Nafikiri mimi sina mengi zaidi uliko hayo. Nashukuru sana, asante.

Com. Ratanya: O.K. Nashukuru sana Samson kwa kutumia masaa yako vizuri, lakini kuna swali kidogo just for clarification.

Hapa kwa kuchaguliwa kwa President, umesema lazima mtu awe ni mature, ana-experience na ukasema hata umri. Lakini hukupendekeza ni umri gani. Minimum, maximum, ama hukusema lolote hapa. Unaweza kupendekeza umri wa chini na wa juu?

Samson M. Onyango: Sasa umri ambao ningependa kupendekeza kwa maana kulingana na sheria, kulingana na sheria, mtu akiwa na zaidi ya miaka ishirini na tano anaweza kusimama kwa kuchaguliwa kama Mbunge, ama akasimamia kwa usimamizi. Kwa hivyo kuanzia miaka arobaini na tano kwenda mbele.

Com. Ratanya: Hapo tungesaidika kama ungesema kwenda mbele mpaka lini. Unajua kwa Constitution ambayo tunarekebisha inasema 35 years President, lakini haisemi hata mwisho. Inaweza kua mia mbili kama unaweza kuishi namna hiyo. Sasa unapendekeza irekebishwe iwe 45 years. Na mwisho?

Samson M. Onyango: Mwisho afike kama sabini.

Com. Ratanya: O.K. That is very good. Hayo ni maoni yako asante. David Mulama?

David Mulama: The Commissioners, my names are David Mulama, Chairman of BOG, St. Ann's Girls Secondary School, General Secretary, Lugari Yearly Meeting of Friends Quakers, retired civil servant. I have a short memorandum and I will highlight on only a few points.

Structure of governance. I submit that the Constitution provides for federal state based on the present boundaries. It would bring power closer to the people. I also recommend retention of the present Local Authorities, Municipalities and County Councils. I also recommend that for smooth existence of regional authorities, there should draw their funds from the ex-checker.

Number two, the President. I recommend that the President have Executive powers controlled by the Legislature. The position of the President been so important for the unity and stability of the nation, I recommend that the President be elected by 50% majority votes. There should also be provision that the President who mis-rules the nation be impeached. The term of the President should be five years with provision of an extension of another five years, therefore maximum of 10 years in office.

Three, legislature. For a candidate to qualify to stand for a position of Member of Parliament, he should not be less than 25 years of age and should have a minimum level of education of form four secondary education.

Electoral Commission. Electoral Commission is an important institution and I recommend that it should draw its powers from the Constitution and the members of these Commission should be appointed by parliament for a period of five years.

Judiciary. It is my recommendation that the Judiciary be headed by the Chief Justice and should be Constitutionally protected

and be independent from Executive and Legislature. All judges should be appointed by Judicial Service Commission. The Chief Justice be appointed by Parliament.

Three, National Defense and Security. When I talk of National Defense, I am thinking of Armed Forces, the Land Army, the Air Force, the Navy. We should be manned by representatives of personnel from all regions on equal base. The Chief of General Staff to be Commander in Chief of all Armed Forces, vetted and appointed by Parliament.

Number two, education. the present educating system requires complete overhaul starting with Pre-primary education. This is an area that has to be re-examined carefully because it is the foundation of the Kenya nationals and therefore I submit that there should be proper physical facilities, which should be established at this level and this area should be manned by well trained teachers and if possible with degrees in social science. Commissioners I think this is an area that we as a nation have to look at carefully because all our nationals are going to come from here and if they are well trained from this level, we shall have good citizens in this country. At this level, Commissioners I submit that the training of children at this level should include building of character, should also draw the children on cleanliness, they should also be informed that if you cannot work you cannot it. They should also be informed on cleanliness and good manners in the society. They should also be taught on the effect of alcohol, drugs and so on so that they can refrain from these things.

Mr. Chairman at this level, the panel of children should be identified so that as they continue with their education further on at the primary school level, these children can then be helped to improve their talent. Primary education should be compulsory and free for all Kenyan children. Secondary and university education, this should prepare students for specific skills of employment activities.

Health. The government should establish more programmes to teach the citizens on preventive measures of different types of diseases. There should be wide spread centres properly manned to deal with sick people. There should be a machinery to check and confirm validity of medicine been used in all these sectors.

Com. Ratanya: O.K. Mulema try to summarize now, you have run out of time, just try to - -

David Mulama: I am summing up. I am saying this specifically because there is a medicine coming in the country that is of no use to our people and then there is some herbal medicine that is been given to our people, it has to be checked and confirmed otherwise I had only subjected on this, on medicine there is no to them.

Ownership of land and property. Mr. Chairman, land is becoming very scarce and I feel there should be provision in the Constitution on expansion of proper planning of urban centres to absorb the increasing population. I also feel that there will be more creation of employment if provision of electricity will be extended into the rural areas to create more industries so that

(inaudible). There should also be financial credit for farmers, aGMR should be started and AFC for farmers for essential crops like maize and wheat. Provision of water supply is essential for domestic animals and irrigation. The government should also look into marketing of farm produce. Mr. Chairman I think I will end there since I have run short of time.

Com. Ratanya: Thank you very much indeed Mulama. We need your memorandum if you have any, and you submit here and sign our register. Thank you. We have somebody Aquaya, the other name you will tell us. Ya Maj. (Rtd) Aquaya. Is he around? What about Levi Asava? Go ahead Levi.

Levi Asava: Mimi ni Levi Asava Almasa kutoka location ya Sinokor. Maoni yangu ni haya. Ningependa Chiefs wawe transferred kama DO's. Wazee wa mitaa wapewe mishahara na Assistant Chiefs, hiyo cheo kiondolewe kabisa. Mipaka ya Kenya vile imewekwa irekebishwe katika Provinces. Naona hiyo mipaka haiendi sawa sawa. Wanafunzi wanapofanya mitihani yao ya serikali kama ya form four, na pia University, wawe wakichaguliwa na colleges kulingana na vile wanafanya mitihani yao, badala ya hiyo mzigo kujua kwa wazazi kutopewa nafasi. Ma-colleges yawe yakichukua hawa wanafunzi kutokana na vile wanafanya mitihani yao kwa shule.

Haya. Watu ambao wamepata mashamba makubwa wakati tulipata uhuru. Wana mashamba makubwa sana na watu wengine hawana mashamba yeyote. Hawa watu mashamba yao, wawachiwe acre hamsini peke yake na hizo acre zingine zipewe watu wengine wale hawana mashamba, ili kila mtu awe na shamba. Kwa maana kuna mashamba mengine, yako tu misitu yamewashinda kulima. Kama sio hivyo kodi iwekwe kwa hiyo mashamba wawe wakilipa hizo pesa, watu wengine wawe wakipata mishahara kutoka kwa hao.

Watu ambao wanafanya kazi na ma-company, wanaumia sana. baada ya kazi kuachwa, mtu hakuna kitu anapata ya kujisaidia baadaye. Inakua ni shida. Kwa hivyo hawa watu ambao wanaacha kazi kwa ma-company, mishahara wao wawe wakipata kutoka kwa hayo ma-company kama mtu ame-retire. Wamemu-retireisha wenyewe. Alipewe a ¼ kutokana kwa mishahara wake, vile alikua analipwa na company. Ili aweze kujiweza kwa sababu hizi pesa za NSSF, zinachukua muda sana mtu kupata. Hayo ndio maoni yangu. Asante.

Com. Ratanya: O.K. Asante sana Levy. Twende kwa Joram Sambazi. Joram ni wakati wako.

Joram Sambazi: Mr. Chairman and the Commissioners, I prepare these memorandum on three items or issues. One, is Ministers, another is education and another one on farming.

Com. Ratanya: Hukusema jina lako Bwana Joram.

Joram Sambazi: Oh, my names are Joram Sambazi Wakape from Nzoia Sub-location, it is now a location. It is my view that

the appointment of Ministers should be through a Ministerial Appointment Panel which should be provided for in the Constitution. Ministerial appointment panel which should be provided for in the Constitution. The Ministers should not be appointed from the MPs. There should be professional people who have shown proven performance in their professions. This panel will appoint a group of them and send the list to the President who should therefore from that list appoint the ministers for different ministries, but the same list should be presented to a parliamentary committee. This Parliamentary Committee should be able to go through and either confirm or reject whoever they don't find fit.

The Ministers, as I said should not be Members of Parliament because if they are Members of Parliament they will be Politicians and I would like Ministers to be Public Servants.

On education Mr. Chairman, I say that the system which we have had before, that is 7-4-2-3 should be adopted now, so that we have students or our children taking a 16 years education course. There should be free examinations taking place, KCPE, O'level and advanced level. So that at the end of the advanced level, one can go to University. I also suggest that the appointments of Vice Chancellors at the University should also be done by a special panel. It should not just be the President because he might be unfair, leaving out the correct people and appointing those who might not do a good job. So, a panel should be there to appoint Vice Chancellors.

When students are selected to university, if the minimum grade is C+, let it remain C+. We should not have changes year after year. You find the minimum grade is C+, but then in one year they say it must be B+ or B-. That is unfair, leaving out so many people who qualify for university. So if we have set the grade, let the grade remain.

University Admission Boards after they have selected, we would like to see those students selected for university appear in the public newspapers so that we know there is fair play. The Constitution should have clauses, which directs Kenyan Institutions to admit children from various parts of the country so that we have institutions having a mixture of the Kenyans learning together in order so that they can integrate properly.

School curriculum should also include the study of the Constitution at all levels so that people grow up with the Constitution in their minds. On farming Mr. Chairman, many farmers have found it very difficult to carry out the activities because the government has actually neglected them. I propose that there should be a marketing system, marketing organization which should look for markets for all the products that come from the farmers so that the farmers are aware that their produce will be sold. The government should subsidize the farmers also, by giving capital - -

Com. Ratanya: So, Joram you have only one minute to summarize.

Joram Sambazi: Thank you, I am about to finish Mr. Chairman. So that farmers are assisted when the weather becomes bad

and their crops do not do well, they should be compensated. The Constitution should make the government regard farmers as important people who feed the nation and therefore give them the necessary assistance. Mr. Chairman, I think that is all I can present now, because everything is written, I am sure you will get the details from here.

Com. Ratanya: O.K. Thank you Joram. We are going to make use of your memorandum, just hand it in to us. Thank you very much. The next one is Frances Gikonyo. Francis Gikonyo is he around? O.k.

Francis Gikonyo: Kwa majina ni Francis Gikonyo Kagwanje, kutoka Kinoko location. Maoni yangu na memorandum yangu nimeandika. Kwa vile sioni vizuri sana sitasoma, nitaipena. Lakini hasa inahusu ukulima. Farming. Nimeonelea ya kwamba wakulima katika nchi yetu ya Kenya hawajajulikana kama utu wa mgongo katika serikali yetu. Ningependa katika undaji wa Katiba mpya hii, wakulima wa Kenya wawe wakinunuliwa chakula chao na Cereals Board. Na serikali ione ya kwamba pesa hizi za kununua kilimo cha wanakenya hazitakosa. Wakiangalia kimbele waone zitakosa, wajulishe wakulima ili nao wakulima waone watabadilisha sehemu zao za mashamba kwa kilimo cha aina gani. Si vizuri wakulima wa Kenya wachukuliwe kama watu ambao hawana umuhimu.

La mwisho, ni kusema ya kwamba, wakati Cereals Board, inachagua Directors, maoni yatolewe hasa kwa viongozi wa Makanisa. Asiwe ni mtu ambaye anakua appointed. Kama juzi tumekua na mtu wa vita, hajui hali ya kilimo, na anakua Director of Cereals. Tuwe na mtu ambaye ana experience kwa kazi ya kilimo. Nitayaachia hapo, nime ikatakata kidogo, kwa sababu sisomi vizuri. Asante.

Com. Ratanya: O.K. Gikonyo asante, tulitee hiyo memorandum yako. Ningetaka kurudi nyuma kidogo kuona kama tuna Major (Rtd) Akwewa kama amekuja. Ni wewe? O.K. Endelea.

Maj. (Rtd) A.S. Akwewa: Mimi kwa majina yangu ni Maj. (Rtd) Adrean Sesanya Akwewa kutoka Nzoia location, Likalikoyani Division, Lugari District. Naakilisha Ecumenical Civic Education Programme ya Lugari, ikiwa ni pamoja na Catholic Justice and Peace Commisison Department ya Diocese of Kakamega.

Katika Constitution yetu, there is something know as a preamble and we have not had preamble in our Constitution and my suggestion for this preamble is as follows: *“We the people of the Sovereign Republic of Kenya, recognize the injustices of the past, we honour and respect those who suffered for justice and freedom of our land and believe that Kenya belongs to all those who live in it, united in our ethnic diversity and thanking God for our stability since independence. We therefore through this Constitution, lay and establish a society based on democratic values, social justice, fundamental and basic human rights and the rule of law and improve the quality of our lives of all citizens and build a united democratic Kenya.”* That is my suggestion for a preamble within the new Constitution.

I also have a suggestion on Principles of State Policy, and I suggest that the Constitution of Kenya is founded on the following

principles. That the people of Kenya are sovereign in their land, that equality and fair treatment is paramount. That the rule of law must prevail under any circumstances and apply to all equally and as Kenyans we commit ourselves to democratic principles guided by multi-partism and as Kenyans we shall at all times be against any form of discriminations and the principles shall be enforced by law and that the application of law selectively shall not be entertained in this Constitution.

Citizenship. I suggest in my memorandum that first of all the dual citizenship should not be encouraged and should not be allowed and that any person in born in Kenya, by a Kenyan parent, regardless of gender or anything else automatically becomes a Kenyan citizen.

Defense and National Security. Here, first of all I would like to talk about recruitment. Currently recruitment is based on districts and in Kenya, we leave and recognize the 42 tribes that we have in Kenya. So my suggestion is that all recruitments in the armed forces should be based on tribes and when we go to a district, each district has a combination of so many tribes and these tribes should be given a fair chance. Currently, all the components of security are under the office of the President. All under the Executive. My suggestion is that the Ministry of Defense should be a Ministry of its own and should have Army, Navy and Air force and in-terms of security ministry should have the regular police, GSU, National Security, Intelligence and Administration Police who are currently just wondering around and this should - - Home Affairs Ministry should include the prisons. Of course all these security components should have their separate commanders, like the military should have the Army Commander, the Navy' Navy Commander, the Air Force should come under the Air Force commander and police the Commissioner of Police. The Prisons Commissioner should lead or be in charge of the prisons.

Talking about the Constitution's supremacy, I suggest here that at the moment -

Com. Ratanya: You have just a minute to wind up. Time is up.

Maj. (Rtd) A.S. Akwewa: Thank you. Talking about Constitution supremacy, at the moment the Parliament can change the Constitution with 65%. I suggest this is raised to 75%. Political Parties. These should be regulated by imposing or by entrenching a of 5,000 followers in each Province for any candidate who wants to vie.

The Provincial Administration, I am suggesting that the post of the PC should be abolished and all the DCs down to Chiefs should be elected for a term of five years. Because I have written I just want to mention here that - -

Com. Ratanya: Ya, say the last one and give us your memorandum. You know it is lengthy and we shall deal with it. Can you sum up please.

Maj. (Rtd) A.S. Akwewa: Thank you. I want to sum up by saying that the Legislature. The appointment of all Parastatals,

Commissions, Judges the Attorney General, the Auditor General and all other Constitutional offices should be done by the Parliamentary Select Committee or by Parliament and not by the Executive and lastly, I want to say that the decentralization of powers should be accorded to Districts, that is to say there should be departmental Heads in each District with powers and authority. So that they can act and assist wananchi instead of having everything running in Nairobi and also been run from one office.

Last but not list, the Constitution should establish what I call the National Remuneration Committee which should look after the salaries of the MPs. MPs themselves should not decide on what to pay themselves. I have so much and my time is up and I think you will read the rest from my script. Thank you very much.

Com. Ratanya: O.K. just the last point, a small clarification there. You have talked about National Remuneration Committee. Should it be there only for the MPs only or for considering national salaries? For everybody?

Maj. (Rtd) A.S. Akwewa: It should be for national salaries including all employees because Parliamentarians are also employees.

Com. Ratanya: O.K. Thank you very much. Hand in your memorandum. Then we have Christine June, she is a student from St. Ann. Is she around or she has handed in her memorandum? O.K. Robert Ondero? A teacher from St. Ann's? Roselinda Mukoyali? Ni wakati wako sasa.

Roselinda Mukoyali: Kwa majina naitwa Roselinda Mukoyali kutoka Shinoko location na ninafanya na human rights, nina-represent Education Centre for Women in Democracy. Niko na maoni kidogo, yale ningependa kuwakilisha mbele ya kamati hii, kuhusu akina mama. Serikali yetu imetambua uwezo wa kina mama vile wanasoma, vile wanafanya kazi, vile wana shugulika na kazi mingi lakini kwa upande wa kupeana nafasi ya kufanya hizo kazi huwa wanawake wanachwa nyuma. Tukiwa na kazi ya watu wanane, utakuta wanaume ni wasababa na mwanamke ni mmoja badala ya kufanya wawe equal.

Upande wa urithi. Akina mama ambao wanawachwa na wanaume wao, sheria iwekwe, mambo ya kurithiwa isiweko. Mwanamke mwenyewe ajiendeshe vile alikua anakaa. Kuna cases zingine kwa mfano kama mtu amepatikana na unajisi, sheria iwekwekali kwa upande ule, mtu akipatikana ametenda kitendo kama hicho, na amepatikana na hatia kisheria, hata ningesema afungwe maisha.

Upande wa ownership of property. Kuna wazazi wanachagua watoto wasichana wakati wanapogawa mali. Inatakiwa serikali ichunguze pale kama msichana anaweza kupatiwa mali sawa na mvulana.

Nitaenda upande wa serikali za mitaa. Mtu akitaka kuchaguliwa kuwa diwani, ni heri achunguzwe na Commission, kuangalia

tabia yake kinyuma. Ni mtu ambaye aliongozako, ama ni mtu alikua mfidadi ama ni mtu alifungwa, asiwe qualified kufanya kazi kama hiyo ya uongozi. Na mishahara ya madiwani iwe inatolewa na serikali.

Kuteua madiwani, hiyo naona afadhali iondolewe. Huyu mtu anateuliwa na anakula tu mishahara ya free hakuna kitu anateua watu. Na waziri apewe uwezo wa kuchunguza masilahi ya madiwani.

Kwa upande wa uraia, kama mwanamke amenda Ngambo na amepata mchumba, na amerudi naye, serikali ipitishie huyo mchumba wake, andikishwe kama raia wa Kenya hata na mtoto yule ambaye amezalia kule.

Kwa upande wa ofisi ya President. Ningependa uwezo upunguzwe ama ugawiwe kwa upande wa President asiwe na mamlaka sana ya ku-aappoint watu wa vyeo vikuu hivi. Afadhali waziri mkuu aweko, na ikiwezekana bunge ikae yenyewe ichague fulani anaweza kutosheleza kazi fulani. Na ninaonelea serikali yetu imeweza miaka mitano kua kwa bunge ama kwa serikali ya mitaa ama u-President. Wangeliweka vote of no confidence kwa mtu yule ambaye amechaguliwa ikiwa hafanyi kazi vizuri atolewe na wachague mtu mwingine.

Na la kumaliza, serikali ile ambayo inaweza kua mamlakani kwa maana Kenya ni multi-party country. Serikali ile ambayo inachaguliwa iwe kwa mamlaka ikubali, ikiwa makosa iko, irekebishwe either na kanisa ama ikae na vyama vingine kama zimeona makosa na wasikizane na ningependa parties to be reduced. Viwe kama vya vitatu, kama mbili, opposition na ile ambaye inatawala. Badala ya kuandikisha vyama viwe kama arobaine, ama ishirini, hiyo ni waste of time. Asanteni kwa kunisikiliza.

Com. Ratanya: Umesema vyama viwe vingapi?

Roselinda Mukoyali: Vitatu?

Com. Ratanya: O.K. Thank you very much. Nilimuita mwalimu hapa, hakuwapo. Ningetaka kurudi hapo tena. Mwalimu anaitwa Robert Ondero kutoka St. Ann's

Robert Ondero: Majina yangu ni Robert Ondero, mwalimu hapa St. Ann's. Nina yafuatayo. That our Constitution must spell out the role of Commissions of Enquiry, so that some politicians don't use this Commissions for their personal gains and the recommendations be made publice.

Number two, on education, that teachers must have a say in deciding the punishment measures in schools and that they should be reviewed on five year-basis.

Number three. That there be a public Commission for remuneration for all government servants, and that salary increment be spelt out clearly on what levels, and if possible the government may tend to pay people wrongly kept at certain positions for over 10 years.

The fourth one is on farming. That there be a Bill for maize farmers just as other Bills have been established, and that price guidelines be given before the planting season so that they can know at how much they are going to sell their produce.

Number five, that in the past wealth has been generated from one area and used in another area. I am recommending that in future, wealth generated in an area, should be shared at 50% to the Central Government and 50% for the development of that constituency or region, so that people can generate well.

Six, that our natural resources be controlled by law so that they are not abused by politicians and lastly, just like in the developed countries, there is a steep end for all citizens above 60 years. I recommend that anybody aged above 50 years and is not employed be catered for by the government by been provided a certain steep-end on monthly basis. Thank you.

Com. Ratanya: Thank you very much mwalimu. I had called a student from St. Ann, I don't know whether she is around now. Christine Joan? Or maybe she her memorandum? Then we shall come back to the students. Let us have Nicodemus Orambo.

Nicodemus Orambo: I am Nicodemus Orambo from Shinoko location. I have a few things to present to the Commission. One concerns Judiciary. In the present system, there is a sign of laxity and carelessness in handling the citizens who have been offended. It is the offended who take the burden of looking for re-dress. They go looking for the courts, they go looking for advocates and all those things and yet he has been subjected to this thing by another member of the community. So our judiciary should be able to make it profitable for the offended to enjoy justice without any added inconveniences.

There has been the joy of enjoying religion and Christian fellowship but there are certain things that are been done like night crusades equal to discos. This causes a lot of inconvenience to the streets and to those who want to take peace of rest at night. Churches should be able to examine the effect of this night crusade as alongside the discos so that citizens can be able to have rest and peace when they need it.

I went into that area and I want to come back to the Constitution and the title of our land. The Constitution the Republic of Kenya for the people of Kenya, been all tribes of Kenya that every tribe stands equal. This will include Asians and Europeans who are at this time of review have become citizens. I shall share the same view with my previous colleagues who have said a citizen is by right of birth and an imported female becomes a citizen of that country but an imported male should transport his

female to his country of origin. So they do not become citizens of this land by female marriage but there should be special consideration for those tribes or races that have an exercise different from what we are looking at as origins of Kenya. Such like Asians, the wife is said to be marrying the husband. This man and this woman should become citizens of the man's country but if there is allowance such a case will be viewed in accordance to the circumstances.

I would want to address the natural resources in view of the economy of a given region. Kenya and Western region in particular have source and sustenance of Lake Victoria. Its fishes, water and power. As such is Western region and Kenya are not given rightful consideration in return for this natural wealth and resource. Uganda should pay Kenya for its water power and fish industry. Same with all the lands that River Nile through. The Constitution must address this issue.

Western Kenya has rich tourist sites and resources. We should have the Constitution to put in place machinery to provide the residence a sure way of benefiting from such a rich nature of resources. Natural resources like forests and rivers have been misused for the destruction of the natural provision like rain and other forests products and this is spelling doom.

Com. Ratanya: Ya, Nicodemus, you have run out of time and try to wind up now.

Nicodemus Orambo: It is spelling doom for not only Western residences but Kenya as a whole. I have searched all the visible resources, but we need further investigation for the unseen deep resources to be searched and brought to the great use of the residences and Kenya as a nation. Thank you.

Com. Ratanya: Asante sana Bwana Nicodemus. Kuna mwananfunzi anaitwa Luvanda Mary from St. Ann's. You are a teacher?

Luvanda Mary: Thank you very much. My names are Luvanda Mary, a teacher at St. Ann's. there are afew issues which I would like to talk about which need to be looked into.

One is on security. The Bill of Rights should guarantee women protection and security against the following, rape, wife beating, female genital mutilation, forced early marriages and prostitution. That means in the Bill of Rights, there should be a fine or a punishment to anybody who denies women their rights by raping them, beating them or forcing them into female circumcision. We have in some communities where young girls are forced to marry. That should be provided for by the law.

On health care, the government should ensure that there is free health services especially for expectant mothers, for example anti-natal clinics. Tests on various diseases, treatment should be free. Maternity leave should be extended instead of the normal three months, it should be increased to six months.

Any man who infects a woman with any STD, or STI should be fined heavily and pay for the treatment cost. Women should

have a right to a clean environment. In other words, the government should guarantee us a right to a clean environment. For instance, proper refuse disposal, fresh air, proper sewage system, good housing facilities, proper sanitation and controlled sound pollution.

Water. The Kenyan government should guarantee women provision of clean water. Those staying in urban areas should be provided with free water supply which is clean and treated. All sources of water should be well protected. For example the well, the streams and the boreholes should be protected and kept away from dirt. Deforestation should be discouraged by all means so that the water cycle is complete.

On education, girl child education should be promoted in all communities. This is because we have some communities who do not encourage education for girls, we would like it to be compulsory. The government should make an effort to expand education at the lower level than at the higher level. We would want education to be like a pyramid. If we look at our education system, the pyramid is looking down. The government is more concerned with expanding education to the upper level and has ignored the lower level. We would like free, compulsory primary education, so that everybody at the lower level-we have majority who are educated at the lower level.

Nursery schools should be established in all primary schools sponsored by the government and the teachers of the nursery schools paid by the government. Proper education facilities provided in the lower primary schools. Village polytechnics should be established to encourage school leavers to learn various skills to promote self employment.

No girl child should drop out of school due to lack of school fees or pregnancy. The law should make provisions to ensure that everybody goes through the learning system.

On shelter, all women should have a right to a good shelter and to own it so that when a man has made a house for a woman, that house belongs to that woman, so the man should not tell the woman to move away. You should own it and possess it as yours.

Food. The government should set aside funds to purchase and store enough food for the citizens. Farmers should be encouraged to market their agricultural products to motivate them to produce more and to ensure adequate supply of food for the nation.

Some bodies like KCC, KMC should be revived. The women should have a right to fresh and adequate food so that when we buy food that is not fresh, we should sue that person who has sold bad or poisoned food.

On employment, women should be guaranteed equal employment opportunities as long as they meet the qualifications required.

That means that there should be no discrimination when it comes to employment. Women should also have a right to security at their places of work. This is because women are intimidated, sexually abused and harassed by their bosses, especially the secretaries. Therefore, it is our desire that all women should be guaranteed a right to security at their places of work. Thank you.

Com. Ratanya: O.K. Asante sana madam. Tunaenda kwa Nicholas Aliona. Inaonekana Nicholus - or he might have brought us his memorandum. Reverend J.M. Kamau? Reverend it is your turn.

Rev. Joseph Kamau: Mr. Chairman and the Commissioners, I will read just a few points and present the paper as you have requested. One Mr. Chairman, my names are Joseph Kamau, Parish Minister, PCEA Nzoia Parish. Mr. Chairman, the Constitution should make citizens be the principle, the master and the government Mr. Chairman be the Agent to the Servant.

On social welfare Mr. Chairman, we should have no single citizen who should ever be denied enjoyment of life, for instance lack of food, shelter, clothing e.t.c. We have Mr. Chairman the deserving cases. We have orphans, handicapped, mentally sick and the abandoned children. The State and the Constitution should take care of this. Mr. Chairman, free education from Primary school to secondary school should be catered for in the Constitution. About employment Mr. Chairman, there should be no discrimination on tribal, ethnic or social values. And also Mr. Chairman, about the senior citizens or the aged. There should be a pension scheme that takes care of the senior citizens in this country.

Mr. Chairman, the legal representation. The Constitution should take care of all citizens that no one citizen should be denied the best representation due to lack of legal fee. About the death penalties. I propose Mr. Chairman, that the death penalty be abolished in this country and instead we have life imprisonment.

Mr. Chairman, about the gender sensitivity. I propose Mr. Chairman, that we have the women rights, child abuse, marriage law and female genital mutilation be taken care of in the Constitution.

Mr. Chairman about the illegal allotment of public land. The Constitution Mr. Chairman should take care of the public property so that nobody Mr. Chairman would go crying here and there because of public land.

Medical treatment. I propose Mr. Chairman that we have free medical treatment in this country. Mr. Chairman I go now to the appointment of the public officers. The Constitution Mr. Chairman should decentralize the power of appointment of the public service and especially when they are electing Ministers and the Ministries. I propose the number of ministries be limited to at least 15 Mr. Chairman and 15 deputies.

Mr. Chairman, I now come to the Attorney General, the Auditor General, the Chief Justice. I propose Mr. Chairman, that all

those Ministers, the Attorney General and the Chief Justice be elected or appointed by the Parliament and have security of tenure.

Mr. Chairman, I now move to the Head of Civil Service, the Permanent Secretaries, the University Chancellors and the Public Service Commission. I propose Mr. Chairman that there be a Commission that appoints those people and looks into their affairs. Mr. Chairman now I move to the Head of the State. My proposal Mr. Chairman, that he must - a President of the State must be a university graduate and above. About the age Mr. Chairman, he should be aged between 30-65 years. Also Mr. Chairman, the President must have non Executive powers. That is Mr. Chairman, all Kenyans cannot tell the difference between the President and the Head of the Party when they look unto them and finally Mr. Chairman, I now come to the Districts and Provinces. I propose Mr. Chairman, that Districts and Provinces be replaced by self governing Counties with competitive leaders and there is a view, Mr. Chairman that they should be responsible for their revenue.

Mr. Chairman, I now come to the State of Emergency or war in the country. I propose Mr. Chairman that Parliament should look at the issue instead of leaving it to the Head of State and with those few facts Mr. Chairman, I beg to submit my paper.

Com. Ratanya: O.K. Thank you very much Rev. Kamau. You hand in your memorandum. Joseph Kariuki. O.K. Johnson Munene? You are together? He is an observer I can see. Cosmos Masinde, he had a written memorandum pengine ameleta. Hoseah Mutenyi? O.k. It is your turn

Hosea Mutenyi: Commissioners wetu na wageni ambao mumekuja hamjambo? Langu sitakua na mengi sana, nimekuja kuakilisha chama cha KANU. Mimi kwa majina ni Hosea Mutenyi.

Kitu ambacho nimalipenda kusema ni ya kwamba ningependa kupendekeza ya kwamba Wabunge wetu ambao tunawachagua, ingetakikana mwananchi awe na uwezo juu ya Mbunge na councilor kwa sababu hawa watu baada ya kuchaguliwa inafika mahali ile kazi ambayo wanafanya wakati mwingi haipendezi mwananchi wa kawaida. Sasa kwa hivyo tungelipenda Katiba ambayo tunatengeneza iwe ya kwamba mwananchi awe na uwezo – ikiwa Mbunge itaonekana ya kwamba hatekelezi kazi yake ambaye inatakikana iwe tuna uwezo wa kumfuta kazi na kuchagua Mbunge mwingine, hata vile vile upande wa councilor.

Kitu kingine ambacho ningengezea ambacho ni cha mwisho ni kwamba ningelipenda ikiwezekana, sheria ambayo tunatengeneza isiwe ni sheria ya mwananchi mdogo. Ya kwamba kama mwananchi wa kawaida amefanya makosa ama ametenda kitendo fulani, inakua ni ya kwamba yeye ndiye ana adhibiwa uchungu sana, lakini wale ambao wameikalia sheria huko juu, inakua ya kwamba kuadhibiwa kwao inakua ni kama – yaani kuna upendeleo, kwa sababu wananchi wa kawaida wanaumia sana. kwa mfano ukienda kama kule kortini unapata ya kwamba, sheria imetengenezwa ni nzuri, isipokua yule ambaye inamuangalia sana – anayeumia sana ni mwananchi wa kawaida. Sina mengi ni hayo tu. Asanti.

Com. Ratanya: O.K. Asante sana Mutenyi. Kuna mzee Japhan Mbotela? O.K. Kidaha Sagala? Kidaha ni wakati wako sasa.

Kidaha Sagala: Asante Chairman. Kwa majina naitwa Kidaha Sagala, kutoka Nzoia, Sinoko location. Mimi yangu ni machache, na nitazungumzia kuhusu police harassment na corruption. Hili jambo limetusumbua sana, unakuta wakati sisi watu wadogo police wanatuchezia. La kwanza nitasema watu wenye kutengeza changaa, wanahonga police sana, mbele ya umati wote mkubwa. Utakuta OCPD ako hapa ana hongwa, wale wadogo wanahongwa, na hatuna mahali pengine tunaweza kulalamika. Inakua lazima tena urudi kwa polisi, u-report hiyo case kwa polisi. Na wao ndio watafanya judgement. Kwa hivyo ningependa hii department ya polisi, waunde section ingine, ama ministry iwe independent kutoka kwa office ya President.

Pili, wakati polisi anafanya madhara, ameshika mtu, ameshika mtu amempiga ameua, kesho yake wanakuweka kwa parade, uende utambulisha huyo police na ukienda kesho utazunguka mara ishirini na hutaona huyo police. Mwisho watakwambia uandike statement kwa hiyo police station. Yule ambaye unaenda kuandika kwake ndiye alikwambia ufanye parade. Mwishowe unambiwa hakuna yule police alifanya na tayari mtu wako amekufa. Unaweza ku-report wapi? Naomba Constitution iangalie hiyo case.

Tunakuja kwa police reservists. Hawa police reservists wanafanya kazi ya bure. Wao hawawezi kushtaki mtu, wao hawawezi kuandika statement, lakini utakuta wanaenda kupeleka fitina kwa station, na wale wanakuja kuku-harass. Watakuhika, wakuweke ndani, na baadaye wao wapate Commission. Sijui kama wanapata mshahara. Imekua ni uzito sana kumaliza hii case ya police. Utakuta police wamekukuta uko kwa kanisa, na bado watakuja wakushike. Wanakuita pole pole “Hebu njoo tuzungumze” na wanakushika wanakupeleka police station. Ukifika pale, utakuta hakuna statement yeyote. Umewekewa tu maneno, na baadaye ukitaka kutoka pale, utatoa kitu kidgogo. Sasa harassment hii tunaweza ku-report wapi? Tunashindwa. Ikiwa sisi amri ya police iko kwa office of the President, security ni police, Chief ni security, DO ni security, na hakuna mahali tunaweza kupata huduma ya kusaidia, wote hawa wataku-harass. Hata ni sababu mko hapa Commission lakini kama mungekua si Commission, DO na police wangekua hapa, nyote mungewekwa ndani, na hakuna mahali mta-report. Bado mtaenda tu kwa police station kwenda ku-report. Kwa hivyo nataka tuchunguze hii kitu. Police corruption. Wale millionaires saa hii, wenye ghorofa sita, saba, Nairobi ni mapolisi, na sikua wako na cheo kubwa, bado tu ni constable. Na ukifanya mchezo, anakupiga risasi, anakwambia wewe ni suspect, na hakuna mahali unaweza kwenda ku-report. Kwa hivyo naomba hii Commission ichunguze hii mambo ya administration ya police, DO, Chief, wao ni security lakini hakuna mahali wewe unaweza kwenda kujificha. Kwa hivyo ombi langu ni kua, hii Commission ichunguze. Kama ni ministry inaweza kutengezwa ya security, na wachunguze, itakuwa na mwelekeo gani? Sababu corruption imeanzia kwa office of the President through this arm ya police.

Kwa hivyo naomba mumekuja msikize haya maoni, sababu kuhonga kwa police, judgment yote ni polisi. Saa hii watu wanapigwa marisasi na police wanasema hatuna gari hawawezi kwenda kufuata hawa watu. Sijui tunaweza kutumia njia gani. Kwa hivyo naomba kama police watakuweko warudishiwe ile uniform ya zamani, wavalishwe vinyasa! Wawe wanaweza

kufanya exercise ya kukimbia. Matumbo yamekua makubwa kwa sababu ya corruption. Ombi langu ni kuwa, warudishe system ya zamani, warudi kwa training, na tuwe tunaweza kupata njia ya security. Unaweza kwenda ku-report kwa police, wakusaidie. Si uende ku-repot police na bado wakuweke ndani, yule mwingine anakuja, mnawekwa ndani. Nyote mnakua mabusu. Sasa nani atakua ameshataki? Na kesi hiyo haitaisha, na hakuna mahali utaandika statement. Kwa hivyo ombi langu nikua Commission hii, ichunguze hii arm ya police ndiyo tupate security. Asante kwa hayo.

Com. Ratanya: Kaa hapo Bwana Sagala, recommendation yako ile kubwa sana ulisema they should be re-trained?

Kidaha Sagala: Wapelekwe wasome zaidi, ndiyo.

Com. Ratanya: Unamapendekezo mengine, kwa sababu umelalamika lakini tupatie mapendekezo mengine. Umesema la kwanza hapa ni lazima wapelekwe wafundishwe. Sindio? Na kuna mapendekezo mengine ili turekebisha hayo mambo? Kwa sababu hata hiyo ni kurekebisha Katiba?

Kidaha Sagala: Ombi ni kuwa, labda wachukue wale ambao wako na age ya kutosha. From 35 and above wawe police. Lakini hawa watoto wasichukuliwe kwa police station, kama police officers. Bado ni watoto, hawajajua matatizo, hawana familia. Kwa hivyo tuna-mix watoto na wazee, na kazi inakua nzito. Kwa hivyo ombi polisi waanzie age ambaye ita-mark-iwa. From 35 years to 70 years. 70 is okay. From there they can become watchmen!

Com. Ratanya: (Inaudible)

Kidaha Sagala: At least you can control them kuliko mtoto, and you can report to somebody mature. Kuliko kwenda ku-report kwa mtoto, ametoka shule na anaku-enjoy.

Com. Ratanya: O.K. Tunashukuru, hayo ni maoni yako na sign register yetu. Unajua wananchi tunaheshimu maoni ya kila mtu na mapendekezo ya kila mtu, kwa hivyo ukiwa na maoni yako usiogope kama vile nilisema asubuhi. Toa maoni yako, yataheshimiwa na Commission itangalia wakati wa kuangalia Katiba. Usikae bila kusema maoni yako. Yaseme yote na mapendekezo. Unataka kuwe namna gani? Sasa anayefuata ni Titus Wangomba. Titus Wangomba yuko? Ni wewe? O.k. Ni wakati wako tuambie majina yako.

Titus Wangomba: The Chairman and the Commission, I am Titus Wangomba, from Sinoko Location. Here are my views.

Primary education should be free and at secondary level the amount should not exceed Ksh. 10,000 and 8-4-4 should prevail, it should not be eliminated. Ownership of land. One should not own over 100 acres, because we have landless people who ought also to get somewhere or a place to stay.

For one to be an MP, he should be elected when he is 29 years with minimum education of form four. That is to say, capable of reading and talking both English and Kiswahili. On the same note, we should give na MP only two years for him or her to show up his/her development, if not, we vote vote of no confidence on him or her. We don't want majimbo and unitary government should exist.

Through the grants and aid from foreign countries, the government should initiate small scale industries, to get employment as a way to stop top government officials to forget the grant and aid. The Vice President should not be elected by the President but common mwananchi. Free medical care for the poor who cannot cater for themselves. The end.

Com. Ratanya: Asante sana Bwana Titus. Kuna Moloto Opiyo?

Moloto Opiyo: I am Moloto Opiyo, a resident of Nzoia. I have got this views to give.

Com. Ratanya: Moloto, just use that one (mic) so that we can get the record.

Moloto Opiyo: Considering that most Kenyans are ignorant about the Constitution –

Com. Ratanya: Say your name properly.

Moloto Opiyo: Moloto Opiyo. Considering that most Kenyans are ignorant about what the Constitution is, I do propose that after singing the national anthem, most primary and secondary schools should be reciting the introductory part of the Constitution instead of the Loyalty Pledge to the President.

The Review process should be geared towards making our Parliament the most powerful organ of the government. This is through making parliament to have power to investigate the behaviour and activities of the Executive and top government officials which they do in excess of their powers and authority. This aims at reducing chances of corruption and all vices.

Our MPs should have offices and Research Assistant so as to keep them at the top of the information. This is because although our MPs are supposed to be the supreme law making body, most of them do that with necessary facts for legislation. Most of the information is generated and controlled by the Executive through the help of the bureaucrats. As is said in the indoor politics, information is power. This is one of the reason why the Executive is more powerful than the legislature. The Executive has the high concentration of experts and (inaudible) hence in this regard, our MPs should also have Technical Staff who will be responsible for keeping MPs at the base of information since as per now, MPs do depend on bureaucrats which is an arm of the Executive for information.

It is likely that information given without checks and balances and the bureaucrats might manipulate the information in favour of the Executive instead of the legislature. The power of the legislature should be strengthened by the Constitution further. Parliament should have the power to approve all Presidential appointees. Ministers should not be elected Members of the Parliament, but trained professionals in the relevant seats.

To make Parliament is only through the use of the House Committees. I strongly believe that Parliament in session is simply parliament for public exhibition, while parliament in committee (inaudible) at work. The Committee should help parliament in the law making process. The committee should also have technical staff who will be like other civil servants. Appointments of committee chairman should be based in expertise and superiority.

The process of legislation. It should be charged by the relevant House Committees, collect information from the relevant groups such as interest groups and other organizations which should be done committee staffers. Hearings from such groups should be publicized to draw public attention. The information then should be taken to elected officials of committees for scrutiny before parliamentary debate. In parliamentary debating, if the Bill is passed into law after been taken for Presidential assent and if the President fails to give his assent he should take the Bill back with reasons why he didn't sign it. If the President fails to sign the Bill, it should automatically become law within ten days.

The law making process should have as many access point as possible for the public. The President should not be an elected MP but he should only represent the national constituency. he should only serve as a ceremonial President. He should not be allowed to vote in parliament unless if he is breaking a tie vote.

The Armed Forces. The recruitment in the Armed Forces is generally unfair because most of those recruited represent the ruling class and not the down trodden. That is the reason why we have groups such as the Mungiki because there is a conflict between the ruling class and the down trodden. Most of them don't have the opportunity to go into the Armed Forces. It therefore should open gates to battalions outside the dominity.

Education. I do believe the 8-4-4 system of education is the best. It shouldn't be abolished because if you say it is not a good system, some of us we have already been wasted and our children must laugh at us. It proved successful in countries such as Japan so it must continue. We must uphold the 8-4-4 system. We should not replace it with the old system and on the penal code, it should be abolished because when claiming that a murderer should be murdered, why can't you claim that a rapist should be raped? Thanky ou.

Com. Ratanya: Henry Makokha? A teacher from St. Ann?

Henry Makokha: Thank you Mr. Chairman and other Commissioners. My views are basically on education. Now the Education Act should have a provision where it states how curriculum change should take place. That is syllabus, the scope, the contents and the various bodies of knowledge. It should not just be something which is changed overnight. We should have a specified period, when the curriculum change should be effected. My recommendations are that all stakeholders should be involved in the establishment of the curriculum. That is the child, the parent, the teachers, because they are the ones who will effect the curriculum, professional bodies and specialists. Then once the curriculum has been established, we are saying that in the Education Act, it should be stated that there should be a pilot scheme whereby this curriculum is tried. You don't just wake up one morning and you say "Today we are starting this" and yet these things have not been tried.

Then there should be a provision in that Act to state how funding is going to be made because to effect a curriculum change, you require money. Like for the case of 8-4-4, you will get that there are some schools which do not have facilities, so funds, where will the money be got to effect this change and then finally, there should be the Teacher education. We are changing the education without looking at the teacher education. How is that teacher going to effect the change and yet he is not changed himself? So we are saying that in the Education Act, these things should be addressed. The type of education we give our children will determine the type of citizens we shall have.

Like right now the song now is about fighting corruption but I believe with a good education system, these things should be state how we are going to train our young ones to have good morals, good virtues, commitment to work and so on. So, I would like finally to say that on evaluation, that is when a student has finished education, the type of evaluation we are having is summative, whereby you just simply look at the results which a kid has done for two and a half hours. I believe that kind of a system should cease because a kid could have been doing well but because of certain things, this kid has failed in a paper for two and a half hours, so I would suggest that evaluation be continuous right from nursery upto university level because we are throwing away certain kids with talents, with great potential, just because they failed a paper of 2 ½ hours. Those are my views. Thank you.

Com. Ratanya: O.K. Thank you very much mwalimu. Tuna Zephania Khisa?

Zephania Khisa: Mimi jina langu ni Zephania Khisa, Nzoia location, na maoni yangu ni kwa upande wa police. Police wananyanya watu sana. Kwa mfano, wakikuja kwako, wanaweza kuwa wanatafuta kitu hakuna wanakuwekelea tu. Kama bhangi, kama pombe. Sasa hapo tumeshindwa. Tukisema ati tupeleke kwa mkubwa wao, yule yule ndiye amewatuma kufanya hiyo kazi. Kwa hivyo katika Commission hii, inaweza kuangalia, tutafute njia ya kumaliza ufisadi upande wa police.

Police wakipata tu wanawake wambao wako wakati huu, kama hapa, kuna mwanamke moja alikuja hapa akapigwa akakufa, lakini hakuna mahali ambapo tunaweza peleka. Tukienda kwa DC, DC anasema hatujui. Kwa hivyo kitu kimoja, serikali ya Kenya inatakiwa iweke security ambayo wanachagua wale watu wanakuja kukaa, kuangalia, wale police ambao wanafanya kazi.

Jambo lingine, kwa shule. Shule zinatakiwa kutoka standard one, mpaka form six, mpaka university. Kwa sababu ikiwa tu, kutoka standard one, kwenda form four, na kwenda university, watoto hawa kwa kweli hawana akili yoyote ambayo niya kutosha. Kwa hivyo wakati ule ambao sisi tulikua kwa shule, tulipotoka form five, form six mpaka university, wale watu walikua watu ambao wana akili ya kutosha. Na watu ambao wamekomaa. Kwa hivyo, serikali iangalie upande huo, na katika upande wa fees, standard one, mpaka form four, iwe free. Upande huo wote uwe upande wa serikali.

Kwa upande wa President. President akistaafu, kama amefanya kazi nzuri katika Kenya, kama Moi atakapo staafu waangalie kama amefanya kazi vizuri, wampe msahada, lakini akiwa amefanya makosa astakiwe!

Upande wa watoto, ambao sasa sisi wazazi wengine tumewanyanya watoto. Tumewafanya kama watumwa. Hiyo iwekwe sheria ya kushtaki mama au baba, ndio sisi wote tukome.

Majimbo. Inatakiwa serikali igawanywe katika majimbo sisi ndio tupate uhuru kwa sababu tukiwa kama tunaenda mahali pamoja kama Nairobi, hatuna huru hata kidogo. Ukiona, kama mashamba, iko katika ardhi, Nairobi. Ukienda hapo utamaliza mwaka mzima, kabla hawajakupa title deed ya kuchukuwa mashamba. Hiyo imekua vigumu sana. Kwa hivyo ichukuliwe, iwe katika mikoa kwa sababu tuko na mikoa na mashamba yao. Na ikiwa katika mikoa, kwa sababu ukitoka hapa ukienda hapa Makanda, utaenda kuizungumuza na kurudi nyumbani. Lakini ukienda Nairobi ukitoka hapa, kufika Nairobi watakwambia “toa kitu kidogo”, hata ukiwa na shilling elfu mia moja, zitakwishia Nairobi kabla hujapata discharge ya kuja kutoa title.

Chiefs. Ma-Chiefs wawe wakipigiwa kura. Na wakipigiwa kura ni lazima wawe transferred. Ikiwa hivyo, ndivyo tutapata huru ya kukaa. Wanawake. Wanawake wapewe uhuru kwa sababu kwa kusema kweli, tukiingia kwa watu wengine ambao wako, manyumba haya ambayo tunaishi, wanawake wengine wananyanyaswa sana. Na kuna mahali wengine ni wanawake wao ni wazuri sana hawa nyanyaswi. Upande wa wanawake wote hivyo, lakini tutafute haki ya kumiliki hao watu wawili katika nyumba zao.

Nidhamu ya shule. Lazima Commission hii iangalie nidhamu katika upande ya watoto wa mashule kama ma-secondary na ma-university kwa sababu michafuko iko nyingi sana. kwa hivyo tukipata yule mtoto ambaye anafanya mchafuko, afukuzwe, aende nyumbani kwa sababu analeta madhara ya wazazi ambao wamejenga na wanaharibu mashule na kuua ua wenzao. Asanteni sana.

Com. Ratanya: O.k. Asante sana Mzee Khisa. John Wekesa? Andrew Junior Lihanda?

Andrew Junior Lihanda: Asante sana Mwenyekiti. Majina yangu ni Andrew Junior Lihanda kutoka Nzoia location. Maoni yangu ni ya kwamba, Rais asiwe na mamlaka zaidi. Kwa mfano Rais asiwe na mamlaka ya kumchagua Vice wake, pia Rais

asiwe na mamlaka ya kuwachagua Ministers. Kama upande wa Vice President, raia sisi wenyewe tuwe na jukumu ya kupiga kura kumchagua.

Na upande wa Ministers, Wabunge wakae kwenye Bunge na wakaweza kumchagua na pia tume hii ione ya kwamba maofisi za wabunge zijengwe mahali wanatawala, si Nairobi, kwa sababu tukitaka kuwaona, tuwatafute mahali wanatutawala.

Jukumu lingine ninaona ni ya kwamba, ikiwa Mbunge ama councilor atanguka jukumu lake, sisi raia tupewe mamlaka ya kumfuta kazi wakati ananguka na tuchague mwengine wakati huo huo, na serikali yetu wakati tunatenga pesa kwa wizara mbali mbali, pia ione jukumu, ichukue fedha fulani, itenge kwa ajili ya loans, ili wale vijana ambao hawana kazi, wakaweza kupewa loans ili wakaweza kujimudu kimaisha.

Upande wa Assitant Chief na Chiefs, tuwachague lakini wasiende transfer ili wabaki hapa, watufanyie kazi kwa sababu sisi ndio tumekua tumewachagua. Kwa upande mwingine, wakati kazi inapotokea kwa mfano kama wakati kura itakapofika, serikali isiwe ikiwachukua wale watu ambao wame-retire ama wamestaafu, ili wakirudi kufanya kazi, kwa mfano kama hapa kwetu, wanachukua wale wazee wame-retire kitambo wanapewa kazi na vijana tuko wenye tunaweza fanya hizo kazi.

Na upande wa court. Serikali ione ya kwamba, tusiwe na malipo, huko yeyote. Mtu ukienda kushtaki mtu, unamshtaki, halafu anashtakiwa vile vile, bila kulipa malipo ili raia wa kawaida aweze kujimudu kwa sababu inafika mahali wanaweka fedha juu, raia anashindwa kumstaki mtu hata kama amemkosea.

Kutembea na vitambulisho, serikali ione imepingwa kwa sababu tuko Kenya huru, na mambo ya kutembea na vitambulisho hiyo ni kama wafungwa, ili tusiwe kama hapo zamani wakati walikua wanatembea na vitambulisho kwa sababu askari wamechukua hiyo jukumu, kuhangaisha raia, na huku ni mashambani, unaweza toka kwa shamba usiku na uhangaishwe.

Na kwa upande wa kunyanyaswa. Sisi wanaume tunanyanyaswa, wanawake wananyanyaswa. Sasa serikali ione ya kwamba, ikiwa mwanamume atakaa kwa nyumba na mwanamke amnyanyase, mwanamke achukuliwe hatua. Na ikiwa mwanamume atamnyanyasa mwanamke, mwanamume huyo huyo achukuliwe hatua. Yangu ni hayo, asante.

Com Ratanya: O.k. Andrew. Asante kwa hayo maoni yako. Reuben Amgira? Alikua na memorandum. nilisema hutaisoma memorandum lakini you only highlight the most important points for the minutes I am going to give you. Just five minutes.

Reuben Amgira: My name are Reuben Amgira and I will start by making a humble request to the chairman of the Constitutional Commission of Kenya, to urge our MPs to entrench the Act that establishes this Commission in our Constitution because this will be an exercise in futility if somebody wakes up one day and disbands the Commission.

I will look at the three organs of State. First, I want to make a request. That in our new Constitution, the three organs of state

be entrenched in our Constitution so that Parliament has no powers to amend any section, that concerns the three organs of State. Also in addition, the Bill of Rights should also be entrenched in our Constitution so that Parliament has no powers to amend the Bill of Rights.

I will go down to look at the three organs. How they should exercise their powers. First I will start with the Executive. I propose that the President be an executive President with powers. The President should be given powers to appoint ministers but at the same time, Parliament should have powers of approving the ministers. If Parliament does not approve a minister, then he doesn't assume office.

The Presidential aspirant should not contest in an election as a Member of Parliament. If somebody contests as a President, then he should not be allowed to contest as an MP at the same time. For a person to be declared as a President, he should at least get 51% of the total votes and then at the same time, he should at least get 25% of the total votes in at least five Provinces.

In case of a President reshuffling his cabinet, he should only be allowed to relieve somebody of his post but not transferring a person from one ministry to another. Because we have seen incompetent MPs and Ministers been transferred from one Ministry to another to continue inflicting corruption and mis-management in other ministries. If somebody proves to be incompetent he should be relieved of his post.

Then I will look at the legislature or Parliament. I will suggest that our new Constitution sets way in advance the life of every parliamentary session so that the President does not have powers to dissolve parliament at any time he so wishes. My second proposition on Members of Parliament is that all Members of Parliament should at least be a degree holder. He must have a degree to qualify as a Member of Parliament. Members of Parliament should retire at the age of 76 years so that we don't have old Members of Parliament dosing in Parliament and not participating in parliamentary proceedings.

My fourth suggestion is that if Members of Parliament passes a legislation, then the President refuses to assent to it, it must automatically become law after a period of 14 days. Parliament should be given authority to determine those to be given State Honours. We don't want it to be a preserve deciding who is to be honoured.

I move to the judiciary. I suggest that Judges and Magistrates be given security of tenure such that the Executive has no powers to relieve a Judge or his Magistrate of his powers or to remove him from office. My second proposition on the Judiciary is that all Judges and Magistrates should declare their wealth before assuming office and should continue to do so after every two years.

My third proposition on the Judiciary. We should have Constitutional court which should be charged with the responsibility of dispensing Constitutional matters. Then, I suggest that all judges and magistrates be transferred from one station to another after a period of two years.

To insulate our judges from corruption, I propose that the salaries of Judges and Magistrates, should be reviewed after every six years. I suggest that the provision in our current Constitution that a Judge retires at the age of 76 be upheld in our new Constitution. I also propose that the appointment of Judges and Magistrates be done by Judicial Service Commission. however, the appointed judges and magistrates should be approved by Parliament before the assume office.

I will also go back to the Executive and look at the powers of the President, I missed out some points. Before a President commits Kenya to any international treaty, he must consult Parliament and Parliament approves us that he commits us to any international treaty without him having to do it single handedly.

Then the last preposition is that when the office of the President falls vacant as a result of death, I propose that the Speaker of the National Assembly takes over as a President for a period of 90 days within which new elections will be called, and then I propose that the person who will assume office as a result of the death of the President should be barred or prohibited from contesting in the elections which will follow thereafter. That's all.

Com. Ratanya: Just hold on Reuben. There was a point that you raised about the question of entrenchment of Commission to the Constitution. You wanted an answer?

Reuben Amgira: Ya!

Com. Ratanya: Well, that one we cannot answer here because the matter is already before Parliament. Maybe the MPs will know about it. It is already there. We have already done our part, we have taken it to parliament. They are aware.

Reuben Amgira: But I am urging you to continue urging them to do the same.

Com. Ratanya: We are doing that, but the most important people to do it are the MPs. Why don't you urge your MP to do that? We go to Norman Makhaya.

Norman Makhaya: O.K. My names are Norman Makhaya Mugira, and I have the following proposals to put across. First, I start with devolution of power. It is my contention that there is no guarantee that by changing to federalism or majimbo, things are going to change for the better. In that we are going to worsen the situation and therefore consequently, I take this opportunity to suggest that we maintain the current system of government and that is the unitary system of government but at the same time create other centres of power. We shall create other centres of power through;

One, empowering Municipal Councils and County Councils. Two, the Mayors and Chairmen of such County Councils should

be elected by the people. Thirdly, I propose that the Constitution should impose academic qualifications on those contesting for the civic seat. I also propose that those contesting for the Mayoral or Chairman seat of Municipal Council and County Councils should at least be degree holders.

I also would like to propose that a person in the office of the Mayor, or chairman of the council should hold the office for a period of five years after which he can seek re-election for the second term which should be the second term. I also propose that each county council must have a speaker elected by the council..... by the councilors in their respective councils and must be a holder of a degree in law from a recognized university.

After empowering the Municipal Councils and the County Councils, we should as a matter of fact abolish the Provincial Administration by replacing them with leaders who are to be elected by the people directly.

Secondly, I will look at elections. On elections I propose that the chairman of the Electoral Commission of Kenya be appointed by the President but he has to be vetted and approved by parliament before assuming office.

My second proposal is that the Constitution should lay out the qualifications of the person to be appointed as chairman or Commissioner to the electoral Commission. my third proposal is that upon an MP declaring publicly that he has defected to another political party, the chairman of the electoral Commission should as a matter of fact, declare his or her seat vacant notwithstanding the fact that the Honourable Member has not officially notified the Speaker of the National Assembly and this will help us to tame political harlots who purport to be in two different political parties at the same time.

My fourth proposal is that the process of voter registration should be continuous. I would also like to propose that people should be allowed to register as voters using birth certificates and necessarily Identity Cards. I also suggest that the Electoral Commission should be empowered to deal with parties and candidates who commit electoral offences like violence and voter bribery by either disqualifying them or firing them.

Concerning land, the Constitution should prohibit further subdivision of land, to ensure that agricultural potential areas are not consumed by the large population so that we can have a security of food because if we allow further subdivision of land, then the effect that will follow, we shall not be able to control them.

Then secondly, I propose that everybody should be allowed to inherit land from his or her parents regardless of his/her gender

Com. Ratanya: Yes, Makhaya I think you hand in your memorandum now. I think time is up. Just wind up, half a minute.

Norman Makhaya: Then on environment, the Constitution should state in no uncertain terms, that the current forest

boundaries shall never be interfered with. This section should be entrenched in the Constitution so that even Parliament itself has no powers to pass any legislation that will interfere with the Constitutional provision.

It should also be provided by the Constitution that nobody should cultivate in a distance of 300 meters from any river however small it maybe or any water catchment area. The Constitution should also provide that before any major industrial investment has been undertaken in Kenya, the government must ensure that restrict research has been carried out. And finally on education, the Constitution should provide that basic primary education shall be free and compulsory for all. The Constitution should also provide that private schools should be employ qualified teachers especially those from private teachers training colleges and finally, I propose that canning of students be abolished totally because those who went through primary education in public schools will agree with me that some teachers had even turned into local terrorists and have instilled fear in students such that it affects their academic work. Thank you.

Com. Ratanya: O.K. Thank you Makhaya, we go to a student representative, Millicent Wangula. You are representing them?
O.K. They are observing.

Millicent Wangula: Thank you. My names are Wangula Millicent, I am representing St. Ann's students. The first one. There should be a very high penalty for any rapist. A girl child should be educated equally like boy child. Parents should consider them equally since all are their children.

Penalty should be introduced for those employing children under 18 years. Equal distribution should be offered for job opportunities between male and female since we all have equal education. Police should stop killing innocent students in universities. They are scaring us even to go there. There should be penalty for forced marriages. Girls should have rights over inheritance. That is maybe land or property inheritance. They should have rights over that. Corporal punishment or canning should be introduced in schools to back up discipline without forgetting that sparing the rod means spoiling the child.

There should be hard penalty for any illegal abortion. There should be equal development countrywide. E.g industrialization in rural places. Like around here, we have now power yet there is a school around. The road also is not even well made yet other places have got all these and all other social amenities available in their places. Land in the country should be divided equally. The poor and the rich should all have equal hectares or acres of land. There should be job opportunities for university leavers because they have the skills required for all these.

Fees should be reduced in all educational institutions for equal acquiring of skills, be it poor people or rich people, they require all the skills. Penalties should be introduced to the men who marry girls under 18 years. We consider that as forced marriage. Girls circumcision should be abolished because it creates ways for more and more trouble in girls. Teachers in relationship with school girls when found red handed should be sacked and more penalty applied.

Holiday vacations in universities should be reduced, hence the period of semesters are reduced. It takes too much time. Five months just for holiday vacations that is too much. Any school found with leakage should be suspended for three years. the taking of exams i.e. K.C.S.E. should be decentralized like Provincially. The setting of exams, internal exams should be regulated i.e. if this year was set by Central Province, then the next year should be Western Province setting the exams. More women should be on employment panels to protect the girl child during interviews. Girls should be protected especially at work places when been harassed sexually by the male bosses.

The government should give some little pocket money for school leavers because due to lack of employment, there arises things like thieves in society and drug addicts. So if they have got some money, I don't think they are going to steal because they have some little money.

Lastly, the 8-4-4 system is good but the government should improve on it to lead us to self-employment as expected. Thank you.

Com. Ratanya: O.K. Thank you very much Millicent with your fellow students. We go to Peter Kakai. It is your chance now Peter.

Peter Kakai: Mwenyekiti wa Tume, na Commissioners wengine wa tume hii, ningependa kupendekeza ya kwamba, Rais, - -

Com. Ratanya: Tuambie majina yako.

Peter Kakai: Majina yangu ni Peter Kakai kutoka Sinoko location. Maoni yangu ningependa kupendekeza ya kwamba, kwa upande wa Executive, Rais awe na powers zile ambazo anazo isipokua tuwe na nafasi nyingine ya Waziri Mkuu ambaye tena naye awe na Waziri msaidizi Mkuu.

Halafu, baada ya waziri mkuu kuteuliwa na Rais, kwa vile yeye ndiye ana-powers nyingi, bunge lithibitisha ili awe approved kwanza ndipo aweze kuendeleza kazi yake. Na kwa upande wa legislative, Wabunge waendeleo kuchaguliwa kama kawaida, lakini nafasi ya kuwapa ofisi kule Nairobi, kuwe na ofisi ndiyo lakini kama ingewezekana wawe wanajenga ofisi kwa kila sehemu ambaye wanaakilisha Bungeni ili wawe wanahudumia watu wale ambao wanakilisha. Hasa sana wabunge wale ambao tena hawaudhirii vikao vya Bunge kila mara, kwa ajili wanashuguli zao, hawashugulikii wananchi waliowachagua mbali wana biashara zao wanafanya kazi zao, hata hivyo wanatafuta tu pesa ya Bunge bila kujali mtu yule aliyewachagua wanamuhudumia ama hapana. Sasa watu kama hao kabla hawajatafuta nafasi ya kuomba kura, kwanza wangaliwe kuanzia nyuma, shuguli zao ni vipi. Iwapo ni watu ambao wana-professions kama ma-daktari au ma-engineer. Sasa mtu kama dakatari iwapo anachaguliwa kwenda Bunge, muda mwingi atauchukua kwa nafasi ya kwenda kuhudumia, kwa kutembelea clinic zake ama hospitali zake

halafu muda mwingi hataenda kwa bunge ili kuja ni nini kinachohitajika ili aweze kutoa maoni yake.

Kwa upande wa utawala. Utawala umenyanyasa watu kwa mara nyingi kwa sababu mara nyingi wanateuliwa kule kwa ofisi ya Rais na hasa sana wale ambao wanaenda kuhudumia, hawajui ni vipi wanavyo chaguliwa kwa sababu atachaguliwa tu, na anapokuja huku atanza kufanya kazi yake eti kwamba ni boss lakini yeye ni muhudumwa wa watu. Sasa wanaingiza mambo ya corruption ndani yake, kwa sababu amechaguliwa kule hatafutwa na hivyo sasa inamlazimu yeye anakua na kiburi. Nami ningependekeza ya kwamba, watawala wachaguliwe na wananchi na serikali iwe tu ni kudhibitisha na waendele na kazi hadi wakati wata-retire kama wafanyi kazi wengine wa serikali na baada ya hapo tena mwingine akitaka kuandikwa, iwe tena inazingatiwa kwa njia hiyo kama ya kwanza.

Halafu, kwa upande kama wa watawala hao hao, unaweza pata mtu ni polisi lakini wakati utawala unapotangazwa yeye anacha kazi yake, anaenda kuanza kutafuta ile kazi ya u-Chief. Kumaisha ya kwamba serikali sasa inafuta watu lakini yeye akiwa ni mtu wa kazi, aendele na kazi yake, mtu yule mwingine ambaye hana kazi apewe kazi hiyo kwa sababu hiyo ni nafasi ya kutengeneza kazi kwa nchi. Kila mara tunalia kwamba hakuna kazi kwa serikali lakini ni kwa njia kama hizo.

Halafu, Commissioners wasaidie kwa nafasi nyingine. Napenda kutoa maoni yangu ya kwamba, kwa mawizara mbali mbali, ziwe ziko decentralized. Ziwe zimepelekwa kwa kila eneo. Sasa kama mkoa haswa wa Pwani. Ni mkoa ambao unavutia watalii wengi. Sasa wizara kama ya Utalii ikiwekwa kule tunajua waziri atapelekwa kule na huduma nyingi anazofanyia kule zitapeleka pesa kule. Halafu watu kule nao watapata kazi ya kufanya.

Kama ni Western region ambayo ni sehemu ya ukulima. Wizara ya Kilimo iwekwe huku ili waziri na department zingine zote za kilimo hata zikija kuhudumiwa, pesa nazo ziwe zinasambazwa kila sehemu ya nchi. Hii itakua ni nafasi ya kutengeneza uchumi wa nchi kwa sababu tayari tutamaanisha ya kwamba kila sehemu inapata pesa ambazo zina-circulate. Sasa kwa hiyo kipindi, nimi nafikiri kama hiyo itatekelezwa itakua mzuri.

Halafu kwa upande wa ownership. Upande wa mashamba. Kunao watu wana mashamba kubwa kiasi hata ya kwamba hawayatumii lakini kunao wale hawana shamba hata point moja. Serikali ichukuwe ya kwamba mtu akiwa na shamba kubwa sana kama ni acre mia mbili hiyo ni sehemu kubwa sana na tena ni tajiri. Kama watu wengine hawana shamba, wapewe, na kupewa sio kwamba wapewe bure lakini ifuatiliwe ya kwamba waweze kuangalia mtu yule anaenda kununua shamba ni mtu ambaye background yake iko namna gani kwa sababu ya wezekana ya kwamba hawa matajiri wenyewe wanachukua watu wao wanakuja huku, wanaendelea kuchukua lile shamba lile lile ambalo serikali tayari imetengwa kwa wananchi kupewa.

Kwa upande wa ownership ya mashamba iwe namna hiyo. Na kwa upande wa mali, wale wana mali hiyo mali waiwache hapo nchini. Pesa I-circulate hapa nchini ili iweze kuendeleza uchumi wa nchi kuliko kupeleka mali kwa nchi za nje ili apate faida na mwishowe ni wale wenye nchi wale wanapesa ndio wanafaidika. Umasikini unapatikana kwa nafasi kama hiyo.

Halafu upande wa police. Police kama hawa haswa wenye wanaletwa. Wanaletwa kwa sababu labda wamefanya makosa sehemu zingine, sasa badala ya kumufuta anapewa transfer kwa sababu amekosa. Police akikosa afutwe hapo na hapo. Tayari kuna watu wengi ambao wanahitaji kazi, wachukuliwe wafanye kazi lakini iwapo tutaendelea na hiyo mtindo ya ku-transfer mtu kwa sababu amekosa kwa sehemu moja, hiyo italetta taabu na hakutakua na uongozi mwema.

Com. Ratanya: Jaribu kumaliza Bwana Peter dakika zako zimekwisha.

Peter Kakai: Asante Bwana Chairman.

Com. Ratanya: O.K. Asante sana Peter. Kuna Joyce Abuyoka kutoka St. Ann's?

Joyce Abuyoka: Asante sana Bwana Chairman, na wote ambao mumekuja kusikiliza katika siku ya leo. Kwa majina naitwa Joyce Abuyoka, nikiwa mwananfunzi wa shule ya Upili ya Mtakatifu Ann. Na mimi ningependa kuongea juu ya economic resources. tunaona kwamba kwa mfano wale watu ambao wanandikwa kuwa maids na watchman ni waluyha na kama mimi msichana Mluyha ningeweza kusema kwamba “Unaona wale Waluhya ni wale wasichana ambao wanafanya kazi zaidi kule Nairobi.” Na mwisho wa mwezi wanalipwa shilingi kama mia mbili, mia nane ama wakizidi zaidi shilingi elfu moja. Kwa hivyo mimi ningependa kwamba serikali ikaweza kuchukua hili jukumu. Tunaona mfano kama kule USA, America wana-import wafanyi kazi na inaletea nchi yao pesa ya kigeni. Ni kwa nini, serikali ya Kenya nao pia ikaweza kutoa passport kwa urahisi ndiposa watu ambao wanafanya kazi kama za watchman waende Ngambo na wakatuletea pesa za kigeni katika nchi yetu.

Halafu njambo lingine ningependa kuongelea, ni kwamba kazini- kule kazini kama wewe umemaliza shule yako labda umenda katika ofisi kutafuta kazi, unaomba kwamba kuna wale wakupwa kwa ile kampuni ama those bosses. Wana-ku-harass sana. wanachukua sexual harassment na kwamba we must have women rights. Kwamba sisi wote ni wanadamu ni kwa nini watutumie tu sisi wanawake? Halafu jambo lingine ni kwa role model. Tunaona wanawake wanaweza kuchukuliwa kwamba hao ndio mfano kwa mfano advertisement. Unaona hao ndio wako exposed, hao ndio uchi wao unaonyeshwa kwa advertisement. Kwa nini pia wasitumie wanaume? Wanatumia tu wanawake peke yake?

Tena jambo lingine ambalo ningependa kuongezea ni kwamba serikali ikaweza kuchukua jukumu la – yaani elimu ikaweza kuendeleza kabisa. Tukitoka katika kiwango cha shule ya upili hata tukifanya kule university tunaona wanachukua wanafunzi ambao wamepata alama za juu zaidi. Hata wataweza kuchukua wale wanafunzi ambao wamepata alama za chini ndiposa hata wakaweza kupata mahali ambapo wanaweza pata elimu na wanaweza kufanya kazi zao kujishindia na kupata mahitaji yao ya kila siku.

Halafu jambo la mwisho ni kwamba ukiua Mkenya, na kwa mfano uende - kama umekua mkenya uende N'gambo, ukifika

kule Ngambo uolewe kule labda na mzungu, unapewa kipande cha kule unakua kama citizen wa huko kwa hiyo nchi. Kwa hivyo hata mzungu akikuja Kenya labda umeolewa na yeye, pia na yeye akaweza kupewa ile haki ya kukaa hapa nchini Kenya kama mume wako na kule nyumbani kama – tunaona sana sana kwa Waluhya. Tunao wasichana Waluhya wakishaa olewa, ama ukikaa nyumbani - si kila mtu atatarajia kuolewa, kila mtu si lazima aolewe lakini tunaona kwamba Mluhya, ukikaa nyumbani lazima – unaona ndungu zako wanakufukuza wanakwambia “Ukatafute Bwana ukaolewe”. Na kwamba hiyo mali ni babako alikua na hiyo mali na hiyo mali ni ya kila mtu. Lazima hata wewe ukagawiwe. Ukiolewa kule N’gambo mfano, ukue kule wakufukuze kule N’gambo na mzungu uliolewa naye, ukuje Kenya huna mahali pa kwenda, utaenda wapi? Itabidi urudi kwenyu na ile mali ambao wazazi wako waliacha kama walikufa, ndungu zako wakaweza kukugawia. Na ni hayo, asanteni sana kwa kunisikiliza.

Com. Ratanya: O.K. Asante sana kwa maoni yako Joyce. Nenda uka-sign register yetu. Kuna Joyce tena. Kuomboka.

Joyce Kuomboka: Asante sana Mwenyekiti kwa kunipa fursa hii. Mimi nataka kuongea juu ya inheritance. Tunaona kwamba sisi wasichana, tunanyimwa jukumu la kugawiwa mahari. Kwa mfano, msichana anaweza olewa mahali fulani hivi, halafu aende huko Bwanake akufe, mumewe akifa, watu wakina mumeo watachukua vitu vyake. So tunaona akirudi kwao hana chochote cha kujisaidia. Sasa sisi tunaona, vijana peke yao wasiwe wakipewa mahari. Pia wasichana they are supposed to be considered in the society.

Haya, nina tuongea kuhusu school facilities. We see in schools like Alliance Girls they have a lot of facilities and a school like this St. Ann’s we have less facilities that we can compete with them and you can see that they want a school like St. Ann’s to compete with Alliance Girls yet us we are very poor in school facilities.

Also I want to stress in girls circumcision. We see in a community like Kisii, girls are been exploited. Girls are been exploited. They usually say girls are property because they usually circumcise them and this is not a right for a girl to be circumcised because even in the Bible, it has not been written that girls are supposed to be circumcised only boys.

Also, my last point is about the Human Rights. Women are supposed to be given their rights in places like jobs because we see the highest percentage in Kenya are women. Women are 64% and yet men are only 36%, whereby we see the highest promotion goes to men and women are given very low promotions. Like you can see a girl going there and becoming a secretary and you see a man becoming a President. Girls also want to become President. We also struggle to become President as men. Thank you.

Com. Ratanya: Joyce, sign hapa kwanza. Martin Michuki? Michuki yuko? Shipiti Inyangala? Ni wakati wako.

Shipiti Inyangala: Commissioners habari zenu. These are the proposals I would wish to make. My names are Shipiti

Inyangala from Nzoia location. Ya kwanza the Constitution we are going to write to be written in a language to be understood by all.

Number two, ya kwamba the Constitution should be the supreme law of the land. Number three, I suggest ya kwamba the old system of education – turudi huko. Number four, owning more than one job, i.e. you are a Chairman of this school, actually we have Kenyans who are very competent. I suggest ya kwamba mtu akuwe na kazi moja tu. So that we can also have other people wakue na hizi makazi.

Collection of taxes in this country iwe streamlined so that the government can have enough funds to undertake development and actually carry out its el nino if it is development programmes. This question somebody after serving the government retires and then he is still given employment when they are people ambao wame-qualify na hawapewi kazi, I suggest ya kwamba we should actually put people who have qualifications say from colleges kwa hizi kazi - say like the chairman of institutions maybe of medical facilities, schools and any other el nino. Any other public institutions, we should also have a situation whereby somebody retires, he has served the country, he should come home and actually rest, na huku tena munambeba munakuja munafanya he becomes maybe the Chairman of such an institution. These people should only be there for advisory.

Public Barazas. To have this Constitution ifikie kila mtu, I suggest ya kwamba public barazas should be made compulsory so that are made to come there and listen to what the government is saying. Then finally, elected leaders, say representatives like the councilors and the MPs should have offices in their constituencies.

Oscar Irungu: ...Nguvu za Rais kuwateua viongozi mbali mbali hasa Mabalozzi au waakilishi katika Ubalozzi wa nchi za nje, wakue Idara za Serikali na mashirika. Vi-course vyeti vya wanajeshi, na mawaziri katika wizara maalum. Tunaona Mwenyekiti, naona kwamba katika sehemu hii, imeweza kutumiwa vibaya sana na wale ambao tunawaita viongozi hasa ofisi ya Rais kwenda kuwateua watu mbali mbali kuweza kukalia nyadhifa hizi. Bwana Mwenye kiti tunaona kwamba nyakati zingine, watu wameweza kuteuliwa kuongoza nyadhifa ama Idara mbali mbali ambazo wao wenyewe hawana ujuzi wala hali hiyo. Sehemu hizi ambazo tunaweza kusema ni kwamba, ni sehemu za Mabalozzi, wawakilishi katika ubalozzi. Makatibu na Makatibu Wasaidizi. Permanent and Under Secretaries, Wenyekiti na wale tunao waitia Chief Executive of Parastatals, Ma-commanders wa Vi-course, Commissioner wa Polisi, Commissioner wa Magereza, hata Commissioner wa Ardhi.

Pia, tunaweza kuona katika Wizara mbali mbali, hasa Waziri anayehusika na mambo ya ulinzi, waziri anayehusika na mambo ya Science na Technologia, Waziri wa Afya, Kilimo, Wafanyikazi Hazina hata na wale wa Mipango. Wacha nitoe mfano huu. Waziri ambaye anahusika na mambo ya ulinzi, yaani Deminity of Defense, wamechagua mtu ambaye hata hajui tofauti kati ya AK47, na bunduki ya G3, au grenade na bomb. Bwana Mwenyekiti ningependa kuweza kufanya mabadiliko katika sehemu hii ambayo tumempa Rais mamlaka haya. Ningependekeza kwamba, Bunge pia ihuzishwe katika uteuzi wa watu hawa, na iwezi kua katika hali ifuatavyo. Rais aweze kuwateua watu kadha wa kadha katika nyadhifa hizi, na majina yao yapelekwe katika

Bunge, na watu hawa waweze kuchunguzwa na Bunge. Wawe kua ni watu ambao wamefunzu katika hali ya elimu au taluma hizo ambazo wameweza kuteuliwa.

Jambo lingine, watu hawa wasiwe na recordi za kihalifu, wala wasikue wameshtakiwa katika mahakama kwa kesi za kibinafsi, either na serikali, mashirika za serikali, mabaraza au vyombo vyote vya uma.

Jambo la pili ni kwamba watu hawa ambao watateuliwa kuweza kuongoza nyardhifa hizi, their tenure of office should be guaranteed by the Constitution. Only the Parliament should have the right kuwafuta watu hawa. Katika hali ya tatu, ikiwa katika hali ya kuwateua watu hasa hawa mawaziri, ipatikane kwamba katika kikao cha Bunge hakuna mtu ambaye amefunzu kitalumu kuongoza wizara hizi, basi huyo Mbunge aweze kuteuliwa. Na sio lazima mtu huyu awe ni Mbunge maalum. Awe tu ameweza kuteuliwa kama vile tunavyoona katika America, Secretary of State. Sio Mbunge wala Senate lakini ameteuliwa kwa sababu yeye ndiye anaweza jukumu hili. Na anaweza tu kuitwa katika Bunge, kulingana na timing order za Bunge na sheria za Bunge, kuweza kujibu mambo ambaye anatakiwa huko.

Jambo la pili ningependa kuongelea juu ya Rais na uchaguzi wa Rais. Sheria za kisasa hazitekeli wajibu huu sawa sawa. Ningependekeza ya kwamba, ya kwanza, uteuzi au uchaguzi wa Rais, uwekwe kando, usiende sambamba na ile ya Madiwani na Wabunge.

Jambo la pili ni kwamba, muda wa ugombezi, yaani campaign period for the President ikue extended kwamba watu wawezi kuwafahamu ni nani wanawapigia kura. Jambo la tatu ni kwamba wakati wa uchaguzi au tarehe isitajwe kua chombo cha Rais, mbali iweze kuenda sembamba na ratiba au time table ya Bunge.

Jambo la nne, mtu ambaye anagombea kiti cha urais, lazima awe ameweza kutumikia Bunge au kua Mbunge kwa kipindi kisichopungua vipindi viwili vya bunge. Hii ni kuweza kuzuia kwamba, tusiwe na Rais ambaye hawezi kujua mamlaka ya Bunge ni nini.

Jambo la tano, kwa mtu yeyote kusimama kua mgombea wa Bunge, ni lazima mtu huyu aweze kutangaza kwa hadhara au to be made public his tax returns. Yaani ushuru ambao amelipa kwa kipindi cha miaka sita zilizopita, na iweze kutangazwa hadharani. Ikiwa hataweza kufanya hivyo, basi mtu huyu asiweze kua Mbunge wala Rais. Tena, wale watu ambao wamegombea urais zaidi ya mara mbili akianguka, asiruhusiwe kusimama mara ya tatu.

Jambo la saba ni kwamba, umir wa miaka thelathini na tano kwa wagombea kiti cha Rais, ushukishwe kwa sababu hata tumeweza kuona kwamba viongozi wa umri wa chini, miaka ishirini na saba, wameweza kuongoza mataifa mbali mbali katika ulimwengu.

La mwisho Bwana Mwenyekiti, ningependa kuzungumzia juu ya uhuru wa kuabudu. Bwana Mwenyekiti tumeweza kuona ya kwamba matatizo mengi ambayo yameikumba nchi hii, hasa yale matatizo ya kijamii, ni kwa sababu ya kuweza kuibuka kwa makundi ya kidini ya kijamii ambayo hayaendi kulingana na matakwa, mila au tabia njema katika jamii. That is what we call the social and moral norms of the society.

Katiba ya Kenya inasema ya kwamba kila mmoja ana uhuru wa kuabudu. Hii imeweza kutumiwa vibaya. Bwana Mwenye Kiti, ninapendekeza ya kwamba, katika sehemu hii ya Katiba, mambo kadha ya kadha yaweze kuongezwa, na yaweze kusomwa namna hii. Nita quote kwa kingereza: "The freedom of worship is enshrined in the Constitution only if the manner and way in which it is done does not interfere with individual rights". When I talk of individual rights ama wakati ninapongea juu ya individual rights, it is the rights which are basically the right of life, education, access to health services, property and freedom to assembly. Inakua jambo la kuhudumisha sana tunapona vikundi vinavyoibuka kwa jina la dini ambazo vinaharibu taaluma ya kibinadamu kuhusika na zile tunazoita sexual immorality, human sacrifice, abortion, rape, corruption and drug abuse.

Com. Ratanya: Oscar, you have only a minute to go, try to summarize.

Oscar Irungu: Kwa hivyo itakua jambo njema ikiwa katika sehemu hii ya freedom of worship, wataweka limit kwamba wale ambao wanabudu wabudu kwa kiwango fulani, na wasifanye A,B,C,D. Ni hayo tu nashukuru. Thank you very much.

Com. Ratanya: O.K. Asante sana Oscar, we go to the next one, Bilha Mechume. Bilha Mechume ni wakati wako. Halafu hatafuat na Caleb Chiasi. Caleb Chiasi uko hapa? O.K. keti utafuata Bilha.

Bilha Mechume: The Chairman and the Commisison, I am represent Sinoko Women Location and these are there views. Principle of State Policy. Women should be given 35% representation in the Parliament, Local Authorities and all leadership policy position. The President and the Vice President should not be of the same gender. Constitution should be made accessible to everyone. Civic education should continue.

Citizenship; There should be automatic citizenship granted to any child whose father or mother is a Kenyan. Automatic citizenship for all Kenyans, female and male. Every Kenyan citizen should be entitled to a passport.

Political parties. Allow 35% elective postions reserved for women. Bill of Rights. Women recommend that the Bill of Rights, contain the convention of free legal aid and shall make effort to domesticate the component for application to the legal system.

Budget; budget should be read once a year and be respected for the goodness of a common man. Computers should not be there so that the employment for the youth to be created.

Devil worshipping. It should be stopped and religious denominations be reduced. Executive Judiciary. Legal aid be provided for all citizens who cannot afford legal fees, e.g. women, children and persons with disabilities. Legislature. Parliament to observe argumative actions that benefit women by 60% margin.

Economy, this must be granted. Education must be given especially to agricultural areas. Social rights. Social rights for food, storage, clothing and education. compulsory education upto standard eight and after that Military or Youth services to equip the youth with skills so that they enjoy themselves. Healthy environment should be granted. Land should be owned jointly by men and women and divided incase of any separations. Rivers should be protected. Savings and Credit Society must be in Kenya and be protected since other banks are falling. Education be given for banking. Polygamy. A husband should buy each wife a shamba or a house for her children. Thank you.

Com. Ratanya: Caleb, was told to wait na halafu kutoka Caleb, Christopher Wabunge will follow.

Caleb Chiasi: Thank you Mr. Chairman, my names are Cleb Chiasi. Health facilities. Kenyans should be given free medication. A law should be set on doctors, clinical officers and nurses who treat patients maliciously and stun action to be taken upon them. Fees in hospitals and private hospitals be reduced.

Provincial Administration. The Ap'S, the PC's, DC's, DO's, be elected by the Parliament. The Chiefs and Assistant Chiefs should be elected by wananchi and any administrator who will be found with a mistake be sacked right away. We should do away with the Administration Police (AP's) for they don't have work. They hold kangaroo courts which is corruption.

Education system. Education system should be free in Primary schools and it should be from primary, secondary, form five, form six and then university.

Ethnic clashes. From 1991, 1992 and 1993, many people were displaced from their farms. Therefore, it is my request that those people who burnt up houses and killed innocent Kenyans, to be arrested and charged and for those who were displaced, to return back to their farms which they owned. The killers should compensate for the losses they caused. In doing this, it would be a warning to any other attempt of such a thing.

Economy. To highlight on economy is that those who invested money Overseas to return it back. A law should be set to enable the government to return back the money. The corrupted people in any government institution, of tax collectors, custom officers on borders and ports to be published thoroughly by the law.

Agriculture. Government should be able to market each produce. The issue of liberalization be abolished. Meaning that the government should take control of the prices of the farm produce and should be a reasonable price. The quality values should

be checked properly on farm inputs from Overseas and within the country.

Security. The 7th August 1998 bomb blast in our streets in Nairobi is still affecting our hearts most. We should intensify our security by adding the period of training and to bring them to awareness of the newly independent weapons, artilleries used by the international terrorists. The officers on borders should be given newly invented machines to recognize territories who would want to target us also in airports and ports authority.

Commissions. The President should not be above the law whereby he will be setting Commissions which cost the government a lot of money and lastly the report brought forward is rejected by the government. Any Commission should be set by the Parliament.

Presidential trips. Presidential trips should be limited because they spend a lot of money which could be used in other development.

Currency. The Kenyan currency to have only the symbol of the first President who is Mzee Jomo Kenyatta. Access roads. Chiefs should be given powers to make sure that access roads are not been eaten by the ones who border them. Thank you.

Com. Ratanya: O.K. Asante sana Caleb. Sasa tunaenda kwa Gichambe Mahalaba? We had called you? O.K. Gichambe utamfuata Christopher.

Christopher Webuye: Asante sana Mwenye Kiti. Kwa upande wa maoni yangu ni kwamba kwanza, mila zetu katika Kenya kuna makabila arobaini na mbili kwa hivyo kila kabila ilikua na mila zao, na hizo mila zinatakiwa ziheshimiwe na zipewe nafasi. Kama kwa upande wa tohara, kuna kabila ambayo inapasha tohara kwa wanawake na wanaume. Kwa hivyo wapewe nafasi hiyo kwa sababu kulikua na sababu ya kufanya hivyo. Pili, napendekeza kwamba Rais asiwe Mbunge. Rais ajitokeze kupigania urais peke yake katika nchi nzima.

Tatu, kwa upande wa kuchagua kama mawaziri, iwe ni jukumu la Bunge, isiwe Rais. Na kufata ni kwamba katika location, ama popote watu wanatoka wawe wanakubaliwa kukunywa vinywaji kama pombe ambayo walikua wanakunywa tangu zamani kwa sababu tumehangaishwa sana na police hadi kwamba pombe fulani ni ya haramu. Kama pombe fulani ni haramu, hii ndiyo sababu watu walisema kwamba pombe fulani peke yake iwe inakunyiwa na hadi pengine pombe ile wale wanaokunywa ni wale wanopesa. Wale hawana pesa wananshinda kukunywa pombe ndio wanakwenda kukunywa pombe ile ya pesa ambayo wangejimudu halafu wanaenda kunywa ile pombe ambaye inawaharibu. Hii ni kwa sababu ya kuwekewa vikwazo. Halafu police wanapewa nafasi ya kupata pengine rushwa kwa ajili wanaposikia kwamba kuna pombe mahali hiyo wataipata kwa urahisi na pahali kuna uhalifu wanaweza kuitwa kwa muda mrefu sana na hawawezi kuingia kule.

Napendekeza tena kwamba rais akichaguliwa asiwe wa chama fulani. Rais akichaguliwa hata kama alikua chama fulani akisha pewa mamlaka pale awachane na chama kua mwenye chama fulani kwa sababu anapofika mahali kuna watu, anapomaliza huduma zake lazima anataka kujua ni watu gani ambao ni waile chama lakini hajui kwamba watu wote waliokuja kumsikiza walikua wa vyama hizo zote. Hivo tunaona kwamba angelikua sio wa chama fulani tungekua tunamfurahia ama anapea nafasi kwa kila mtu kwa sababu hawa wote ni watu wake.

Ya pili nasema misaada ambayo inakuja iwe kama inatumiwa kwa Ministry fulani, iwe inapelekwa kwa ministry ile kwa sababu ndio inajukumu la kujua ni kitu gani ambacho hutendeka katika ministry ile. Kwa mfano, donation kama ambayo tunapata ya ugonjwa wa ukimwi inapelekwa katika office of the President na huku wao hawana wataalamu wanojua hawa wanaugua ukimwi ni kina nani. Ama hawajui wanatunzwa vipi. Ndipo tunaona pesa kama hizo kama zingepolekewa wizara ya afya, hizo tungefanya kazi ambayo tunaona ni sawa. Kuliko kupelekwa Office of the President ambayo hajui mgonjwa anatumzwa namna gani. Ni hayo tu. Asanteni.

Com. Ratanya: Yes, kuna huyu mwingine niliita hapa, Gichambe Mahalaba. Mahalaba ni wakati wako. Halafu atafuatwa na Gerald Simiyu.

Gichambe Mahalaba: Kwa majina ni Gichambe Mahalaba kutoka Nozia location. Ninahaya mapendekezo. Kwanza, ningependa kumshukuru, kwa nafasi hii mumechukua kwenda round kuchukua maoni kutoka kwa wananchi. My hope is that at the end of the day, the views collected from the public will be well represented, we want to end up with the final document, so that we shall not have anything at the end of the day which has been deliberately doctored down to suit anybody's will.

Kwa mambo ya mashamba au land. I decided there should be a ceiling on land ownership. We have people who have got thousands and thousands of land which is lying fallow and yet we have to millions and millions of other Kenyans who do not have land at all. There should be a ceiling and I propose that the highest land ownership should be 500 acres. For anybody who owns land, whatever land you own, you should use it to the maximum. For the sake of producing food or meat. Because there is no need of owning land and then leaving it lying fallow yet we have got others who need that land, who would like to produce food and milk and they cannot use it, so there should be a provision in law that whoever owns land, he should use it to the maximum. For the benefit of the country. Because we boast of our country's economy been based on agriculture, so we cannot claim that rightly if we have got agricultural land lying fallow.

Thirdly on land is about fragmentation. This sub-division. There is too much subdivisions going on. Some pieces of land have been divided into such small portions that the portions so sub-divided are not economically viable. We are turning the whole country into camps or villages and yet it is agricultural land. I propose that members of the Land Control Board, members appointed to Agricultural Board should be people who are enlightened. People who know about agriculture, people who know about land. Because at the moment what is happening we have anybody just depending on how-in what good books you are

you are just appointed land control board member and yet you don't know what goes on in land or in agriculture. So you go giving consent for sub-division into very small portions which cannot be used at all.

Executive. I think Mr. Chairman you now have a field day here and I don't know if you know why you have a field here. In Nantili you were very busy. They were so many people, but it happens that today we do not have many people here at all. Why? Because of the executive. I still maintain that we retain an Executive President but the President should not be above the law. The President should not be above the law, like in the case is. Because if too much is invested or given to one person it corrupts. Because they say power corrupts and indeed absolute power corrupts. Infact, I have a feeling that the oscillation of corruption is to this extent just because we have power concentrated on one person, which is not fair at all. I think the Executive should not have all the powers to make all the appointments to key positions like those posts which require security of tenure. Those appointments to such posts and other key positions should be certified by Parliament.

Com. Ratanya: O.K. Try to wind up now.

Gichambe Mahalaba: We should continue hold elections every after five years, and elections of Parliament and Local should be running at the same time. Elections of Mayors and Chairmen should be made by public and not by a group of delegates or afew elected councilors. They should be elected by the public and since time is running out, when it comes to land again, I will therefore go back to land, there should be a provision in law that all access roads of should not be interfered in any way at all. We have so many cases in the countryside, where access roads and even major road reserves have been interfered with by power of individuals.

Com. Ratanya: O.K. Gerald Simiyu? Asante Bwana Mahalaba. Lets have your memorandum.

Ronald Simiyu: The Commissioners, secretaries and all .Mimi hapa ningependa kusema kwamba - -

Com. Ratanya: Sema majina yako Bwana Simiyu.

Ronald Simiyu: I am Ronald Wafula Simiyu.

Com. Ratanya: Are we talking to Wafula or Gerald Simiyu? Where is Gerald Simiyu? Are yu Gerald Simiyu? Who wrote this one Bwana Co-ordinator? We would like to know the right person. So, where is Gerald Simiyu? He is not around. Your name is eh – since you are already seated here.

Ronald Simiyu: I am Ronald Simiyu.

Com. Ratanya: Ronald? O.K. Tell us your name and then you go ahead.

Ronald Simiyu: I am Ronald Simiyu, na ningependa kusema kwamba, kiongozi ambaye atateuliwa kua Rais, anatakikana angalie masilahi ya wanafunzi haswa kuna wanafunzi wengi ambao wanamaliza masomo na hata wanamaliza courses zao na baada ya kumaliza hivyo, wanapata cheti mzuri lakini hakuna nafasi kwao. Sasa inakua kama waste na tena inakua influence mbaya kwa sababu kama kuna wale ambao wataiga mfano wa wanafunzi nyuma, wataona kama fulani amesoma mpaka university ama fulani amesoma mpaka N'gambo ama amepita vizuri na hana kazi, hana maisha mazuri, hao wengine hawataiga huo mfano.

Na vile vile kama wanafunzi hawatangaliwa masilaha hayo, kuna uwezekano, yaani kuna influence ama watu wakikaa pamoja wengi kwa mfano tuchukue Kenya – kila mwaka wanatoa wanafunzi zaidi ya maelfu kutoka kwa kidato cha nne, na kwa hao wote, wanachukuliwa kama mia moja peke yake. The rest hao wanakua waste. Halafu sasa hiyo ndiyo itakua sources ya umasikini ama vitu kama hii mambo ya ukimwi vile inakua nyingi hivi kwa sababu mtu akisoma na anoe kama hakuna kitu anafanya ama hakuna kitu ambacho serikali wanamshugulikia, atarudi kwa mambo ya vinywaji, na kuburudika mbali mbali na hiyo ndiyo causes ya vitu kama ukimwi sana sana.

Vile vile tunaomba serikali iangalie kwa sababu tunaona kama kuna umasikini hapa Kenya, kwamba hakuna chakula, na kuna mashamba ambao kuna watu wanarithi, wanaichukua. Sasa mashamba kama hii wahakikishe kila Mkenya amepata kitu kidogo ili wafanye ukulima, tusikue na mambo ya umasikini ati tunakuta watu wanasema hatuna shamba hata plot peke yake, na kuna mashamba mahali ambayo iko wasteful, hakuna watu ambao wanaishugulikia. Asanteni.

Com. Ratanya: Asante Bwana Ronald. Ayos Wafula> O.K. Asante. Nelson Chengo? Moses Githegi? Mathew Wamalwa? Sammy Simiyu? Then there is Paul Osibisa Kituyi? Paul Osibisa Kituyi ataendelea kutoka kwa Sammy. Sasa ni wakati wako.

Sammy Simiyu: Asante sana mwenyekiti. Mimi maoni yangu ni hii. Ninaonelea ya kwamba, utawala wa mikoa utolewe kabisa kwa sababu hiyo system ya utawala ya mikoa, wakoloni ndio walikua wanaitukikia, wakinyanyasa Wafrika ili wasione yale mabaya ambayo wanafanya. Na tena ukiona utawala wa mikoa, ati unyakuzi wa ardhi, vile watu wanasema unyakuzi wa ardhi, utawala wa mikoa ndio huwa wananyakua hii ardhi, wanatawala wao wenyewe. Na wengine wanaendelea kukosa ardhi.

Tena utawala wa mikoa sasa, bado hawajafundishwa sheria ya kutumikia wananchi kwa njia nzuri. Inatakikana wao watolewe, halafu warudishe watu wengine ambao hawajui sheria ili watumikie wananchi kwa njia nzuri.

Maoni yangu ingine ni kwamba system ikuje, wananchi wapewe sauti ya kuamua, ni jambo gani linaweza kufanyika. Kwa serikali hii ya sasa hii, mwananchi wa kawaidia hana sauti, anagandamiza tu kwa njia ile ambayo wao wenyewe wanaelewa.

Kazi. Kazi iwe mtu moja kazi moja. Lakini watu wanajibandika tu kazi. Unaona mtu moja ana kazi tano, na ndiyo ukaona mzungu akasema you cannot serve two masters. Na ndiyo unaona kazi nyingi zinaharibika sana, kwa sababu ya watu kuji kazi moja na wale watu wamejipangia kazi mingi mtu mmoja.

Biashara ndogo ndogo hivi kama viosk nini. Hizi biashara ndogo ndogo ambazo ziko chini ya kama kiwango ya elfu kumi, wasilipishwe ushuru kwa sababu hicho ni kitu ambacho wananchi wamejisaidia ndani yake. Wananchi masikini wanajisaidia ndani. Sasa ukilipisha ushuru, si utakua unanyakua faida yake wewe unakula?

Police. Polisi hawa, baadhi yao hawajafundishwa sheria. Wao huwa wanatumikia wananchi vibaya sana. Na inatakikana polisi wafundishwe sheria ilivyo kwa sababu wananchi hawajui sheria, polisi ambao wameandikwa hawajui sheria. Sasa wajinga wawili wanaweza kusaidiana vipi? Hawawezi kusaidiana. Asante sana mwenye kiti ni hayo.

Com. Ratanya: Asante Bwana Simiyu. Paul Osibisa Kituyi?

Paul Kituyi: Thank you Mr. Chairman, constituency review amendments of St. Ann's. These are my few contributions as per the amendment of the Constitution review. O.K. It is a sort of a question. The rights of vulnerable groups. What other groups do you consider to be vulnerable? I believe the farmers constitute one of the vulnerable groups in Kenya, more so the maize farmers. The current policies governing the maize farming sectors are not favourable to sustainability of the sector. In that, maize is a staple food of millions of Kenya. The government does not offer any subsidize to the millions of peasant farmers who struggle to feed the nation.

The prices of farming inputs keep souring whereas the price of the produce remain uncontrolled, thus, it might not arise as a surprise if the nation is forced to import maize during the coming year. Ironically, the current constitution does not have any policies to safeguard this sector. I believe that it would be better to have safety measures within the constitution to protect the sector.

International relations should not and regulations made by the regional organization that Kenya belongs to have an automatic effect in domestic law. A sort of question. No those in direct confrontation with the law and regulations should be allowed to expound their views and if possible present their defence. Their mandate has to be sort therefore I believe whoever – the signatories must first seek the opinions of those concerned. As in the latter case before signing the Comesa courts, the government should have sort the mandate of the people so that as to have stabilized production. There should be provision within the Constitution to empower law to recruit investor, the executive, where matters of regional and national conference differ.

Another point. Errand MPs and poor councilors. The Electoral has to be given the mandate to deal with errand MPs, that is to say, those who after been elected ought to live and work out of the Constitution regardless of the elections. The Constitution has to vest some powers in the electoral, to withdraw them from the national assembly since what they are serving is personal and not in any way related to the development of the constituency. We also need the power to restrain the MP who diverts from the train of thoughts. He eats indirect contrast or arrongance to the constituency. We should be empowered to create committees to discipline our errand MPs. Thankyou Mr. Chairman.

Com. Ratanya: Ya, then we have Richard. Richard yuko? Richard Ngonda? Rucgard Ngonda is not there. Washington Obonyo. It is your turn now Washington.

Washington Obonyo: Kwa majina naitwa Washington Obonyo. Niko na machache ambayo nataka kuzungumuza juu ya Katiba. Ya kwanza ni industry. Viwanda vinatakiwa vigawiwe kila Province. Ya pili, wafungue Ministry of Works. Kama zamani ilikua Head Office katika kila Province. Hiyo inaweza kuokoa watoto wapate kazi.

Ya tatu. Sarafu zetu zisiwe na picha ya President. Na zisije zikabadilika kila siku. Unakuta ingine iko kama funguo ya nguo. Ni hiyo tu, sina mengine.

Com. Ratanya: Asante sana Bwana Obonyo, hayo ni maoni mazuri. Tukienda kwa mwingine ni Tom Apiyo. Tom Apiyo? Ninaona Tom hayuko. Clamestus Kauka? Twambie majina yako vizuri haikuandikwa vizuri sana. Tuambie vizuri majina yako.

Elistus Kauka: Kwa majina ni Elistus Kauka. Mimi nitazungumzia participatory governance. Democratic governance requires participation of all people at all levels of the government. In our area, a *likuru* is a village elder titled in most Luhya communities. *Alikuru* is a council of elders which should exist and be recognized by the Constitution since they are the first link between the families and the provincial administration. More than two families make up a village which needs governance. It is ruled by a village elder or a *Alikuru* or *Mkasa* who arbiters for them whenever in conflict or in need of assistance from the community. Their work should be defined, their responsibility elaborated like any other civil servants. They should be trained to handle development projects on village level, such as access roads, culvert, drainoffs, soil and environmental conservation, for this will enhance economic recovery from the village level which is politically termed as grassroots. For example, from my area of residence, no one can buy a piece of land without the consent of a *Mkasa*, whose signature is termed as a proof of Kenyan land transaction.

He reports the land transaction to the provincial administration which is the Assistant Chief's office. Several villages make up a sub-location which is the smallest unit of governance in the current hierarchy of provincial administration. *Makurus* in turn form a council of elders headed by an Assistant Chief as the lowest rank of administration officials, but the Constitution should change and recognize Senior *Likuru* and *Alikuru* as officials in the Provincial Administration.

The Judiciary should allow their participation in some cases especially those from rural areas for they live together and have some interactions to know each other and this would ease congestions in some of our prisons for otherwise very petty cases. In the current Constitution, they do exist but they are not recognized Constitutionally. For example it is the *Mkasa* who reports death, new births, illness, insecurity of his area to the Assistant Chief. This makes them very usual instruments of Provincial Administration of the current government and at the same time they have a direct link to the Administration. For instance, we would like if the new Constitution could come up with something like the hierarchy to read the office of the President, Permanent Secretaries, Office Provincial Commissioner, District Commissioner, Divisional Commissioner, then Chiefs office, Assistant Chiefs office, Senior *Likurus* and *Alikuru*. Due to the *Likuru*'s responsibility, *Alikuru*'s should be able to write, should be conversant with Kiswahili in spoken and written, should be a resident of that village, should have an understanding of the cultures and ethnic diversities of that village. For example in my area, we experience a mixture of cultures. That is Bukusu, Tiriki, Maragoli, passage rite ceremonies which are carried out in different season and occasions.

The *Likuru* represent the Provincial Administration in land transactions. For example, if the person wants to buy a piece of land in our area, the *Likuru* must be present. One, to know who is the new comer and where he comes from. It is his duty to report to the Assistant Chief about the transaction. He is there to see that no one sells a road reserve in his area or grab it for his own use. The Constitution can only protect office of the *Likuru* by recognizing it under the Provincial Administration, as the lowest rank in the administration ladder and that will make the village as the smallest unit of governance. The Assistant Chief and the Senior *Likuru* appoints the *Likuru*'s after a long time of consultation with the residence of that particular village. ‘

The villagers have a right to reject a bad or indisiplined village elder. My second point will be on. Ningependekeza kipengele cha sheria nambari sabini cha Kenya, kiweze kufanyiwa marekebisho. Hiki ni kipengele ambacho kimefanya tumeona uhakama mkubwa. Kwa vile hiki ni kipengele ambacho kina prohibit local African alcoholic beverages, like in this area of my residence, we have *busaa*. Ukiangalia kwa ukweli, kama tunataka tufunze watoto ama sisi tuende shule tusome na tuweze kukua scientist, to produce our crops that will enhance us to an industry, mahindi na mutama – there are two products that farmers of this place grow, and due to kuifanyia chemical exchange, unapata ati wanapata *busaa*. After fermenting maize flour and doing some scientific things on the wimbi to form kimera, after mixing, inaleta *busaa*.

Sioni ni kwa nini kampuni kutoka South Africa, ikuje itengeneze castle or any other brand in our country and yet we can produce our own local products. That means we are not cherishing our African culture and one of our panafricanism is that we want to make Africa a better place for Africans. Hiyo ndiyo sababu tunaona serikali yetu ya Kenya imewezesha kuonganisha mikono na nchi zingine, kuanzisha kitu kama NIPARD, AKOA, COMESA, na hivi majuzi wameanzisha African Union. Ikiwa tunaweza ku-enhance our own scientific efforts that we have gone through to school to acquire, utapata ya kwamba we have economic abilities or economic potentials from other Africans. Instead we have relied on outside assistance, ndio sababu tumekwama kwa kila kitu. Kama kwa mfano, Kenya we acquired political independence in 1963. This Constitution we are

looking into to chance, we want it to make us have economic independence because in Kenya I am sure everybody is aware of his political independence. That is why we can join parties without discrimination. Hakuna mtu anakuzuia kujiunga na chama lakini wakati tunafika kwa economic independence, that is where we don't have any priorities, any abilities of making that, kwa sababu we are changed down by the white man's binu ambazo ali-formulate kuona ya kwamba ametushikia chini.

Sasa kama hiki kipengele cha sheria numbari sabini kingelifanyia marekebisha, -

Com. Ratanya: Ya, jaribu kumaliza. It is specific recommendations. Maoni kabisa maoni yako, mapendekezo.

Elistus Kauka: O.K. kumaliza, ninapendekeza hivi. Kipengele nambari sabini cha sheria ya Kenya kifanyiwe mabadiliko. Ili kisifunge wale watu ambao wamepatikana na busaa ambayo ni product of our own African product. Asanteni.

Com. Ratanya: Kuna swali hapa kidog bwana Kauka. Hata unaweza kuketi. Umegusia mambo ya Likuru, so swali la kwanza ni kwamba, huyu *Likuru* ndiye *Mkasa*? Ama kuna *Likuru* na *Mkasa*. Hiyo ni moja.

Ingingine, hawa wakiingizwa kwa hiyo system ya Provincial Administration kama vile umependekeza, watachaguliwa na nani? Ama njia ya kuwachagua ni vipi?

Elistus Kauka: Likuru ndiye *Mkasa*. *Mkasa* ni kwa Kibukusu, na *Likuru* is the general term in all Luhya communities. Halafu, kwa kuchaguliwa, the Assistant Chief and senior *Likuru* appoints one of their villagers ambaye wanaona he has the abilities of leading, na wanafanya consultation with other villagers kuhusu if this man is able to lead others, na ndiposa wanamchagua.

Com. Ratanya: Wycliffe Makanyanga? Bwana Makanyanga ni wakati wako sasa.

Wycliffe Makanyanga: Commissioners of the day, my colleagues, Constitutional Review people who have assembled here, my names are Wycliffe Nyongesa Makayanga, ready to present here information on Constitutional review. First and foremost, I would like to look at the Kenyan Constitution. this is the word Preamble. Our Constitution actually lacks a preamble. Therefore, my proposal is that, the Constitution should have a preamble. For example here I have written "*We the Kenyans, here we are solving and renewing our Constitution, to strengthen liberty and democracy, independence, freedom, rights, human dignity and human virtue and eventually, we will attain a commom achievement and future generations will appreciate positively towards this transparent Constitution of Kenya.*"

Secondly, I would like to look on the political parties. The political parties should be reduced automatically. Since the year 1992 as we look upon, we can realize that the parties are too many in the Kenyan government. Political parties should be reduced from 48 to five main political parties and the process of reducing parties is this; we review our mind to the year 1992

and the year 1997 and then we look upon to see that the parties which have never been involved in general elections should be rubbed out of the registration of the parties of Kenya or the societies.

Secondly, the parties should give out the policies and manifestos and ideology so that they can be registered and the registration body should be the parliament which is supported by 75% not 65% as it is. Therefore I look upon the Parliament. The Parliament should be empowered and should be independent and impartial, not weak as it is. Therefore I mean that, the parliament nowadays is weak. Therefore I call upon you Kenyans to support my point and strengthen the party which is a Parliament as an arm of the government. 65% of Members of Parliament should be changed to 75%.

Thirdly, as I observe, the Parliament should be in position to have elected President, elected Vice President, elected Prime Minister, elected Deputy Prime Minister and the process of this is this; when a party or when a candidate for Presidential is attaining 51% of the total casted votes, should be automatically called upon as the President of the nation and that President should not be a Member of Parliament, but should be an individual who has come out and represented Kenya as a whole. If the candidate fails to acquire 51%, if that Presidential candidate fails to acquire 51% of the total votes cast automatically but he has acquired at least 30% from every Province, then he should be the first President and –

Com. Ratanya: (Interjection) Try to sum up because we shall read the memorandum. You were only to highlight the most important points. Time is up now.

Wycliffe Makanyanga: O.K. I would like to wind up. The loyalty pledge should be reviewed. The ministers should not be Members should not be Members of Parliament. The Ministries should be reduced to 15. Assistant Chiefs, Chiefs, DC's and so on should be abolished. Councilors should qualify as a candidate when he has a certificate of form four with a D+ and above. Every Member of Parliament should at least have 18 years to 70 years.

Com. Ratanya: (Interjection) O.K. Jaribu kumaliza sasa. Umemaliza?

Wycliffe Makanyanga: No.

Com. Ratanya: (Interjection) Maliza sasa

Wycliffe Makanyanga: Every Member of Parliament should have at least 18years to 70 years. Therefore in the Kenyan Constitution which is now present, it states that in order for a person to qualify as a Presidential candidate, he should be 35 years.

This should be abolished. Therefore if we observe the Kenyan government, it tries to explain that an 18 year old man or woman is actually a mature person. Therefore we call upon a person to be 18 years to qualify to be a Presidential candidate or a Parliamentary candidate or a civic candidate. Therefore I honour that and say that we should observe on that.

Secondly to qualify as a Member of Parliament, you must have a diploma and above. To qualify as a President you must have a degree and above. Prime Minister should be appointed. Prime Minister should appoint Ministers and the Parliament should approve by 75%. The Ministers should be at least from eight Provinces and these Ministers should be eight women and seven men. Speaker and Attorney General should be elected by 75% of voters by Parliament. That is the endorsement of the Speaker and the Attorney General should be actually by Members of Parliament.

When we observe on the local government - -

Com. Ratanya: (Interjection) You don't have more time. Remember this morning I said, if you have a memorandum, and this is what we have been saying since morning, that you only highlight the most important points and then give us your memorandum, we shall read, we have got experts to read and analyze. So, you have spent more than ten minutes, you only had to spend only five minutes. So time is up. Give us your memorandum and we shall deal with that. Otherwise thank you very much for the views you have given, you have highlighted. Yes.

Wycliffe Makanyanga: The local government should introduce the Speaker and the Attorney General.

Com. Ratanya: (Interjection) We shall read everything. The next one is Karoli Wekesa. Nani Karoli Wekesa? Ni wewe? O.K. Wale ambao wamefika sasa ningetaka kuwakumbusha kwamba tulipeana hata time ambayo utachukua. Ukiwa huna memorandum, utatwambia mambo yako kama dakika tano hivi, lakini kama una memorandum, kwa sababu hiyo tutasoma na utatupatia, it is just to highlight the most important points. Kama una points ishirini, tuambie ili ya muhimu kama mbili, tatu, ingine utatupatia tutasoma. So don't take time to read through all your memorandum. You have known it and you can highlight the most important points please. So now we have Bwana Karoli Wekesa. Hapa jina haikuandikwa vizuri lakini naona huyu ni Father. Reverend Father Karoli Wekesa ni wakati wako. Thank you Father.

Rev. Karoli Wekesa: So I would like to present the following points to our Commission. I will start with the system of government. The system of government in our Kenya should be democratic and that democracy should start away from the Parliament itself. That is we should have a system of parliament where the Prime Minister is the Chief Executive and the President is a ceremonial man with limited powers. The President should be a ceremonial man with limited powers.

Two, qualifications for aspiring candidate for the Presidency. That the President should be above 40 years of age. He should be a Kenyan resident for at least 20 years. He should be sponsored by political parties and not to represent a constituency, thus he should be a national speaker. He should be a person of high morals and ethical standards. He should be a person with a family. He should be a man or woman with at least the lowest rank of education of a degree. He has to be free from criminal charges in the Kenyan system or anywhere else in the world. He should at least be a man who can acquire 1000 signatures

from each Province supporting his candidature.

I come to the MPs. the MPs should also be 40 years and above, men and women of integrity. They should be degree holders. Councilor. A councilor should be able to hold a diploma or at least minimal education should be K.C.S.E. That is form four. The MP/councilor should be answerable to his or her constituency and be fired at any given time when he is seen not to be performing.

Money received or earned by councilors and MPs, half of it should be used for the development of the area from where they come from. The Legislature should have powers over the President in matters of law because they are experts in such fields.

The President should not misuse public funds, and should not be scandalous in activities e.g. Goldenberg and any other scandal that any President can cause in our beloved country. Misuse of powers in the office, he should be answerable to it. No abuse of human rights and if so, he should be removed from power by impeachment.

The local government. On the local government I feel very strongly that the Mayors should be elected by the electorate, not a few councilors. Since they represent other people or the electorate, they should be elected.

Defections. Any MP or councilor who feels like defecting from his party, should be able to surrender $\frac{3}{4}$'s of his salary to the treasury of the constituency. There I mean that there has to be a treasury for the constituents so that any well wisher can be able to donate his money to that treasury. The defector should only be worthy standing in any other given party after having stayed in that party that he has joined for a period of 12 months, not he comes today and tomorrow he standing for the same.

The date of elections. That the date of elections after the five years that we have at present, should be fixed and known immediately after the other elections have just ended. That is, it is not the prerogative of the President to tell us when he can dissolve the parliament or not, so we should know when we shall have the next.

The new Constitution should be able to cater for the appointment of the Attorney General, who is independent and whose role is to head the prosecution of the country. The judiciary. The Judiciary should completely be separated and delinked from the Executive Arm. The Attorney General should act as the Chief legal advisor only to the government.

To wind up, I come back to my area of operation, the worship. We realized that in Kenya we have the freedom of worship but we have abused it. So, I would prefer that the freedom of worship should be looked into once again and therefore we have enough judges in Kenya where our people can be able to join and worship well, the one true God whom we know. So this question of registration of other Churches which have no background should stop and cease immediately. There has to be the churches which are known and have basic morals for the Kenyan citizens. If there has to be any other church to be registered

today, it has to go thoroughly through a set committee from the Parliament which should either approve or disapprove it.

Individual rights should be respected and that is worship should be on specified days. You find that at present people are making noise all over in the night and they say that they are exercising their freedom of worship. It defeats the purpose for it.

Economy. The economy of Kenya has been watered down by individual Kenyans, therefore I feel that it is the collective responsibility of every Kenyan to develop his country. So we have a lot of economy which has not been utilized well. Giving an example of the Lodwar dessert which affects, we have many people who have new technology who can use it to tap solar system so much that all the Turkanas can be moved from Turkana land and brought down this way where we have massive land and be settled hence the solar system can be used in Turkana to serve us in other areas.

Com. Ratanya: Father, try to wind up. You know we have to read the memorandum, so make the summary please.

Rev. Karoli Wekesa: Lake Victoria as well can be used for power system which already it is been used for and direct irrigation systems can be generated from the same. All squatters should be settled on fallow land which is lying around in Kenya so much that they should feel like any Kenyan. There has to be a ceiling of land and this ceiling should be determined by the parliament. Thank you so much I will present another time anywhere else.

Com. Ratanya: O.K. Thankyou very much Father, give us your memorandum and you also sign our register. We go to Leonard Makokha. Leonard is not around, Japeth Osilu.

McDonald Lekhanda : The Commisssoners, I am McDonald Lekhanda and I am represent Japeth Osilu who has gone to Nairobi. So the points are these.

Com. Ratanya: Sema majina yako.

McDonald Lekhanda: McDonald Lekhanda and I am representing Japeth Osilu.

Com. Ratanya: Are you Japeth Osilu?

McDonald Lekhanda: I am McDonlad, I am representing him.

Com. Ratanya: Ya, tell us your name.

McDonald Lekhanda: Japeth Osilu.

Com. Ratanya: Where is Osilu?

McDonald Lekhanda: He has gone to Nairobi.

Com. Ratanya: O.K. What you can do, you can just hand in the memorandum. But if you have any to speak from your own views, you can sit down and tell us, but for Osilu you hand in the memorandum. We have Rida Anyonga ako karibu? Fred Kinyanjui Kimani? O.k. Ni wakati wako Bwana Fred.

Fred Kinyanjui Kimani: Mheshimiwa, jina langu naitwa Fred Kinyanjui Kimani kutoka Matunda. Nimeleta maoni yangu. Ya kwanza, uwezo wa President upunguzwe kidogo. Two, katika nchi yetu ya Kenya, tumekua tuki-auction-iwa vitu, iwe katika Katiba mpya mtu akichukua loan, auction ipigiwe marufuku katika Katiba yetu ya Kenya.

Ya pili, mashule yetu ya Kenya, kwa vile ma-form yanahitajika, iwe ikitengwa pesa huku ambaye mashule ijengwe na serikali yenyewe kwa mijengo aina ya serikali. Ya tatu, watu wenye ujuzi wa biashara na hawana kazi, iwe Katiba iwapatie loan kidogo ambaye haina faida waweze kujimudu kimaisha ya kisasa.

Ya nne, watu waliosoma, na wakakosa kazi, kwa sababu tunatoa wakue wakipata pesa kidogo watoto hao, na kwa vile mzazi amesomesha watoto karibu kumi na nane, na hakuna mwenye amepata kazi, vile vile hata mzazi huyo apate kitu kidogo kwa serikali yetu.

Moja imesemwa hiyo ya Mkanisa, tunataka kuabudu Mungu aliyehaki na ukweli imesemwa hakuna haja ya kuingia tena. Kulingana na Katiba ya Ku-worship, inatakikana tuombe Mungu aliye Mungu aishiye juu Mbinguni. Tuache kuingilia kanisa ya mashetani kwa sababu kazi yake ni matatu tu; kubomoa na kuharibu na kuua watu. Tuombe Mungu aliyehai asiye bomoa sisi, ili maombi yetu yasikike.

Ya tano, mtu akikopesha loan mahali popote hivi, kwa sababu tumekua tukikopeshwa ma-loan, munakubaliana utalipa pesa kiasi hii, ili ulipe mara tatu. Hiyo loan umepewa elfu mia moja hamsini, hata kwama kweli watakulipisha waseme wanataka hamsini, ulipe hamsini hiyo na hamsini ingine mara ya tatu ishe.

Ya sita, Mbunge yeyote atakaye ongoza watu wagombane kiukabila, Mbunge huyo apigwe marufuku. Katiba imuondoe katika uongozi wa watu, na aondolewe juu ya watu kwa sababu ameshindwa kuhudumia wananchi.

Wakati vita ya clashes ilikua iko, watu wengi walifanywa maskini. Kwa hivyo tungeomba Katiba ya kisasa, ichukuliwe jukumu, watu waone ya kwamba, wameletwa mpaka mahali walikuweco. Waweze kujimudu. Kuna watu walikua na mali, na wamekua

maskini sasa, wamefilisika, tuone ya kwamba wameletwa mahali panapohitajika.

Ya saba, watoto wa shule na pia mijengo iwe ni mzigo wa serikali ili masomo iwezekane. Mzazi ambaye alikua anakisomesha watoto wale, na sasa anakaa nyumbani, alitarajia atapata kitu, amekua maskini, watoto wamekua maskini na alikua mfanyi biashara wakati huo au mkulima, apate loan. Nikimaliza, kilimo, iwe kwa Katiba ikue ikichuguliwa na serikali, hata kama watanunua au hawatanunua, sisi tuwe tukichukua pesa zetu kwao. Wakishindwa kuuza, sisi tunapesa.

Nikimazilia, mfungwa akishikwa, kabla hajahukumiwa, alalange vizuri, kwa sababu labda mungemua na alikua hana hatia. Kwa hivyo iwe kwa Katiba alale vizuri, akae vizuri mpaka kesi yake itakapokwisha, kama ni kufungwa afungwe. Mateso ya kifungo ipunguzwe. Na kwa hayo machache, Bwana awabariki.

Com. Ratanya: O.K. Asante sana Bwana Kinyajui kwa hayo maoni yako. Utakuja hapa. O.K. Sasa, wale ambao walikua wamejiandikisha kama observers, tumekua nao hapa na tumeshukuru sana kwa sababu wamekua wakisikiliza, na wale ambao walijiandikisha hapa kuzungumza, wote tumemaliza, lakini kama kuna mtu yeyote ambaye ana kitu ambacho ni kipya, sikuja kurudia yale yote tumesikia kutoka asubuhi, ni mambo mapya, jambo moja, mbili hivi, nitakupatia kam dakika mbili useme hayo mapya na halafu tumalie. Ningetaka kujua hao wachache ambao wanamambo mapya. Not to repeat what has been said, but just new issues. Mmoja ni huyu, mwingine, two, three. Hebu inua mikono tena, one, two, three, ni watatu. Kwa hivyo hakuna mwingine. Tuanze na huyu mzee. Na kama una memorandum, hutasoma hiyo memorandum, memorandum tutaenda kusoma huko Nairobi kwa ofisi yetu, utatambia machache kwa dakika mbili. Memorandum utatupatia, kwa hivyo usiendee kusoma. Tuambie tu yale ambayo yako hapo kwa dakika hiyo mbili, na utuambie majina yako kwanza.

John Khaduli: Jina ni John Khaduli. Mwenyekiti nilikua na matatizo ya kutofika hapa mapema na nikapeana memorandum yangu juu ya ukulima. Farming. Nimekwisha check na mmoja wao wako hapa. Kwamba imepatikana, imesha peanwa. Na sasa to highlight the most important thing on farming is this; kwamba hakuna haja ya sisi kama wakulima kua tunalima lakini mazao yetu haiwezi kulipwa wakati unaofaa.

Kwa mfano, mahindi ambayo ilienda kwa Board, mwezi wa pili na watatu, hadi wa nne, mpaka wakati waliofunga, bado tuna taraji malipo. Na sisi oni hilo limekwisha sasa. Hata nikipata leo siwezi kulima. Kwa sababu agricultural season is over. Kwa hivyo nime-suggest ya kwamba, National Cereals and Produce Board ibadilishwe kabisa na ipewe mamlaka ya Constitution, iitwe National Cereals and Produce Marketing Centre. Na ikiundwa kwa amri ya Constitution, pesa yake ya kufanya kazi, ipatikane kutoka directly from the consolidated funds, halafu tuwache kuambiwa serikali inatafuta pesa ya kununua mahindi. Tuache hiyo. Na pia huyo ambaye ataongoza hiyo, awe mtu ambaye amekwisha fanya kazi ya kupitia kiwango cha Chief Economist in this country or elsewhere in the International organizations. Halafu I-operate as a Constitutional office holder. Sio mtu wa kutatanishwa. Na hiyo Board tena ifanye kazi na Directors saba na Permanent Secretary wa Ministry of Agriculture, Permanent Secretary wa Trade, Commerce and Industry, kama ex-officos. Halafu Director mmoja naye a-represent interest ya

Rice Pilot Schemes. Mengine bwana mwenyekiti mtapata kutoka kwa hii memorandum, na ile kama ungenipa tu nafasi niseme kidogo, -

Com. Ratanya: Inaonekana umemaliza?

John Khaduli : Kwa memorandum nimemaliza lakini which is outside memorandum. Mwenyekiti, hii nyumba inaitwa KICC -

Com. Ratanya: (Interjections) Una dakika moja, ujaribu kumaliza.

John Khaduli : Asante sana. inaniuma sana, kwa sababu ilijengwa na pesa zilizotoka katika ex-checker, na sasa chama cha KANU kimeitumia kama personal property ya chama. Kwa hivyo ninapendekeza kwamba, all revenue generated from KICC, be used to finance all political parties in the Republic.

Ingingine ni juu ya retrenchment. Hapa unakuta wafanyakazi wa serikali. Na hapa President anauwezo wa ku-create new Districts. How will the new Districts operate without District establishments. How do you reconcile the two? Like extension ya Parliament Mwenyekiti, jambo hili linataka liamuliwe na wanachi, na ndiyo ninasema kwamba, Constitution should empower the referendum, use of referendum on all these hot issues na referendums ziwe conducted by church leaders. Church leaders ni wananchi wa republic of Kenya na hakuna haja ya kusema kwamba kazi yao niya Mungu peke yake. Asante sana.

Com. Ratanya: O.K. Asante sana kwa hayo maoni yako mzee. Kwa hivyo peana memorandum yako. Yule mwingine alikua wa pili? O.K. Na utatuambia majina yako kwanza halafu uendelee.

Benson Agotu : Majina yangu ni Benson Agotu. Mine ni machache and there are in point form. Presidency. The presidency should be rotated. We are just observing that if it is not checked, it is going to be inherited from so and so, after six years, back to so and so. So it must be rotated in our provinces.

Two, we have someone called Auditor General, he prepares reports which are very touchy to public funds, we want to use these reports as a prosecution for any public servant who has misused the public funds.

We have these gentlemen called policemen. When they have erred, we go back to them. We want an independent body to report to so that they are treated just like any other citizen.

A private citizen should be allowed to conduct a criminal case. This question of Attorney General vesting it, you see someone killing someone there, everybody here in the school knows him, he goes to the police station and then you see him back home. That they didn't get enough evidence, when the people around can say we say this and this happen. So private prosecution for

such cases should be allowed.

This Constitution you are writing gentlemen, it should be that when approved, it should take at least 15 years. We have spent all these millions, then after a short time again you are amending, it becomes the same *viraka viraka* we are trying to tear apart now. So it should take at least 15 years before it is changed.

These gentlemen in parliament who shift parties when actually we have given them votes should not do so before the term elapses. If then, then they should go back as it used to be, to look for new mandate.

Everybody is scared of HIV. Before young men and women marry, they need a medical certificate so that someone who has been messing around should not take our innocent girls and pump them with HIV hence damped back, so they must have medical certificates.

I would be very pleased if a parliamentarian or a President – if you really like your country, you should not get money and put it in foreign banks. You can carry enough dollars, you can have a few dollars to go with Abroad, but not produce money here and take to foreign countries for those people to improve their economy and we remain poor.

Parliamentarians allowances and whatever should be done by a Commission or AG's office, not by themselves. We have seen how they have abused, they are taking the large share of the money we collect around and they don't pay anything. Two, that money should be taxed. How can they say tax, taxes when they don't pay anything? Thank you.

Com. Ratanya: Bwana Benson, kuja hapa kwa register yetu na kama una-memorandum unaweza kupeana. Next one.

Wycliffe Nyongesa Makanyanga: Wycliffe Nyongesa Makanyanga.

Com. Ratanya: Ulikuwa hapa tena?

Wycliffe Nyongesa Makanyanga: Nilikua nimekuja lakini nataka kurudia.

Com. Ratanya: Lakini tuna-record yako already. We have your memorandum.

Wycliffe Nyongesa Makanyanga: (inaudible).

Com. Ratanya: Kuongeza?

Wycliffe Nyongesa Makanyanga: (inaudible)

Com. Ratanya: Lakini nitakupatia dakika moja.

Wycliffe Nyongesa Makanyanga: Basi ninachukua fursa hii kwa haraka haraka. Tukitazama upande wa rumande, inahitajika tufanyiwe mabadiliko makubwa, kwa sababu unavyoenda saa hizi kwa cell ya polisi, utaona ya kwamba unafungwa ndani na huna kosa pengine, na unalala chini ya simiti. Hayo yawe na badaliko waweke mattress na pia waweke blanketi ndani.

Jambo la pili ni kuhusu choo ambacho unawezakua kama mfungwa unaweza kujisadia, unajisaidia kwa mtungi, yale yabadilishwe mara moja. Hayo yalikua ni mambo ya ukoloni na tuwe na cel, yaani rumandi ambayo imetengenezwa kwa mfano fulani, ili unaweza kuondoka ukaenda kwenye choo, na ukajisaidia na pia ukarudi.

Nikiangalia katika Electoral Commisison. Kila Commission ambayo itakua katika nchi yetu ya Kenya, iwe independent. Yaani inajisimamia yenyewe. Kwa mfano nikichukulia hapa, Commission hii ambayo inasimamia uchaguzi, iwe na kiongozi, yaani chairman amabye amechaguliwa na Bunge. Pia tunavyoangalia kura zinazopigwa. Kwa mfano kama hapa ni St. Ann's polling station, watu wanaweza kua mia tisa, na wanavyokua mia tisa wanaenda kufanya printing papers, yaani ballot papers, wanafanya elfu tatu, na hapa ni mia tisa. Sasa nataka hapo wafanya mia tisa hizo tu, wasipitishie zikue hapo, na replacement papers watoe, ili wapatie watu elimu ya uraia.

Com. Ratanya: Dakika imekwisha. Imekwisha Makanyanga, na hayo yote umerudia yale watu wamesema. Hakuna mambo mapya, lakini kidogo tu. Kwa hivyo kama - hakuna kuongeza kwa sababu ulikua hapa. Kwa hivyo tumeshukuru tume-note hayo umesema. Asante sana. Sasa ni wa mwisho, mama ndiye alikua wa mwisho. Hata wewe ulikua hapa? You're repeating? Tuambie majina yako.

Bridget Makokha: I am Bridget Makokha and these are my views. About political parties. For a political party to be registered, it should have nation wide acceptance and support of at least 3/4's of the Kenyan population. This is to avoid tribal parties that are tearing Kenya apart today. These parties should form a coalition government with reasonable representation of each party. If we remain with what we have today as parties, which are based on tribal lines, then let each tribe be represented, that is we should have 42 parties with a government of national unity for better minority representation.

President. We need a ceremonial President with a Prime Minister who should hold a university degree and experience in issues related to government. MPs should remain politicians, they should not be appointed as ministers. Ministers should make formal applications to parliamentary committees after formal and public advertisement of jobs. We should create a situation of one man one job.

Kenyans who have been employed through nepotism and corruption without merit should be sacked. The Public Service Commission should be selected by the Parliament with equal representation from each part of Kenya. The president should not command the Armed Forces, and all Officers in Forces should make applications to parliament and should be selected on basis of academic qualifications and experience.

Now the security officers selection should not be based on regions because some regions have many Districts than others and are dominated by a certain tribe. Others, have fewer Districts and are cosmopolitan, so there is mis-representation of Kenya tribes in security Forces. So Forces should be selected on basis of tribes.

Police officers should work among their own people, if not, should form forums or workshops, seminars, where they will interact with wananchi and create rapport. Judicial system. Council of male and female elders should be formed on grounds to handle private issues, e.g. family issues. The current judicial system does not work for socialism and unity of society while solving problems that break up these social units. For example women have been oppressed and those who seek legal action, they are divorced by their husbands, so most of the Kenyan women are acquired under domestic violence.

Attorney General and Judges should serve for four years but not permanently to avoid misuse of power for their safety. Their positions should be advertised and should be selected on basis of experience and profession.

The right. Basic needs should be ensured as basic rights to Kenyan citizens by the government. Citizens should call back their leaders if not delivering. Citizens should be allowed to peacefully demonstrate publicly to air their views without police harassment.

Education. Chancellors to our universities should be picked or selected on merit, and shouldn't be the President, because we don't want to mix political powers with academics. The government should address and seek salaries for graduates employed in private sectors to come under employment and to enhance health loan repayment.

Government to ensure private schools and BOG to employ qualified personnel. The KNUT Electoral Commissioners should be selected by Parliament, after formal advertisement and the aspirants doing this should be after formal advertisement and then bribery to citizens during campaigns should be illegal and any aspirant doing this should be disqualified.

Nominated MPs should be endorsed by wananchi and should be from minority and disadvantaged groups, not from the normal wananchi. Civic education should also be a continuous process and then the public should be taught their legal rights, and also the people should be guaranteed legal representation by the government and also on arrest of a criminal, charge sheets should be written there and then to avoid tampering with the witnesses and this should be handed to the suspects. Minor criminals should be charged at the police station and the official receipts to avoid congestion in law courts, delay in jurisdiction and

corruption by the police officers. Police officers need civic education. The last one is that farmers from schemes should stop paying loans to white government. Instead the Kenyan government should be compensated for the loss they incurred during colonialism.

About the illicit brew or the local brew, women should be trained in brewing standard local beer and be licensed to carry it out without intimidation. If possible, they should have special places for brewing and drinking. The trained people should be given certificates. Thank you.

Com. Ratanya: O.K. Bridget, excuse me. Thank you very much for your very focused views and you sign our register and hand in your memorandum if you have any.

Sasa wananchi na wanafunzi ambao wote wako hapa hata hao ni wananchi wetu wa Kenya, na tunafurahi sana kuwaona munaketi hapa na kusikiliza vile wengine wanatoa maoni, na hata kutoka kwa shule hata wanafunzi na waalimu wametoa maoni yao. Kwa hivyo tumeshukuru sana, na tukifika hapo, tumefika mwisho wa kikao hiki cha mkutano huu wa Tume ya Kurekebisha Katiba ya Kenya. Sasa tumekua katika constituency hii kwa siku tatu. Tulianza ya kwanza at Lamakhandia, halafu tukaja huko Nangili na hapa tuko siku ya leo hapa Nzoia, tumekaa siku hizo tatu na tumemaliza upande wa Lugari constituency, na tumeshukuru kwa wale wote wamepeana maoni yao. Wale ambao hawakupeana maoni walichelewa, watupatie maandishi yao kwa sababu tuna maandishi, na hayo maandishi yatasomwa na hata majina yao yatasomwa kwa hivyo watuletee memorandum zao. Na kwa hivyo kwa hayo, na kwa sababu tumemaliza, ningetaka kwa niaba ya Tume ya Kurekebisha Katiba ya Kenya, na kwa niamba ya Commissioner mwenzangu ambaye tumeandamana naye, Commissioner Tobiko Keriako, na kwa niamba ya mimi mwenyewe, Domiziano Ratanya na staff wetu ningetaka kutangaza kwamba tumefukia kikomo na nimefunga mkutano huu wa kikao cha kurekebisha Katiba ya Kenya rasmi. Officially closed.

Meeting ended at 2.45 p.m.

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