

**CONSTITUTION OF KENYA REVIEW COMMISSION**

**(CKRC)**

**VERBATIM REPORT OF**

**CONSTITUENCY PUBLIC HEARINGS**

**LURAMBI CONSTITUENCY,**

**CHEBUYUSI SECONDARY SCHOOL**

**ON**

**30<sup>TH</sup> JULY, 2002**

**CONSTITUENCY PUBLIC HEARINGS, LURAMBI CONSTITUENCY, CHEBUYUSI SECONDARY SCHOOL**  
**HELD ON 30<sup>TH</sup> JULY, 2002**

**Present**

Com. Nancy Baraza - chairing  
Com. Dr. Charles Maranga

**Secretariat in Attendance**

Fatuma Issa Juma - Programme Officer  
Wambeyi Makomereq- Asst. Programme Officer  
Mary Babu - Verbatim Recorder  
Rhoda Mbandu Translator (sign-language)  
Gerishom Majanja District Co-ordinator

The meeting was called to order at 10.15 a.m. with Com. Nancy Baraza on the chair.

**Terisha Majanja:** Najua wengi wenu, hii ni siku tumekuwa tuingojea sana. Tumekuwa na mikutano kadha wa kadha, tukiongea maneno ya Katiba. So, ndiyo siku ile tumekuwa tuingojea hili muongee vile munavyotaka. Kawaida yetu, tunataka kuanza mkutano, kabla hatujaanza, ningomba mtu mmoja aje atuombee. Any volunteer, njoo utuombee.

**Prayer:** Let us pray. Baba katika jina la mwanao wa pekee Yesu Kristo, tunasema ni asante kwa sababu umetuifadhi ki-maisha, ki-afya, na siku hii ambayo tukidhani, kwa ajili ya kuunda Katiba, ambayo sisi wote tumeitishwa, kwani ninasema ni asante. Kwa wale wote ambao wamefika Bwana, tunaomba ujasiri, na uolewano utoke nchi yako Bwana. Tuongoze tunapoanza kikao hiki, mpaka tutakapomaliza. Ni katika jina la Yesu Kristo aliye Bwana na Mkombozi wetu. Amen.

**District Co-ordinator:** Otherwise, Commissioners, we are Lurambi Constituency. Na Lurambi Constituency, iko na division tatu. Division ya kwanza ni ile tumekuako jana, hii ni Kakamega Municipality. Hapo tuko na committee members wawili, mmoja alikuweco, huyo ni Mayor Otiende, na mwingine anaitwa Rashid Nasoro, lakini hakuja.

Division ya pili, ni hii Nabaholo, iko na location tatu – Bunyala East, Bunyala Central and Bunyala West. Hapa, tena tuko na committee members wane. Mmoja akiwa Mheshimiwa mwenyewe – Hon. Kulundu comes from this area here.

And we have three committee members, na nitawaita wakuje hapa kidogo tu kuwasalimia. Tuko na Bwana Nicholas Oudo, akiwa committee member wa Constitutional Committee, naye tena akiwa Chairman. Tuna mwingine, Bwana Jose Kizita, akiwa committee member, anatoka upande huu. Tuko na Madam Zainabu, nafikiri atakuja, hajafika. Hao wote wanatoka upande wa Bunyala. Na tumefanya nao kazi, wamefundisha, wameongea na hawa watu, sasa wako tayari kuongea.

Na nyinyi wote ambao mumekaa, tunatarajia kuwa hapa na ma-Commissioner watatu, ambao wanataka kusikiza maoni yenu. Wengine, ambao wako kwa barabara wanakuja, na sasa tuko na Com. Nancy Baraza, ndio huyu yuko hapa. Na tutatarajia Dr. Maranga na Bwana Githu Muigai. Hao walilala pande ya Kisumu, nafikiri wako kwa barabara, wanakuja.

Lakini tukaona, vile tuko na Commissioner hapa, tutaanza. Na tuko hapa na officers wa Commission. Mumeona Bi Fatuma – Programme Officer, ndio huyo. Na huyu msaidizi wake, na mwingine yuko hapa. Tuko tena na mtu ya kusaidia na sign language – Aminda, yuko hapo. Tukiwa na mtu yeyote hapa ambaye haelewi, anahitaji, mtuambie haraka, hili atusaidie.

Na mutakapoongea, mko na uhuru wa kutumia ile lugha unajua. Sisi tunajua hapa inaweza kuwa Kizungu, Kiswahili ama Kinyala. So, you will be free. If you are speaking in Kinyala, tutatafuta mtu wa kutafusiri. Usisumbuke na lugha ambayo huelewi.

Na tutawaomba, mutaongea, kila mtu anapewa dakika tano, ukiwa na memorandum, sio vizuri kusema kila neno. Ni vizuri kuchukua points za muhimu, halafu una-explain haraka haraka, kwa sababu hawa ni watu ambao ni wasomi, watawasaidia.

Kwa hivyo sasa, tuko tayari kuanza, sasa napisha hii mkutano kwa Com. Nancy Baraza. Asante.

**Com. Baraza:** Mrembe vosi?

**Response:** Mrembe.

**Com. Baraza:** Mrembe?

**Response:** Mrembe.

**Com. Baraza: Vile** mumeelezwa na Bwana Terisha Majanja, District Co-ordinator wenu, tuko hapa leo kuchukua maoni yenu, kuhusu Katiba ambayo munataka muendeleo nayo miaka ijayo. Mimi vile mumeambiwa, jina langu ni Com. Nancy Baraza, natarajia wenzangu wawili – Dr. Charles Maranga, ambaye tulikuwa naye hapo Kakamega jana, na Dr. Githu Muigai, yeye alienda kwa mahitaji mengine Nairobi, na bado tunamtarajia. Lakini, sheria inasema, kile kikao ambacho kiko na Commissioner wa Commission, hata kama ni mmoja hau wawili hau ishirini, hicho ni kikao halali cha Tume ya Kurekebisha Katiba. Na kwa hivyo, vile niko hapa, mimi nitaanza na kazi yetu, wakija watani-join, tutaendelea.

Na kulingana na Sheria ambayo inahusu kurekebisha Katiba ya Kenya, ningetaka kutangaza kwamba, huu ni mkutano halali wa Tume ya Kurekebisha Katiba. Na vile mumeambiwa, tutakuwa na njia tatu ya kupeana maoni yetu. Kama mumeandika memorandum na vile niliwafundisha hapa, nilisema muandike memorandum, ndio hiyo inakaa vizuri. Si niliwambua hivyo? Kama mmeandika memorandum, tutakupatia tu dakika tano, utupatie highlights. Usisome neno kwa neno, kwa sababu, tutaenda tusome hiyo memorandum. Hakuna karatasi ambayo tutaaja nyuma. Tutasoma. Na vile nafikiri tutakuwa wengi, tungetaka tupatie kila mmoja wenu muda wa kuongea. Hatutaki turudi Nairobi kama tumewacha watu wengine bila kusikizwa. Five minutes.

Na njia ingine ni kwamba, unaweza kuwa hauna memorandum, na pia hiyo ni vizuri. Tutakuita uongee na mdomo, (*laughter*), sio eti wanaongea na kitu ingine, lakini verbal. Na hapo pia, kama hakuna watu wengi, we shall negotiate on the time, between five minutes and ten minutes. Probably six minutes, we shall negotiate. But don't tell us, don't mourn too much over your problems. We know them, we can see them. What you do, tell us your proposals. Mapendekezo. *Murubolere mwenye murie, hapana khulira mana mulire sa chisaa chibwe.* . That one we know. *Mubelere mwenya katiba ifwane irie.* si ndio?

*Mana bosu baulire bulisania bulayi, ne sheria inoikhulide sana sana,* kama mwana-Kenya inatulinda sisi, kama wana-Tume na nyinyi kama wananchi wa Kenya. Hakuna mtu ambaye ataku-harass kwa ile maneno ambayo utatueleza hapa. Uwe na uhaki wa kusema chochote, na hiyo ni mradhi tu usimtusi mtu yeyote. We are not dealing with individuals; we are not dealing with personality; we are dealing with people. So your issues will be protected. But if you come here, talking, bad-mouthing about an individual, that one I am not so sure, the law will protect you.

Bila kupoteza wakati, I would like to call Oscar Oyalo? Who is Oscar? Utakuja hapa, upeane maoni, ukimaliza, utapitia hapo, you register, and leave us with your memorandum.

**Oscar Oyalo: Nitaguzia** upande wa Preamble: we need a Preamble with a nation vision, where Kenyan people of diverse, economic status address a ..... (inaudible), and I am people who are socially un-marginalized, economically marginalized

groups who should enjoy and practice the following issues:-

One, people who should practise supremacy;

Two, people who should have clearly defined power distribution and limit of that particular power;

Three, the people lead a life of dignity, where human rights are upheld, safeguarding freedom of thought; conscious; expression; assembly; non-discrimination of rights; and rights to food, clothing, shelter, education, work, health and environment;

Four, the Preamble must define the Constitution as accommodating the diversity of the Kenyan people, including what I have already said, like social-economic status, and so on;

The Preamble should also address human rights and basic needs.

It should provide conducive environment for Kenyans, where the national vision shall be, to abide by the Constitution of the country.

- Two, to cherish and to create inspiration for freedom and justice.
- Three, uphold and protect sovereignty, unity, and integrity; the phase of the country by citizens, a promotion of harmony, and spirit of brotherhood in the country.
- Protection and improvement of natural resources, where people stop thriving for excellence, and re-affirming state and social justice, political liberty, pro-authority and ..... (inaudible) and secure quality of life.

I would like to add that in addition to Preamble, I would want to say something about the lifting of state policy. That we need statements in our Constitution capturing the national philosophy and guiding principles as already highlighted in the Preamble.

The democratic principles to be included in the Constitution are:-

Equality: there should be equal distribution of national resources.

Two, we should have the aspects of ..... (inaudible) of competitiveness, i.e. in games, athletics, music, drama, and even business.

Important values to be reflected in the Constitution, could include things like games, drama, an encouragement of growing indigenous crops.

And lastly, the principles must be enforceable in law to ensure sufficiency and accountability.

I would like to stop there for the moment. Thank you.

**Com. Baraza:** Thank you very Mr. Oyalo. .... (inaudible).

**Wellington N. Opande:** I am here to represent....

**(Interjection) Com. Baraza:** Please note you first say your name for record purposes.

**Wellington N. Opande:** My name is Wellington Nyongesa Opande. I am representing some suggestions on:-

Constitutional Supremacy: we have felt that the 65% procedure to amend any part of the Constitution should not be adhered to. Instead, it should be increased to 75%. Because, we feel the 65% can easily be compromised, when it comes to the Members of Parliament.

The power to amend the Constitution should be limited to the Members of Parliament. We have felt that the electorate, actually should be referred, there should be a referendum to the electorate.

When it comes to the issues or salaries, personal emoluments to our MPs, we have the feeling that, that should not be done by Members of Parliament. We should have instead, a National Service Commission, which should be mandated to amend, or to do the amendments.

We have also felt that the public should involve, through the referendum, in the amendment of the Constitution.

The Parliament should be conducted in conjunction with the constituency councils. That is when it comes to whatever the Parliament wants. I would like to end up, on Supremacy. Thank you.

**Com. Baraza:** ..... (inaudible). Gilbert Ikope. Gilbert.

**Samuel Wekesa:** I am going to read on....

**(Interjection) Com. Baraza:** Say your name first.

**Samuel Wekesa:** Samuel Wekesa. I am reading for Gilbert Ikope.

Citizenship: A Kenyan born of Kenyan parents both male and female should be regarded automatically as citizens of Kenya.

Kenyan citizenship will be acquired through registration, marriage, by Parliamentary consent, where one leaves on removal of a passport.

Spouses of Kenyan citizens, regardless of gender, should not be entitled automatic citizenship. Only a child of Kenyan parent of male gender is entitled to automatic citizenship.

The rights of citizenship: rights of food, shelter and clothing, education and health.

Rights to life: right of movement, right of association.

Obligations to include: paying taxes, voting. Non-citizenship to be allowed to vote only on Parliamentary and not civic elections.

Rights and obligations of citizenship should depend on the manner in which citizenship is acquired.

The Constitution should not allow the dual-citizenship.

Kenyans should carry national ID cards as evidence of citizenship.

Defence and national security: the disciplined forces – the military and para-military forces, prisons, etc should be established by the Constitution.

The Armed Forces should be under Service Commission which full respect and attention to human rights aspect.

The President should be the Commander-in-Chief of the Armed Forces, and of Army, Navy and Administration Police; CID,

Anti-Narcotics, Stock-Theft and ..... (inaudible) should be under the Ministry of the ..... (inaudible).

The Executive should declare war after it has been discussed in Parliament and accepted.

The powers should be limited powers issued in emergencies e.g. war, .....(inaudible), and earthquakes, ethnic like in diseases e.g. HIV/AIDS.

The powers should however be exercised to protect and promote human rights.

By approval of Parliament, the Executive can involve the emergency powers. Yes, the Parliament has role of affecting emergency powers. I think I will end there.

**Com. Baraza:** ..... (inaudible)

**Samuel Wekesa:** Yaah.

**Com. Baraza:** Shadrack Ngombe?

**Shadrack Ngombe Luanda:** I am Shadrack Ngombe Luanda. My presentation is on:-

Structure and system of government: one, we should adopt the Parliamentary system of government.

Two, we should adopt Parliamentary system of government, in which the Prime Minister is appointed from the majority party in Parliament, and the President remains, more or less ceremonial. The President be elected on nationwide basis.

Three, we should adopt a hybrid system in which the Executive authority is shared between the President and the Prime Minister.

Four, we should not retain the unitary system in which all affairs of the State are controlled by the Central Government.

Number four, I go back. We should not retain the unitary system in which all affairs of the State are controlled by the Central Government.

**(Interjection) Com. Baraza:** What should we have?



**Shadrack Ngombe Luanda:** Is what I am coming.

Five, we should not adopt federal system of government, in which the Executive and Legislative authorities is split between the Central Government and ..... (inaudible) religions or other units.

Six, power should be devolved to lower levels of government e.g. districts, local authorities and provinces through the senate.

Hope I will end there. Thank you.

**Com. Baraza:** The next person is Wawire Maunde.

**Wawire Maunde:** Thank you Lady Commissioner. This is my submission on:-

The Legislature (Bunge): We would like the Parliament to vet the following appointments. These are the appointments I would like in my view, that should be vetted by Parliament:-

- The appointment of the Attorney General should go through Parliament;
- The appointment of the Chief Justice should go through Parliament;
- Controller & Auditor-General should go through Parliament;
- Service Commander of the Armed Forces should go through Parliament;
- Ministers, Assistant Ministers and Permanent Secretaries should be vetted;
- Commissioners to all Commissions shall be approved or vetted by Parliament;
- Ambassadors shall be vetted by Parliament before their final appointment.
- All those Chief Executives shall go through Parliament.

Number two, we need to define the role of Parliament by actually giving them the role of law-making, control over the Budget, electoral (that is voting in Parliament) to ..... (inaudible). Then we need to give them judicial power, whereby, they will vet the Judicial Commissioners, because we have now said all Commissioners will be vetted by Parliament. A Constitutional power when have to have the Constitution Commission or whatever Commission they will put in place, they should be vetted.

Then, the first ..... (inaudible) will also go for public opinion. When the public feels that they have to air their views, their views will be heard through Parliament. Then, it will also have the vetting function that are residue power.

We should protect the Constitution to safeguard accountability and aim at getting international ..... (inaudible).

We should, being a Member of Parliament should be a full-time. We were given that question, and we said, it is a full-time. If

you are a doctor, just continue being a doctor, if you are a lawyer, concentrate being a lawyer. When you want to come to Parliament, we want to find our Parliamentarians in Parliament, and it is good that they have been given offices, so, should be a full-time job. That was our view.

Age requirement: voting should remain at 18 years, to vote anybody to go to Parliament. Then, for Parliamentary seats, you must be 21 years and above. There should be no upper limit, whether you are a mzee you can stand.

The President should be over 35 years. There should be no upper limit.

Language test is sufficient at the moment, and should be supplemented with oral interviews as a matter of communication. Contenders must conform to Form Four. Anyone to vie for a seat must be a Form Four and above with passes in languages. Not just a Form Four, but with passes in languages, so as to be able to communicate.

Moral and ethical qualifications for Parliamentarian candidates must be introduced. The MP should be able to be recalled. We should be able to recall our MPs, if he performs poorly. We had put it to the Commission that way, and it should be through, they should be through the political party that, the Member represents, the Electoral Commission and the Speaker of the National Assembly. The three bodies or the three agencies will be involved in recalling the MPs back home, so that they take another MP back there.

The MPs should work independent on the basis of their constituents – that is the people they are representing. An independent commission should be able to determine their salary. At the moment, we are seeing them just increasing their salaries and we are not happy, whereas, other groups are suffering. For example, teachers are crying from 1997, they have never had any increase, but you find MPs who are supposed to represent the people, including teachers, the disabled and everybody, they are just adding themselves salaries, regardless.

So we are suggesting, there should a National Salaries Commission to check salaries from the President down to the sweeper. From the top to the bottom, there should be a salaries commission.

Nominations to be discontinued. We don't want people to be nominated, especially from political parties. We are only saying, we allow nominations for special groups, but not for political parties. Nominations should be discontinued, whereby, an MP, someone has vied for a seat, then after that, the electorate have rejected him or her, then after that, you find someone through back-door, we call it back-door according to our feeling, is nominated to be an MP, and then he is nominated to be a Minister without the people's mandate. We want people who go into that house to have the mandate of the people. So nominations should only be reserved for marginalized groups.

..... (inaudible) women's participation in Parliament. We suggested that to ensure that at least every district should have a woman MP. For example, we have around sixty districts, and each district, we should have a woman in each district, and should be voted for by the women themselves.

Rules of natural justice should govern the conduct of Parliamentarians. They should however forget any party affiliation, should fulfill campaign promises, serve all constituents equally and have offices in the constituencies they serve.

Should an MP abandon the party that took him to Parliament, we should have automatic by-election. Whether verbally or in written. At the moment we are being confused by people being in one party verbally and physically in another party.

Multi-party system should ..... (inaudible) about the Executive and the Legislature. There should be two houses in the Parliament, where we have Senate representatives and the House of Commons. The Senate to be chosen at divisional level, and should serve as public focus. We want a division level. We want people to be taken to the upper houses, where they will serve as the public organ of the region, monitor administrative function and promote public security, monitor Parliament, approve country council Budgets and the voice of common man.

Number seventeen, .....

**(Interjection) Com. Baraza:** Your time is up.

**Wawire Maunde:** It is just one issue to complete. Parliament's power to remove an Executive through vote of no confidence is not adequate. So, we suggest, there should be a provision for impeachment of the President, and the President should be unprotected to encourage.....

The President should not have the power to ..... (inaudible) legislation passed by Parliament. The powers should be accorded to Parliament. Once Parliament ..... (inaudible) something, it has gone through the three Arms. Because, we said, all the three Arms are represented when Bills are coming up, the Legislature, that is, takes to the Executive, the Executive takes to the Legislature, when it comes to Parliament, then the Executive should not go back, and veto whatever motions have been passed in Parliament. Those are our views.

The Legislature should have the power to override the President's veto. If the President has veto, then Parliament can be called to override that veto and go ahead, if they feel what they did is correct.

The President should not have the powers to dissolve Parliament. Instead, we want the Parliament to be dissolved by the Constitution that we are making now. We say the Constitution should dissolve Parliament, and in fact, have a calendar, we

should have a calendar for the operation of Parliament.

The last one, the election should not be scattered. It should only be done after five years period, and this however, an exception to a by-election. Thank you Mr. Commissioner, it was long. So it was not my intention to stay here, but those are our views. Thank you very much.

**Com. Baraza:** It is okay. You go there and sign, go there and sign and leave us that memorandum. Christopher Odoto? Christopher.

**Christopher Odotto Wepukhulu:** Lady Commissioner, Ladies and Gentlemen, I want to present my views on behalf of the Nabhaholo Group concerning the Executive.

**Com. Baraza:** ..... (inaudible)

**Christopher Odotto Wepukhulu:** My names are Christopher Wepukhulu Odotto. Some of the issues or some of the questions have been answered in the above, but, I will go through what we have actually come up with.

The Constitution must specify qualifications for Presidential candidates. And these are, must be a Kenyan citizen, registered voter of a given constituency, 35 years and above, declare his or her wealth, be married, shall be a graduate with a degree in Political Science preferably.

The Presidential tenure should be two terms of five years each.

Functions of the President to be defined in the Constitution. That is, he will be Head of State, Commander-in-Chief of the Armed Forces, internal administration, legislature. That is, he has to sign Bills, and he will have power of mercy. He will be head of the Executive.

Four, the Constitution should set limits on Presidential powers. As per now, the President has all the powers he wants. Here we say, he should given these duties:-

Appointments to public and private companies and institutions should be limited. As per now, the President does what he wants with those people.

Appointment of Ambassadors.

Being Chancellor of public universities and ..... (inaudible) colleges, should not influence expenditure.

And the Parliament as said above, should have a calendar. Should not be dissolved by the President as he wishes.

The Constitution should provide for the President's removal from office for misconduct. The circumstances could be economic scandal, mismanagement and discrepancies, and this should be done by a two-third vote of no confidence.

The procedure should be the degree given by Parliament and signed by the Speaker of the National Assembly. The relationship between President and Parliament should be, they should not work with malice and selfishness.

The President should respect what is discussed by Parliament. The President should co-ordinate the Executive and Parliament. The President should not be a Member of Parliament, that is, he should just be voted in by the whole country. So, he is not a member of any constituency, like is done in America.

The Provincial Administration should be trimmed. That is, the chain of command shall be local council elders, chiefs, DC, Provincial Commissioner whom we have tried to say, a governor, and then the President.

We have said about the local councils. However, they should not be wearing the new colonial uniform. When people see those uniforms, it reminds us of the old colonial times. Something should be done about that. As per now, that is what I had, and I would ask the Commissioner that I represent the Nabhaholo Group, I will present a memorandum on their behalf. Drafted one. Thank you.

**Com. Baraza:** Mr. Odotto, leave it with us, we shall read it. .... (inaudible).

**Christopher Odoto Wepukhulu:** Thank you.

**Com. Baraza:** Rose Wekhulo? Rose? Joseph Okava before Rose. All you wait? Or I was hoping the gentleman will give way to the lady. (*laughter*)

**Joseph Okava:** But I have come first. I am Joseph Okava. I will present on the Judiciary:-

The Judiciary: the President structure of the Judiciary is not adequate. It is insufficient. That is why we say that, the Law Court to be centralized.

**Com. Baraza:** ..... (inaudible)

**Joseph Okava:** Brought near to the people. The Law Court be de-centralized, brought near to the people, with the divisions, locations, and if possible, mobile courts should be ..... (inaudible).

We need a Supreme Court. Judges should be vetted and disciplined by the Parliament. We need a Supreme Court in charge of the Court of Appeal and exercise residual powers of the State.

A Constitutional Court is needed. This should be malgamatod with the Judiciary to have a Judicial Commission.

Number four. We have seen your honour, that, the present commission of the Judiciary, the way they are appointing, it is not up-to-date. That is why we say, the Judicial Commission should be put in place to appoint Judicial officers.

The Judicial Commission should comprise of the Chief Justice, the Attorney General and the Public Service Commission Chairman. Here, we leave this, that we have seen the Attorney general in this country, he is Attorney General and again, he is the Prosecutor of the Government, of which, it is not the work that he was appointed to do. The work of prosecution is not mandated to that.

Number five. Qualifications of Judiciary officers: must have been a Judge of the High Court; trained as a lawyer at the Kenya School of Law; must have practiced, experience for five years or more; a draft record of moral uprightness; declare his or her wealth.

The tenure of the Judicial officers should be:

- Chief Justice should be 50 years and above;
- Judges from 45 years;

The Judicial Service Commission should discipline Judges and other officers enjoying security of tenure according to the stipulated regulations.

Now, Number eight. This is a Kadhi Court: Kadhi Courts, we mean a Muslim court, which should only deal with matters of marriage, status, and the activities of Muslims only – a Muslim and a Muslim, but not a Christian and a Muslim.

The Judicial powers of the State should not only be vested in court. Other bodies to exercise Judicial powers are:-

- Land Tribunal;

- Rent Tribunal;
- Human Rights Watch Group;

The Constitution can ensure all people have access to the courts by, Law Courts being brought close to the people, having mobile courts, poor and illiterate persons being legally represented by a professional group.

If the complainant does not appear in two adjournment, a warrant of arrest should be issued. Cases should only be adjourned three times, but without approved board, it should be thrown out. The accused should have a right of expression, in case the complainant fails to appear in three adjournments.

There should be a Constitutional right to have legal aid, and Government should hire the advocates for the poor due to hire courts.

**(Interjection) Com. Baraza:** ..... (inaudible).

**Joseph Okava:** A common man has suffered to endangers due to high cost of legal representation. There should be some provision for the Judiciary review of laws by the people. Those are my views.

**Com. Baraza:** Thank you very much. Give us the memorandum there. Rose?

**Rose Wekhulo:** Ladies and Gentlemen, I am Rose Wekhulo, going the present the part of Basic Rights.

Constitution provision for fundamental rights is not adequate. That is, life is in danger.....(*end of side A*)..... to be entrenched in the Constitution include: education, food, shelter, water, health, security, economic and religious liberty. The Government of the day should care for these rights.

Number three. The death sentence should be retained. Here, we find that we have in most cases people who come and rob others with violence, leaving them either dead or leaving them completely naked without anything. Such people should just be killed.

And again, you find that in most cases, we have other people who just kill others mercilessly, not caring whom they are killing. Such people should also just be killed. That is, we just say, if it is death, should just go for death.

Number four. The Constitution should protect security, health-care, water, education, shelter, food and employment. In our list, looked at each one at a time.

Security: a common man must enjoy security as a basic right. Whereby, we have askaris coming to homes and other places for search and harassment. That one should be done with a warrant. But without a warrant, it should not be done.

Two, health care: the Constitution should provide for and protect the needs for free primary health-care. Due to the increasing cases of highly infectious diseases, for example, we have HIV/AIDS. There is need for the Constitution to provide for protection against such. The ..... (inaudible) viral drug should be low-cost, to enable the common man to have accessibility.

Education: with the increasing levels of poverty and illiteracy, the Constitution should provide for free and compulsory primary education. Then, corporal punishment in schools should be re-introduced. Due to increasing cases of mass indiscipline in learning institutions, the Government should have a policy whereby, the Kenya School Equipment Scheme to provide stationeries to schools. And then continuous assessment test scheme to be established to determine the final grade of the pupils, instead of learning for many years, and doing the exam for a short time, where the child may not perform well, due to some inconveniences.

Food: a food policy to be adopted for the State to provide some input to farmers at low cost. The State should also provide for the market to farmers at good prices. Payment to farmers of their produce to be prompt to ensure that the farmers meet other personal expenses in time, e.g. paying school fees, and hospital bills.

Number five. The State should have responsibility of ensuring that all Kenyans enjoy the rights. The Constitution to provide free and compulsory education up to Standard Eight. It should however, monitor and regulate the three structures of primary schools. Here you find that, in our country, they are telling us that there is free primary education. But to me as a parent, I find it that it is not free. In fact, it is more expensive.

Six. Kenyans should have a right of access to information in possession of set or any other agency or organ of the State. This should be done through: civil education provision, and then, the District Focus for Rural Strategies.

Seven. The Constitution to guarantee all workers to trade unions representation, except for the principals, e.g. directors, managers, chief executives and Armed Forces and Police.

**(Interjection) Com. Baraza:** Your time is up.

**Rose Wekhulo:** Last, other basic needs of Kenyans to be guaranteed in the Constitution include: political, economical, social and justice. There should be a limit in the mode of registering some religious sects. This is because, some sects totally mean on



promoting religious ..... (inaudible) to their members, and are practicing ungodly things. For example, devil worshipping and holy spirit ..... (inaudible).

The NSSF and insurance companies to pay their members promptly after retirement, sacking or dismissal or accidents or lose for insurance. Thank you.

Thank you. Go there and register, and leave us the memorandum. I will have to adhere to my five minutes. Isaac Simiyu.

**Isaac Simiyu:** My name is Simiyu Isaac. I will present on Rights of vulnerable groups.

At presently, women rights are clearly addressed. However, the interests of people with disabilities are not fully taken care of, in terms of education and employment. Therefore, I feel that, the disabled must be given free education and employment be guaranteed unto them.

The specific concerns of people with disability the Constitution should address, include: education, shelter, movement, food and employment.

The Constitution can guarantee and protect children's rights through free health-care, free education (I said earlier), parental care, protection from violence, protection from hard and forced labour.

Five. Other vulnerable groups include orphans. Orphans should be established to provide education, food and shelter.

The aged in Kenya: the aged have been left without special care. Cottages must be established by the Government to care for the aged until they die.

Widows and widowers who have been left without support should also be taken care of. The Constitution should make provision for affirmative action for women and other vulnerable groups. They should be represented in Parliament. Women to be represented at every district level, as said earlier, and the disabled should also be represented by the disabled persons.

Here, I will say a suggestion, as I wind up that, the disabled are not well catered for. Like if we take the time for voting. A blind man or deaf is not able to vote in this country. Because, I as a person have been a clerk in a polling centre. There is no provision that can take care of the disabled.

Fund, like the National Disabled Fund, is a fund for the disabled. Like last week, I was attending a meeting, among the Commissioners and the management of the National Disabled Fund. There is none who is a disabled. So, I feel, that any disabled fund or any fund being laid towards the disabled, should be 75% represented by the disabled.

I will also suggest that, disabled people be identified right from the time they are born from the hospitals. Because, disabled people are just in a bad state, as long. After being identified, they should be forwarded to the administration.

I will also comment on Provincial Administration. In this country, there is none in the Provincial Administration who is a disabled. And if any requirement of the disabled must be channelled through the Provincial Administration, we do find it hard, because, we don't have a representative who is a disabled in the Provincial Administration.

I will only suggest, that nominations, people say that a disabled person cannot represent a people. But in this country, we do have nominations like MPs who are nominated and don't have a constituency. I feel that, such nominations should be spared for the disabled, in order to air their views.

Lastly, I would prefer that, the fact that disability is not inability, I partly agree with that. I cannot quantify it, because a person with a disability, unless .... (inaudible) has been given for him to be able, by that ..... (inaudible) I mean, the Provincial Administration, right from the council leader, should identify the disabled people in his area, and forward the same, so that a ..... (inaudible) can be made, that, the only course that a disabled person I can have right now is in the country -- it is through vocational training, which is carpentry and tailoring. I would suggest, that the same should be reinforced in higher education to enable the disabled in this country to learn to the end. With that, I say thank you.

**Com. Baraza:** Thank you Isaac. Lilian Baraza?

**Lilian Baraza:** The Commissioners, Ladies and Gentlemen, I am Baraza Lilian, presenting to you a ..... (inaudible) regarding the ..... (inaudible).

Mayors and council chairpersons to be directly elected by the people.

Mayors and Council Chairpersons to serve for five years, and when election come, to guard the elections expenditure.

The power of the Council should be devolved from the Central Government.

The Councillors, Mayors and Council Chairpersons should have attained Form Four, combined with demonstration ability to serve those positions.

Language testing are not sufficient. The Councillor must have passed in English and Kiswahili at least with a 'C' as a grade and above.

Those occupying local council seats should have demonstrated moral, ethical qualification. *Kata ibe mundu undi uchungamung'abu ng'abu dawwe.*

The people should have a right to call their councillors, when such councillors fail to deliver goods and services. The electorate should have a system where, at least, 500 persons append their signatures. *Notsia khu mayor nalomalomakho a pomisa mbari, rueresie ekura khulabakholera sindu Fulani ne nibayola,* they don't do for us. *Khwenyekhana khubalange bakobole eno, khalafu,* we choose another person to represent us there.

Number eight...

**(Interjection) Com. Baraza: Madam,** you want to speak Kiluyha, you tell me like that, so that we get an interpreter. But I can see you have provision in English, so please go through, because this is a recording, and they may not necessarily understand. I understand, but they don't. So, you want to finish in English or you want to go Kiluyha, I get an interpreter.

**Lilian Baraza:** In English.

**Com. Baraza:** Okay, then do in English.

**Lilian Baraza:** Number eight, the remuneration of the councillors be determined by the National Salary Commission.

The consent of the nominated councillors should be retained, but returned for special interest groups, i.e. women, disabled, youth, etc.

Rule of natural justice should govern the conduct of councillors in a multi-party state.

Collusion in councils should be entrenched in the Constitution.

The President or the Minister for Local Government, by Constitution, should not be allowed to dissolve a council. Instead, the dissolution should be ..... (inaudible) by the Commissioner, is that to administer the local councils. Thank you.

**Com. Baraza:** Okay, go and sign there. Tom Ochoya?

**Tom. Ochoya:** My name is Tom Ochoya Magina, and I have my presentations on international relations.

Number one. Conduct of foreign affairs should not be exclusive responsibility of the Executive. Instead, Parliament should be given power for these roles.

Number two. Parliament should vet appointment of Ambassadors. This will ensure fairness to all communities.

Three. Parliamentary role in the conduct of foreign affairs will be democratic, and that of the Executive, for the minority.

Four. International treaties and conventions under regional, and in a ..... (inaudible) treaty should not have automatic effect in domestic law.

Any issue at international level, to be tabled in Parliament for debate, e.g. whether to have corporal punishment in school or not.

It was adopted that, there should be no corporal punishment, which has resulted in cases of high indiscipline in schools, as it was tackled later on.

Corporal punishment should be retained in schools for discipline.

A flattery that primary education is free, yet, the Government had not allocated funds to schools for development, and there is not ..... (inaudible) for the provision of stationeries.

Number five. Laws and regulations made by regional organizations that Kenya belongs to, should not have automatic effect in domestic law. I would like to end there.

**Com. Baraza:** Thank you. There are people who need to go to school? The people agree to go to school?

**Response:** ..... (inaudible).

**Com. Baraza:** Patton Kulundu? Patrick, you will be followed by Rael Wawire.

**Patton Kulundu:** Thank you. My names are Patton W. Kulundu. My presentations are on Children's Rights.

Every child of Kenya should get education. Because, it helps majority of them to control themselves, and understand. But without it, some children become thieves and robbers.

Number two. The Government should give us free education, because, some parents can't afford to pay for their children.

Number three. Also, I feel that the Government should help us, and provide us jobs, because, after completing education, some pupils or students normally just stay at home doing nothing and they just look like they have never gone to school. So, I urge the Government to help us get jobs. Thank you.

**Com. Baraza:** What class are you in, and in what school?

**Tom Ochoya:** I am in Standard Eight at Mukhangu Primary School.

**Com. Baraza:** Okay, please sign there. Rael Wawire.

**Rael Wawire:** My names are Rael Wawire from Mukhangu Primary School in Standard Seven. On my part, I want to say about the teachers' Basic Rights.

Teachers should not abuse children in sexual immorality. Because, if they see children are good in class, they make friends with them and abuse them sexually.

Teachers should not enter classrooms while drunk and smoking cigarette.

Children should have school uniform when going to school. Because, it provides security in them.

On the part of the Government, should provide education, because, there are some students who have completed their education but have no work to do.

Also, the Government should give us a youth representative in the Parliament to present our views. That is all.

**Com. Baraza:** Thank you. Dickson Aseri? That is another pupil. Dickson, and you go back to class, eeh? Tell us your name, your school and your class.

**Dickson Aseri:** My names are Dickson Aseri from Navakholo Primary School in class eight. I like to give a presentation concerning teachers with pupils.

Number one. If you know that you are doing a certain job, for example, a teacher, and your age does not allow you i.e. you are old, you should leave it for the youth who are still young. (*laughter*)

Number two. The Government should give books to children who are not able to buy theirs.

We need to improve the discipline in schools.

This issue of not being caned in school should be banned. Because most of us pupils, we don't have respect to the teachers and other elders.

Absenteeism of teachers without proper reason should not continue.

Subjects which have been removed from the system, such as Art & Craft should be returned, because, someone may be talented, but there is somebody to teach him or her. Thank you.

**Com. Baraza:** Thank you Dickson, you sign there. The teachers. I think there are teachers here. There is Osebudo Wawire.

**Wawire Wasike:** I am Osebudo Wawire Wasike. I will ..... (inaudible).

One, funding of public institutions: there should be clear guidelines on how public institutions should be funded at all levels to avoid confusion and over-charging. That is, people go to hospitals expecting to be treated, and because they don't have money, they are chased away. Others dies on the way.

Children go to schools because they say there is free education, when they reach there, they are told to bring money, and therefore, they ..... (inaudible). Therefore, the Government should come with a serious guideline to show that, at this level, this is the much that you are expected to pay.

Number, two public examinations: the Kenya National Examinations Council and any other board involved in setting examinations, should have its own independent body or setting, supervising, marking and compiling, without involving the implementers, mostly who are the teachers.

Number three, employee's welfare: salaries, allowances and wages awarded to the employee should be implemented immediately it has been received and accepted by the employers.

Discipline: to avoid indiscipline cases, the following should be followed:-

- i. When doors are being made of any institution, the technicians to be involved at the grassroot. Because they understand which doors can govern that institution.

- ii. Arrests of public employees who commit offences coming from their duties should be done after consultation from their seniors. That says, public employees arrested because I had committed an offence, coming from the work that I have been doing. That one should not be guaranteed when the teacher has been consulted.

Part three, citizens who do not respect and abide by the laws governing any institution, should be expelled from those institutions.

Lastly, corporal punishment should be revived in schools to save the inside children who are being bullied by the naughty children.

Curriculum: there should be clear curriculum for all institutions in public and private sector. And creating of institutions of the same feathers should be stopped.

Employment...

**(Interjection) Com. Baraza:** That is your last one.

**Wawire Wasike:** Yes, that one on employment. The Government should employ all its trained personnel in the republic ..... (inaudible) unemployment body in the country, and interviewing of the trained people should not be there, because, it causes corruption. Thank you.

**Com. Baraza:** Thank you. We are happy that Dr. Charles Maranga has arrived. I understand he got lost and drove all the way to Bungoma. But, at least, he has joined us. So he will be taking over this session in ..... (inaudible). I did the chairing yesterday, I don't want now to..... We have Mr. Shadrack Wawire? You can translate?

**Shadrack Wawire:** ..... (inaudible).

**Com. Baraza:** Okay, when we need you, then, I will call you. I forgot to announce, we have a sign language provider. Do we have Kenyans here who need sign language interpretation? Our colleagues who don't hear. We have an interpreter. Patrick Wafula?

**Patrick Wafula:** I am Patrick Wafula representing teachers.

Teachers and parents should be given in the Constitution.

The Government to ensure employment for all to give loans to provide some money for those who are not employed.

There should be a working period for any individual, not necessarily upto fifty five years under retirement age. We can come up with a ..... (inaudible) period, like say 30 years ..... (inaudible).

The Government should have a workable education system, whereby, teachers should be consulted when changes need to be made. At this time, they just did without conducting them.

The Government should introduce technical secondary schools and technical colleges, and maybe, technical universities for some students who are talented in different areas.

And lastly, ..... (inaudible) in our schools should be there, if it is to the interest of the land.

**Com. Baraza:** Thank you. Kitonyo Wahindi?

**Kitonyo Wahindi:** Constitutional review should be carried out after every ten years, not after thirty five or not it being a random at thirty. And this should involve technicians at all levels. Not where at certain levels we have ..... (inaudible) or officials who are lazy. Therefore it hampers the system.

At the same time, Constitution enlightening should be made to all people. Through radios, through TVs, through newspapers and so forth. Majority of the citizens are ignorant about the Constitution. So, that one should be a provision by the Government.

Apart from that, I feel an alternative should be found, because the Constitutional Review process is expensive to the common mwananchi, whereby, a few will only benefit. It is so exhorbitant to maintain that commission and depending on type.

Also, I would like to say, our country being a sovereignty state, should not be forced to adopt international laws that will have to infringe the domestic laws. Particularly, basing on the rights and children, also the change that has been made that education is free, while there is no provision, because the Government having signed an international law. So, it had to put everything in chaos.

Another point I would like to emphasize is, when we consider an issue to be a national disaster, it means, funds and efforts have to be wasted on that. But we will find that, despite that AIDS is a national disaster, it is not being taken seriously.

Human life is going away every time, but, literally send on that.



I would also like to register this, that the Government projects should be analysed properly, be set up and be complete. They have a lot of incomplete projects, it may become an expense to the common mwananchi.

So, a commission could be set for any project to succeed.

Education system and any other sectors should not be politicized. That is, take for example, higher institutions learning like the universities, should be chancelled by a competent, potential, academic caller, and it should not be by the President. Because, the President has a lot and he might not be a qualified personnel in that field. It looks rather oral.

After Kenya having achieved independence, we feel medical should be free to people; should not be taxed. They have had cases where people die because they cannot pay for the health services.

Then, politically, for us to avoid tribalism after having achieved independence, Kenya should be a ..... (inaudible) society. So that democracy comes up. We should not limit people to political parties to get Presidential candidates. Anybody is free to vie for any seat at any level. We can only consider age and other interviews, but otherwise, we should render Kenyan a partyless society to avoid... I mean Kenyan to be a partyless society, in order for us to have democracy at hand.

Then maybe to wind up. Any advancement of an employee should be sponsored by the Government, not fellow sponsorship. This has denied very many Kenyans advancing in higher opportunities of education.

**Com. Baraza:** Is that the last one? Was that your last point?

**Kitonyo Wahindi:** Yaah.

**Nancy Baraza:** I have a question. You did propose that the Constitutional Review should be done after every five years.

**Kitonyo Wahindi:** Ten.

**Nancy Baraza:** After every ten years, and you also suggest that, probably the way you have undertaken it..... (inaudible)Isn't it?

**Kitonyo Wahindi:** Yaah.

**Nancy Baraza:** I want you to propose to us what methods that would be cheaper on Kenya and we will do that

..... (inaudible).

**Kitonyo Wahindi:** Here, we should involve the Judicial Commission, at the same time, the law students. It would be a bit cheaper.

**Nancy Baraza:** What institution? Because we are talking about institution which we want to put in our new Constitution which will deal with various aspects. If you don't see an independent institution that can be charged with the review process?

**Kitonyo Wahindi:** That is why I am saying the Judiciary part of it can carry out any other normal duty, rather than when it is a Commission. And that is why I am saying, law students can be involved in that as a way of carrying out a research.

**Nancy Baraza:** There is a question.

**Kitonyo Wahindi:** Okay.

**Com. Maranga:** I think, maybe my question is, how does one institution of Government continue to review the very laws which, for example in the Judiciary, one of the laws that you are complaining about, it is about the Judiciary. Do you think the Judiciary is going to do justice by itself? Because, this Commission was set because, it is non-partisan, it is neutral and can cut across. We have no interest in the Judiciary, we have no interest in Parliament, and so on. So, don't you find that interesting that if you have an institution, which for example you want to review. And even if it is the Judicial Commission, it will have to spend some time. Isn't it?

**Kitonyo Wahindi:** Yaah.

**Com. Maranga:** So...

**Kitonyo Wahindi:** But not exorbitant, that is what I meant.

**Kitonyo Wahindi:** I don't know what you mean by exorbitant. Maybe exorbitant is because we are now, the way the law is now, is that we must access Kenyans where they are. For example, you might never a Commission here again, in the entire lifespan of your life. This is the first time you have seen a Commission coming very close to the people. It is because the law was very clear. You maybe have been required to come to Kakamega District Headquarters, where you will come, present your views and go back. How many people manage to go to Kakamega? But today here, in Chebuyusi, there is a mama from this village who has managed to come here, and who is appearing before a Commission.

You might also talk about the expense, but we also want to talk about inclusivity. I mean I think you want to weigh both lines.

**Kitonyo Wahindi:** But I know, if it is decentralization, the law says, it comes the way you put it or rather when you say, in future we might not have such, it get a kind of threat. I hope it is uncertain that we continue reviewing the .....  
(inaudible). (*laughter*)

**Com. Baraza:** Okay, nobody is threatening another. I think you go to the Constitution-making of America. They did it over 200 years ago. It is not a thing you do every week. So nobody is threatening another. If you want a stable society, then you have a stable Constitution. Elijah Mahonga?

**Elijah Mahonga:** Dear Commissioners, Ladies and Gentlemen, I submit on the Constitutional.....

**(Interjection) Com. Baraza:** Say your names.

**Elijah Mahonga:** My names are Elijah Mahonga. I submit on the Constitution Commission, the following proposals:-

We need a Constitution Commission or Commission and some offices like Ombudsman, who will be monitoring the Judiciary; then the National Salary Commission, to determine the salaries of all workers in the country. Because you find, in some areas, people who have never gone to school are earning more money, more salaries that those who have been to school, and have spent a lot of money. We need to have an Anti-Corruption Unit, like the KACA to fight against corruption.

We should introduce the office of Ombudsman. This office will be an arbitrary, arbitrator to other Arms of the Government. It will go and there to find out exactly what is going on in the various government offices.

We need the Constitutional Commission that is, the Human Rights Commission which will oversee that every Kenyan is treated properly. Then we should have the Gender Commission, so that we have the gender balance in whatever we do in our country.

Then we have the Anti-Corruption Commission. At the moment, there is a lot of corruption in the country, because we didn't have any commission to fight against that one. And any commission that was set up were not Constitutional. Therefore, when they give their findings, they are at ..... (inaudible) after spending a lot of government funds.

Then we need the Land Commission to oversee what happens. Because, right now, in the Ministry of Lands, there is a lot of corruption. So many people have acquired unnecessary or non-official land title deeds, and people have grabbed land from other people. Therefore, if we have such a Commission, it will make sure that whatever happens in the Ministry of Lands be streamlined and then even a poor man will have his land safeguarded.

Others should be the Poverty Eradication Commission, the Food, Health and Education Commission. Like in the past, we had so many education commissions, which gave their findings and eventually nothing was done. At the moment, we just borrow from..... when an officer of the Government goes out, he borrows education system which comes to be imposed on teachers.

Then we should have a commission that will make sure every Kenyan has enough food, so that it will encourage us to store our own food, instead of allowing rich men to import food from other countries, then we lose market for our products.

Then Health Commission will make sure that all Kenyans are catered for. If you are poor, the Commission will make by-laws that will enable the poor to be treated free.

Then we need the powers and functions of the Commissions to be stipulated by the Government. It will lay down the rules for every Commission, so that, whatever is passed is followed and supervised properly.

And there should be a Minister for Justice or Constitutional Affairs. The Minister shall be an MP and a Member of the Government, and that very Minister will represent the public.

The Attorney General shall be Chief Government Advisor and Prosecutor. At the moment, the Attorney General does not do his work, because, he leans on one side, he does not actually do the right job. Thank you very much.

**Com. Baraza:** Thank you Mr. Mahonga. Please sign there and give your memorandum. Amos Egesa? Amos. To be followed by Hosbon Ombira.

**Amos Egesa:** *Ndakakorwa olusungu ndalaloma loma mulunyala. Esie nangwa Amos Egesa.*

**Translator:** Anaitwa, *alangwa Amos Egesa.* He is called Amos Egesa, sorry.

**Amos Egesa:** *Nzitsa khubola khulondekhana nende obwami khurula khu mundu okhutis skhu undi.*

**Translator:** He is going to talk about Succession – mambo ya kama ni shamba, the way the power comes from a person to another one.

**(Interjection) Com. Maranga:** If you are an interpreter, you say exactly what he has said. Hajasema maneno ya mashamba. Wacha maneno yako.

**Translator:** Okay, wacha arudie ile alisema.

**Amos Egesa:** *Njia okhubola okhulondana nende obwami okhutula khundi khutsia khu undi.*

**Translator:** He is going to talk about leadership from a leader to another leader.

**Amos Egesa:** *Okhwikhala khwefwe khwalola mbu, omundu kenya kemirere amakhuwa ko bwami, okhutula khundi khutsia khu undi, abe ni kasomera omakhuwa ka malako okhulondana nende obwami, nende uchuki..*

**Translator:** The way we stay in our country, we feel, a leader to get leadership from another one, should have learnt about what he is going to do with that kind of leadership.

**Amos Egesa:** *Asante, omundu niyanya okhuba omwami we esialo sino, kenyekhana obe niwakhakho omubunge, emiaka saba, ne emana miaka saba eko, obe niwali MP, ne sikenyekhena, obe nibakhutola sa batsia khubira ikura tawe.*

**Translator:** If you want to be a leader, say a President, in this country, you should have been in the Parliament as an MP, for seven years or more. Two, you should have been voted for to go to Parliament. Not nominated.

**Amos Egesa:** *Nowa sikenyekhana niwenya khuba mwami, obesa ngo utulanga mukhono, olikho, nende buchuki khale, bandu bakhwiresia mbu khoro mbu babao yalikho mwami, tawe.*

**Translator:** If you want to be a leader, say again for example a President, it should not be that your father was either a President, then the son should be a President. That kind of inheritance should be stopped.

**Amos Egesa:** *Okhola khuwana khosi, nibakhakhakhuba tsikura tsia president kenyekhana abe akhubirwe sa tsikura tsino, abandu nibabao, mu station siabakhubire bakhoyere babalire awo tsikuru mane bamanyike mbu president anyole tsikura Fulani khusgiranga khulondakho khutsia Kakamega.*

**Translator:** The votes for the President should be counted at the polling station, instead of carrying boxes to Kakamega or to the headquarters, where we suspect, by so carrying those votes, there might be something to be done on the way. So, counting should be done at the polling station.

**Amos Egesa:** *Bindi sibiya biakhole khana khwabwaminga, obwa president, obwa Mp, obwa councilor abakhubire ekura babalire awo.*

**Translator:** This kind of system should be done where voting, polling stations for Councillors, MPs and the President.

**Amos Egesa:** *Oyo uba nabirire kama president, kenyekhana bwamweresie inyanga thelathini abe nikengira mu office olwa batangasiria lube luchini..*

**Translator:** Immediately we finish voting, we feel, after counting and every process has been done, one has to resume his or her office, within 30 days.

**Amos Egesa:** *Kenyekhana nali president nikakhakho, omundu omukhongo khokho omanyire amalako, wa*

*balanganga mulusungu mbu chief justice, abe nende otsia khu president khubola ati, niye president we sialo sino, inakakha muchubia. .*

**Translator:** Swearing should be done by the Chief Justice.

**Amos Egesa:** *Nne nibala sa khumutsubia, abe nayola ebindu nbienyekhana mu office, khu niye okhwanza ikasi.*

**Translator:** After swearing in, he should immediately take over the office and sign the necessary equipment to make him do his work immediately.

**Amos Egesa:** *Khu president mwene oyo natsia mu office, kenyekhana ikasi iria, abe naikhola mungira mundai, abe naikhola mungira yo subira, abe naikhola mungira iyesibera khuchia alalindanga bandu bandi inyuma.*

**Translator:** And we hope, that particular person, if it is a President, he will adhere to the oath he has taken before the Chief Justice.

**Amos Egesa:** *Ne naikhola atio, ataikhola nende esikhalakiro mbu Fulani, ne ekholo Fulani, nawe abandu Fulani, okhutula mu area Fulani sabakho mundu owekha buleka lulala dawwe.*

**Translator:** If he is a President, then he should take himself as a national father, not biased, or not tribal. Thank you.

**Amos Egesa:** *Omuruki mwene oyo, norengera, ekasi inyinji, sichienekhana abekho, ekasi chino akobole khomo, ngoli onyala okhola ekasi, mbu okholere otie, hapana mbu khumulekhere sa yanyine, abe nende engulisienge tawe..*

**Translator:** That means, he is the top most, so he should work also as a supervisor. He should supervise other areas of the work, whether it is being done according the law.

**Amos Egesa:** *Bamulekhera ekasi chiosi chiosi, kekesia mbu, president buli sindu, sinabitirenge muniye ne bulisindu mbu njeka wina akhole, alikhunyola mbu ko, munyumba ndala ili nde mu office ndala yonyene ne efew khwamukhubira ikura khwesi..*

**Translator:** If the powers will be vested in one person, say if it is the President, then obviously, his office will be full of people he knows, the people that he can favour himself to call near him. Thank you.

**Amos Egesa:** *Ne ndamusima indayi nikaba mbu, amalako akachia mu sitabo, yesi akalonde, erirondakho, ilimalilikha mu, amalako katsia khu judge, yesi akalondere tawe, bamusitake, mana khutsie khu mundu oulanda amalako.*

**Translator:** Anybody going to hold an office, who does not work according to the law, we are going to make now, should be removed and replaced. Be it even a President.

**Amos Egesa:** *Ne amalako kene ako, shikari mbu khano nga khulumbere, na nga ekhubire ekura nga khwakhubira president, si kali mbu bulisindu akholenge sa yenyene, tawe, nuli nende abana, abana bakhusime, wesi obasime, ne limalirikha, likhuwa lia okhukenda kenda hivi, onyola khudolera president, notula anowatsia Nairobi, otsie mbu mumukutano, omukhasi aliyo, otsia Busia, omukhasi aliyo, otsia Nyanza, omukhasi aliyo, khubera newe president, president abe nende mukhasi mulala. .*

**Translator:** If you are chosen to an office like that of President or any other offices, public offices, you should have be properly married. If you go to visit people in Busia, stay in that area, you should not have a lover there, you go to Nairobi you have another lover, possibly go to America, you have another lover there. So you are be-lowering your dignity as far as that office is concerned. So we feel, he should be properly married, and if possible, one wife.

**Amos Egesa:** *Obwami bwene obo, kenyekhana omanyee wamwene okhusoma nende okhwandika, hapa mbu wandika mundu, mbu mundu ni mwami, omundu akhwandikirenge busa tawe..*

**Translator:** Anybody holding any public office should be literate. He should write, can speak English, Kiswahili and any other language. Rather than employing somebody to do the simple work you could do, and that man will waste public funds I hope.

**Amos Egesa:** *Elimalirikha, noli mwami sikenyekhana obe mumesi, obe chief, kata oli omwami ni winyala mungubo tawe. Obumesi khumwami sibwenyekhana tawe.*

**Translator:** While holding a public office or any other office, you should guard yourself against drunkenness.

**Amos Egesa:** Asante.

**Translator:** Thank you.

**Com. Baraza:** *Ko, khureba andi, omundu otamba mukhasi, okhuli nende mukhasi munyu ta, lazima nakende kende ario paka abe nende bakhasi, nomba anyala wakenda sa nachia nakona sa nakalukha. Saliwo unyala welinda bulayi yacha sa Busia wakhola mirimo kwa serikali wakalukha Nairobi ta. Wache Bungoma, khale khubukulakho mukhana mu bukusu, wache Nairobi, je, si aliwo wekhala ario ta mpaka abukule bakhasi?*

**Translation:** Let me ask you, a person who doesn't have a wife, if that person visits several towns, must that person have women in each and every town?

**Amos Egesa:** *Asante, nili muchuki, ne oli mwami, no uma mukhasi, sinyala khumaya khutuka bandu ba bakhasi, esikira simanyire kali munyumba mwa bakhasi tawe. Ne omukhasi nali president, nabula omusatsa, ne sikatekha tawe,*

*anyale khumanya mbu, siamanyire etabu ili mungo mwa bakhasi ne khuba inyumba ya bastsa tawe. Ko, kenyekhana nulimchuki, obe niwatekhe, nomba obe noli nende mukhasi. Khwenya okhusanga nende bandu bali nende bakhasi.*

**Translation:** Thank you, if you are a leader, and you don't have a wife, you can't be able to lead women. And if a woman is a president and she doesn't have a husband, she can't know the problems pertaining husbands and wives in their homes. We want to ruled by married people.

**Com. Baraza: Okay,** All right. Thank you. Hosbon Ambira? Hosbon. Five minutes. We are running out of time.

**Hosbon Ombira:** Majina yangu ni Hosbon Ombira. Nitasoma political parties.

The political parties.....

**(Interjection) Com. Baraza:** Don't read word for word. Just give us, we know those things. There are experts here as you see us. Give us what you propose.

**Hosbon Ombira:** Okay. The political parties should play roles, other than political mobilization. They should plan economically and monitor the initiated projects. They should participate in environmental protection. They constitute a back-bone of democracy. Selection of candidates, work on political education, co-ordinate between Government and people.

Two, the Constitution should not regulate the formation of political parties as an aspect of human rights.

They should not be registered under the Society's Act. Political parties should establish a code of conduct for the parties to adhere to, and it should be independent and impartial.

The number of political parties should be three, good and strong parties nationally.

Political parties should be financed from the Treasury, a membership registration and contribution.

Political parties should be financed from the public funds. Political parties should adhere to a code of conduct, and they should be submitting their income and expenditure on a regular basis, e.g. after six months, and party manifesto.

Seven, the party with majority support to form the Government and other parties to be in the Opposition as alternative government.

Democratic principles to be enhanced within the parties. Thank you.



**Com. Baraza:** There is a question for you.

**Com. Maranga:** Bwana Hosbon, wewe unasema ati vyama vya ki-siasa wapatiwe pesa. Wananchi wachange pesa wawapatie. Si unaona kama watu wakuwa kama sasa iko political parties na branches kila mahali ya Kenya, kwa mfano hapa sasa. Sio hao wazee na akina mama watakataa kwenda shambani, wawe wanangojea pesa ya party?

**Hosbon Ombira:** Hapana. Unajua hizo parties, huwa tunapata pesa kutoka...

**Com. Maranga:** Itakuwa kama kazi. Kwa hivyo iwe kama kazi? Watu wanaandikwa?

**Hosbon Ombira:** Hapana,

**Com. Maranga:** Si ndio unasema.

**Hosbon Ombira:** Sio hivyo.

Please sign there. Peter Erima?

**Peter Erima:** Commissioners, Ladies and Gentlemen, I am Erima Peter. I am going to present the issue about decision-making.

All family members should involved in decision-making. That is to say, if we can allow some specific people to make decisions, and we leave others away, then, we shall be leaving some points outside. Such as, in the village level, we are supposed to include “mukuru” or village elders, in clans, we should have chairman of that clan, and in sub-location level, we are supposed to include assistant chiefs, location, chiefs upto the State level. Thank you.

**Com. Baraza:** Thank you. Please sign there. Ndombi Edward?

**Edward Ndombi:** Our esteemed Commissioners, Ladies and Gentlemen, my presentation is on the Executive powers in Kenya.

**Com. Baraza:** Say your name for record purposes.

**Edward Ndombi:** Edward Ndombi Martin. I feel, the Constitution should come up with specific qualifications, all those

people who are aspiring to become Presidents of Kenya. Because the way things are right now, it is just okay.

For example, the Constitution should specifically come up with this suggestion. That whoever once becomes President of this country, should be young, learned, and be a good ..... (inaudible) and corruption free.

Number two, however good one maybe, one has got only to be in the office for two terms only, each consisting of five years, and he leaves, if we want proper democracy to prevail.

Now, when it comes to functions of the President: it should be specifically outlined. He should not be left alone to run ..... (inaudible) Chancellor, Vice-Chancellor of the universities, creating and abolishing public offices, choosing the Vice President, and you know, this person has been joking, will not work properly, because he will work under psychological ..... (inaudible). At any time, he can be fired out.

So, I am of the opinion that, the Vice President should also be elected by the people, in order to do a way with this psychological ..... (inaudible).

Number three, the removal of powers: I think when you are a President, you should delegate duties to your juniors. So, the powers of choosing as a ..... (inaudible), the powers of calling the constituting commission should not be allowed. Because some of these commissions, just end up pre-maturely like that, without coming up with anything.

Number four, the President should be removed from office if there is an ..... (inaudible) of the economy, if there is insecurity in the country, if there is poor stability of the education, because we cannot afford to have a ..... (inaudible) just because of a poor education system.

I have also said something about the Electoral Commission. Now, these Commissioners, in fact they are doing more harm than good to the common mwananchi, because they are so many. Why should we have a fleet of commissioners? I think, they should be trimmed from 22 to 10. And probably, the secretariat and the support staff should be increased in the Electoral Commission.

Number five, the Electoral Commission should be independent, and should be also, Constitutional. This idea of hand-taking people, I understand that there are some of them who will be retiring in October, and their fate is not known as to whether they will be re-elected or not. So, should be trimmed to 10. It should be Constitutional.

Now, these fellows here, the Commissioners, should be competent. Should have a good ..... (inaudible), should have a good track-record. Because, you find somebody failing an institution this way, and he is picked on as the Commissioner.

Which duties is he going to serve there? Already he has failed this way. So, these fellows should have competence, security, ability and good track-record.

Now, when it comes to Provincial Administration: well, we cannot do away with them, because they are just as old as the mankind himself. But, they should operate on elective basis. We should elect them, because if ..... (inaudible) to leave them. And they must a good system, they must behave. But most of them, the way they behave, leaves a lot to be desire. So, I suggest, that we should have a PC, a DC, and the chiefs. And to some extent, a ‘chikuru’ – the village elder, because this is the man who knows what goes on in a particular area. Thank you very much.

**Com. Baraza:** Thank you.

**Com. Maranga:** Edward Martin Ndombi, I want to ask a simple question. How young should the President be? How young is young? Because even 18 years.... So I wanted you to give us the lower limit of a President and the upper limit. If you are saying young, I want to see how that young goes. Is it a young turk? Or at what level? Something like that.

**Edward Ndombi:** Thank you very much for reminding me. I think 40 years can do.

**Com. Maranga:** Maximum?

**Edward Ndombi:** Maximum, that is 60.

**Com. Maranga:** 40 – 60?

**Edward Ndombi:** Eeh, 40 – 60.

**Com. Baraza:** And how learned is very learned -- the President? How is learned is very learned for the President?

**Edward Ndombi:** For the President?

**Com. Baraza:** Yes.

**Edward Ndombi:** Somebody I think who has been to the inside of a university. (*laughter*)

**Com. Baraza:** Okay, thank you. Register there. Hampton Musungu? Hampton Musumba? Five minutes.

**Hampton Musungu:** Commissioners, Ladies and Gentlemen, on behalf of Breast-feeding East Bunyala,

**Com. Maranga:** Your name?

**Hampton Musungu:** My name is Hampton Musungu. Our proposals as a group, is on the management and use of natural resources.

The Executive should not retain powers of fighting revenue.

Management and distribution of finance under management of human resources, the Parliament should do it.

Parliament should not retain powers to authorize raising and appropriation of public funds, finances with the Auditor-General.

Methods of fighting public funds finances:

- a) Land but ..... (inaudible) for over 100 acres, because there are some who own over 100,000 acres, and are not productive.
- b) Establishing profit-making activities by Government. Reduce Ministries, because when we have so many Ministries, we spend a lot and the revenue of the Government comes down.

And to add on that, we should stop importing sugar, whereby, our factories have enough sugar in our country. So that when we have a lot of importation of sugar, we find that the factories retrench very many employees.

- c) APs, that is Administration Police to be removed and their work compiled with that of police.
- d) Reducing MPs wages and salaries, because here, in fact, to say the truth, our MPs are earning a lot of money, and in fact soon over radio, that they are planning to raise their salaries.

Number four, to ensure equitable distribution of national resources. The Government must consider:-

- a) Population
- b) regards to education standards, some places have more schools than others.

- c) Consider the disabled members of the society.
- d) Strategy for rural development to be enforced.

Number five, the communities where resources are found, should benefit more. The Government should only get a small fee.

Number six, Controller & Auditor-General should have power to prosecute and be independent, ..... (inaudible) from the Executive.

Seven, Controller & Auditor-General to be appointed by registered independent accounts body taken to Parliament for participation and vetting before President announces.

Eight, other methods that Parliament can use to control management and use of public finances. Example:

- a) PAC – that is Public Accounts Commission. Ministerial Committee to be formed and should report to the Controller & Auditor General.
- b) An independent Anti-Corruption Unit to be formed so as to co-ordinate common citizens that is KACA (Kenya Anti-Corruption Authority).

Number nine,

**Com. Baraza:** Your last one. Are you winding up?

**Hampton Musungu:** We can attract competent Kenyans to work by:-

- a) Better remuneration and salaries, merit to determine. There should be no discrimination.
- b) Then, a code of ethics should be set up under Public Service Commission to be totally independent of the Executive. The PSC members should be vetted by Parliament. Retired civil servants should not be members of the PSC.
- c) Parliament should appoint members of the PSC.

Twelve, there should a code of ethics for holders of public offices.

Lastly, public officers should declare their wealth. I beg to move.

**Com. Baraza:** Thank you. Benjamin Stukani? Benjamin.

**Benjamin Stukani:** Commissioners wetu na wananchi wa Kenya, naongea juu ya haki ya wale ambao haki zao zinatiswa sana. Na ninaongea juu ya wazimu. Kama iko mtu yeyote hapa, tena mwenye amesahuliwa kabisa, ni wazimu. Yule jamaa unaona pale pale kwa barabara, hana cha kula, hana nguo, lakini kwa kweli, ana haki yake. Mimi tayari nishakuwa mgonjwa, nimekaa katika vyiu tofauti, na maneno nimeona uko, ni heri hata uwe kwa jela, kuliko kuwa huku.

Example tu, wewe enda Kakamega Ward 9, jamaa analala kwa mkeka. Na mwingine ni mchafu kabisa. Chakula inayokuja huku, ni mbiji, haistahili. Dawa anapewa ni ile ya kulevya. Unadungwa shindano mpaka unakuwa Pumwani, hakuna kitu chochote munaweza fanya. Wakati ukishamaliza hiyo, ndugu yangu, hakuna chochote munaweza fanya.

Na sasa katika Katiba inayokuja, tuwe na Katiba ambayo mutatea haki za wazimu. Hana shamba lake nyumbani. Hana shamba lake nyumbani, ni mtu ambaye amesoma, lakini hakuna mtu ambaye anataka kusikiza yeye. Akikuja kwako wewe utafunga huyo ofisa mkubwa, wewe ndio unafunga mlango, hangalau tu kuchukua tu ugali kidogo, uweke kwa sahani halafu umletee, huna wakati huo.

Katiba ambayo inakuja, tuwe na sheria ambayo italinda hawa. Ma-kanisa ina uwezo, hospitali ina uwezo, raia wana uwezo wa kujenga manyumba ya kulinda hawa watu. Najua wazimu wa kesho ni wewe. Kwa maana, huu ugonjwa unakuja kwa njia tofauti. Nafikiri mumenichukulia hapo.

Halafu wengi ..... (inaudible) nini inaleta wazimu. Sasa hizi hapa Bunyala, urogi (witchcraft). Ikiwa Wanyala wamekaa hapa kwa hii Katiba ya leo, na hawataki kusema kitu kinaharibu hao ni uchawi, ndugu yangu mimi ni Mkristo, tena ni Badri, nawambia Wanyala uchawi utawamaliza. Wanaogopa hawa wazee unawaona hawa. Kuna jamaa uko nje ni matajiri wanatembea na maghari makubwa makubwa, kwa nini. Waziri wamekalia sisi. Hatuna mahali pa kujitetea. Hakuna mtu atawezakusikia.

Labda leo, Katiba ya Kenya, itatusikiza. Ni hayo tu ninaomba, mali yote sisi wazimu, Serikali iakikishe hiyo mali yetu iko mikononi mwao, either watuambie mali yetu tupeane kwa kanisa, tutaenda kwa nyumba fulani, hili, baada ya hapo sisi tuende tukae hapo, halafu tulindwe vizuri. Anayeongea ni Benjami ..... (inaudible) Stukani, asante.

**Com. Baraza:** Iko swali.

**Benjamin Stukani:** Uliza niko tayari.

**Com. Maranga:** Umesema uchawi umezidi pande hii ya Bunyala. Is it Banyala?

**Benjamin Stukani:** Wanyala.

**Com. Maranga:** Wanyala. Sasa wewe ungetaka Katiba isaidie vipi hili kumaliza hiyo uchawi kutoka upande wa Wanyala? Nipe pendekezo.

**Benjamin Stukani:** Kwanza kabisa, zile certificates ambazo zinapeanwa na Ministry of Social & Culture kwa waganga, wawanyanganye, kwa sababu, Serikali imewapea licence ya kuua. (*laughter*)

Hata wakati ule ..... (inaudible) alijaribu kupigana na hao Wanyala, hujui ..... (inaudible) tayari amekufa. Tutapata wapi mwingine mwenye atasimama imara na tumalize uchawi, watoto wetu waende kwa shule? Nimepoteza marafiki wengi wenye walikuwa university, colleges, kwa ajili ya uchawi. Na siwezi kushtaki mtu. Nikikutaka na panga utanishtaki.

**Com. Maranga:** Lakini Bwana Stukani, iko tofauti kati ya wale ambao wanaendesha kazi ya miti shamba, na wale ambao unasema ni wachawi?

**Benjamin Stukani:** Hakuna tofauti hawa watu wamechanganywa. Huyo ndiye anatibu ugonjwa huo huo, tena huyu mtu ndiye ana mechanism ya kuleta huo ugonjwa. Wamenunua kitu inaitwa “majini” kutoka Pemba, kutoka Uganda, kutoka wapi? Sasa huyo ni mtu wa mashetani anasumbua sisi.

**Com. Maranga:** Okay, asante.

**Benjamin Stukani:** Ni mpaka lini sisi tutaishi kwa uoga?

**Com. Baraza:** Na hii “majini”, Benjamin? Hii “majini” inafana namna gani?

**Benjamin Stukani:** “Majini”, inaweza hata kuwa mfupa ama sehemu ya mwili wa mwanadamu, ama mnyama,.....(*end of side A*)

**Com. Maranga:** Anajua aje hii ni mfupa?

**Benjamin Stukani:** Mimi nimefanya research,

**Com. Baraza:** Unajua aje hii mifupa ni...

**Benjamin Stukani:** Nimetembelea waganga tofauti tofauti. Kwa maana mimi ni mtu nimesoma, nimetembelea waganga tofauti tofauti, nimeona hayo.

**Com. Maranga:** Haya tupatie hiyo research paper yako.

**Com. Baraza:** Utatupatia?

**Benjamin Stukani:** ..... (inaudible).

**Com. Baraza:** Research paper. These are your submissions you leave for us here, but we can't...

**Benjamin Stukani:** Mheshimiwa, hiyo ni kitabu imeandikwa, it is entitled, "the power behind witch-craft". It is being published by the ..... (inaudible) Publisher.

**Com. Maranga:** In Nairobi?

**Com. Baraza:** Alright. (*laughter*) Joel Kitembe? Joel Kitembe? Joel? Are you Kitembe?

**Joel Kitembe:** Yaah. Asante, kwa majina ni Joel Kitembe. Nitazungumza juu ya misaada ile inaingia hapa Kenya.

Kuna nchi zingine zinatuletea misaada hapa Kenya, pesa zinaingia chungu nzima, na matumishi ni mbaya. Kwa sababu, nikipeana mfano number one, Kenya na Finland. Finland imeleta msaada wa maji, sisi tumepata, na ilitumia njia nzuri, kwa sababu, kabla hawajaleta hiyo maji, walileta elimu – to create awareness. Kutoka chini, hata kina mama kutoka vijijini wakajua, mpaka ndio wakaanza kuweka hivi jinsi mitambo, hau kuweka hizi ..... (inaudible). Hili ndio wananchi wakajua, umuhimu wa maji.

Na kwa sababu ya hiyo, kuna pesa hata saa zingine zinakuja, kama leo. Siwezi nikaenda mbali.

Constitution Review, njia yao, creation of awareness ilikuwa si nzuri, kwa sababu, walichagua wale watu, hao kueneza injili. Kwa nini tuna Constitution Review? Hata tuna wazee nyumbani, wengine walikuwa wanauliza, hii mambo ya Katiba, munaenda kuzungumza, itatusaidia nini, hau inahusu nini?



Ingetufaa, msaada ikija, ianzie chini, if possible, on village levels, kueneza, hata yule mama hajui kusoma, watumie ile language, hau lugha ya kumwelimisha, ajue ya kwamba, tukitafuta hii maneno ya Katiba, Katiba itatusaidia mzee, ..... (inaudible), na hizo fedha, ndio misaada ikija, (sorry, you have cut me short). Hii pesa ikija, Kenya ijue ya kwamba, pesa zikitoka juu, wasilahumu Serikali, but management kutoka kati ya Serikali, na wenye kutumia hiyo pesa. Itumiwe vizuri, wasiwe wakubwa, wakiwekwa mifukoni yao, na wadogo wanahumia. Kwa hayo machache, nasema ni asante.

**Com. Baraza:** Rebeka Ndombo.

**Rebeka Ndombo:** Rebeka Ndombo, niko darasa la saba. Na ningependa kuongea kuhusu mahitaji ya watoto - ..... (inaudible)

Tungependa viboko virudishwe kwa sababu wanafunzi wengine wamekuwa watukutu, wanaweza kuchoma shule, halafu wengine wanapiga waalimu. Sasa viboko virudishwe, lakini waalimu wasiwachape sana watoto. Kwa sababu, wengine wanaweza kuwachapa hata wakawapambua ngozi zao. Sasa viboko vikirudishwa, mwalimu apige mtoto, viboko kama viwili ama vitatu.

Na pia tungependa Serikali itusaidie na vitabu vya kusoma.

Halafu masomo ya bure tuweze kupewa kutoka shule za msingi hadi vyi vikiu.

Halafu pia ningependa kusema kwamba, waalimu ambao wanawanyanyaza wanafunzi wasichana, halafu saa zingine hata wanaweza kuwatunga mimba, waalimu kama hao waweze kufutwa kazi haraka iwezekanavyo.

Halafu pia ningependa kusema kwamba, wazazi ambao wanawapenda watoto wao sana, wanawafanya hao watoto wanakuwa wajinga, kama kila siku wanapewa shillingi, mtoto akiwa darasani, anasema break itafika saa ngapi niende ninunue andazi nile? Hiyo inaweza kufanya mtoto asisome.

Halafu wazazi ambao ni wakali sana kwa watoto. Wanawafanya watoto wanakuwa na upekwe mwingi halafu hawasomi.

Halafu pia tungependa ma-hospitali ama sahanati ziweze kujengwa karibu na shule. Kwa sababu kuna watoto wengine wanamatatizo kama kusilahi karibu kila saa, ama kila siku. Hili waweze kuhudumiwa.

Halafu pia waalimu, tungependa tuongezewe waalimu, kwa sababu, ukipata kuna waalimu karibu tisa na watoto ni mia sita katika shule, halafu waalimu hawatoshi. Ni hayo tu, asante.

**Com. Baraza:** Gilbert Lusembi? Gilbert Lusembi.

**Gilbert Lusembi:** Commissioners, Ladies and Gentlemen, good afternoon?

**Response:** ..... (inaudible)

**Gilbert Lusembi:** I am Lusembi, I am submitting my proposals on participatory government.

One of my proposals is, Non-Governmental Organisations and other ..... (inaudible) groups should not have a role in governance. Because, they will interfere with roles – there will be role conflict in governance. So, they should not be given an opportunity to have any role in governance. But instead, Non-Governmental Organizations should only provide technical advise, and they must fulfill the objective as to why they came to seek permission to practise whatever they might have come to do in our State.

In addition to that, only localized, organized groups within the State, it is my plea that, within the Constitution, they must also be given some roles to play in governance.

Secondly, the Constitution should address protection and liberty relating to civil society organizations.

Thirdly, the State should regulate conduct of civil society organizations including media for harmony, peace, unity. And as well, to be regarded as civil society.

Fourthly, the Constitution should also institutionalize the role of civil society organizations, that is by way of starving the rules and regulations.

We must also have some mechanism to ensure that there is maximum participation in governance by the women, through, (these are some of the suggestions that the mechanism that should be put in place):-

- Women should be represented at district level so that either they are nominated, elected from the grassroots.
- Then persons with disabilities: you will realize that disability is not inability. Therefore, they must be provided with an environment whereby, they must be productive within our society. Therefore, they should be represented at a provincial level, and if possible, the Constitution should provide the bridge at which they are supposed to be assisted in order to be mobile.

- Then the youth: the youth having formed the large part of the population of our society, they must be represented at provincial level.
- The elderly: they must be represented also, so that, we must get their wisdom, their opinion, as far as we are concerned.
- Then other groups should be identified. I think we must identify the squatters, the street children. With squatters, they must be given land.
- Street children. Having well informed that there is freedom of worship, and those people who seek licence within the Government, they normally collect what we call 'sadaka', they must cater for, they must also be told to pay taxes, so that the State can regulate, the State can also take care of the street children.

Then as well, to cater for the source of these street children, the State should regulate the number of children a person should have. Meaning that, a law should be enacted on when to have a child. I beg to say thank you.

**Com. Baraza:** Thank you. .... (inaudible).

**Gilbert Lusembe:** Street children: the State should regulate the number of children a person should have. Meaning that, a law should be enacted on when to have a child. (*laughter*)

**Com. Baraza:** .... (inaudible).

**Gilbert Lusembe:** When we were looking at this, we were not considering any country. We were looking at the welfare of the street children. And then, we were looking at the source. How do we control that? The State having the capacity and the expertise of which can advise them so well, on how to go about this law. So the Constitution should provide at least, a provision for that law at which the number of children to be born has to be given.

**Com. Baraza:** Ronald Shiholi?

**Ronald Shiholi:** My names are Ronald Shiholi, and here are my presentations:-

My first point is on family planning: I think that our Constitution should address family planning, and if possible, I propose a limit of four children per couple. Or if we give somebody polygamous, then it should be each and every woman, four children.

Political parties: Expanding of political parties should be allowed for only those parties who have representation in Parliament. The State should also depend on the number of representations in a political party. The rest should wait for their ..... (inaudible), when they will have representation in Parliament.

Salaries for public servants: I am not talking companies, but about public servants. The remuneration should be unified so that, we do not have a situation where the worker with a certificate earns more than a worker in another Ministry, say with a diploma, given that all were employed in the same year. So, we have a lot of ..... (inaudible).

Title Deeds: If possible, this one should be handled by administration and be done up to the divisional level. Because now the Ministry of Lands is very much biased.

Looting of customers' savings in banks: a customer should be allowed to apply for a temporary closure of his account. He can continue to service it when ready from where he stopped.

National development: the Ministry of Planning should be empowered to have a national plan, on things like roads, industries, and all the other social amenities, to avoid political associated development, which jeopardize wananchi's tax money.

The seventh point is on the environment – environmental protection: the Constitution to impose the minimum number of trees to be contained in a one-acre of land, on those agricultural land. Because, people are cutting trees in ..... (inaudible), and if we don't impose a Constitution, then this will lead into a disaster.

I am also proposing that the village elders whom I am calling, "mukuru", these ones should be paid a wage – say Kshs.1,000/- per month. And these "vikurus" must be of class eight and above in education.

Presidential performance should be begged on economical performance. That is, ..... (inaudible). Thank you.

**Com. Baraza:** Julius Anyingo.

**Julius W. Anyingo:** Majina yangu ni Julius W. Anyingo. Nazungumza juu ya Serikali za mtaa.

Mayor na wenye viti wa ma-baraza, wachaguliwe moja kwa moja na wananchi.

Namba mbili, vipindi vya miaka miwili kwa mayor na wenye viti wa ma-baraza, havitoshi. Inahitaji tukaweze kuwaongezea muda wa miaka mitatu.

Namba tatu, kuwe na elimu ya nchini zaidi kwa madiwani. Hasa sana, mimi naonelea ya kwamba, huyu diwani akiwa katika kiwango cha ‘C plain’, kidato cha mne kitamfaa.

Mtihani pamoja na lugha inayotumiwa kwa wagombeaji wenye viti, haitoshi. Kwa maana ya kwamba, zaidi ya wengi wao, wana..... (inaudible). Hata kama wanaokuwa pamoja, na katika ushirika, hawa wanaogombea kwenye vitu hiyo.

Pamoja na hayo, tunakuta kuona ya kwamba, wengine wao wanatumia lugha ya kudanganya wananchi, ya kwamba, tutawatengenezea, hasa kama, barabara, maji, pamoja na vingineo vyote. Akishapitisha kwenda katika kwenye cheo chake, unakuta ya kwamba, muda unakwisha hata kabla hajatengeneza chochote.

Cha tano, naona ya kwamba, wananchi wawe na haki ya kumrejeshwa nyumbani diwani wao, kwa kupiga kura isiyo na imani, kutokana na yale maelekeo, aliyeelekeza na hayakutimizwa. Ni hayo tu, asanteni.

**Com. Baraza:** Melisa Mulinga.

**Melisa Mulinga:** Kwa majina ni Melisa Mulinga. Haya ni maoni yangu:-

Ningetaka kupendekeza ya kwamba waalimu wachukuliwe kuwa wafanyi kazi wa maana sana, kwa sababu, kila mtu, hata yule President, ama yule professor upitia mikononi mwa mwalimu. Kwa hivyo, aangaliwe kwa utaratibu sana.

Maoni yangu ya pili ni kwamba, Katiba ingeruhusu, ama itolewe amri ya kwamba, kama kuna mtu ambaye ni jirani yako na anapanda miti kwa ile fence, hii miti unapata kwamba inazuia hao majirani wawili hawawezi kutumia hiyo shamba vizuri. Shamba iko lakini fence, wameweka miti, tuseme hii blue-gum. Inazuia huyu mtu mwingine hawezi kutumia shamba yake. Tuwe na amri ambayo itasaidia mahali kama hapo.

Jambo la tatu ni kwamba, wanawake wawe na jambo katika kila mahali. Yaani, wanaweke wawe wanaweza kujangia katika kila sehemu. Kuna wakati ambapo mwanamke anaweza poteza mmewe, unapata ya kwamba, mali ambayo walikuwa wamepata pamoja, inajukuliwa na nduguze yule mme wake. Wanawake wapewe haki zao kuwa maridhi wa mali. Kwa sababu, wakati mwingine wameshirikiana kupata hiyo mali pamoja. Halafu, hii itasaidia hata wasichana waendeleo na masomo yao. Lakini ikiwa wanawake wanaendelea kunyanyazwa, masomo ya wasichana yako hatarini. Ni hayo tu, asanteni.

**Com. Baraza: Stephen:** Wafula.

**Stephen Wafula:** *Majina ni Stephen Wafula. Njia khubola mulunyala.*

**Translator:** His name is Stephen Wafula, and he is going to talk in our mother language “Bunyala”

**Stephen Wafula:** *Njia khuloma lomakho, asante sana okhwicha, akakhwekombakanga, lero mulate.*

**Translator:** He is telling the Commissioners that he is happy. What he really has been looking for, it has been brought near him, and he is going to say something.

**Stephen Wafula:** *Nye khomalomakho, abana ba chokora.*

**Translator:** He is going to talk about the street children.

**Stephen Wafula:** *Esikira ninjia khuloma lomakho khu chokara, ndali nende eshilingi chiange elfu ishirini, mu town ya Nairobi, nibambukula.*

**Translator:** He is talking about chokoras, ..... (inaudible) one time, he had about Kshs.50,000/- and he was in Nairobi City, and the street children snatched this cash from him.

**Stephen Wafula:** *Ni sikira nimbola mbu, serikali ya Kenya, iyichakho, yendika batajiri bomukenya bosi.*

**Translator:** He says the Government that we are expecting to come in power should employ,

**Stephen Wafula:** *Neyebakhandika, Lundi yandika chokora, esi saa ya chokora abangi.*

**Translator:** Should count the number of the street children, and possibly, the rich people also.

**Stephen Wafula:** *Mana bakabe batajiri abo, chokora,*

**Translator:** And those who will be living in town are the rich people in the country, should also be given responsibility of taking care of those street children.

**Stephen Wafula:** *Erio liaba litio, ne khuchikho khu number mbili.*

**Translator:** He is going to say the second point.

**Stephen Wafula:** *Na ese ndi mumamanani,*

**Translator:** He says he is poor.

**Stephen Wafula:** *Ifamily yange kemikire*

**Translator:** My family has committed suicide.

**Stephen Wafula:** *Ne serikali icha imubukula omuyira mu okhutsia khuchungusa.*

**Translator:** The Government comes to take the dead body to the mortuary for post-mortem.

**Stephen Wafula:** *Ne serikali khandi singosera dawwe, ichekhera.*

**Translator:** After post-mortem, the Government issues a ..... (inaudible) to the mortuary for post-mortem but does not return the. .... (inaudible)

**Stephen Wafula:** *Okhwala engo, nende babukulewo sa bairiri mu butchery.*

**Translator:** After the post-mortem, you need a fee to take the dead body to the City Mortuary.

**Stephen Wafula:** *Nende mi mortuary omo bandukho ishilingi chishiramo*

**Translator:** Now, to collect the dead body from the mortuary, he is asked to pay something.

**Stephen Wafula:** *Ngako.*

**Translator:** That is all. Thank you.

**Com. Baraza:** Thank you Mr. Wafula. George Muganda? George Muganda. Na musipige kelele.

*Olewo bandu balekhokho bafwira batali.*

**George Muganda:** Mimi naitwa George Muganda. Na bahati mbaya, mzee amezungumzia point yangu nilikuwa nataka, lakini nitaongeza kidogo.

Katika upande wa post-mortem, currently, the law states that, in case of murder, suicide or any other criminal offences, the Police collect the body and takes it to the mortuary for post-mortem, but they don't return it. The police should return the body to the people. In most cases, the relatives are poor, cannot afford the expenses of carrying the body for burial. In this case, most relatives who..... (inaudible) suicide cases, ..... (inaudible) and as such ..... (inaudible). Be fair to the poor or ..... (inaudible) community are the majority, should be ..... (inaudible) to take the body for post-mortem, supervise, the post-mortem is done, and to carry the body back for burial.

Also, in most cases, relatives do not get the cost or the copy of the post-mortem report. I would suggest, that the copy be ..... (inaudible)

Point number two, is about ..... (inaudible). Currently, ..... (inaudible) the complainant to report the ..... (inaudible) and bring witnesses ..... (inaudible). This appears to be very expensive on our ..... (inaudible) and also people cannot afford ..... (inaudible). I would suggest, that, after a report has been made ..... (inaudible) of recording ..... (inaudible). ..... (inaudible)

I suggest that statements should be recorded, while witnesses are still having fresh memories of whatever happened. But

currently, it is upto the aggrieved complainant to gather his witnesses and take to the police. At times, some become very expensive, and some reports are not ..... (inaudible). Hiyo ndiyo ilikuwa point yangu ya pili.

Point ya tatu, itakuwa upande ya cases kama rape, defilement, na maneno ingine namna hiyo. Tuna ukimwi, na mimi na-suggest ya kuwa, mtu akifanya rape siku hizi, na case imushinde kwa court, wangemkatia kunyongwa. Anafanya hiyo act, akijua ya kuwa matokeo, pengine ana ukimwi yeye mwenyewe, anaenda kuumiza watu. Kwa hivyo, angekatiwa kinyongo.

Point ya tatu, sisi tulidhawadhiwa na wakoloni. Police walikuwa adui wetu, walikuwa wazungu, waindi, na watu wengine brutal thieves. Kwa hivyo most of our people, still have such mentality, ya kuogopa police officers. Na hapo, ni kweli polisi hawapati information ya kutosha, kwa sababu tunawaogopa.

Ninge-suggest ya kuwa, senior police officers, wangukuwa na sisi kwa Baraza ya chief and sub-chief, hata kwa classroom. Wanampa lecture, wananchi.

**(Interjection) Com. Baraza:** ..... (inaudible)

**George Muganda:** It is the last one I am making. So that wananchi wanazoeana na police officers. Ndio hiyo point yangu ya mwisho. Asante.

**Com. Baraza:** Benson Waomba? Benson?

**Benson Wafula Waomba:** Commissioners, Ladies and Gentlemen, na wananchi, mimi nitakuwa na point kidogo ambayo nitapendekeza kwa kikao hiki.

**(Interjection) Com. Baraza:** Sema jina.

**Benson Wafula Waomba:** Kwa majina, naitwa Benson Wafula Waomba. Maoni yangu:-

Oni la kwanza ni kwamba, sisi tunatakiwa Wabunge wetu, kutoka kila mahali wasi..... (inaudible) katika Bunge. Na wakati wa kikao, nasikia ya kwamba, Wabunge hawako katika Bunge. Wanakuwa kama Wabunge tatu, tano. Na wengine wanakuwa wanaenda wapi?

Neno la pili, lifuatalo, mshahara yao imepanda zaidi kuliko kiasi ambacho walikuwa zamani.

**(Interjection) Com. Baraza:** Endelea.



**Benson Wafula Waomba:** Mshahara ule, ingeandika watu kama ishirini ama arobaini kwa mtu mmoja.

Point ya tatu, Wabunge wale, kuna Wabunge ambao walienda kutukana watu, kutukana Serikali, kutukana kama Rais, na wengine. Ni kama madharau. Sheria ingepitishwa ya kwamba, Mbunge akikukana Serikali, na anakula na Serikali, apewe nafasi ya kurudi ama aendelee tu kutukana Serikali. Akiendelea kutukana, mpaka kufika wakati ule ule, ambao uchaguzi utakuwako, ndipo awache hiyo matusi yake ya kutukana Serikali.

Lifuatalo, pesa zinatoka nje, kama nilivyosikia mwenzangu akisema. Msaada unatoka nje, unakuja kwa barabara, unakuja kwa njaa, lakini, ma-districts zingine, kama yetu hii, ama kama Kakamega, sijasikia ya kwamba, pesa zimekuja kutengeneza barabara. Pesa hizo zinakwenda wapi?

Namba nne, wako ma-ofisa wengine, ambao walifanyia Serikali muda mrefu, na wakastaafu. Na Serikali ikitoka kufanya increment kwa pesa hau pesa ile ambayo anapata, wale retired officers, hawakumbukwi. Na kazi ambazo walikuwa wanafanya, zilikuwa ni kazi ngumu, ambayo iliwahi ikatengeneza Serikali ikafikia mwenendo uliko hivi.

Kuna wengine ambao walifanya kazi katika ma-textiles, forms zinaweza kutoka kwa head office, zinakuja kwa ma-districts, zinakuja kwa ma-division, inakuja kwa ma-location, mpaka kwa sub-location, wale ambao wangali hai, wanajaza hiyo ma-forms. Na msaada ule uliletwa, kufuatana na form zile ambazo zilikuja, hata hawafikirii, wanasema tena ati, mutoe shilling mia nne ama mia tatu ndio tena muwe wa-member, ndio mupate hiyo pesa. Na hiyo pesa, ilitoka mahali ambayo ilikuwa inatoka. Zilikuwa zinakuja na forms zingine za kuonyesha, ndipo wale retired, hao ambao walikuwa kwa majeshi, wapate hiyo haki yao.

**Com. Baraza:** Point ya mwisho.

**Benson Wafula Waomba:** Point ya mwisho, upande wa bursary. Serikali ilifanya vizuri sana kusaidia wazazi, au wananchi kufuatana na health. Na watu wote wanapenda, elimu iweko, nchi yetu iwe na maendeleo. Hizi bursaries, Serikali inaweza kupeana kwa mtoto, safari ya kwanza kama term moja, na term nyingine, hiyo pesa inapotea. Na mzazi yule yule, ama wazazi wale wale ambao walikuwa hawajiwezi, tena wangali kwa taabu tu namna hiyo. Serikali ingekubali, ..... (inaudible) mtoto mpaka afikie mwisho wa elimu yake. Hayo ndio maoni yangu.

**Com. Baraza:** Asante sana, jiandikishe hapo. Wawire Mawita? Joseph ..... (inaudible)? Jonathan O. Mutakha?

**Jonathan Otaka:** Commissioners, na wananchi wote kwa jumla, nawasalimu Hamjambo?

**Response:** Hatujambo.

**Jonathan O. Mutakha:** Maoni yangu ni kuhusu.... Jina langu naitwa Jonathan O. Mutakha. Maoni yangu inaenda kwa ..... (inaudible) kwa mwanadamu. Na upande huo, nitaongea juu ya hospital bills. Unaweza pata ya kwamba, kuna mgonjwa wangu, nilipeleka mgonjwa hospitali, na wakati huo, halafu labda bill imeenda sana, na amekufa. Sasa kwa hivyo, tungependa ya kwamba, kuna una mgonjwa ambaye amekufa, Serikali ichukue jukumu ya kulipia yule ambaye amekufa.

Kwa mfano, inaweza kuwa ..... (inaudible), halafu upeleke mgonjwa wako hospitalini, na nikifika huko, mgonjwa huyo anakufa, unapata kwamba hospital bill nao wanaendelea kunifuata mpaka nyumbani.....

**(Interjection) Com. Baraza:** Unataka aje? Tell us what you want. *Wenya orie?*

**Jonathan O. Mutakha:** Serikali itulipie bill.

**(Interjection) Com. Baraza:** To pay everything?

**Jonathan O. Mutakha:** Yaah.

**(Interjection) Com. Baraza:** Sema hiyo enda kwa point ingine.

**Jonathan O. Mutakha:** Point ingine ni upande wa education. Hakuna haja ya kuwa na subjects nyingi upande wa masomo. Afadhali waangalie mwanafunzi, na wajue ana talent gani upande wa masomo, na aendele tu na hiyo subject. Kwa sababu, utapata tunakuwa na subjects nyingi kwa wanafunzi, na hata haziwasaidii chochote. Na kulingana na ile talents yenye ako nayo, unapata sasa hata haitumiki mahali popote. Sasa wajifunze wanafunzi talents ambazo zinaweza kumusaidia.

Point ya mwisho, ni upande wa wale ambao hawajiwezi. Ningependa upande wa communication, upande wa mobile, wafanyi mpango watuletee mobiles ambazo ..... (inaudible) sio ..... (inaudible) kama wananchi wa kawaida. Ni hayo tu.

**Com. Baraza:** Asante sana. Thank you. Hellen Makhokha? Hellen?

**Hellen Makhokha: Commissioners, Ladies and Gentlemen,** I am Hellen Makhokha going to present on environment and natural resources.

The environmental protection issue to be included in our Constitution as:

- i. Irrigation schemes;
- ii. Catchment areas;

Then, there should be no illegal allocation of forest land. By that I mean, for example, take an example of this Bunyala forest. You find those forests are sold. Those people in power who are being brought here, to be in-charge, they allocate those land to people who are far away from us. Then you find that, the local community cannot access that land. So that one should abolished.

Number two, the power to enforce laws to protect natural environment should be from the Ministry of Natural Resources.

Number three, the local communities should own the natural resources.

Then, number four, those in power should maintain and secure the natural resources, and not only securing it, but they should also benefit from it. And they should also observe the laid down procedures of protecting the natural resources by the Government.

Number five, the natural resource should be protected by the Constitution as forests, water bodies, that is the like of many and others. Then, the national parks and soil.

Number six, the State should be responsible for management and protection of natural resources together with the local community.

Lastly, our natural resources should be managed and protected through local communities.

To say an A.O.B. on that, I wish to say this to our Commissioners. That if you look around in the whole country, our natural resources, the ..... (inaudible) of the forests, the less or the water bodies, the depreciating at a faster rate, so we wish that the Government that is coming in power, because for example like the forests, they are training people who are responsible for that area.

Why should they train people and dump them at home? Yet, we look at these parents, they waste a lot of money paying for their children. For example, in forestry, they train, the teachers they train, the nurses, and then they dump them at home. Why should they waste all that? Then they leave the parents left without anything. So, the Government that is coming in power, they

should consider that. With those few remarks, I say thank you.

**Com. Maranga:** How do you want us to create employment for the human resource department?

**Hellen Makhokha:** Come up..

**Com. Maranga:** How do you want us to create employment, because you have talked about human resource. It is a major resource, I know it is being wasted. How do you want us to create employment?

**Hellen Makhokha:** I said the Government that is coming is power.

**Com. Maranga:** Should create?

**Hellen Makhokha:** Yaah.

**Com. Maranga:** That is what you ..... (inaudible)

**Hellen Makhokha:** They employ these people they are training. Not to employ and they dump them.....

**Com. Maranga:** Are you trained yourself?

**Hellen Makhokha:** In forestry.

**Com. Maranga:** Ooh, good. I can see. Thank you. (*laughter*) Okay, hand over your....(*laughter*) Thank you very much. Let us have William Wawire? William? Karibu.

**William Wawire:** Commissioners wetu, na wananchi kwa jumla, Hamjambo?

**Response:** Hatujambo.

**William Wawire:** Kwa majina mimi naitwa William Wawire. Niko upande wa wananchi.

Yale maneno ambayo ninaenda kuzungumza ni kuhusu Kenya yote, kutoka Coast, Nyanza, mpaka hapa. Nataka kusema ya kwamba ..... (inaudible) wachungushe hayo maneno. ....(inaudible)

Upande wa matibabu kwa hospitali: nikipeleka mtu wangu kwa hospitali, sawa huo mchana msima nasema ya kwamba, chukua hii karatasi uende kwa chemist fulani, ndio iko na dawa. Nikaanza kujiuliza je, hapa hakuna dawa, imeenda wapi? Hiyo jambo ya kwanza.

Isitoshe, police officers, kama mwingine aliposema. Akijua mtu ya kwamba alikufa hau alijinyonga, wanakuja kumchukua kumpeleka. Baada ya kumrudisha, wanakataa. Je, hiyo ni nini? Ni ungwana? Hiyo si tunda la Kenya.

Jambo la pili ni upande wa elimu kwa shule ya upili. Mimi nina watoto watatu ambayo walipita mtihani kuingia Form One. Kufika tu hapa kwa karo, wanasema mtoto mmoja ni shilingi elfu thelathini. Hawa watoto watatu shilingi elfu tisini, zikakosa. Basi nikaona hivyo, nikachukua mtoto mmoja kwa sababu ya ukosefu wa pesa. Nikawacha watoto wawili. Mwishowe, hawa watoto ambao niliwawacha, wanafanya uizi, unyanganyifu. Kwa sababu walikosa elimu ya kutosha. Tafadhali, wachunguze hiyo neno. Nataka rectification – wapunguze school fees. Si free, kupunguza. Badala ya thelathini, iwe kumi na tano hapo, inaweza kuwa bora.

Upande wa mimea yetu, hasa mimea ya kuhusa – cashcrops. Kuna mimea mbali mbali ya cashcrops – sisal, coffee, na vinginevyo. Ni heri tupate soko ya mimea ya haina hii. Kwa sababu, tulipanda hii mimea kwa kutaka pesa. Tafadhali, ikiwa kama inawezekana, hii mimea ya cashcrops, iwe na soko. Ya mwisho ndio hiyo.

**Linus Makana:** Wakubwa wa Katiba, watengenezaji wa Katiba ya saa hii, hamjambo wote?

**Response:** Hatujambo.

**Linus Makana:** Jina ni Linus Makana. Mimi nitazungumzia vifo ya marehemu na mali yake. Mimi ningependa ya kwamba, marehemu, ambaye amewacha mjane wake na watoto wake, na watoto hawajifikia miaka kumi na nane, mzazi mwenye kuhusika na huyo, mtoto yake hausike katika kurithi mali yake.

Ya pili, nitazungumzia ya kwamba, upande ya urithi. Nitazungumza ya kwamba, urithi ya sasa irudi kama ilivyokuwa zamani. Mjane wa jamii, arudishwe na jamii ya bwana. Ni hayo tu.

**Jamin Biriko:** Commissioners, Ladies and Gentlemen, I am going to talk on only two issues:-

One, succession of land: succession fee has gone up, and this has caused very many cases are pending for land succession. For instance, my father died, and because of the high fee, I am not able to raise, I die, my son comes and takes over the land, and as if we shall never to pay the fees. So, I request, the Government to reduce the fees of land succession.

Two, and the last, headmasters: headmasters with poor management should not be transferred. Instead, something else should be done instead of transferring them. This is what it is. He can go far ..... (inaudible). Those are my points.

**Com. Maranga:** Anayefuata ni Peter Makete.

**Peter Makete:** I am Peter Makete, and my point is, I wanted to suggest to the Constitution Review saying that:-

If a person has paid for exams, he has just paid like in Mathematics, and he has a potential point to university, he .....(inaudible) just because .... ..... (inaudible) each one goes to university to ..... (inaudible) one subject to ..... (inaudible) only one subject. Then, I suggest that the Government to ..... (inaudible) when taking exams, because..... (inaudible) (*clapping*) because you can see a person going through a system for four years, then exams come, he is just given only two hours. So, please we request the Government to be fair on that.

Then, I have also heard that there are rights of women and rights of children. I have never heard something about rights of men. So, please, we want those rights also to act like women have their rights. Thank you.

**Com. Maranga:** Thank you very much. The next person is Peter Mukhale. Atafuatiwa na Rajab Hamisi.

**Musa Mukhale:** The entire family of the saints, I greet you all. First and foremost....

**(Interjection) Com. Maranga:** Your name.

**Musa Mukhale:** My names are Musa ..... (inaudible) Mukhale. First and foremost, I am going to talk on land. The process of land, the process of transferring land is too long and very expensive. This leads to corruption. So, may the Constitution simply it, so far to the divisional level, in the presence of the community members.

Secondly, when it comes to gender balance. We also need women to be included in the distribution of land, because they are our close neighbours.

**(Interjection) Com. Maranga:** Order! Those are his views – democratic rights.

**Musa Mukhale:** On Provincial Administration: this is where we have PC, DC, DO. These posts normally go on transfer, but we have two posts – whereby we chiefs and assistant chiefs who don't go on transfer.

**(Interjection) Com. Maranga:** What are you recommending?

**Musa Mukhale:** I say, these two posts should go on transfers. If not, let it remain to the community members so that they elect these people for five years.

Last point, I am here to correct the word “the Constitution of Kenya”. We need people also to be included. So, it should read as, “the Constitution of the People of Kenya”.

Lastly, we need, in the coming general elections, through civic education, we need all groups to be represented. This is whereby, we shall have women to be represented, youth to be represented, women to be represented, men to be represented. That is all I had.

**Com. Maranga:** ..... (inaudible) ndio unazungumzia?

**Musa Mukhale:** Yes.

**Com. Maranga:** Na ikiwa Wabunge nao wako two hundred and something, unafikiri tu .....  
..... (inaudible)

**Musa Mukhale:** Yes.

**Com. Maranga:** Rajab? Halafu atafuatiwa na Rose Wekhulo. Rose ako?

**Rajab Hamisi:** Naam Commission, nitazungumzia uhuru wa kuabudu.....

**(Interjection) Com. Maranga:** Anza na majina yako.

**Rajab Hamisi:** Rajab Simbaoni Hamisi. Ningelizungumzia uhuru wa kuabudu, nikitara jia ya kuwa Commission yetu, iweze kutilia akilini jambo hili. Katika ule uhuru wa kuabudu, kwa maoni yangu naona, tupewe nafasi ambazo kwamba ni nzuri. Isiwe ni katika zile nafasi za usiku, wale watu ambao kwamba wanafanya kazi katika usiku, wakichangia katika mambo mabaya. Watu wafanye kazi yao, hili baada yao ..... (inaudible).

Point ya pili, ndio uchangia hasa kuabudu mashetani. Kwa sababu, huu uhuru wa kuabudu, mtu anafanya kitu vile anavyotaka, kwa sababu Katiba iliyoko mamlakani imeapana uhuru wa siada kwa mtu kufanya apendavyo, akizingizia ya kuwa hii anaabudu Mungu.

Tatu, ningependa kuzungumzia Mwislamu, pengine amepatatikana na mauti kighafla. Katiba ambayo kwamba ilikuwako, wengine hawataki Muislamu afanyiwe post-mortem. Wengi wanasema Muislamu asipasuliwe, lakini ni haki, Muislamu apasuliwe, wajue janzo cha kusababisha mauti yake ilikuwa ni nini. Kwa sababu kifo utokea mbali mbali. Pengine sisi twahitaji tujue, ni nani amefanya mtu wetu hivi, lakini sasa wengine walizingizia sheria hiyo kuwa haifai, lakini tunaona Katiba inayokuja, Muislamu kama pengine amehaga dunia, na tunadhania pengine amefanywa hivi, awe huru vile vile kupasuliwa kama wengine kuhakikisha ya kuwa ni nini imemfanya mtu kama ule.....

Kadhi, vile vile, awe ni mtu ambaye kwamba amesoma dini, amesoma korani, ime.... (inaudible) na awe vile vile, ni kama magistrate mwingine ambaye kwamba pia amesoma sheria za ulimwenguni.

Kazi yake isije ikawa tu, ni mambo ya talaka na ndoa pekee yake. Tungemshirikisha ndani yake pia huyu Kadhi, awe na masomo, mfano wa wale magistrate wengine walivyosoma, wawe wa viwango vya 'O' level, na wasichaguliwe tu na Rais, bali wachaguliwe kufuatana na elimu yao, hili watatusaidia kuturahisishia kesi ambazo kwamba zipo.

Ya tano, Kadhi hao, ofisi zao ziko mbali sana na wananchi. Pia tungependelea, ofisi za ma-Kadhi ziwe karibu na wananchi.

Point ya mwisho, ni kuheshimu mafasi ya ki-dini: ningependelea Katiba hii inayokuja, ni watu kuheshimu mavasi ya chini. Mfano, mtu asipatikane na nguo ya ki-dini mahali ambapo kwamba pengine hapafai. Lazima, mambo hayo yatiliwe akilini kwa Katiba ijayo. Ni hayo tu.

**Com. Maranga:** Ya kwanza kabisa, ungetaka huyu Kadhi achaguliwe na nani? Ngoja kwanza. La pili, ningetaka kujua kwamba, wewe unasema maneno ya .....(inaudible),

**Rajab Hamisi:** Saa kumi na moja.

**Com. Maranga:** Ni saa kumi na moja. Sio saa tisa.

**Rajab Hamisi:** Hapana, saa kumi na moja.

**Com. Maranga:** Kwa hivyo ungetaka ma..... (inaudible) saa kumi na moja..... (inaudible)

**Rajab Hamisi:** Ningelipenda hapo nikizungumzia hiyo uhuru wa kuabudu, watu tusifanye kazi hiyo nyingine ambayo kwamba hatujui tunafanya nini, na wale wa usiku.

**Com. Maranga:** Na ningependa useme kama mtu anahusika na devil worship.



**Rajab Hamisi:** Devil worship ni uhuru ambao kwamba umefanya watu saa hizi wanaenda kuomba, pengine sisi tunaenda mahali, hakuna mwenye kuuliza munaenda wapi, kwa sababu munajua muna kibari cha kufanya mupendayo. Sasa mutazingizia dini na pengine nyinyi muko katika tangatanga zenu.

**Com. Maranga:** Sasa ungelipenda namna gani?

**Rajab Hamisi:** Ningelipenda Waislamu wenyewe, hasa, ndio wanayejua ni gani ambaye kwamba amesoma dini hii, na ni nani ambaye kwamba amesoma kupitia hapa anajua, achaguliwe kufuatana na vile Waislamu wanavyomutambua amesoma Korani, na elimu ya dunia.

**Com. Maranga:** Kwa hivyo unataka kusema Kadhi wahusishwe sana na ..... (inaudible).

**Rajab Hamisi:** Ni kwa sababu ningelipenda hilo, lakini kwa sababu ya Serikali tuliyonayo hii ya ..... (inaudible), lakini wawe na sehemu katika kuhukumu kufuatana na Korani, Waislamu kwa wenyewe.

**Com. Maranga:** ..... (inaudible). Atafuatiwa na Abubakar ..... (inaudible) Hamisi. Abubakar yuko? Basi kuwa tayari mzee wangu. Haya Rose.

**Rose:** I am here for the second time now,

**(Interjection) Com. Maranga:** Second time?

**Rose:** Yaah, representing the Divisional Women Group.

**Com. Maranga:** ..... (inaudible)

**Rose:** No, it is not that one. This one is for women.

**Com. Maranga:** No it is okay. Which is okay, just go on. That memorandum can be handed over. ....  
..... (inaudible).

**Rose:** Without explaining sir?

**Com. Maranga:** No, you ..... (inaudible). Thank you very much. And next time, .....

(inaudible), sisi kama wana-Tume, tafadhalini munyamaze kimya. Sisi kama wana-Tume, tunauliza wananchi kama mko na memorandum, unaweza ukapeana bila hata kuongea. Hiyo ni njia moja ya kutoa maoni. Inginge ya pili, unaweza kuwa na memorandum, na uongee maneno yake hiyo. Lakini kama .....  
(inaudible). Sawa sawa, endelea.

**Abubakar Shiundu Hamisi:** Kwa jina naitwa Abubakar Shiundu Hamisi.

**Com. Maranga:** Endelea.

**Abubakar Shiundu Hamisi:** Ningelipenda Serikali yetu ya Kenya itusaidie maneno kuhusu upangaji uzazi, iondee hiyo kitu, kwa sababu, kuna vifo ambavyo vinavyopatikana kutokana na ukimwi na vimemaliza watu. Kwa hivyo, naonelea Serikalii hii, ambayo kwamba tunaenda kuiunda, ijaribu kusaidia kuondoa hiyo maneno ya upangaji wa uzazi. Badala hiyo, itusaidie kusomesha hao watu ambao kwamba wamefiwa, wamepoteza wazazi wao kutokana na mambo ya ukimwi.

La pili, ningelipendelea Serikali iondoshe pombe, kwa sababu, hii pombe, ndio inafanya mtu hawezi kutambua ni nani aliye na ukimwi, na ni nani ambaye hana ukimwi. Kwa sababu, mtu akisha kunywa pombe, hatambui hao watu. Kwa hivyo ningependa ya kwamba Serikali hii, na Katiba ambayo tunaiunda, ijaribu kuondosha pombe, kwa sababu, pombe ni miongoni mwa kuchangia yale mambo ambayo kwamba ni machafu.

Linalofuatia, kuhusu Kadhi: ningelipendelea Waislamu wamchague Kadhi kwa sababu, sisi Waislamu ndio tunamtambua huyo mtu ambaye ana shahada, ana certificate gani ambayo kwamba inamuwezesha huyo mtu kuwa Kadhi. Kwa sababu Serikali inaingilia hii maneno, na kutuchagulia Kadhi ambaye kwamba, amesoma elimu moja tu, upande wa Kizungu, na hailewi ya kwamba, kufuatana na Kiarabu huyu mtu atambui. Kwa hivyo, mambo yote ambayo kwamba anafanya, anafanya hayo maneno kinyume na Waislamu na anahifurahisha Serikali.

La mwisho, ningelipendelea hao ambao kwamba ni ma-chief, wawe watapigiwa kura na wananchi. Kwa sababu hao ma-chief ndio ambao kwamba hawataki, wamesema ya kwamba hawataki corruption, na ndio watu ambao kwamba wana corruption nyingi kupita hata Seri..... na ni hao wanahanzisha corruption mbaya sana katika wananchi. Na kwa vile amechaguliwa na Serikali, na hawezi kutoka mpaka a-retire, kwa hivyo hatuna muda wa kumwondoa huyu mtu anafanya ufiisadi juu yetu tukiona, na hatuna nafasi ya kumwondoa. Kwa hivyo, tunataka sisi wananchi, ikiwa tutampigia chief kura, kama atapatikana na makosa, tusimame kwa mgongo kwa kuchagua chief ambaye kwamba atasaidia wananchi.

**Com. Maranga:** Niko na swali moja. Unasema, maneno ya pombe, ipigwe marufuku, yaani ..... (inaudible)

**Abubakar Hamisi:** Ndio. *(laughter)*

**Com. Maranga:** Agnes Barasa? Agnes? Wapi mama Agnes Barasa? Agnes, karibu. Halafu atafuatiwa na Beatrice Juma. Beatrice Juma? Beatrice, ako?

**Response:** Ako.

**Com. Maranga:** Basi uwe tayari.

**Agnes Barasa:** Thank you. I am Agnes Barasa. I am standing for the Human Rights.

**Com. Maranga:** Endelea tu.

**Agnes Barasa:** I am going to talk about the Human Rights:-

One, the first thing to all is to inherit the property of the father, but anybody outside the family.

Second, girls and boys should be there to ..... (inaudible) their father, to promote a gender-balance, and also to ..... (inaudible) poverty.

**(Interjection) Com. Maranga:** Nyinyi, mimi nawaomba kabisa, hayo ni maoni ya Agnes Barasa iwe ..... (inaudible). Na Agnes saa hii anaongea na Tume yetu ya Kurekebisha Katiba, haongei na nyinyi. Nyinyi ni wasikilizaji. Kwa hivyo, nyinyi kaeni chini. Endelea.

**Agnes Barasa:** Third, a wife and a husband should be on one contract of any cashcrop, because, children and wives, weed but the husbands take money and don't share with them.

Four, children and wives should be well-taken care of, as per clothes and food, and also children should be given enough education.

Five, pregnant ladies should be considered first at any ..... (inaudible).

Six, the Parliament should ensure that every man and woman should be given ..... (inaudible) whom he or she is able to care for.

Seven, a man or a woman is not divorced. A partner without a ..... (inaudible), if found, he or she should

be taken to court.

Number eight, to ..... (inaudible) any ..... (inaudible), a man should marry only one wife, and if that man or woman, is found committing adultery, should be taken to court also.

Last but not least, the Government should ensure that every family has grown enough food that has all the balance diet. Thank you.

**Com. Maranga:** Thank you. Pengine nikuulize swali moja. Kufuata tena maneno ya mimea – cashcrops. Unasema mama na mzee waweke sahihi ..... (inaudible). Tunaye Ainea Baraza? Ainea Baraza ako? Basi uwe karibu.

**Beatrice Juma:** Asante. Kwa majina naitwa Beatrice Juma, na niko na maoni:-

Ya kwanza, Serikali iwaangalie. Moja, wanawake wananyanyazwa kwa cell. Mwanamke akishikwa kwa makosa mbali mbali, ma-askari – APs ama polisi, wanawafanya kuwa wapishi wao wakiwa kwa cell hapo.

Ya pili, wazazi. Mama ama baba, wasiwachukue wasichana kama sio watoto wa maana. Wawape haki yao.

Ya tatu. Ma-Pastors wa makanisa, lakini sio wote, Serikali iwachukulie hatua kali kwa kuwa, kuwatongoza wake wa watu, na kuwaharibu wasichana wadogo, kuwadunga mimba. Waubiri maneno ya Mungu, watu wajue Mungu pekee.

Wanaume walio na amri mbaya kwa nyumba, wasiwapinge wake zao kuenda kwa mikutano ama kwa women groups. Ni hayo tu, asante. (*laughter*)

**Com. Maranga:** Ningemuuliza swali. Sasa wewe unataka ma-Pastors ambao wanafanya maovu ..... (inaudible) kweli hao ni ma-Pastor?

**Beatrice Juma:** Hapana, sio ma-Pastor.

**Com. Maranga:** Kuna ma-Pastors ambao wanahusikana na hayo maneno?

**Beatrice Juma:** Eeh, wanao. Nilisema wako wengine, na wengine hapana.

**Com. Maranga:** Kwa hivyo hao ..... (inaudible)

**Beatrice Juma:** Mimi siwezi, lakini Serikali ndio iwaangalie kwa hiyo maneno.

**Com. Maranga:** Okay. Ainea? Halafu atafuatwa na Bwana Aloyo? Aloyo ako, mwalimu? Ainea utaanza kwa majina. Ainea, just go on Baraza.

**Jackson Ainea Baraza:** Right sir.

**Com. Maranga:** Anza kwa majina.

**Jackson Ainea Baraza:** Kwa majina Jackson Ainea Baraza.

**Com. Maranga:** Okay, endelea.

**Jackson Ainea Baraza:** I am to represent Bunyala West and Nabhaholo Divisional Team.

On the Preamble: Chapter 1 of the Constitution of Kenya – the Republic of Kenya Preamble. To secure social, justice, ..... (inaudible), equality, fraternity, among all Kenyans, our contract record should be, “We people of Kenya, signifying hereby, that this Constitution is in the name of people of Kenya. The objects and purposes of our Government is to guarantee peace, national unity, integrity of the Republic of Kenya, in order to safeguard and preserve the.....”

**(Interjection) Com. Maranga:** Ainea, if you are reading, it is not going to help. I want you to give me the main points out of that Preamble.

**Jackson Ainea Baraza:** The main points, to guarantee ..... (inaudible) and to abide by the Constitution.

**Com. Maranga:** Thank you.

**Jackson Ainea Baraza:** Unity and by abiding by the National Flag, and respecting the National Anthem.

Exercising democracy by having gender rights, children’s rights, and ..... (inaudible) and the rule of the law.

Organising democratic decisions of the Government, by eliminating or promoting independence of the organs, accountability, competence, efficiency, transparency, ..... (inaudible) and making rulers accountable to the people of Kenya.

**(Interjection) Com. Maranga:** Ainea, unajua hiyo memorandum utanipatia. Can you give me the main points. You have talked about the Preamble, what is your next point? I don't want the details of the Preamble, what you have put in.

**Jackson Ainea Baraza:** The next point now is the direct state principles.

**Com. Maranga:** Yeah.

**Jackson Ainea Baraza:** Direct state principles: the direct state principles, we are setting two. One, for the ..... (inaudible) function and essential function. Three, we are setting also land access principle. We are also setting gender rights. We are also setting democratic rights. And that is we are setting.

Then we come to the structure of government: we are setting the structure of government, and we are saying, we want the nature of state to be democratic republic. Unitary Presidential Government. And I hope the details are therein.

And on ..... (inaudible), we are also setting that women should be given proportional quarter and ..... (inaudible) system for nomination through the party.

And on the side of Parliamentary and Presidential, we are recommending single majority votes, and we are also recommending, constituency ..... (inaudible).

And as regards to the Executive, we are recommending direct election..... (inaudible) protected. Thank you.

**Com. Maranga:** In your Executive, are you mentioning the President or the Prime Minister?

**Jackson Ainea Baraza:** We are proposing the President.

**Com. Maranga:** Okay.

**Jackson Ainea Baraza:** And we are saying, he shall be a leader executive not Parliamentary.

**Com. Maranga:** Okay. I am going to ask you a question. On the issue of land access, how do you want Kenyans to have access to land? The ones who don't have for example?

**Jackson Ainea Baraza:** On that issue, we have said our feeling and it is here.

**Com. Maranga:** What is here?

**Jackson Ainea Baraza:** We have said, a title should not have more than 100 acres.

**Com. Maranga:** Okay.

**Jackson Ainea Baraza:** We have set a ceiling, it is here.

**Com. Maranga:** And minimum?

**Jackson Ainea Baraza:** Minimum, well, he can have half-one acre, not bad.

**Com. Maranga:** Okay. Thank you very much, hand over your memorandum and thank you for appearing before the Commission. Aloyo, mwalimu? Start with your full names.

**Joseph Mahero:** I am Joseph Mahero, representing the Principal of the school – Mr. Aloyo.

**Com. Maranga:** Okay, you are who?

**Joseph Mahero:** Joseph Mahero.

**Com. Maranga:** Okay, proceed.

**Joseph Mahero:** Okay, these are the proposals of the Chebuyusi High School to the Constitution of Kenya Review Commission.

Number one, the Parents Teachers Association, that is the PTA, rather than the Board of Governors, that is BoG should play a bigger role in the management of schools, because they are the major stakeholders. And in case of the Board of Governors members, they should have a minimum education of Form Four. And they should also be conversant with the current trends in education. The BoG members should serve for a maximum of two terms.

Number two, students who sit for the K.C.S.E. examination, and fail, but would like to repeat, should only repeat the papers or subjects in which they have failed, rather than re-seating the whole examination again.

Number three, just like other civil servants, teachers should work between 8.00 a.m. to 5.00 p.m., and any other work assigned to them should be treated as over-time, and they should be paid for it.

The next one, the Science teachers who work in the laboratories, they handle dangerous chemicals. Should at least be given or paid risk allowance, because, chemicals in the laboratories are a health hazard to them.

On the political side, those candidates who wish to vie for the civic seats, should have a minimum of Form Four education, with passes in English and Kiswahili.

And lastly, assistant chiefs and chiefs should have a minimum of Form Four education, and should be transferable within the district to curb corruption. Thank you.

**Com. Maranga:** I have a few questions. The first one, you are saying you want to do away with the Board of Governors, if it was your powers. So that you can have only PTA?

**Joseph Mahero:** Yaah, in other words that is what we are saying.

**Com. Maranga:** If for example you want to give PTA more powers, then I don't see the need of having a Board of Governors.

**Joseph Mahero:** They shouldn't be .....

**Com. Maranga:** That is what you are saying, PTA should take over the running of schools. That is point number one.

Number two, you are saying the Science teachers to be paid more? I thought they were being paid more money than other teachers?

**Joseph Mahero:** No, they are given special allowance, just like English, Kiswahili teachers.

**Com. Maranga:** So, but you want them to be given more?

**Joseph Mahero:** Yes.

**Com. Maranga:** Because they are teaching Science?



**Joseph Mahero:** No, they stay in the laboratory where there are chemicals harmful to their health.

**Com. Maranga:** Okay. Thank you. They chose that profession. Thank you very much. Sign up and give out your memorandum.

**Com. Baraza:** Evelyn Ngao? Evelyn? Evelyn Ngao?

**Evelyn Ngao:** My names are Ngao Evelyn from Buhai, and I am in Standard Seven.

**(Interjection) Com. Baraza:** Class Seven in what school?

**Evelyn Ngao:** Buhai.

**Com. Baraza:** Buhai?

**Evelyn Ngao:** Yes. Here are point that I would like to pass to you.

First one, the Government should provide people with education. Because, we have some students who have completed their education, but they don't have work to do.

Second, parents should not give us freedom because it leads to poor performance. They should not give us money and too much food. *(laughter)*

Third, also children usually complain that some teachers do some drinking and smell. It normally affects their teaching. Services of teachers should be terminated.

Fourth, the Government must provide free education from primary to university level.

**(Interjection) Com. Baraza:** Those are her views. Don't make noise, let her give her views.

**Evelyn Ngao:** We need to improve discipline in schools. Because most of our pupils, we don't want to respect leaders.

Last but not least, is that, old people who are doing certain jobs and are above 55 years, they should leave such jobs for the youth, and this includes our President. And that is all. *(laughter)*

**Com. Baraza:** Mary Bomett. Mary Bomett?

**Mary Bomett:** Kwa majina naitwa Mary Bomett. Niko kwa Women's Rights.

First, employment: we should also have high rank in the Government, e.g. PC, DC, DO, Chief, Assistant Chief.

Second, discrimination: they should not be discriminated to eat some food, e.g. they say, kama wewe ni mwanamke, huwezi kula 'imondo and eggs'. (*laughter*)

Third, they should not be abused by the husbands, e.g. kama kuna kosa, ama mtoto amefanya makosa, report ikifika nyumbani, mtoto akifika, anasema ama anaanza ku-punish huyo mtoto an kusema, "wewe mjinga kama mama yako". Lakini kama ni kitu kama mtoto amefanya kitu mzuri, baba ndio anajidahi eti, "huyu ni mtoto yangu, huyu ni mtoto yang". Lakini kama ni kitu mbaya, inakuwa ni shida ya mama.

Halafu, when a woman gives birth to children of the same sex, the father, huwa anaanza na mawazo ingine, eti kwa sababu huyu amezaa tu kama ni wasichana, lazima nipate mwanamke mwingine hili anizalie watoto wa kiume. Mtoto ni mtoto.

Ingingine, a man knows that he has, maybe anaweza kuwa a victim wa HIV. Anajua yeye ni victim, na anaishi mbali, anakuja nyumbani, mimi nimekaa nyumbani na watoto, na akikuja kwa sababu ni mwanaume, kuna vitu zingine anaku-force, anajua ako na HIV, lakini kwa sababu you are a woman, you are forced to do.... anataka aku-affect pia. Na hiyo sio mzuri. Inatakikana kama anajua ana hiyo ugonjwa, anakufa yeye pekee yake na anakuaja wewe na watoto.

Halafu, a man should give a "will" when he is 45 years. e.g. in a polygamous family, when a man dies, it really gives the other family hard time. Kwa sababu, akishafikisha kama kuna mwanaume na wanawake wawili ama watatu, na kawaida siku hizi, mtu kufikisha 50 ni kama bahati. Wengi wanakufa mara moja, na hajapea watoto shamba, yaani, hajagawa. Kwa hivyo akishakufa na ni polygamist, inakuwa vita kugawa shamba kwao.

Halafu leadership, women should also be – kama Catholic Mission siku hizi, unasikia tu, Bishop, Arch-Bishop, ma-Priests, etc. Huwezi sikia mwanamke kama ana hiyo cheo. Kwa hivyo, also, we should have the same cheo.

Eight, we should be given chance in Parliament. Because, we are so many, but less in Parliament. Kwa nini? Nilisoma kitabu ingine wakisema, wanawake tuko 52% na wanaume ni 48%. Sisi ni wengi, na tunapigia wanaume kura, ndio wengi wanaenda kwa Bunge, na sisi tunabaki. Kwa nini? Gender balance should be there.

Halafu, family ..... (inaudible) should be equally shared by both wife and husband.

Wife beating and mishandling to be abolished. Kwa sababu, mimi nikifanya kosa kama mwanamke, bwana anatoka uko anasema, umefanya ABCD, punishment, ananichapa, ama anaweza hata kuniumiza.

**(Interjection) Com. Baraza:** ..... (inaudible).

**Mary Bomett:** Okay, nikifanya kosa, bwana anatoka uko....(*end of side A*)

Kama una msichana, ama if you have a child married somewhere, halafu iwe bahati mbaya huyo msichana atoke huku arudi nyumbani, mimi kwa maoni yangu kama mama, ninaona huyu msichana mpaka apewe ka-plot nyumbani. Kwa sababu, penye ameenda imekuwa bahati mbaya hakukubaliwa uko. Na kwa sababu amerudi, na ni mtoto yangu, lazima apate kapande ka “mogonda”.

Halafu, widowers should not be inherited. Kwa mfano, mostly in Kisumu, unasikia mwanaume amekufa kwa ajili ya HIV. Na unaona the brother ya huyo mwanaume, anaenda ana-inherit huyo mwanamke, na kile kilichosababisha kifo ya huyu mtu ni HIV. Na hiyo vitu ya ku-inherit, it really encourages HIV na imeleta shida hapa duniani. Ni hayo tu. Thank you.

**Idd Meru:** Okay, the Commissioners, Officers, Ladies and Gentlemen, good afternoon? My names are Idd Meru. I have the following:-

**Local Government:** I would like the Constitution to allow Local Government to have an independent body, so that, it is the one concerned with the development in the local areas. The revenue collected by Local Government should be decentralized.

**Two, curriculum:** on education, you find that, from 1967, currently, the curriculum has been changed here and there, and for that matter, you find that the parents, whether with or without money, in buying of the facilities or books, and yet, the end result is, the child doesn't gain what he has been learning. Therefore, I would like that, the Constitution to have education curriculum to be taking something to do with 20 years, so that, it can be effected to see the need.

**Three, salaries of MPs:** salaries of MPs should not be debated in the Parliament, but should have independent body to structure that, depending on the economy of the country.

**Provincial Administration:** I would suggest that this Chiefs' Act, although it was there, but they looked at it to be bad, it is good, because, these other bad things, these chiefs are the ones that are close to the wananchi. For that matter, I suggest, that this Act be revived.

Employment: as it is in Kenya, indeed, employment has become a very crucial point, and what has come up is Jua Kali, of which I would suggest that, there should be a vote during the Government Budget to have a bigger percentage like 40%, so that, it can cater for these youths that are trying to carry out this kind of occupation.

On the side of nomination: indeed, there is what we call freedom of worship. There should be a policy for that. Because, this has really brought up so many and when you look it, it causes some chaos. You may not understand what is going on. Alongside that, there should also be respect over the dressing of denomination. For example, you may find that a Muslim, the dressing of a Muslim is abused, in a manner that, if you find that one who has put on, you may think he is a Muslim, and he is not. For that matter, I suggest that, dressing of denomination should be respected.

The other area, I would like to highlight is, the higher institutions in the country should be balanced. That is to say, universities in eight Provinces are to be balanced. National schools are to be balanced in eight Provinces. That is to enlighten the areas to have equal national cake of the country.

Another point, number eight, that is Judiciary should have an independent body.

The point that follow, we have poverty in the country, yes. But sometimes, it is not that because there are not resources, but you find someone having 100 acres, and these acres are just lying fallow. May I suggest that, there should be a law, that, if you have a fallow land, you must be taxed, and that money is taken by the Government. And therefore, it will be given back to the people to use it in ..... (inaudible).

Lastly, here, when someone has been working and he or she has retired. You find that, the payment takes long. Another point, alongside that, when he has died, though he was just ..... (inaudible) to the retirement, the recovery of that amount to help the bereaved people takes long time. I would like to suggest that, there should be a law of quick payment to enable the bereaved people to sanction their ..... (inaudible). Thank you.

**Com. Baraza:** Asman Wasike.

**Asman Wasike:** Commissioners, I have two points.

One, I will talk about robbery with violence: after taking census, I would request the Government after identifying jobless people, at least, it has to do something through Financial Minister when he is planning or reading the Budget. Because, this is very serious, since we got independence, this point of ..... (inaudible), now even Ministers, MPs, civilians, you find that the matatus and buses are being hijacked. This is because, the Government is very busy training professionals, police officers. Why the people who leave jobs, maybe, through summary dismissal, they have nothing to do at home, and these people who

are at home and are not working, something should be done, so that at least they be getting something after the Budget, at least monthly, or yearly, or after a certain period.

The Government has to do something with dialogue. Otherwise, it will be very hard for the Government to eliminate this point of robbery with violence.

Two, Kenya Constitution is not for an individual or political party, but, it is for all Kenyans. Therefore, I request that, after this Constitution, when it is recognized, signed, there must be an article somewhere. It should not be the way it has been since we got independence. Somebody just comes up, as a Minister or Attorney General, because of centralization of powers, and says, he drafts a Bill, goes to the Parliament, even sometimes without consulting the public. A motion is just passed, because of favouring certain individuals or a certain tribe.

We want something to be at least – an article should be there, so that in future, we want Kenya to respect the Government, but not to fear the Government. We want Kenyans to respect the Government through that. It should not just be left open after this, as you are doing. My name is Asman Wasike.

**Com. Baraza:** ..... (inaudible)

**Edward Wafula:** I have come on his behalf.

**Com. Baraza:** ..... (inaudible)

**Edward Wafula:** Not me.

**Com. Baraza:** You are?

**Edward Wafula:** I am not Wahunga, I am Edward Wafula. Though I was to come and present land and property rights, and he ..... (inaudible) and I was not coming to present this document.

**Com. Baraza:** ..... (inaudible)

**Edward Wafula:** No. No.

**Com. Baraza:** You are who?

**Edward Wafula:** I am Edward.

**Com. Baraza:** ..... (inaudible)

**Edward Wafula:** Yes. I have come to present issues on land and property rights.

Namba moja, the individual should have ultimate right on land ownership.

Two, the Government should have no power to compulsorily acquire private land. It can only be done through negotiation with the individuals who should be compensated.

Three, the State (Government) or Local Authority should not have powers to control use of land by occupiers.

Four, issues concerning transfer and inheritance to be addressed in the Constitution as:-

- One, legally married women should be accorded transfer of land.
- Two, inheritance rights of land to be accorded to unfortunate female in the society. However, the present taxation of transfer process of land is very difficult and expensive to the common man. Such issues should be handled at local basis by the local council of elders and chief.

Five, there should be a saving on land ownership by an individual. The Government should ensure that there are no landless squatters, basically as Kenyans. Large ..... (inaudible) of land owners owned by individuals, e.g. 100 acres of land and over, should be taxable.

Namba sita, there should restriction of ownership of land by non-citizens. Today, non-citizens, should only acquire land through ..... (inaudible) system.

Namba saba, procedures for land transfer to be simplified, although they should be vested in local councils of elders and the chiefs.

Namba nane, on unfortunate women, to have equal access of land with men.

Namba tisa, pre-independence land treaties and agreements should be retained to conserve tourists.

Ten, Kenyans should own land anywhere in the country. However, some communities are hostile to others, but this should not be encouraged.

Ya mwisho, the Constitution should guarantee access of land for every Kenyan. The landless should be allocated land.

Lastly and not very much least, I wanted to comment that Parliament and MPs ..... (inaudible). Parliament should allow us to screen, waonyeshe hawa Mabunge ambao tunawapeleka Parliament, tuwaone kwa ma-television. This will reduce absenteeism in Parliament Kuna wengine ambao tunawapeleka, lakini, they are cowards. They don't even contribute anything in Motions. So, if wananchi will have that time and vote, because for that one who will be going there, lazima tumuone. Vile Tanzania wanafanya, na Nigeria, na hapa chini Zambia. Kwa sababu, we are misusing our votes for nothing. If there could a clause, that, Mbunge wetu akienda Parliament, lazima aonyeshwe kwa TV, mwananchi wake amuone, wanafunzi wamuone, I think they could be people to contribute to what may have sent them there. That is what I have.

**Com. Baraza:** Thank you very much. Sign our register. Wakungu Josphat?

**Josphat Wafumbwi:** The Commissioners, the audience of today, good afternoon? My names are Wakungu Josphat, and I have a few issues to put across.

One, is on Executive, then on education, being a teacher. At the group section we met as teachers, had the following issues to put across:-

On Presidency: it was observed that, the President should have reasonable maturity, as from all the national electorate. To enhance this, I think there should be a law to have Presidential elections for preliminary, and then they have three who will go to have the final elections, to enable us get the reasonable majority.

Otherwise, they also felt that, there should be a limitation of three political parties. If the political parties are three, then each will present or nominate a Presidential candidate, automatically, the reasonable majority can be achieved.

The very President aspirant should have served for two minimum terms in Parliament as per Member of Parliament. Either nominated or elected.

The voters for Presidential candidates should – those who are staying outside should be ..... (inaudible) to no votes. We have the information technology on the internet, they can do that wherever they are, if it is possible. But not for Parliamentary or civic.

Members of Parliament should serve for two maximum terms in Parliament, unless the third or whatever should be for

Presidential candidature. The very MPs are also subject for electorate recall. That means, there can be a by-election if the electorate feel that, he is not delivering as is required, unlike other terms.

They also felt that the minimum requirement for the Members of Parliament should be a professional, should have served in his profession wherever he is, as a police officer, a teacher, an accountant, any other person, for a minimum of five years in the Government or private sector.

Minimum requirement for the civic or the councillors, they propose that it should be made to be ordinary level, that is Form Four, 'C+' or should have a ..... (inaudible) or ..... (inaudible).

That, they also felt that, the elections for civic and Parliamentary should be held simultaneously but not for Presidential elections.

Because people are usually masmarised, either they go for this and that, so they should be separated, so that people are given time to ponder over who is going to be their President.

On the same note, they felt that the President must not be an MP. Because, he is now representing the Kenyans, and now being an MP, he oppresses the views or the rights of the original members of his constituency, because they cannot oppose the President, when they have other things to do. But he must be a serious participant in his own political party.

It was also felt that, the local currency must not have the President's head. Because, now the Presidential term is going to last for two terms, that is about ten years, and money can stay in circulation longer than that. Who is going to be who? So, it is felt that the new Constitution should not enhance this -- the local money system. It should be money like the US\$ or something like that.

**(Interjection) Com. Baraza:** Please be winding up.

**Josphat Wakungu:** Okay, on education matters. Much has actually been said, and I would like to say two or three items here. The issue of free education in primary school, the Government should give basic facilities, after including uniform. Because, even if it is free education, some children stay home because of lack of uniform and other .....

The Government should enhance bursary, especially, for secondary, the going students, because there is an increasing number of orphans in our country because of the scourge.

Now, the Government should come up with a consistent and workable system of education to not allow always go back to this and that. Should be consistent and workable, like in other countries, and to pursue the objective of industrialization by the year 2020, and even beyond. There should be technical secondary schools, so that, from primary, you go to either technical line or



whatever, so that we enhance this technical line of education.

On placement: every child should be entitled to enhance his education and train from Standard Eight. That is, should be able to have the training, and even at Form Four. When those who have passed to go for national universities or private universities, there should intermediary colleges that should select automatically, the children to be placed in medical – either diploma in Pharmacy, etc or in agriculture, in accountancy, etc., without leaving us with a functionless career.

You know, you tell the children that, can you learn to be this, but when they go out, some parents cannot look those chances for them. So, if a child has passed with ‘C+’ or ‘C plain’, should just get a letter, that should establish, that you have now been selected to medical, to do this and that. And the career-forms should come down to schools.

On Kenya National Examination Council, we felt that it should be independent to have its full personnel to create more employment. Because, the youths serving teachers who come from schools, and these are prejudiced that, this is an examiner, that those schools perform better. And the teaching methodology, are there to work now examination that is coming. So, they should be independent personnel, to set, examine, and release the results, without necessarily involving the serving teacher, who even sometimes, when a problem arises on cheating or whatever. This world is technical, we have the pagers, we have the mobiles, the leakage can take any other form. So they are victimized for no reason. So, that is what I had as far that.

**Com. Baraza:** Ramadhan Nyongesa?

**Ramadhan Nyongesa:** Commissioners na wale walioudhuria, jina langu ni Ramadhan Nyongesa, na ningependa kuchangia juu ya uhuru wa kuabudu.

Kwamba, utakuta kuna njia mbali mbali za kuabudu. Kuna wale wanaoabudu kimya kimya, na kuna wale wanaabudu kwa kelele, wengine wanacheza ngoma. Sasa inakuwa wakati mwingine vigumu sana. Wakati unakuta kanisa ambayo ni ya kucheza ngoma, pengine imejengwa karibu sana na msikiti, na hao wanaabudu, na hao wanaabudu. Na hao wanaoabudu kwa kelele, wamechukua ma-vidude hivi vya kubasa sauti, inaenda mbali sana, umbali pengine karibu kilometre tano. Na wanaendelea hivyo, kufanya hivyo, pengine kwa masaa matatu, unakuta kwamba, wale ambao wanaabudu kimya kimya kwa sasa hawawezi kuwasiliana.

Ningependa sheria ipitishwe kwamba, hata kama ni kucheza ngoma ama kuimba, tuwe na minimum noise. Maanake, wapunguze kelele.

Pia, ningependa kusitiza point fulani juu ya mavasi ya kidini, kwa mfano ya Kiislamu, kama vile kanzu, na kofia. Utakuta mtu ambaye si Muislamu, amevaa kofia, amevalia kama Muislamu kweli kweli, na ameingia kwenye bar, anakaa, anakunywa

pombe wasi wasi. Sasa, mtu ambaye hajui kwamba huyo sio Muislamu, anachukulia kwamba, Waislamu kumbe wanakunywa pombe, ile hali si Muislamu.

Ningependa sheria hapo, ipate kumshtaki mtu kama huyo, kwa kuvalia Kiislamu na kwenda kufanya kitendo ambacho hakiusiani na Waislamu.

Another issue I would like this Commission to address, is on vulnerable group, specifically people with disabilities. Honestly, as you are aware, these are people who have many problems. They really struggle to earn a living, and in fact, it is impossible for some of them if it is not that they are depending on others. I would like the Commission to include in the Constitution, a clause or something to recommend to the Government, that it sets aside some funds in the annual Budget, so that all people with disabilities, they get something from that fund, either monthly, or at any given period during the year to help them earn a living.

Apart from that, I would like the Government to be taking a census, so that, this can also be done annually. A census on people with disabilities, so that, they are very able to plan and advise, if possible, advise on how to form groups, to make viable projects that will earn them a living.

Also, if possible, they must be represented in the Parliament. I mean, to say that, the physically disabled people should have a person representing the physically disabled people; the blind, the same; the deaf, the same; because, actually it is a deaf person who knows the problems of the deaf. So, he can air out the views on behalf of the other deaf countrywide, and maybe through that, they can get assistance. I think that is what I had, thank you.

**Com. Baraza:** Thank you. Nicholas Juma. Nicholas.

**Nicholas Juma:** Commissioners, I have got about five items I want to talk about.

The first one is about the form of government, I would like to be replaced. I recommend a unitary representative government, with an Executive President, just as we have now. However, some of the powers that are given to present President, should be reduced.

For instance, the appoint of the Vice President and some Ministers, among others, that the President is given to appoint, should be removed and be given somewhere else like the Parliament.

Now, during the elections, I wish to have each Presidential candidate to nominate a Vice President as his running mate. So that, when we vote, we vote for both the President and the Vice President. This will help us in case there is a vacancy of the President, then the Vice President will automatically become the President, and he will be allowed to carry on until the tenure of that session is finished. Rather than the present time, where we have, if there is a vacancy, the acting Vice President is given 90

days. But I propose, it should be continuous until that period is finished.

Now, on representation: a President and a Vice President should not be elected on constituency level, but should be elected on national level. In other words, they are representatives of the nation, not of their local areas.

Now, Minister appointments should be done or should come from the seating MPs, and the President will suggest names, and those names will go to the National Assembly, National Assembly should be able to scrutinize the moral standards of those recommended. Once National Assembly passes, then, we shall have the Ministers appointed.

This appointment of Permanent Secretaries. Also, this is an area that should be left to the Public Service Commission rather than the President. The Public Service Commission to appoint, transfer and sack Permanent Secretaries.

My second point is about political parties: I would recommend that we have not more than three political parties. The system right now is a sort of a joke, that we have anybody standing up and saying, I want to have my own political party. But I recommend only three. Maximum three, we can have two or three or one.

If you have been elected as an MP to Parliament, and you decide to change your position, go back to wananchi. So that, you run on the party that are going to.

The third one, regards marriage institution and the quality of sexes: there has been a lot of talk about equality of sexes, and of the human rights of all persons. There was also a talk about the alleviation of poverty in the country. But the sources of the poverty or inequality has not been well addressed.

It is therefore my humble request, or submission, that equality of sexes and alleviation of poverty cannot be attained, unless the question of marriage institution in Kenya is adhered to, and serious and radical reforms are undertaken.

Without going into details of pros and cons of the present marriage system in Kenya, I propose the following changes in the marriage system to take place in the Constitution:-

- First, the practise of allowing one man to have more than one wife should be prohibited. The policy should be, one man, one woman. (*laughter*)
- Two, the new Constitution should allow those men who already have one or two wives or more, to register those women immediately after the Constitution has come into place, and not more than six months. Registration of the women that you have right now, should be done within six months when the Constitution comes into place.

Now, for those men who are married to one wife, they should also register their wife, if not registered now. They should also register within six months after the Constitution has come to place.

Now, the bachelors and spinisters, should not cohabit unless they are properly married. At the present system, they have what they call, “trial marriages”. They keep one another for a few months, then they leave. And if they have.... we are spreading the AIDS. This is how we are having the street children coming up, because once they step down, they are not married, the offsprings there are thrown to the streets.

Now, the third one, which my friends have talked about, is about the churches.

**(Interjection) Com. Baraza:** Please be winding up.

**Nicholas Juma:** Registration of churches, I propose that churches should not be allowed to be registered any-howly. And they should also not be allowed to establish their meeting places next to the other churches. Where there is a church already established, another one should not come and build a church or a building nearby.

Lastly, about the pensioners: we talk of the people who are not being taken care of – the disabled, etc. But I should talk of the pensioners as one of the groups in Kenya that has not been taken care of. Pensioners, are given small allowance for life. But the economic life is always changing. So, in future, I propose that, when, especially if a pensioner was civil servant, when it comes to revision of the present employees’ salaries, the pensioners’ allowances should also be adjusted accordingly, so that they don’t suffer economically. Thank you very much for listening.

Welcome. Mulekhalu Sela. Sela Mulekhalu? You are not there. Moses Wesonga?

**Moses Wesonga:** Commissioners na wale walioko hapa, Hamjambo?

**Response:** Hatujambo.

**Moses Wesonga:** Mimi langu,

**(Interjection) Com. Baraza:** Sema jina.

**Moses Wesonga:** Moses Wesonga. Mimi niko hapa kuongea juu ya urithi. Naanza na kitu ambacho kinaitwa succession. Hii mambo ya taxation ya mashamba, kuna watu wamelaliwa miaka na miaka, pesa imeongezeka kwa Lands, taxation

tumeshindwa. Serikali iangalie hapo.

Kitu kingine ni urithi. Unaweza ukaoa mwanamke (msichana wa mtu), muishi naye zaidi ya miaka ishirini bila mtoto. Mzee anapokufa, anaambiwa, kwa vile hajafanikiwa kupata mtoto, hawezi kupata urithi wa mzee wake. Serikali inayokuja isaidie yule mjane. Kwa ajili, alikuwa anaishi na mzee wake miaka hiyo yote. Ananyanganywa kwa ajili hana mtoto.

Kitu kingine, hii kitu unasikia file imeenda kwa Attorney General, na mtu amewekwa remand miaka tatu, kesi haijakuja kortini. Tuna wengi wamekufia cells, kwa ajili, mambo bado iko kwa Attorney General, na tuna ma-judges hapa hapa. Hiyo, Serikali inayokuja, ituangalie. Kwa sababu watu wengi wanakufa cell, eti wanangoja, file haijatoka kwa Attorney General.

Kitu kingine, sisi hapa West Kenya, tuna mills ya miwa – Nzoia na Mumias, ambayo tunauliza Serikali inayokuja. Juzi tumeteua Sugar Board, vile watu wengine wa majani chai, kahawa na wengine, na wengine. Sisi nasi tupewe uhuru wetu. Serikali kama ina nafasi mahali, itupe sisi wenyewe tununue viwanda viwe vyetu. Tusinyanyawe na watu wengine.

Halafu, matajiri wengine wasitoke mbali – Central na mahali pengine waje wanunue hizi mills zetu kama Nzoia na Mumias.

Halafu, kumalizia, hii mambo ya disabled. Hawa watu wasiojiweza, nimekuwa na mmoja, nimepata shida sana. Kama kuna grant ambayo imekuwa granted na ofisi ya DC, lazima uende Nairobi. Na nyumba iko kati kati ya City. Mtu kutoka hapa Western, aende Rehema House, munaweza kujua kweli? Kwa hivyo, hiyo ofisi ya disabled, I wish tupate moja hapa West Kenya. Kwa hayo machache, sitaongea, kwa sababu mambo mengi yameongewa. Kitu ninaomba tu Tume, ni kuchukua attention. Asante.

**Com. Baraza:** Thank you. Register there. Isaac Ndege?

**Isaac Ndege:** My name. Commissioners, wananchi, majina yangu naitwa Isaac Ndege, natoka Bunyala Central. Mimi nina point mbili tatu.

Point yangu ya kwanza, Commissioners, ni hivi, President wetu ambaye atakuja, anapata mshahara katika Kenya, ile ambaye anatawala. Mimi napendekeza kwamba, mshahara ule ule ambao anapokea, aweke hapa, kuliko kuweka ngambo. Kwa maana, mshahara huu akiweka hapa, utamuzuia asiwe anaruka naruka naruka na ndege kila mara kwenda nje. Hilo ni pendekezo langu. President na Ministers wote wake, waweke pesa hapa, ziwe controlled hapa hapa, kuliko kwenda ngambo uko na uko.

Jambo la pili, Commissioners, Tume hii au Katiba hii ambayo inakuja, tunaandika sasa hivi, miradhi ambayo imelaliwa na Bunge, for instance, barabara hii yetu, Lurambi kwenda Bungoma, ilipendekezwa kitambo sana, World Bank, nasikia kwamba

ilitoa pesa, this road iwe tarmacked. Mbunge yeyote ambaye anaingia uko, anauliza, anasema tunataka barabara gani – Lurambi.

Nasema kwamba, miradhi kama hii ambayo imependekezwa na Bunge, ifuatiliwe, hata kama imemaliza miaka ngapi na Mbunge yule ambaye alipendekeza alikufa, yule ambaye amechaguliwa, aende tena aulize, hili afufue kitu kama hicho. Barabara hii imetusumbua sana. Hilo ni pendekezo langu. Sina mengine sana lakini, Commissioners, ..... (inaudible) inapesa nyingi sana. Kwa nini sisi ambao tunakuja kumpa, haoni, tunakaa njaa, no drinks, no what, no lunch ..... (*laughter*)

**Com. Baraza:** Stephen Mavumbo? Say your name.

**Stephen Mavumbo:** Mimi ni Stephen Juma Mavumbo. Na pendekezo langu la kwanza, nimesema ya juu, ya mbele, na ya chini hapa, nitaguzia kidogo.

Examination fee: examination fee kwa mashule imekuwa zaidi, hata kutoka Standard One. Ambayo, ningelipenda, Serikali ingawaje imewaonya, lakini wasimamishi – ma-heads, wametengeneza hizo pesa, ziko hata, mzazi asiyejiweza, mtoto anafukuzwa tu kwa sababu ya examination fee, lakini mtoto wa Standard One.

Bursary: bursary zinakuja kwa mashule, lakini wale watoto wanaopata bursary, ni watoto wa watu walioajiriwa, wanafanya kazi. Na hali, mtoto wa mtu ambaye hata hajiwezi, hana chochote, haoni hiyo bursary. Tafadhali, Serikali ingetusaidia hiyo bursary, iwe restricted, wale watoto ambao wana wazazi wasiojiweza, hawapati chochote, waweke uko, kusaidia hao.

Nyingine. Mwananchi wa kawaida – wa chini, anapopata shida, kama amekosewa, amenyanganywa kitu yake na watu wasiojulikana, amepigwa, na anakimbilia usalama polisi, anaenda kupiga report. Anafika uko, anapiga report, polisi anaambia yeye, leta transport, na labda ni mimi, ama baba, ama mtu saa hiyo hauna transport tayari. Mpaka hiyo maneno inaenda tu hivyo, kwisha, na huku umeumia, na umefikia Serikali. Sasa Serikali itusaidie, polisi wawe restricted kutusaidia sisi wananchi.

Tena hapo, unaweza kuona tuko hapa, na headquarter yetu ya polisi iko Kakamega. Jambazi wameingia, wamefanya vitu.... kama ma-mobiles. Unajua namba ya polisi, unapiga uko. Umepiga saa hizi, kama ni saa tisa, tena kesho saa sita, saa tisa ndio utaona polisi wanakuja. Tayari, hata wale wametoweka. Sasa pia, ninaongezea, kufika uko unaambiwa leta mafuta ya transport. Sasa hapo ningeliomba, Serikali, itulinde sawa. Kama hakuna polisi wa kutosha, watuandikie polisi wa kutosha. Kama hakuna transport, ninaona mishahara ya wafanyi kazi imeenda hata karibu, sijui kama ma-millions. Kwa sababu ukisikia mtu mshahara elfu mia nane, na uko means ya transport, maghari, ya kulinda sisi wananchi wa raia, hapa remote, hakuna. Tukipata shida, tunaenda uko, tunatatizika tu bure. Naomba Serikali iongeze maghari, tuwe vile tulikuwa zamani. Unapopiga report kwa polisi, dakika kumi, polisi wamefika. Hiyo itatulinda usalama.

Neno lingine, forest. Serikali imepeana, forest wananchi walime free. Na yale forests wakija kugawa, wanakaa, forest out time. For example, hapa mwezi wa tano, kupanda, huwezi kupanda. Vitu, kama ni mahindi, haiwezi kuwa. Ningeliomba, kama wanagawa forests, wagawe kutokea mwezi wa pili, mwezi wa tatu iwe mwisho.

Halafu, sehemu wanaopatiwa, hata ingawa wanapata watu wachache, lakini iwe, metres, '70 x 70' metres, hili mtu naye akienda kulima, atoke hapo na kitu.

Mambo ingine, hatari nchini kote, hata pahali tulipo hapa, imekuwa vigumu sana Serikali ku-control. Ikiwa haitafanya mipango za kuweza kufunga njia za zile hatari vile inakuja, hatari ya ukimiwi, hatari ya majambazi, ni kwa sababu, Mungu ameumba dunia hii yote, na akaumba mwanadamu, mwanaume na mwanamke, na akaweka wawe wanaishi pamoja. Sheria tulizokuwa nazo hapa hawali kama ningali mtoto, kulikuwa ndoa ya mama, na ya bwana na bibi yake isivunjike kwa urahisi, wanapooana.

Lakini hivi leo, inavunjika, hata ingawaje umetoa mahali. Anaoa mimi leo, anaoa yule kesho, anaoa yule kesho kutwa, mwisho anaenda kupanga mitaani – Nairobi, Kisumu, Kampala, na kule anaenda kupanga, hafanyi kazi yeyote, kazi yake ni kwenda kupanga – mimi ni wa usiku, wale ..... (inaudible) ni wa mchana, afya yao haijulikane. Anapoaaa nao watoto, ndio watoto chokora.

Anapopata ugonjwa, wale waliopata pamoja na mimi, wanaeneza mpaka kule, na kule. Haya, kuja kufunga njia ya chokora, ni lazima mama ama waume, pia sisi, tumeogopa maisha. Anakuja, anachukua mama, anazaa naye watoto, anatoroka anawacha, anaenda kwa wale wa mitaani, pia anaanza kuzaa uko. Sasa watu kama hawa, kutoka wamama, hata mabwana, wawe restricted kama sheria ile ilikuwa ya zamani, in 1960s kutoka nyuma, ilikuwa routine, msako inatoka usiku, unaingiliwa ndani ya nyumba na polisi, unaulizwa, bwana, wewe, hapa, unakaaje, unafanya kazi gani? Utoe kibali ya kazi. Umeoa, una mwanamke, ukiwa na mwanamke, utoe marriage certificate.

**(Interjection) Com. Baraza:** Go to another point. We have heard that one.

**Stephen Mavumbo:** Can I finalize for that. Nimalize?

**Com. Baraza:** Was that your point?

**Stephen Mavumbo:** Nina ingine, lakini nimalize kwa ile nilikuwa.

**Com. Baraza:** You are going into so many stories. Just give a point, then give us a recommendation. Give us your last point.

**Stephen Mavumbo:** Sasa langu la mwisho, ni kama hivi, Katiba tuitengeneze chini ya sheria za Mungu, hili tusije

tukatumbukia.

**Com. Baraza:** Thank you. Asante. Please sign there. Wellington Songa?

**Wellington Songa Egesa:** Kwa majina mimi naitwa Wellington Songa Egesa. Mimi ninataka kuongea kwa maneno tatu hivi.

Ya kwanza, wakati tunakuwanga na kura, kama hapa Kenya, tunaweza na kura million ishirini yote. Na tukipiga kura, mwingine amepata sixteen, na mwingine amepata seven, sasa inakuja twenty two. Hapo mtu kama amepata kura zaidi ya ishirini na hiyo ndio ime-register Kenya nzima, na imekuja ingine mbili, mbili hiyo inatokea wapi?

Hapo inataka Serikali iangalie, au hii sheria iangalie, kama iko hiyo maneno, warudie, ama yule mtu amefanya rigging, akuwe second, yule alikuwa second, awe first.

Ya pili, tunakuwa na mtu anaitwa nominated MP or councillor. Huyo nominated councillor ama MP, hawezi kuwa President. Kwa sababu gani? Huyo mtu anakuwa nominated councillor, akuchaguliwa na wananchi. Amechaguliwa na mtu mmoja pekee yake. Kwa sababu akiwa President, na unaona corruption inaingia Kenya, na hiyo inataka hiyo sheria itoke hapa kama wanasema, mtu lazima achaguliwe na wanachi.

Ya tatu, inatakikana tuwe na sheria, wakati tunachagua MPs ama councillors, tuko na watu wengine, wanaweza kujua huyo mtu anaweza kunishinda, halafu wanachukua watu wake wanaweka cell. Huyo mtu kama ameingia Nairobi, wakati atakuja ndio atatoa pesa kwa askari, ndio watu wake watatoka, hao wengine wakatwe. Mtu kama amekatwa, amekufa, watachukua jukumu gani. Ama watu yake ndio wamekata huyo, na ndio anaingia kwa Parliament. Asante kwa kunisikiza. Kwa jina naitwa Wellington Songa.

**Com. Baraza:** Thank you. Situma Mangoli?

**Situma David Mangoli:** Yes, Commissioners na wananchi. Kwa majina naitwa Situma David Mangoli, na ninapendekeza kama ifuatavyo:-

Ya kwanza, dowry system, hasa katika Kakamega District, ni mbaya. Hii nafikiri ingewekwa kwa sheria, kwa sababu, hapa Bunyala, wewe ukiwa na mtoto wako ambaye ameona kutoka kwa jamii fulani, halafu uwape ngombe, na imalize mwaka moja, mbili, hizo ngombe zinakufa, wanarudisha, tena wanaendelea kukudai uongoze zingine. Hiyo ninaona ni hasara kwa wale ambao wamechukua msichana. Kwa sababu mimi nilikuwa nimetunza ngombe zangu vizuri, na ikienda kula, hawajui kutunza, zikifa, wanasema, turudishe ngozi, walipe ingine.



La pili, appointment na employment ya ma-chiefs na assistant chiefs, na civil servants. Kuna ma-chiefs ama assistant chiefs, napendekeza, kwa sheria, iwe wakifanya application, wakienda kufanya interviews, tuwe na CIDs ama Special Branch, kuchukua maoni ya wananchi. Wachaguliwe kulingana na maoni ya wananchi. Kwa sababu, kuna wengine, ambao wanachaguliwa kulingana na god-fathers, ambao wako kwa maofisi, labda Nairobi, anaenda kwa huyo mtu, labda hata yeye, wananchi hawampendi, unasikia tu ndiye amekuwa chief ama ndiye amekuwa assistant chief.

**(Interjection) Com. Baraza:** Why do you want the CID? Why don't you elect them directly? Kwa nini CID, when you can vote for them.

**Situma David Mangoli:** Tulikuwa tunapendekeza, ikiwa wanasema waendeleo na mambo ya interviews, wapate maoni. La si hivyo, walete kwa mlolongo.

Na hapa Buliani, kuna funeral expenses, zimekuwa too much. Na hata hapa Bunyala, unakuta mzee akifa, wale jamaa, ambao ni relatives, wanakuja wanaitisha vitu vingine ambazo tunaita ..... (inaudible)nini, kila kitu. Sasa wanataka kukunyanganya hiyo mali, wanawacha mjane na watoto bila chochote. Tungekuwa na sheria ya kutunza mali ya mjane na watoto wake. Yaani, watupilie mbali mambo ya ..... (inaudible) na hata ..... (inaudible) wanapata kutoka kwa marehemu, kwa sababu ya ukoo.

**(Interjection) Com. Maranga:** Kwa Kiluyha munaita nini?

**Situma David Mangoli:** Kwa Kiluhya tunaita ..... (inaudible), yaani, ikiwa wewe ni mtoto wa mamangu mwingine, na ukifa, nataka ..... (inaudible) ile ya wa haki. .... (inaudible), to be paid something. Na mara nyingi hudai ngombe nzima.

**(Interjection) Com. Baraza:** Wanalipa?

**Situma David Mangoli:** Wanadai ngombe kama ..... (inaudible). Yaani, zawadi kwa huyo jamaa wao. Ama kama ni wajomba, wanaitisha mali kutoka kwa huyu mtu ambaye amekufa.

Halafu, kwa upande wa free education in primary schools, kama vile mwenzangu amesema, hata wiki hii tu, watoto wengi walikuwa wakifika shuleni Monday, wanafukuzwa, wanarudi nyumbani, eti wanatakikana walete pesa za end-term examination.

Kila mtoto ana-contribute, kama hata Kshs.50/- ama Kshs.40/- kwa end-term examination. Na hii sasa inaonekana kama hakuna mambo ya free education.

Pengine, tuna mambo ya building funds, na hii labda ukiongea na AEO na nini, inakuwa kama mchezo wa paka na panya. Anashtajabu anasema, hiyo nafikiri..... lakini kuna siri ndani kati yake na waalimu wakuu. Therefore, lazima iwe na sheria ya kuwa, inspectors of schools, wafanye follow-ups. Ikiwa wamekataza mambo ya malipo kwa ma-shule watoto wapate free education, tusiwe na waalimu tena wanapitia kando, hata wenye matanga wana-charge, wanafukuza mtoto eti kwenda leta pesa ya matanga. Sasa mimi nikiangalia, matanga inafanya mtoto akose lessons? Hiyo lazima iangaliwe kwa sheria.

Na upande wa distribution of powers. Hii mambo ya Serikali, lazima tuwe na sheria, tukiwa na appointment ya Ministers, ama Provincial Administration, kama PCs na DCs, kila district iwe na share. Kwa sababu, kuna ma-district mengine, ambayo, ukiangalia sana, hakuna Minister kutoka kwa hiyo district. Lazima tuwe na usawa wa kupeana madaraka kama ya Ministers, kila district ifaidike. Yaani tuwe na siku sawa. Ama kupeana ma-PCs, wale wanatoka kwa district, lazima tuwe na usawa. Sio, ma-PCs wanatoka kwa province moja wengi, zaidi ya wengine.

**(Interjection) Com. Baraza:** The last point?

**Situma David Mangoli:** Ni hayo tu. Last point ni hii....

**Com. Baraza:** No, no, you had finished. Thank you.

**Situma David Mangoli:** Cost-sharing katika health centres, naona cost-sharing imekuwa too expensive kwa wananchi. For example jana, nilikuwa na mtoto amewarushwa kidogo, kwenda kufanya stitches, analipa almost Kshs.385/-, tena wanasema, Kshs.50/- ya health service. Sasa inaonekana hata, ile matibabu ya bure, haina maana katika Kenya. Kama cost-sharing, lazima tuwe na pesa ambayo mwananchi wa kawaida anaweza kulipa.

**Com. Baraza:** Thank you. Sign there. We get it. We have got your point. Justine Kisembe?

**Justine Kisembe:** Mimi kwa majina naitwa Justine Kisembe. Nitazungumzia kuhusu huyu mama ambaye anaitwa mjane na mayatima.

Huyu mama, hata ukiangalia kwa Biblia inasema, cha mjane, kiwe cha mjane. Lakini kuna misaada inakuja hapa, inasema ni ya mjane na mayatima. Lakini, kuna wengine ambao sio mayatima, wanatumia hiyo. Sasa sheria iwekwe. Nikijua kuna sheria ya mayatima, nitumie hiyo sheria, nidai hiyo pesa. Kwa sababu tuliandika majina fulani tukapeleka mahali fulani, inasema, mayatima. Wanadai kila siku wanasema niliandika majina, mayatima, wapi hiyo msaada walisema. Na hatujui njia tutatumia, tupate hiyo, tupate mayatima waliendea wapi. Sasa hiyo sheria, iwekwe, ilinde hawa mayatima. Kwa sababu, kuna mdudu anayelitwa ukimwi, ameleta maneno mengi. Watu wanakufa, mayatima wanaendelea kuwa wengi na wajane. Sasa hapo sheria iwekwe, tutumie. Huyu mdudu ametumaliza.

Ya pili, huyu mtu anaitwa “sugar-daddy” huyu, ame..... (inaudible) wasichana wetu. Huyu “sugar-daddy” anatumia pesa kuharibu hawa watoto wetu. Sheria iwekwe, hawa “sugar’daddies” wasiharibu watoto wetu. Utakuta mzee wa miaka sitini, anaharibu mtoto wa Form One, ama Class Eight. Na hatujui sheria tupate wapi. Labda mimi sikusoma, sijui nifuatie wapi. Sasa hao wazee wanatumia pesa kuharibu watoto wetu. Hiyo sheria, ninaomba iwekwe. Shida ya hii “sugar-daddy” wasiharibu watoto wetu. Unajua wasichana siku hizi wako na mahitaji mengi sana. Tunatumia pesa nyingi kwa hawa watoto. Kuwapeleka shule na kila kitu, lakini “sugar-daddy” naye amekalia pale pale anaharibu.

Ya tatu, makanisa. Tuwe na kiwango, ku-register hayo makanisa. Kwa sababu, mtu akikosana na mtu pahali fulani, utasikia kesho, amefungua kanisa yake. Ukimuuliza u-register wapi, na saa hii sijui elfu ngapi makanisa. Sasa, inatakikana sheria iwekwe, tuwe na viwango. Tusiwe tunaendelea tu kuandikisha ma-kanisa, ma-kanisa, na wengine..... (inaudible). Nilikuwa na vitu tatu, nimesahau.

Hawa wazee wetu hawa. Katika Biblia unasoma “Wagalatia 5:28”, inasema, “upende mkeo ndio utaona ufalme wa Mbinguni”. Lakini hawa wazee wamesahau. Sasa tuweke sheria ya kufinya hawa watu. (*laughter*) Wamekataa mambo ya kanisa, sasa tunataka tuweke sheria iwafinye, ndio wakirudi waki-retire, akipata pesa, arudi nyumbani mapema, asirudi na bibi. Ameoa bibi wa miaka ishirini, na mwenyewe ame-retire, miaka yake ni sitini, na huyo labda ana ukimwi. Sasa huyo bibi, atakufanyia nini? Akizaa watoto, wataenda wapi? Na huyo mama ambaye hajapata mtoto, .....(inaudible). Na huyu mzee anaona huyu mama hajapata mtoto, halafu aoe bibi wengine. Sasa huyu mzee akiaga dunia, hawa watoto wa mama mkubwa, wanamfukuza, wanasema hakuna hata shamba. Sasa huyo mama ataenda wapi, labda ni mzee pale? Nyumbani pia hakuna? Ataenda wapi? Sheria iwekwe, huyu mama apate shamba yake, pahali yake.

Na nikimalizia, hii sheria ambayo tunatengeneza sisi, halafu murudi tena mutuambie, muandike labda kitabu mje mutuuzie ama mtupee bure. Nikae kama mimi nikijua, mimi nikipiw na mzee, nifuate hii sheria. Mayatima wakikosa kitu chake, afanye hivi. Ni hayo tu, asanteni. (*laughter & clapping*)

**Com. Baraza:** Asante. Wawire Maunde?

**Wawire Maunde:** I have given but there is one point.

**Com. Baraza:** No, no. We don’t do that. Please give us that memorandum, we shall read it. We don’t do that, otherwise we shall never go home, we shall never finish. Habib Mwitani.

**Habib Mwitani:** Kwa majina ninaitwa Habib Wamulunya Mwitani.

Kwanza kabisa, nitaanza na maneno ya leadership. Kulingana na uongozi wa Kenya, nchi yetu ya Kenya vile ilivyopata uhuru,

hatutaki ile Katiba, ama sheria ya kusema kwamba, uongozi wa ufalme, eti kwamba mimi nikipata uongozi, baadaye nitapatia mtu fulani. Baada ya kipindi changu, nitarudisha uongozi penye nilitoa. Hiyo Katiba iondolewe, hau hiyo sheria izipatikane, kwa sababu, hapa Kenya tuko na makabila mengi, ambayo ni zaidi ya arobaini na mbili, na tunataka, at least hayo makabila yote ya-enjoy cake ya uhuru wa taifa letu.

Kwa sababu, yale makabila ambayo kiongozi ametoka ndani yake, huwa wana-enjoy sana cake ya taifa letu la Kenya, na ila hali sisi, kama sisi, pengine tuko na factories, vitu vingi vinaenda katika sehemu kama zile ambazo viongozi ama Rais anatoka. Kwa hivyo tunataka hayo mambo, ikiwa baba yako alikuwa Rais, ama nduugu yako alikuwa Rais, uongozi tena usirudi katika jamii kama hiyo.

Jambo la pili, security: Serikali yetu, ingawaje tuko na uhuru lakini hatuko na uhuru kamili. Tumepata uhuru, lakini, uhuru ambao tuko nayo, ninaona ni kama wa bendera, kwa sababu, inaweza kuwa kama umepata na janga la ujambazi. Baada ya hiyo, ikiwa report inaweza kufika katika police station ya kwamba, ujambazi umefanyika mahali fulani, utakuta kwamba, huyo askari analipwa mshahara kila siku, lakini unaona ya kwamba, hajukui jukumu lolote, bali ataanza kukusumbua ya kwamba, nani ama waliendea wapi, walikuwa wamevaa namna gani, walikuwa na bunduki haina gani, na sisi kama raia hatujui numbers na sizes za bunduki za Serikali ambazo iko nayo.

Na tena bunduki ya askari yule, kazi yao siku hizi tumeona ya kwamba, ama mimi kwa upande wangu ninaona ya kwamba, wameajiliwa ya kwamba, kujunguza wale wananchi ambao wanaingia kwa changaa, ama pombe, lakini kwa kulinda usalama wa wananchi na mali zao, hatuoni. Kwa sababu vita vingi vinafanywa kama mtu kunyanganywa mali yake, kama kutembea kwa maduka, kunyanganywa kama vyombo kwa maduka zao, hata na ngombe pia, na hili hali tuko na Serikali ambayo tuko uhuru.

Sasa hiyo inaonyesha kwamba sisi hatuko kwa taifa ambalo ni huru, tuko kwa taifa ambalo hatujapata uhuru. Kwa hivyo, huwa tunajuliza wale ambao tumebaki nyuma tutafanya namna gani, hili tupate uhuru wa kujisaidia kama raia wa taifa letu. Kwa hivyo tunataka mahali kama askari, wapate mafunzo ambayo inaweza linda mwananchi na mali yake, sio kulinda Serikali kwa kupata pesa kwa pombe.

Upande wa akina mama: kina mama, ningelipenda Sheria ipitishwe, Serikali yetu ya Kenya, kina mama wawe na nafasi la kitaifa. Kwa sababu, unaweza kupata mama, ama msichana amevaa zile ambazo wenyewe wanaita eti mimi-skirt. Na hiyo mini-skirt, kwa mtu kama mwanauume akiona ile mabacha ya mwanamke, ni kama sitima. (*laughter*), ikishika kwa maji. Sasa, ni vizuri hao kina mama wawe na vasi la ki-taifa ambalo linawezafika pale chini kwa miguu, hili wasiwe wanathaminiwa na watu.

Kwa vile ninaona, hata kama huyu mama amevaa vizuri sana. Lakini unaweza pata mwingine ako na mini-skirt ambayo iko hapa hivi. Sasa hiyo, ningelipenda pia hiyo, ikipitishwa, nchi yetu itakuwa na tabia mzuri, kwa vile, mambo kama haya ya unajizi hii, haitakuwa sana.

Halafu, upande wa Parliamentary: tunataka hii mambo ya...

**(Interjection) Com. Baraza:** Uwe unamaliza. Is that your last point?

**Habib Mwitani:** Ndio, last. Nataka, mtu ikiwa amechaguliwa, na baadaye, a-defect kutoka kwa chama kingine, na haende kwa chama kingine, ni vizuri yule ambaye alikuwa second kwa yeye, katika nomination ya chama chake, at least, yeye achukuliwe haende, aanze ku-represent watu kulingana na ile chama ambacho amepitisha katika Constituency yake, kabla yeye hajaamulishwa kwenda kuomba kura grassroot.

**(Interjection) Com. Baraza:** Your last point.

**Habib Mwitani:** My last point ni kwamba, mtu ikiwa amechaguliwa kama MP, na ameenda uko ametuliwa kama Minister ama nini, kwa upande wetu vile tunaona Serikali yetu haina pesa mingi. Ni vizuri iwe mtu mmoja, kwa kazi moja. Ikiwa mtu anaenda uko ako President, ako Mkuu wa Majeshi, Armed Forces, nini, Minister wa nini, hiyo vitu yote inachangia kwa ufasidi wa taifa letu, na ni vizuri mtu akishachaguliwa kama President, uko nyumbani, wafanye kura ya kuchagua MP mwingine. Kwa vile yeye akiwa President, vile atakuwa akienda nje, sehemu yake, haitakuwa inaakilishwa. Na mtu akiwa Minister pia, atakuwa tena na kazi mbili – akiwa Minister tena ni MP. Sehemu penye anatoka, tena....

**(Interjection) Com. Baraza:** We understand, you have said one-man-one-job. That is understood.

**Habib Mwitani:** Okay.

**Com. Baraza:** Please go and sign there.

**Habib Mwitani:** Asante sana.

**Com. Baraza:** Ahoya? E. Ahoya? Benjamin Wechuli?

**Benjamin Wechuli:** Commissioner of the day, and the rest of the members who have attended this meeting today, I salute you. I think, I have very few points, although I may magnify them.

One, in Kenya, we have the problem of employment. That one we understand. But, the recruitment of chiefs and assistant chiefs, actually does not reflect that the country has got no vacancies. Why? It switches, most cases teachers or Administration Police to take the locality. But when somebody who is not a staffed anywhere has the qualification, cannot be considered. So, actually, the Government should look at that.

According to the Kenya Constitution, F24, it says that, any civil servant can be transferred to any part of the country, and these chiefs and assistant chiefs, actually, they are not transferred. And these are the people causing corruption in our own vicinity. So, they should be transferred. Not to dominate an area.

Another point, the powers of the President should be reduced to maintain democracy.

When it comes to the economy of the country, actually, we are not badly off. But these people, the swollen ones, they invest the Kenya currency outside, which could be invested in our Kenya banks, so that, some of us who are technicians, can borrow from the Kenya banks, and invest this money to certain projects which can even generate employment to some of the people who are lacking employment.

Land ownership: actually in Western Province, we have corruption. Because, only a father is entitled to own a land, and he can sell this land privately without consulting the children and the mother. But, when he feels, this might create a problem, he goes through the woman to report the person who bought the land, claiming that when this land was sold, I was not actually aware, and even the children. So, my children have nowhere to settle. This has brought so many complications in Western Province. So, this land title deed should include a father, a mother and children to minimize problems.

When it comes to this idea of Beijing. Actually it has increased a lot of divorces in the country. Because, women tended to think, now they can quatted to men without actually digesting that point properly, why they should be quatted. And this has created a lot of negligence in them, hence divorcing is occurring frequently. In Kenya we have a lot of divorces now. I don't know whether you are getting my point or not. But I think I tend to feel....

**(Interjection) Com. Baraza:** No, no, I went to Beijing, I know that law. I am just wondering what you are talking about. Say it again.

**Benjamin Wechuli:** I think, now, we have been told that women should possess equal rights with men. Now, when I come home, because my wife maybe got it partially, I may ask for food, or I may ask for a certain point, then my wife tells me, but you have the right to go and cook, because we are equal. When I at least scratch her abit, this woman will take me to the police officers, and she will run to the next neighbour, indicating the scratches, then becomes ill. I think that is what I am trying to explain.

**Com. Baraza:** Yaah, all I want to tell you is, do you know Tony Blaire?

**Benjamin Wechuli:** Yes.

**Com. Baraza:** And you know George W. Bush?

**Benjamin Wechuli:** Yes.

**Com. Baraza:** And Bill Clinton.

**Benjamin Wechuli:** Yes.

**Com. Baraza:** Ooh, they cook. They cook. It doesn't make them any lesser President.

**Benjamin Wechuli:** I picked that one as an example, I didn't mean actually cooking, Your Honour. I didn't mean that.

**(Interjection) Com. Baraza:** Yaah, you said she might ask you to cook. But I am telling you great men of this world cook. It doesn't make them any lesser than you are.

**Benjamin Wechuli:** You see Your Honour, you must understand this culture. We are Africans, and we have so much informal education. so, we were divided to play certain roles. You cannot just ..... (inaudible) into somebody's office Your Honour. *(laughter)* That is our office. A kitchen is your office, Your Honour. *(laughter & clapping)*

**(Interjection) Com. Baraza:** No

**Benjamin Wechuli:** There you can't convince me Your Honour.

**(Interjection) Com. Baraza:** What I want to tell you is, the world is changing. Let me do a bit of civic education.

**Benjamin Wechuli:** Thank you.

**Com. Baraza:** The world is changing. I don't know what you do, you are a great man in your homestate. But I am telling you those great scientists, those ones who do those scientific things which haven't even reached Africa, they also cook.

**Benjamin Wechuli:** Even me I cook,

**(Interjection) Com. Baraza:** No,

**Benjamin Wechuli:** But there are some things that you should sit down, Your Honour, and know that this one is a right not a privilege, Your Honour. There is a difference between a privilege and a right Your Honour. I can cook, as a privilege Your Honour. (*clapping*)

**Com. Baraza:** Are you finishing so that we ask you questions?

**Benjamin Wechuli:** Let me finish. When it comes to this section dealing with rape cases, I think they should improve on this. Simply because, I have seen so many of them, who decide to rape young ones, knowing very well that they will be detained for seven years and come back. So, when it come rape cases, I think this one should be changed, so that it can suit this man's demands. This man who goes for raping, his biological desires are very high, and we have scientific mechanisms, which can reduce this sexual demands, hence we shall avoid even this AIDS. I think I am through, you can ask me questions.

**Com. Maranga:** Yaah, Mr. Wechuli...

**Benjamin Wechuli:** Yaah, Mr. Benjamin Wechuli Wesonga.

**Com. Maranga:** I am asking you some questions. The first thing you said is that, the land title deed should have a joint ownership of ..... (inaudible) and the children. A title deed to be registered in the names of the husband, wife and children even if they are not 18 years?

**Benjamin Wechuli:** Yaah.

**Com. Maranga:** That is your provision. Point number two, I want to the question on equality. I think, maybe the question here you are not getting it very clear. That what the women are asking for or what the gender issue is all about, want to be fair. She wants the way you are being treated, you should also treat your wife the same. Like you remember there is a lady who came here and quoted the bible and said, "maybe husbands are not loving their wives the way they are supposed to be loved". So what we are saying, if it is a school, like now, for example let me use the school. Both girls and boys do the same examination, isn't it?

**Benjamin Wechuli:** Yaah.

**Com. Maranga:** That is equality. Are you getting my point?

**Benjamin Wechuli:** Yaah.

**Com. Maranga:** So that when they go to the university, and they are all going to do medicine or law or whatever, they have



gone through the same system. So, we are saying, if you can borrow a leave from the schools, then that should be the case even in our own homes. So that if, today you are cooking, if your wife cooked today, you can also cook tomorrow. That is what we are saying. If for example she is unwell, you can also assist her when she assists you when you are unwell. So, equality does not mean, that you lose your position as a man. It does not also mean that you lose your position as a leader of that homestead. So I think, let us understand it from that point. They are not saying they want to be leaders in those homes. But what they are saying, can you recognize what they also do. That is, you are entitled to your own survival. Are you getting my point?

**Benjamin Wechuli:** I am getting your point..

**(Interjection) Com. Maranga:** If the same lady can cook for you, if she is unwell, you can also cook for her. Isn't it?

**Benjamin Wechuli:** Yaah.

**Com. Maranga:** So, that is my point.

**Com. Baraza:** ..... (inaudible) I am not PhD but I have ..... (inaudible) lawyer. Why shouldn't my husband? Why shouldn't he cook? Why should I refuse to take this very very high prestige ..... (inaudible) as woman? Because ..... (inaudible). And I went to Beijing, nobody talked about ..... (inaudible). If your wife is a Member of Parliament earning Kshs.600,000/-, doesn't she bring it home to better your life? You are oppressing the woman, ooh, I will cook. When people are advancing and leaving you Mluyhas there, thinking about who will cook, you know. Women are talking about equity – we want equity in schools, we want equity in employment, we want equity in.... food to me really doesn't matter who cooks. And the men in fact cook better food.

**Benjamin Wechuli:** It is true.

**Com. Baraza:** The moment you start looking ..... (inaudible) in the house, but it is not making them any lesser, world leaders.

**Benjamin Wechuli:** But....

**Com. Maranga:** That is alright, that is your view. The last point I wanted to ask you. You said that you want us to develop some scientific method, to determine who is potentially a rapist, did I get you right? What do you suggest about those scientific methods?

**Benjamin Wechuli:** I think...

**(Interjection) Com. Maranga:** Are you a scientist?

**Benjamin Wechuli:** Somehow.

**Com. Maranga:** Okay, let me know. I am very keen on that line.

**Benjamin Wechuli:** Okay, biologically, when one is sexually low, he can be ..... (inaudible). He has some hormones which can be injected to become active. But, when one is over-active, there is a certain a hormone which can injected to counter-balance that.

**Com. Maranga:** So what you are saying, men should go for medical check up?

**Benjamin Wechuli:** No really.....(*end of side A*)

**Com. Baraza:** Asha Wandie?

**Asha Wandie:** I want to present on, cultural, ethnic and regional communal rights. My names are Asha Wandie.

One, Kenyan's ethnic and cultural diversity constitute of: national ..... (inaudible). For example, we have ..... (inaudible).

We have cultural and ethnic diversity should be protected and promoted in the Constitution.

Three, Cultural and ethnic values to be captured in the Constitution include:

- Cultural way of dressing;
- Curving;
- Basket.....
- Herbalists;
- Common law on marriage amongst five international .....

Then four, I consider myself ..... (inaudible) whose interests should fully be taken care of. These are: housemaids, barmaids. Their salaries should be considered like other workers in normal places.

Also, street children to be taken care of. They should be removed from streets and be put in specific homes or to be taken to

school.

Landless people should be given land. Those squatters should be given at least a portion to use as their home. Not just to suffer again.

Specific concerns the Constitution should address are: ..... (inaudible).

Six, there should be equal distribution of ..... (inaudible) ethnic groups, common language. Chiefs's Act to be retained with amendments. Area leaders to be paid to strengthen local administration ..... (inaudible). Like we have had of ... ..... (inaudible) and communal..... (inaudible).

Then seven, the Constitution should provide for removal of discriminatory access of ..... (inaudible), the removal of ..... (inaudible) system in education, ... ..... (inaudible) should determine.

Then eight, second last, we should have one national language – that is Kiswahili.

Then lastly, the Constitution should not recognize and promote indigenous languages, as ..... (inaudible) to stop tribalism. In addition, there should be no talking of ethnic languages in public offices or ..... (inaudible). That is all I had. Thank you.

**Kolomban Masinde:** Kwa majina naitwa Kolomban Masinde. Kwanza, nitazungumzia kwa kiti cha u-Rais. Hii itakuwa karibu sambamba na viti vya u-Bunge. Kabla sijaanza na hiyo, katika Katiba yetu ya Kenya, ningelipendelea, amri kumi za Mungu, ziwe za kwanza kutiliwa maanani.

Kwanza kabisa, nitazungumzia kiti cha u-Rais. Na itaenda sambamba na viti vya u-Bunge. Na kabla sijaendelea sana, katika Katiba yetu ya Kenya, ningelipendelea, amri kumi za Mungu zitiliwe maanani. Iwe ya kwanza. Kwa ajili katika wimbo wetu wa taifa, tunaimba tukiomba Mungu. Kwa hivyo, kiti cha u-Rais, mtu yeyote ambaye anatakikana kuwa Rais, sheria iweko, ambayo inamkataza Rais kuhusisha ugomvi, mapigano, ama ana ma-kesi kadhaa ya uuaji, kulingana na amri za Mungu. Aliye na ukabila, asikubalike. Hiyo Katiba ipate kufutia mambo kama hayo.

Na tena, huyo Rais, naona hata asipewe kiti cha u-Bunge, yeye agombe tu kiti cha u-Rais.

Na tena tukiendelea katika hiyo hiyo kiti cha u-Rais, kuweko mwongozo katika Katiba. Nao wafafanue ya kwamba, tukitaka kila mwananchi ajifunie u-taifa wa nchi yetu, Rais wafuate mwenendo kulingana na mikoa. Kama mkoa fulani ushachukuliwa katika u-Rais, mwingine amechukua, sasa watafute Rais kutoka mikoa ingine iliyobakia. Hili mikoa ingine isihudumiwe. Hiyo

ndiyo itakuwa u-taifa na democracia.

Wala wa-Bunge watakuwa vile vile. Mbunge asiwe wa ugomvi wa kuhuthisha watu katika vifo, kupigana, nini, ila tu, aseme u-democracia wake, ukweli wake, uhaki wake kuhusu hii nchi vile atakavyoishughulikia, wala, na constituency yake.

Katika wa-Bunge, kulingana na democracia ya hii Kenya yetu na politics, ningenelea, kama ni vyama vingi vitakuweco kuhusu mimi, afadhali viweco viwili.

Kama ni lazima vyama viwili viweco, afadhali viweco viwili. Na hivyo viwili, isiwe ya kuwa, ni kuwa ubaguzi, chama kile kinachotawala, kinabakua kisichotawala. Iwe tu ni ya mseto, sisi wote ni wana-Kenya kulingana na, lakini mpaka national, tuko kitu kimoja.

Separation of powers: kulingana na separation of powers na kulingana na Katiba saa hii tunayoitumia iliyobunigwa kutoka nje, mwananchi hakushughulikwa sana. Ni chapter five tu pekee yake aliguziwa tu kidogo na kuwajiliwa. Kwa hivyo ningelipendelea, separation of powers badala ya kuwa watu watatu muhimu, tuwe watu wane. Hii, mwananchi first priority, kwa ajili ni yeye anachagua watu wa kwenda kuongoza yeye. Sheria iweko ya kusema mwananchi ana uwezo, na ni kweli tunachagua, na iendele. Tukishachagua, Serikali iwe imetengeneza mpango ..... (inaudible) ya kuwa, itaenda kututekelezea, haya na haya na haya. Tukiona wale tumechagua hawatendi vile tunataka, tuwe na kura ya kutokuwa imani na yeye. Tukiona afanyi vizuri, tunamtoa kulingana na sheria.

Kwa watu wengine, tutaendelea vile vilivyo, Executive, Judiciary, na Legislature.

Freedom of worship: mimi naonelea hii freedom of worship, imetatanisha mambo mengine. Afadhali, vile tuko katika Kenya yetu, ama nchi yetu, nation moja, President moja, tuko na lengo moja, tuwe na worship. Kama ni mbili, Islamic na Christianity.

Na iweko reinforcement kwa ajili ya uolewano, kulingana na hiyo Katiba. Tuhakikishe kila mahali, pahali mwana-Kenya fulani anafanya, ile ya kusema tuko na uko na uko, hakuna. Na tena kuna ma-kanisa mengine yanaendelea kupiga mayowe usiku, ingawaje ni kumja Mungu, lakini usiku kuja, tena hawalali. Na wengine wanachukua nafasi hiyo kuibia watu wengine wakifikiria labda ya wa kanisa, na pengine wanaibiwa. Kwa hivyo, kuweco na wakati pia wa ku-worship.

**(Interjection) Com. Baraza:** That is your last point?

**Kolomban Masinde:** My last point is coming. Katika Katiba yetu, ningependelea, kuweco na mwanga wa Katiba wa kufafanua mwananchi, na kumtambua mahali yeye yuko. Ya kwamba, kulingana na resources anazopata, ama source of income yake ya kumsaidia. Tuwache yule ambaye ameajiriwa, yule hajaajiriwa. Serikali iwe inamshughulikia, yale mapato anayopata, yaakikishiwe ya kuwa, amepata haki yake ya jasho yake. Hapo ninamaanisha ya kuwa, kama kuna mahali kama

hapa, labda tunapanda njugu, Serikali itilie mkaso, hizo njugu ndio mapato yetu, itutafutie soko mwafaka na kila mtu apate haki yake. Yule ambaye aliajiriwa, afanye tu kazi na mshahara wake, na yule mkulima, apate tu jasho lake, isije baada ya kufikia mahali fulani, inagawanywa. Badala ya kupata kiwango chake, anapata ..... (inaudible) ama hapati chochote. Tushughulikiwe vile vile. Na ikiwa hatupati vile tunataka, kuweko tena na sheria ya kututetea ya kuwa, tunataka haki zetu.

**(Interjection) Com. Baraza:** We have gotten the point. You are talking about it, ..... (inaudible) and that was your last point.

**Kolomban Masinde:** Sitawajosha nyinyi.

**Com. Baraza:** No, sio kuchokesha. But we gotten the point.

**Kolomban Masinde:** Thank you.

**Com. Baraza:** Peter Wakhanu. Tell us your name, ..... (inaudible)

**Peter Wakhanu:** Nitazungumza Kiswahili, ingawaje nitakuwa nikiongeza Kizungu kidogo. Kwa majina ni Peter Wakhanu.

Jambo la kwanza, nitaongea kwa ukulima. Na ningependa Serikali ambayo itakuja ama Katiba ambayo itakuja, itii mamlaka, ama juu ukulima ndio kitu cha mgongo kwa Wakenya, hii kitu ambayo inakuja wakati wakulima wanataka kuanza kupanda mahindi, ama tuseme hizi vitu zingine, kuna vitu vingine inakuja ndani, inaitwa seeds. Serikali iangalie hao watu, ikiwa watapatikana, wachukuliwe hatua.

Jambo la pili, na litakuwa la mwisho, ni political parties. Saa hizi tuko na vyama zaidi ya arobaini. Zote ni sawa ziwe registered. Lakini, wapendekeze vyama viwili, ambavyo vinakuwa vinapeleka watu wawili, ambao watakuwa wanaenda kupigania u-Rais. Lakini hao wengine, hizi vyama vingine, vize tu vina-sponsor, tuseme ma-MPs na ma-councillors. Lakini hizo mbili, zibaki tu kupeleka wale ambao wanaenda kuakilisha wananchi kwa u-Rais. Ni hayo tu.

**Clinton Baraza:** I am Clinton Baraza. I would like to make a few recommendations on the current Constitution, and the one that we are preferring to write.

One, I would like to recommend that, looking at the present Constitution, we are lacking a Preamble. I would like the new Constitution we intend to put in place, to have a Preamble. To put down, but to enlist reasons why we are having that Constitution in place.

The Constitution that should be there to protect the poor, and the people it intends to protect, not a Constitution that intends to

protect the rich and the politicians.

Two, I would like to make a few recommendations on the current Legislature. I recommend that the current Parliament should have limited powers on the amendment of the Constitution. It should not be given a free hand to amend every section of the Constitution. Certain sections of the Constitution should be guarded against haphazard amendments that are always there in Parliament. I will not go into details of giving the specific sections, because of time.

Three, I would like to recommend on the political parties: I would to have a situation whereby, we have two strong political parties – say KANU and whichever party that the Constitution will come up with. So that, we avoid a situation where we have various political parties which are useless, which lack power and which lack the proper co-ordination, especially, it is better if we could have a system like the American system where we have two strong political parties like the Republicans and the Democrats. Or in Britain, of course, we intend to have adopted the Britain Constitution, where we have the Labour Party and the Conservative Party.

Other parties could still come and be allowed to come in, but the two major political parties will be better positioned if they could give us Presidential candidates, so that we have stronger candidates to contest Presidential race.

I would also like to make a recommendation on the local authority elections. The council chairmen and the mayors of the Local Government, we would like such people to be directly elected by the people. Not just to be ..... (inaudible) by a few individuals who are likely to be manipulated and be bought.

I also would like to make a recommendation on the Presidential powers:

**(Interjection) Com. Baraza:** Please be winding up.

**Clinton Baraza:** I also would like to recommend on Presidential powers: I would to see a situation where we have the hybrid system of governance. Whereby, there is sharing of power between the President and the Prime Minister, so that, we avoid a situation where, there is a single individual who tends to dictate things and has mass powers on himself at the expense of others.

The hybrid system that will see Presidential powers being trimmed, and having a situation where, a Prime Minister will have to act or will only act according to the permission given by the Parliament. Okay thank you.

**Com. Maranga:** I think I wanted to remind you that Britain has more than one political party. So, we have for example the liberal democrats who are there. So, they are not only two as you say, that is correct.

**Clinton Baraza:** You would like to be answered?

**Com. Maranga:** No, no, I was just trying to correct you that Britain does not have only two political parties. It has more than two. The Labour Party, the Conservative Party, there is Liberal Democrats, etc. Thank you.

**Clinton Baraza:** I was aware, but, I was enforcing on two major political parties. Yaah, I am aware that there are various other parties. Thank you.

**Com. Baraza:** I think we have heard everybody who wished to be heard. I want to take this opportunity to thank the people of Chebuyusi, for sparing your time to turn up. This is a very very important national exercise, in which we are reviewing our Constitution, and thereby, re-defining our destiny as a nation. It is not very often that people go through an exercise like the one we are undertaking, and the entire world is actually watching on us to see how we come out, because, we are the only country in the world which has embarked on Constitution review in peace time. Otherwise, others has been war, it has been after war, but as Kenyans, we have said, we want to redefine our destiny as Kenyans, and that is why the country has spent the money it has spent, for us as Kenyans to sit down and agree on what kind of a Kenya we want to live in after this year.

And my colleague Dr. Maranga, my name is Nancy Baraza, we want to thank you very much, and we shall be in Lurambi tomorrow, and we shall do other constituencies, towards the end of next week, we will finish with Western Province, and this is the last Province that we are dealing with. Then we shall go back and put together the views of all the Kenyans, because, we have gone to 210 constituencies.

Then, we shall analyse them, and do a draft report and a draft Constitution, which the law as it stands now, says that we have to bring back to the people themselves to look at, and debate, and to satisfy themselves that, these are the views that they gave to the Commission.

You may not see your very work reflected in that document. It is going to be a small document. So, your very words may not be there, but we shall get the experts who will reduce your thought into Constitutional thought, and put it in the new Constitution. But basically, it is going to reflect the desire of the Kenyan people, and therefore, we intend to bring a Constitution that will be reflective of your aspirations as Kenyans and hopefully, it will help us prosper as a Nation.

The other views which may not be Constitutional, you may not see them there, but they are legislative, they are law, they will be turned into statute. So, if you don't see your views in the Constitution, probably they were not Constitutional but not useless. They shall be part of the law, that will go hand in hand with our new Constitution. So, we look forward to seeing you again as we bring you back the constituency report, the national report and the draft Constitution.

As the laws stands now, after 60 days of debate, then we take it back to what will be the national conference. In that national conference, will comprise of various people, stakeholders around the country, three representatives from every district, one of whom must be a woman, and I am not to be ..... (inaudible) by the young men there who clapped when we talked about gender equity, it is real, and it is happening. Three people from the district, we shall have representatives of churches, representatives of the civil society, all the MPs, women organizations, etc, about 600 people who will debate that document at the national forum.

If they agree that, that is the Constitution which Kenyans desire, then we shall perfect it as a Commission and take it to the National Assembly, not for debate, but purely for enactment purposes. Then thereafter we shall have a new Constitution.

If there will be outstanding issues at the national conference which Kenyans will not agree on, then the law again says that, we take to a referendum. Which means we shall come back to the people of Kenya, to say no or yes on the outstanding issues. After that, we pertake the document, and send it to the National Assembly again, purely, for enactment purposes. And thereafter, we shall have a new Constitution. And with those few remarks, thank you very much and we wish you the best of luck. I know you are hungry, somebody says we have a lot of money, and we didn't give you anything, but sometimes, you have to sacrifice to come up with something that will be useful to you as a Kenyan, and we apologize if we didn't satisfy you, but we are happy with the views that we received. Thank you very much. Somebody to pray for us. Somebody to close our session with a word of prayer.

**Chairman (3Cs):** See you and give our representations. In fact yesterday people came here who had not even heard, but we hope, as you say, there has been a lot of complaints from these people, about the feeding and allowances and so forth. But all the same, since there has been a problem, and it is going to remain with us. In fact, yesterday, some were telling me, we are going to Nairobi because you have refused to give us the money for the work we are doing. So, if you see them in Nairobi, don't be surprised, because they were almost beating me yesterday.

**(Interjection) Com. Baraza:** Are they the supervisors?

**Chairman (3Cs):** Yaah, the supervisors, and you know..... So, I have got that problem with these people.

**Com. Maranga:** I think if the providers have any problem, I think they should get in touch with Commission Secretary, and then, they will be able to deal with their problem. You know when you ask the Commissioners, we have the policy..... (inaudible) and we have the implementers who are the secretariat. So, if they have any problem, I think let them raise it with the Commission Secretary, and that matter will be referred back to the Commission. Thank you.



