

**CONSTITUTION OF KENYA REVIEW COMMISSION**

**(CKRC)**

**Verbatim Report of**

**CONSTITUENCY PUBLIC HEARINGS,**

**LURAMBI CONSTITUENCY,**

**AT CHURCH OF GOD ESHISIRU**

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**ON**

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**July 31, 2002**

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**CONSTITUENCY PUBLIC HEARINGS,**  
**LURAMBI CONSTITUENCY, HELD AT CHURCH OF GOD, ESHISIRU, ON 31.07.02**

**Commissioners Present:**

Com. Dr. Charles Maranga

**Secretariat Staff in Attendance:**

Fatuma Issa Juma - Programme Officer  
Wambeyi Makomere - Asst. Programme Officer  
Mary Babu - Verbatim Reporter  
Mr. G. Majanja - District Coordinator

Secretary, 3 C's

Justina Miriki - Area D.O.

**The meeting was called to order at 9.55 a.m. with Com. Charles Maranga in the Chair.**

**Mr. Majanja:** I take this opportunity to welcome our two Commissioners, Dr. Charles Maranga and Ms. Nanacy Baraza. Before we start we will stand up and have a word of prayer and one of you, please pray for us.

**Mr. Amunze George:** Let us pray. Our Almighty God, we have come before you this morning and here we are to give views on the Constitution of Kenya. This is an important document that will decide the fate of Kenyans. God be with us so that the views we give you will lead us so that the views will be of benefit to Kenyans. Lord we ask that you would let us all unite to make a good Constitution which will be seen to be good before you and it will serve your people. I ask in this short prayer through Jesus Christ our Saviour. Amen.

**Mr. Majanja:** Commissioners, here in Lurambi, as I stated earlier, we have three divisions, one division – you have been there – is Kakamega Municipality, the other division is Maragholo Division, where we were yesterday and this is Lurambi Division with its head office right here behind us. When we were selecting members of the committees we were really mindful to get a good distribution of members from around the areas.

First may I take this opportunity to introduce you to our DO who is seated right here. Please come here and state your name.

**Justina Miriti:** My names are Justina Miriti and I take this opportunity to welcome the Commissioners to Lurambi Division and also wish you a nice stay here. Thank you so much.

**Mr. Majanja:** We also have committee members from this area, unfortunately, one has arrived and that is Mediatrix Ashivigha who also doubles as the Secretary of Lurambi's CCC.

**Mediatrix Ashivigha:** Good morning to you all, welcome to Lurambi Division.

**Mr. Majanja:** I am expecting some more committee members, when they do arrive I will let you know.

At this point, may I take this opportunity to hand over the gathering to you, Commissioners. Thank you. Those of your who do not know me, I have been here several times, my name is Gerishom Majanja, I am the District Coordinator for Kakamega District. Thank you.

**Com. Maranga:** Thank you. I want now to declare this meeting a meeting of the Constitution of Kenya Review Commission and all the procedures must be observed.

But now let me now introduce wale ambao tuko nao hapa leo. Kwanza kabisa tuko na Madam ambaye ni Commissioner Nancy Baraza, na ningemuuliza awasalimu kwa kinyumbani.

**Com. Baraza:** Buchere.

**Response:** Buchere.

**Com. Baraza:** Buchere handi.

**Response:** Buchere.

**Com. Baraza:** Karibuni.

**Com. Maranga:** Basi munaona huyu ni mtoto wa nyumbani, kwa hivyo ndio nilisema awasalimu. Wengine ambao nataka kuwatambua ni wale ambao tunasema ni watu kutoka kwa Secretariat ama Ofisi Kuu ya Nairobi. Kwanza kabisa tuko na Fatuma Issa Juma, huyo ndiyo Programme Officer wetu: kama una maneno ye yote ya Secretariat, taabu zote, civic education providers, huyo ndiye mnaona amuelezee. Anayemfuata ni Assitant Programme Officer ambaye anaitwa Wambeyi Makomere, vile, vile tuna yule ambae ananasa sauti zenu. Ukiona Komishinas hawaandiki kila kitu ni kwa sababu tuko na tape recorder ama ile chombo ya kunasia sauti na huyo tunamuita Mary Babu. Na mimi ambae ni mwenye kiti wa siku ya leo, mimi naitwa Dr. Charles Maranga Bagwasi, vile, vile ni Commissioner. Kwa hivo nawakaribisha na ninataka kushukuru sana Bwana DO, Madam DO-- Sorry, tumezoea Bwana DO, sasa mimi naona Madam DO. Asante kwa kufika leo na mapema kabisa hii ni ishara safi hapa. Kwa hivo tunakushukuru na una haki ya kutoa maoni hapa mbele ya Tume ya Kurekebisha Katiba.

Basi kabla hatujaanza, ebu niwaelezee kwa ufupi kabisa ni vipi tutafuata utaratibu wetu wa kutoa maoni. Kwanza kabisa, ni lazima mtu ajiandikishe kwa hii form; na ukijiandikisha utamaanshe kama unataka kutoa maoni, ama unataka kuzikiza ama unatoa memorandum. Na kuna njia tatu ya kupeana maoni. Kwanza kabisa unaweza ukatoa maoni kupitia njia ya memorandum; umeandika na unakuja hapa kwa Fatuma, unapeana hiyo memorandum, hata nikiita wewe unasema “mimi

nimepeana memorandum yangu”. Hiyo ndiyo njia moja ya kupeana maoni mbele ya Tume.

Ya pili, unawza ukatoa maoni kupitia kwa memorandum lakini unataka kuguzia ile points za muhimu ambayo ziko kwa memorandum yako. Kwa hivyo vile, vile tunakupa fursa ya kutoa hayo maoni yako mbele ya Tume. Na hiyo ni njia ya pili.

Njia ya tatu, huna cho chote umeandika na unataka kutoa maoni yako vile unavyosikia wewe mwenyewe binafsi, bila hata kusoma kutoka po pote, unatoa maoni, yaani ile tunasema oral presentation. Vile, vile unakubalika na tutawapa muda.

Wale ambao wanatoa maoni ya memorandum iko mbele, tutawapa dakika tatu ile uweze ukatoa ile highlights peke yake. Hatutaki utusomee vile memorandum iko; utatuguzia, unasema “nimeguzia maneno ya preamble, nimesema nini, nini”, na maneno kama hayo. Wakati unatoa maoni, sisi tungehitaji kabisa utupe mapendekezo. Usituambie “elimu imekuwa ngumu, matibabu ni ngumu”, pendekeza. Unataka elimu ya bure? Unataka matibabu ya bure? Mapendekezo ndiye itakuwa kazi yetu ya muhimu wewe kutufanyia. Utupendekezee kama mtu wa Lurambi, unataka nini.

Vile, vile unaweza ukatoa maoni kwa lugha ye yote lakini sana, sana, watu wanaweza wakatoa kwa lugha ya Kimombo, lugha ya Kiswahili; lakini kama huwezi ukaelewa hizo lugha mbili unaweza ukatoa kwa lugha ya mama. Kwa hivyo kwa upande huu, mtu anaweza akatoa maoni yake vile anayotaka.

Baada ya wewe kutoa maoni, sisi kama Wanatume, tuna haki ya kuuliza wewe maswali ili uweze ukafafanua ni nini unamaanisha. Kwa hivyo tunaweza tukakuuliza maswali, usinje ukafikiria “ni kwa nini wananiuliza maswali mingi”. Tunauliza ili tukiandika repoti unjue kweli “maoni yangu nilitoa hivo” na hivo ndivo ulikuwa unafikiria.

Na sisi hapa kitu ingine tunataka ni kuheshimu maoni ya wengine. Hata hukubaliani na maoni ya mtu fulani, basi sio haki wewe kupiga kelele hapa, ama kusema “haa, hiyo haiwezekani”. Watu wamefika mbele ya Tume, sisi tunataka wewe usikize hiyo maoni, kama unataka kupinga hayo maoni, fika mbele ya Tume, na wewe vile, vilel utoe maoni yako. Kama unasikia mtu anasema majimbo na mwingine anataka serikali ya umoja, apana pinga; wewe kuja hapa useme yako ile wewe unataka.

Tena sisi hatutaki utaje majina ya watu: kama hupendi Mbunge, hupendi chief, hupendi DO, apana taja DO, ati Madam Fulani ama Chief Fulani kwa jina, apana. Taja ofisi. Kama hutaki ofisi ya DO, unaona inashughulia wewe vibaya, sema “ofisi ya DO, sisi tunaona iko na matatizo namna hii, namna hii”. Kama ni ofisi ya Rais, ni hivo, hivo. Kama ni ofisi ye yote, unataja namna hiyo. Kama ni Bunge, ni hivo, hivo. Apana taja Bunge kwa jina, taja ofisi ya Ubunge, seme “sisi Wabunge wengine wengi tunaona hawatufanyii vizuri”, kwa sababu hawa Wabunge hawako hapa kujitetea. Huyu DO kama sasa vile amefika, pending ni mmoja wa wengi ambao wamefika mbele ya Tume. Kwa hivyo hata kama ako hapa hana kaki ya kujitetea wakati huu. Kwa hivyo usitaje majina ya watu, uwe unataja tu ofisi. Kama ni mwalimu mkuu wa shule fulani, apana taja jina lake, taja ofisi ya mwalimu mkuu.

Kwa hivyo hiyo ndiyo taratibu yetu, ya Tume. Ukimaliza kutoa maoni yako, kuna kitabu mahali Fatuma ameketi, utaenda huko ufanye registration kuonyesha ya kuwa umefika mbele ya Tume na umetoa maoni yako. Kitu ingine, ukifika mbele hapa, unajitumbuliza kwa jina lako kwanza, ndio unaanza kutoa maoni. Sababu ya kufanya hivo, hii report itatoka vile iko; kwa hivyo tunataka kujua ni Fulani, ni Juma ama ni nana, ni Fred ama ni nani, ndiyo repoti ikiandikwa inakuwa sawa sawa. Kwa hivyo wale watu iko na memorandum, tutawapa dakika tatu ku-summarise the main points, wale watu ambao hawana memorandum na wanataka kutoa maoni yao, dakika tano. Na wakati wa dakika tatu ama dakika tano ikiisha, nakukatisha kama Mwenye Kiti wa kikao hiki cha leo.

Kwa hivyo tunataka watu waheshimiane na tusikize maoni. Kwa hivyo unakuja hapa, unaweza ukaketi, unaweza ukasimama, chaguo ni lako. Mimi ninataka kuanza moja kwa moja, na mtu wa kwanza kabisa anaitwa Ashikube Omani. Karibu, Mzee, na utoe maoni yako; uanze kwa majina yako.

**Ashikube Omani:** Kwa majina ni Ashikube Omani vile nimeandika na nimekunja mbele ya Commission hii. Kwa wakati huu nikiangalia ninaona mimi ndiye mzee sana kwa kikao hiki na pia mimi nifanya kazi na serikali ya mkoloni na nimefanya kazi na serikali yetu ya Kenya kabla sijasitaafu.

Kwa maoni yangu, Mwenyekiti, nina memorandum na niko na points nane. Point ya kwanza, nimegusia ofisi ya Attorney General. Ninaona ofisi ya Attorney General ipunguzwe nguvu kidogo mahala ambapo kifungo kinasema mfanyi kazi wa serikali akifanya kosa lazima koti ipate kipali kutoka kwa ofisi ya Attorney General. Ningetaka hiyo sheria iondelewe na mfanyi kazi wa serikali akifanya kosa ashitakiwe kama mtu mwingine ye yote kotini; mamlaka iwe juu ya polisi.

Ya pili ni provincial administration; nimegusia sana ofisi ya chief. Sasa katika Kenya tuko na watu wako na (?) na ile kifungo ilikuwa ya wakoloni kusema kazi ya chief iandikwe mtu wa masomo ya primary, naona haina na nafasi katika Kenya sasa kwa sababu watu wamesoma, watu wamemaliza masomo ya juu, na inatakikana chief pia awe na masomo ya hali ya juu, hata mikomo ikitokea kwa shule yake ya secondary, aweze kutatua kabila haijahiribika sana.

Ya tatu ni kuhusu misaada ya pesa ya ukimwi. Pesa hizi haifikii watu ambo tuko na ukimwi reserve, haifikii mtu ye yote na ninaonelea hizi pesa siwekwe kwa uwezo wa makanisa. Kanisa iongoze pesa za ukimwi kwa sababu nafikiri kanisa kupora pesa hizo si rahisi na itafikia yule mtu inatakikana imufikie.

Ya nne ni migomo katika shule za Kenya. Mara kwa mara migomo inatokea katika shule zetu na wakati ushuguzi unafanywa na walimu, ni watoto wanapatikana na hatia halafu wazazi wanaulizwa kulipa pesa. Nimeona kuna njia nyingi ya kuua panya lakini njia hizi ni tofauti. Tujaribu – ninaondoa msemu wa kujaribu-- Tuweke sheria katika serikali yetu ambapo watoto wakigoma iangaliwe, kama uharibu umefanyika na kunatakikana pesa za kurekebisha, hata walimu na staff, Board of Governors, hata

(?) walipe hizo pesa kwa sababu panapo moshi hapakosi moto. Hawa watoto apana wazimu, lazima-- Tunaweza zadiki wamefanya hiyo mugomo na ni walimu wamekalia matakwa yao.

Ya tano ni ufisadi katika Kenya. Hii committee ya kuchunguza mambo ya ufisadi, sheria iwekwe, isisimamiwe na DC katika district yake ama DO, ama chief katika location yake; iwachiwe polisi na polisi waangalie vile wanaweza kushikiriana na wananchi kunasa hawa watu. Ikiwa PC amefanya ufisadi kwa ofisi yake no anawachiwa file kuchunguza, si dhani kama maajiri (? Itatoka.

Sita ni uchaguzi katika Kenya, uchaguzi kama huu tunatumainia. Kwa uchaguzi katika Kenya kuna watu ambao wako na tamaa wakati party nominations zinafanywa. Anaweza kuwa ni mtu wa Kanu, anaanguka wakati wa nominations na anakimbia, unamukuta tena wiki hiyo, hiyo ameenda kuisimama katika chama kingine na anakuwa sponsored, na pengine huko atapita. Lakini hawa watu ndio wanaleta sarakano katika siasa. Ni heri kama mtu amejaribu kwa chama chake, kwa party nomination, na ameanguka, asije akatafute chama kingine, kwenda kutafuta kuingia kwa kura. Mtu akisimama kwa chama chake na aanguke, President wa Jamhuri ya Kenya asije akamu-nominate tena kuwa Mbunge ama diwani. Huyu mtu amekataliwa na wananchi. Hiyo sherio iwekwe.

Ya saba ni kuhusu haramu ya chan'gaa. Mimi ninaonelea tangu ukoloni – nilisema niliona ukoloni life – wakoloni walikuwa wanakibisana na mambo ya pombe ya chang'aa. Walienda kama shang'aa bado iko. Mwanzilishi was taifa letu alikibisana na chang'aa, aliondoka kama shang'aa bado iko. Rais Mtukufu Daniel arap Moi ndiye huyu, chang'aa bado iko. Mimi ninaonelea factory itafutwe na watu watalaam kwa mfaano wa Uganda. Wale ambao wanatengeneza chang'aa wawe wanapeleka kule vile maziwa inapelekwa kwa kiwanda na iwe diluted kwa njia nzuri, itumike kwa mwananchi; waweche kubishana na watu mpaka watu wanasahau kwamba Kenya ilipata uhuru ama haijapata.

Ya mwisho, Mwenyekiti, ni mahari ya mtoto msichana, dowry. Sisi wazee tume-ignore - mutanisamehe hapo – tumewanyima nafasi wamama kusikia utamu wa pesa ama ngo'mbe, mahari ya pesa ya mtoto wake na ukiangalia sawa sawa, kuleta msichana kwa dunia mama anazunguka sana. Sisi wanaume letu ni wakati ule tunafanya raha, na kesho bibi anashika mimba, anaanzana na tabu. Hata saa ingine utakuta huyo mtoto ameoza kwa mimba, mama anapasuliwa, saa ingine akufe. Lakini wakati mtoto anazaliwa vizuri, anakuwa ni mali ya baba; baba anaweza hata kuuza ng'ombe hii zokoni bila mama kujua na mama ambaye alizumbuka na mambo kama hii yote, amekuwa ignored. Ninaona mahari ya mtoto msichana isisimamiwe na mama mzasi.

Ni hayo maoni yangu.

**Com. Maranga:** Ngojea kidogo, mzee wangu, kuna swali kutoka kwa Com. Nancy Baraza.

**Com. Baraza:** Asante sana, Bwana Omani. Na wasichana wenyewe wanasema hawataki wauzwe. Wengi wetu ambao tumeolewa, tuliolewa mahari ikalipwa, tunaambiwa “nilikununua” na wanawake sasa wanasema hawataki wauzwe. Hiyo huoni hata mama asipate kuuza mtoto wake?

**Mzee Omani:** Mimi (?) jambo kwamba wasichana wasiuzwe; mahari iweko kwa sababu kumuleta mschina mpaka mvulana amutamani, wakati huu ni millions za pesa. Ndivo nikasema mschina akiuzwa, mama asimamie mali, lakini msichana si kuuza, ni kimila, na hiyo mila iwepo.

**Com. Maranga:** Asante, mzee wangu; Mzee Omani nakuomba sasa upeane hiyo memorandum kwa Fatuma na uweke sahihi kitabu chetu rasmi.

Anayefuata ni Peter Likeya. Peter Likeya, you are next. Atafuatiwa na Matthias Halumi. Matthias ako? Basi uwe tayari.

**Peter Likeya:** Honourable Commissioners, nimefurahi kupewa wakati huu pia nami nitoe maoni yangu. Yangu ni machache. Kwa majina ni Peter Likeya Agesa, ni mwanafunzi wa Kituo Kikuu cha Moi katika Department of Social Sciences na nina maoni ambaye nitachangia kama mwananchi wa Kenya, na mimi ni haki yangu kubadilisha katiba.

Ya kwanza, Honourable Commissioners, is about the extent to which we have achieved democracy in Kenya. Tutaelewa kwamba democracy entails separation of powers, but surprisingly enough, utapata kwamba, those who are in the Executive, that is the Cabinet, the Cabinet Ministers, are still members of the Legislature. Unapata kwamba huku wako kwa Bunge, ni wanasiasa; wakirudi to head their Ministries they are then playing an executive role. By that I see, Hon. Commissioners, that we are mixing the three branches in the separation of powers, instead of separating the powers we are merging them. Utapata a situation where the Executive ina-merge na Legislature. My suggestion is ingekuwa vizuri kama at least Ministers wangukuwa appointed out of the Legislature; it is should not be necessarily that before ukuwe Minister lazima ukuwe umepitia kwa Bunge. Wacha tu ikuwe in tofauti; Wabungewashughulikie mambo ingine. In fact that is the time when they will check properly behaviour ya Executive. Hiyo ya appointment inani-lead to my second point.

My second point is the presidential appointment. Utapata kwamba, wakati mimi nimechaguliwa kuwa Rais, I have got the power, as per the Constitution ile ilikuwa, to appoint several individuals to different capacities. Ninachagua “wewe, head this, wewe head this”, including even the Ministries. I feel we should have a separate body, even the whole Parliament itself, just to approve the appointments that the President normally makes. Siyo tu because the President has appointed you to be in charge of something else, that that should be final, no, we do not know on what basis he did that. I feel, Honourable Commissioners, the best things is he appoints, but let it be approved by Parliament. Let us also have a separate body again to review it and approve it; that is the time tutakuwa tumeweka trust kwa sisi wananchi. But now if he just appoints-- You never know, for example, I might decide hapa, “because one day unilifanyia hii, chukua”. To avoid that, let the appointments be approved by



the Parliament, even by a simple majority not necessarily the two thirds.

My third point is about the civil servants. You will find that these are the people who are denied their rights to express their political feelings inside out. Utapata kwamba they are not all that free; unapata wanaogopa, “oh, nitaonewa ndio mimi nafanya hii job”. Let them shout what they feel, these are the people who-- Remember they are still voters; let them openly declare their support either for the Ruling Party or, if they are against the Ruling Party, let them openly declare their support for the Opposition or whatever stand they want to have politically, without fear of victimization. At the moment you find that our civil servants cannot openly express themselves; that is left to the outside world, hawa wengine wa nje. But remember all civil servants are people who are above 18 and they compose the better fraction of the voters. So if they can express themselves inside out they will definitely have an influence hata kwa hawa wengine. So, please, ningeomba constitution hii inaundwa should allow them to publicly declare their stand politically. Maybe exception inaweza kuwa in the Office of the President, but huko kwa Agriculture, wapi, wapi, Water, let them declare it openly; let them declare their support and participate fully. I hope you understand what I mean by that.

Then my fourth point is about the president-hood and family-hood. Honourable Commissioners, what I would kindly request is that-- You see the Constitution you are writing now is not going to affect the current generation alone, it is going to affect even the generations that will come in future, 100 or so years to come and we should be careful on what we are doing at this particular time. When it becomes a law it will be hard to change it “oh, we want to change it, we want to change it”. So on this president-hood and family-hood, kile ninge-suggest ni hii: wakati mimi mwenyewe nilikuwa president-- Before that, the ten years’ rule iwe maximum, you be elected and they you are only to be elected-- That should be enforced. Somebody—

**Com. Baraza:** Are you proposing two five-year term?

**Peter Likeya:** Yes, two five-year terms.

**Com. Baraza:** (inaudible)

**Peter Likeya:** Yes, that one should be there. Then after that, Honourable Commissioners, this is now what I want to see. Let somebody, if he is to vie for-- If my father was a president I would kindly request that the constitution does not allow me to stand as the next president until after 10 years. There should be a minimum of 10 years before the next-of-kin of that person can be allowed to vie for the seat.

**Com. Maranga:** Your last point.

**Peter Likeya:** My last point, Honourable Commissioners, is about public holidays. I think the constitution should clearly spell

what days should be permanent public holidays because if at all a holiday will be emerging here and there, the whole calendar will be just public holidays.

Lastly is about what we are doing right now. Please before you finalise your draft and it becomes law, put your final draft to the public; let the public scrutinize it, let the public see if that is really what they are saying. That is the time when at least you will be allowed to put it down as a law.

**Com. Maranga:** Thank you. You remain there because we are going to ask you questions, but let me answer your last question or comment. The law is very clear that after collection and collation of the views of Kenyans, we will bring back all the constituency reports and a national report so you will be able to see whether your views have been reflected in that report. So you will have a chance to scrutinize that and then we will also have the National Constitutional Conference which will take place and you will be able to participate as Kenyans.

But before you leave, I want to ask you a question. If you say that civil servants start declaring openly their political position each day, every day, don't you think you will turn the ministries, the various departments of civil servants to actually be political dens?

**Peter Likeya:** Not really. You see we are moving forward, we are getting mature mentally and psychologically—

**Com. Maranga:** What you are suggesting by extension is that the Judiciary should also politicize.

**Peter Likeya:** No, not really.

**Com. Maranga:** I think that is the way I am seeing it because civil servants; maybe, for example, we can exempt teachers. But think about a DO or a chief who is expressing openly that I am supporting this political party—

**Peter Likeya:** That is why I said that exceptions should be like the Office of the President.

**Com. Maranga:** Okay. Thank you. Please sign and give us your memorandum. The next person, Matthias. Atafuatiwa na Masagha Goodwill. Yuko, Goodwill yuko? Uwe tayari.

You start with your name, Sir. You have five minutes.

**Matthias Khalumi:** My names are Matthias Khalumi. In this presentation I am representing Elimu Yetu Coalition Western Chapter which believes that there should be no barriers to full participation in quality, basic education on the basis of gender,

creed, nationality, religion, disability or economic ability; that access to basic education is a fundamental human right, that the exercise of this right guarantees the exercise and enjoyment of other human and legal rights which are a cornerstone to creating a competent civil society and the only investment that has a high return considering Kenya's economy and that the Government of Kenya has a responsibility to give this to all Kenyans.

With the background that we have as *Elimu Yetu*, we have a proposal in seven points, that education is a fundamental right and should be identified and recognized under the expanded Bill of Rights as this determines the enjoyment of other basic rights. That every child and adult should be entitled to free and compulsory basic education that should be the responsibility of the State which should be safeguarded by sections of the Bill of Rights to ensure access to and participation of all citizens in basic education. The new Constitution under the expanded Bill of Rights should include in its provision a mandatory clause that compels the Government of Kenya not only to guarantee universal free basic education but also to finance it. The financing of basic education should be paid for through public funds which would be obtained by introducing in the annual budget a special levy for education. School management committees must have a constitutional mandate in the new constitution to act professionally. Their roles should be constitutionally prescribed and clearly assigned by the stakeholders.

The numerous Acts of Parliament governing the education sector should be harmonized in the new legal framework under a specific law that would give the Ministry of Education, Science and Technology the mandate of coordinating all the aspects of basic education which are currently managed in various other ministries.

The relationship between the Ministry of Education and Local Government should be re-defined so as to strengthen the provision and financing of basic education. This will make education more relevant and responsive to local needs and enhanced ownership by stakeholders and strengthening the coordination structure of education.

The evaluation system should be reviewed so that it will be progressive and accumulative and that immediate teachers and officials from KNEPP (?) will jointly administer the evaluation.

This a presentation to the Commission.

**Com. Maranga:** Thank you very much. You seem to have dwelt on education and I now want to ask you to hand over the memorandum and sign our register. Goodwill; and then Amunze George. Amunze, you will be next.

**Goodwill Masagha:** I am Goodwill Masagha and I would like to present my views to the Constitution of Kenya Review Commission.

In the first aspect, I would like to talk about the Electoral Commission of this country. The Electoral Commission of this country

should not be appointed by the President. It should be appointed by the Members of Parliament. For example, we have had very many problems; we have complained time and again about rigging in elections. This is through manipulation, you know when you are working under somebody you are always worried.

Point two: I would like to talk about the government system. The government system should be a centralized government system. However, a certain proportion of the revenue collected from resources in every region of the country – and I propose 25% - should go to the central government; 75% of the revenue should be retained to develop that region. When you do that, you will find that the revenues that are collected in these areas will be utilized to the maximum. I remember that there was a dream in this country that by the year 2002 every home in this country will have piped water; that dream has never come true. It is because of under-utilisation of our resources; there is poor utility of our resources in this country. We need to address this issue very seriously.

Still on system of government, I want to talk about one arm of the organs of the government – judiciary. Our judicial system in this country is in a mess. There is a lot of corruption in this country and this is from the judiciary section. For that reason, I want to propose to this Constitution of Kenya Review Commission that members of the judiciary should not be appointed by the President.

On that issue again I want to talk about the President's powers in this country. The powers of the President need to be trimmed seriously. One of the things I want to talk about are the qualities of a president of this country. I want to propose that the age should be lowered, the president of this country should 30 years and above, not 35. Number two, the president of this country should have certain qualification in education and I want to propose that he must be a Form IV leaver because we have that system in this country or any other system in this country the highest level in secondary school should be the qualification of a president. Number three, the president of this country must be very popular. If he does not garner – I want to propose that not 25% from 5 provinces-- I want to propose this: that the president must garner 50% from five provinces. If he does not do that he is leading the minority. 25% is not a big number; he is leading a minority and it is happening.

Commissioners, I will have to talk about the Local Government; this is where we have mayors and councilors. I want to propose that the mayor and his deputy should be elected directly by wananchi. Another proposal about the local government is this: the revenue collected by the local government should be utilized in that region properly. There is mismanagement of revenue.

To wind up, I want to talk about elections in this country. The President of the country has the powers to dissolve the Parliament and I want that to be scrapped from the Constitution of this country. I am saying this because when the President has power to dissolve the Parliament, he is the one to decide when elections should be held and therefore he keeps the people in suspense, which is not good. We want Parliament to have a calendar of activities. We know that Parliament has five years;

last time elections were held in December 1997 and we should note that the next elections must be held on 29<sup>th</sup> December 2002.

Lastly, our honourable Members of Parliament should be answerable to us because we are the eligible voters; that means they should come to us. When an honourable member of Parliament is not performing, we should call him back and we tell him “you are not performing and therefore we have the right to pass a vote of no confidence in you” and we vote in somebody else. What has happened, Commissioners, you will agree with me is that in the type of campaigns we have in Kenya, we spend a lot of money and therefore when an honourable member of Parliament goes to Parliament he goes to get back the money he has been spending at the expense of the wananchi.

Thank you very much for listening.

**Com. Maranga:** Thank you and I ask you to hand over your memorandum so that you can sign our official register. Amunze George. Karibu. Halafu atafuatiwa na Ellam Ndola. Elam, be ready.

**Amunze George:** I am Amunze George. I want to give my views before this Commission and I first of all want to talk about the arms of the Government, that is the Executive, the Legislature and the Judiciary. I regret to say that I feel there is not the required independence in that the Executive has overlapped the latter two. Here you will find that the Judiciary does not give its decisions independently without seeking opinion from the Executive and this hampers decision making of the Judiciary and some issues go with very many questions unanswered. This is because the Judiciary feels that it is operating under the mercy of the Executive for the simple reason that the Executive plays a major role in the appointment of the judges who summoned the Judiciary. The solution is that an independent and functional Judicial Commission should be there to handle all judicial appointments.

On provincial administration, I want to put before the Commission that chiefs and their assistants should be elected by the wananchi. This will minimize the high rate of corruption that is practiced because right now-- I want to use this word “corruption” because it is not being mentioned here the first time, it is a word that is known widely in Kenya. Here you may find an office is being given something to favour a certain person for that matter. If in the past our forefathers elected their leaders and they led them successfully, I do not see the reason why this should be discarded. We can do it as well and these people will serve the government.

I want to talk on elections now; although my friend who has been here talked about one part, there is a part I want to talk about. I had this in mind, that the electorate should be empowered to recall their MP or councilor if he or she does not deliver because that area stands to lose a lot if this member is left to serve the whole period of five years.

I want to talk about nomination of MP's and councilors. (End of Tape side A)

Nomination of members should

be scrapped. One reason for this is that the Government spends a colossal sum of money on people who are not representing any area at all. Instead they are represented and being paid the same as those who are representing them. So this is like double registration, one is earning money for a job not done. Another reason why I want it scrapped is that there are always collisions between the elected and the nominated members. They want to outwit one another at the expense of development in the area; so development does not take place. Another reason why I want it scrapped is that these nominated councilors and MP's have no voting powers because they have to look back at those who nominated them to seek their views before they can vote and they will vote to say something is right when it is wrong as long as that one who nominated them says it is right.

Another reason why I want it scrapped is that some nominations are used as special tokens to "politically-right" areas. They do not have any purpose.

I want to go to civic education.

**Com. Maranga:** And make it your last point, Sir.

**Amunze George:** Thank you, Sir. Civic education should not end with the writing of this Constitution. It should be an exercise that continues because we have good, young people who are still growing and they still need it. But I also feel that it should be included in the school curriculum starting at a higher level, preferably secondary level, to university.

I had one more—

**Com. Maranga:** Yeah, just mention it, don't explain it, just mention it.

**Amunze George:** I have one on the office of the Attorney General where I say that it should be decentralized to hasten the hearings of cases that have taken long to be prosecuted for the simple reason that consent has not been received from the Attorney General's office and then most of those cases have ended up being dismissed because files are missing, key witnesses have died or key witnesses have been tampered with.

Thank you.

**Com. Maranga:** Thank you very much. Hand over your memorandum. Ellam Ndola. Atafuatiwa na Noah Aleka. Noah Aleka, Noah Aleka, is Aleka there? Aleka ako? Hayuko. Eric Imbakha? Yuko Eric? Eric yuko, utaongea? Amunga Tiras? Utaongea? Basi uwe tayari, you are next.

**Ellam Atonya Mdhola:** My names are Ellam Atonya Mdhola, I am representing a group called Echinja Teachers Welfare Group. They deliberated over seven topics for the Constitution of Kenya Review Commission which I will summarise here given the time frame that I have been allowed. Echinja Teachers Welfare Group is registered by the Ministry of Culture and Social Services and here are the highlights.

One is concerning the Executive. This group suggested that the Executive powers should be curtailed and they gave an example of the Executive having the authority of appointing people to certain jobs haphazardly; in fact like tomorrow you can hear the Executive has appointed so-and-so to be Commissioner so-and-so, director so-and-so or managing director of something. They suggested that their should provision in the Constitution for a team to appoint such director, commissioners or managing officers for different assets.

On basic rights which include security, health care, provision of water, food and shelter and employment, the details are in this memorandum but I will highlight two issues. To improve security of this country, the salaries of the police and those engaged in the security of this country should be enhanced so that these people are comfortable enough to be able to give that security. Whereas we are always accusing policemen of receiving bribes, corruption or other things, if these people were well remunerated this business of toa kitu kidogo or things like that would not exist. Also there should be security against violence towards women and men. We are talking about violence against women and children but we know there is violence meted to men by women. So the deterrent penalty should be equal. What I get if I hit my wife, if my wife hits me she should bear the same brunt.

As this is a teachers organization, they are saying that there should be protection for teachers from parents and students. There are places where parents and students have beaten up teachers and the teachers have not been compensated; so they suggested that that kind of protection should be provided.

On employment, one serious issue was that in this country there should be one job one person. Mdhola should not stick here to be an education officer, which I was, and then at the same time I am running a wholesale shop, I am running a shamba, I am running an industry somewhere, I am a director on a certain firm, I am a board member of-- No. If I hold ten jobs, I have lost the jobs of nine people. So it should be seriously enacted that there should be one job, one person. There was a certain commission which allowed even civil servants to engage in business and this is where corruption, bribes and whatever started and spoiled the whole of the Kenyan society. Here I am sitting in an office, I am thinking of how much money my matatu is making, I am thinking of how much money my shamba will generate in terms of milk and so on. That was an anomaly which should not be repeated in the Constitution of Kenya.

Lastly, we have food and water: it is suggested that this should be under one Ministry to coordinate the natural resources of this country, including giving disabled persons a lot of security too. Thank you.

**Com. Maranga:** Thank you very much and please hand over your memorandum now and sign our official register.

Amunga Tirus. Atafuatiwa na-- He will be followed by James Misango. James, you will follow next.

**Amunga Titus Tirus:** My dear Commissioners, I am glad to have the privilege at this time to present my views to you. First I would like to talk about—

**Com. Maranga:** Your name?

**Amunga Titus Tirus:** My names are Amunga Titus Tirus. I would like to talk on elections. We have the Electoral Commission; the Chairman is appointed by the President. I think that is wrong because the Chairman, having been appointed by the President, is always under the obligation of serving the interests of his boss. So I suggest that the Chairman of the Electoral Commission and all other members of this Commission should be voted directly by the people or if that exercise is too expensive, then all the Members of Parliament should vote for the Chairman of the Electoral Commission.

Secondly the powers vested in the President to dissolve Parliament and call for elections should be abolished. I think that work should be done by the Chairman of the Electoral Commission, and if the President has the power to dissolve the Parliament, what is the work of the Speaker? The Speaker should have his powers because he is the head of Parliament and therefore his role should be identified. The work of the Chairman of the Electoral Commission should include the date when the elections are supposed to be held so that we know Parliament is dissolved at this time, if it is 21 days for campaigning it should be 21 days for campaigning and nothing more.

Next, I would like to suggest-- At the moment we just hear people talking of a special presidential candidate and so on. I would like to suggest that in future all provincial candidates should declare their running mates. We must know their vice-presidents so that when we are voting in somebody we know that after the two terms, the vice-president will be eligible to come in as a president. But this business of voting in somebody as a president then when he goes there he appoints somebody who does not have the interests of the people at heart as vice president, we do not like that. We would like the president to have a running mate declared so that when we vote, we vote in the two at the same time.

Next, I would like to suggest that in future we should have mayors in county councils. These people need some minimum education qualifications. If you are a mayor, you are dealing with a clerk who has a Bachelors of Commerce degree, you are a mayor who has never gone to school, you do not understand what ER, CR means. How will you prevent the clerk from stealing money. So mayors should be at least Form 6 leavers or graduates so that they can be able to monitor the manipulations of these clerks who are more educated than the mayors.



I would also like to talk about education. We had a Commission which went around and people gave their views. The feeling of the people was that we revert to the old system, that is the 7-4-2-3 but surprisingly we have not done that. So, I do not know whether we are being governed by the wishes of the people or the wishes of one person. At the moment there is a very serious problem because the introduction of this system was a kind of an experiment and we would not like to experiment on the education of our kids; let it be put down that we shall have a clear system of education rather than having a system of education where the curriculum is being changed every now and then. That, in fact, confuses the teachers. At the moment we hear that maybe Form One, Std. One up to Std. Four are being forced to study a new curriculum which we do not know and even the teachers themselves do not know. So we should have a clear cut policy saying that we shall have this system of education for this long period of time, for a specific span of time. If not then we should not try to keep on experimenting with education because education is very important.

**Com. Maranga:** The last point, Sir. My last point will be on appointments: I would like the retirement age to be raised to 60 years because that is the time when somebody is at their prime - they have experience – rather than have somebody retiring at the age of 55 years. At the same time, people who have retired should not be appointed to be chairmen of certain State corporations. Because they have retired, they should go home and leave the young people in jobs or who have graduated from university to take up those jobs.

**Com. Maranga:** Thank you, thank you very much and I request you to hand over your memorandum and sign our register. James Misango, followed by John Andatti. John Andatti ako? John? John Andatti? Andatti? Hayuko. Josphat Omuganda; Josphat? Dr. Jore Fundi? Dr. Jore Fundi?

**Interjection:** Watindi.

**Com. Maranga:** Oh, Watindi. Sorry, I am sorry; Dr. Jore Watindi. You are the one? Okay then we will give you that chance.

Okay, proceed, you are the next one, Sir. Misango, proceed.

**James Misango Osialo:** My names are James Misango Osialo and in my views today to the Commission, I will start with provincial administration. In Kenya at present we know there is scarcity of jobs and we have some jobs for which people are employed and although they are paid, the jobs are not done. So in provincial administration I would propose the posts of the assistant chief, the DO, the DC and the PC to be abolished because some of these offices have no work. For example, work of the office of the PC is only talking over the phone and not working with individuals. So, to me that office is doing no work for Kenyans.

I propose that we should have village elders who would report to the chief, the chief would report to the chairman of the county council and mayors, for those who work in towns, and the chairman of county council should report to the head of state or to the head office. On provincial administration that is what I would say.

On elections, this is where corruption has come at a high rate and I would propose to this Commission that any bribery during elections should be punished so that we can limit the rate of corruption. When I give people money, I want them to give me a vote; when they give it to me and I go to where they want me to go, before I serve them I should know that the money I have spent is refunded. So I would propose that there should be no bribery during elections. If candidates want to get votes from the public, they should do so by initiating funds in development projects like schools and other educational facilities.

Next, I will come to presidential appointments. In Kenya at present, presidential appointments have been abused and as such I would propose that the president should not be given any chance to appoint a head of a parastatal or nominate an MP because he, himself is an MP and he is not qualified to nominate an MP. The only nominations which should be done should be for special interest groups like the disabled and not to an able person who can campaign or conduct activities that would attract votes from the public. On elections that is what I would say.

On the Judiciary, the President should not appoint the Attorney General because if the Attorney General is appointed by the president, it is a must that he has to serve the interests of the president. If he works against the interests of the president he fears that he would be sacked because he is serving the interests of the wananchi and not the president who appointed him. So I would propose that the Attorney General should be appointed by the Parliament. The judges also should be appointed by the president but should be confirmed by the Parliament.

**Com. Maranga:** Your last point.

**James Misango:** My last point is on education and health. Presently in Kenya we are told that education at primary level is free when in the real sense it is more expensive than it was before. I would suggest that this Commission writes a constitution allowing parents to pay fully for the education of their children rather than thinking that their children are being educated free when in the real sense they need to pay money. So I would say education starting from Nursery level to University level should be paid for so that teachers and all other people who are involved do not get problems with collection of money. I say this because since it is said that education is free some teachers even collect money from parents and they do not issue receipts and nobody knows where the money goes: they do not have records. So I would—

**Com. Maranga:** Your last point, Sir, your last point.

**James Misango:** The last point is on health. Presently we are told that there is co-sharing in medical treatment which has become very difficult because when one is sick and is poor, it is not possible for him or her to get treatment unless there is somebody to sponsor them; they just die like that. So I would propose health to be free for all Kenyans.

**Com. Maranga:** Thank you very much and I request you to sign our official register. Dr. Watindi. Your full name first.

**Dr. Jore Ashibe Watindi:** My full names are Jore Ashibe Watindi. Madam Chairman, with your permission I want to say thank you very much for giving me this opportunity to air my views regarding the review of this constitution. I do not know where to start and to end because there are so many things that one would like to say about the constitution.

But firstly let me say this. Madam Chair, Madam Commissioner, we are forgetting as we present our views to you the realities that persist in our country. We are a poor country, very poor indeed. Many Kenyans do not know that we rank perhaps bottom, sixth bottom in the world. Many Kenyans do not know that we are basically a tribalist country so as we talk, Madam Commissioner, please guide us, especially when you leave us and you go to Nairobi to collate these views; all the things we are talking about here, if we quantify them in terms of money, you will find that many of the things we want may not be possible.

Let me say this. The Constitution has many parts; one of them represents views of the ordinary wananchi and how we are doing and some of these views will be entrenched in the Constitution but the most important thing is this. After we have said what we are saying, after we have written some of these views, that there is a (?) that they are going to remain with us for a long time to implement whatever we are trying to say. That is one point.

The second point is that our Constitution is written in a language which many people do not seem to follow and I cannot see how it can be written otherwise. The language and the words used are very exquisite meaning they must have a specific meaning not vague meanings. How you can change that one, Madam, I do not know because many members do not seem to be comfortable with the language of the Constitution.

But let me now come to the main issues that confront the Constitution here and which also confront us. What we Kenyans want, Madam, is a constitution that works, we want a constitution which enables this country to be ruled well. This is what is at the very bottom of these people. How that is done, how we can achieve is a challenge facing us.

I will go to the next point. Good governance is not words. Good governance is following certain principles, certain procedures that enable us to be ruled well. In short, Madam, Kenyans must evolve a value system, a value system which incorporates – I will quote – the things that make a value system in this country: the rule of law, legality, equality, provision of freedom and basic rights, democracy, tolerance, justice and fair play, our own traditions and cultures, among others. This is what I mean; a value

system which follows certain things that are respected world-wide, not just in Kenya. In Kenya, Madam, we are saying that Kenyans, for some reason or another, have broke all the rules; they do not respect the rule of law, the equality between men and women, respect for the children, environment.

The reason why our value system has failed, Madam, it is not the Executive as many people are saying, no; it is us, these people seated here. We must learn to work very, very hard to earn money. In Kenya the culture is, "I want money even if I do not work hard". It is not working, that is why there is corruption because we want money and we do not want to work.

My Luhyas here, Luhyas are the best in many things, but everybody says Luhyas are very lazy people. Why, because the element of work they have is not feasible; we complain. I am saying this because it is very important for us to know why we are failing in this country.

Let me now come to the issue which everybody has talked about: the presidency. First of all, the presidency is not about the incumbent, it is not about the man who is in power, or the one who was before him. It is an office by Kenyans. Kenyans, Madam, want a strong presidency, not a weak one, contrary to what everybody says and a strong president has nothing to do with the incumbent. It has to do with the leadership of this country. Kenya wants to be led by an office or a person who projects this country to be strong among others. So this gives the president certain responsibilities. So if the incumbent has failed, that is a separate issue. You want a president who is going to protect our people, a president who is going to protect our property. We want a president who is going to project Kenya in international fora, a man with personality, a man of vision. These are the things that we are talking about. If the president, the presidency or the incumbent has failed, we should have a clause of impeachment, make the president strong, a president that acts decisively in times of war and in times of peace. We will be failing as a nation if we want a president to protect us from the enemies within and outside and yet you make him weak; it is liked you have caged him or chained him to a chair and still expect him to protect you. Make him strong, give him the powers to act but put that impeachment clause that if he misuses the power we can impeach him.

Parliament: Madam, I differ with many of the sentiments of my fellow colleagues. Our Parliament makes laws, it is the voice of the common man, beautiful. But Kenya is a tribalistic country, we elect tribalists to Parliament. Parliament in its own nature worldwide, no only in Kenya, works at cross purposes. It represents different interests. You cannot deal with it. Madam, if you give everything to Parliament with this tribalism, you are making the land very difficult. People go there to represent this tribe's interest, this (?) interests, and you are saying "Parliament should do that, Parliament should appoint that". It will be worse. Parliament is not responsible to anybody if you do not know. At present we are saying we can recall them, but at present you cannot recall your MP. We have no mechanism to do this, so do not cheat yourself. In essence, Madam, unless Parliament is made to respect certain principles it is completely uncontrollable and if you give it powers without boundaries it will do a lot of messes. It is very good if it is working well and again the quality of some of the members we appoint, some of them are not worth going there.

Judiciary, I do not have to say very much except that the people who are appointed to the Judiciary should be people of the highest quality, men and women of highest integrity, people with good education because that is where there is a difference between the rulers and the ruled. So they must be people well above—

**Commissioner:** I want you to conclude.

**Dr. Jore Watindi:** Yes, I am just about to finish if you give me one more minute.

One more point, Madam, what the disabled people need is education; if they can be given education it will help them. They should also have access to buildings, the doors should be such that-- Buildings should be built in such a way that these people can access them. I cannot say more than that.

Political parties: political parties in Kenya have been misunderstood. Politics is about money economics. Please listen to this very carefully. You cannot go to politics and talk anything. It is enabling the common man to access the mainstream of money economics. So the number of political parties should be judged by the way the programme enables the people to access the money economics. If they are not anywhere near, they are useless and just forget about them.

The last is education. All I can say about education is that our education is very poor, very poor indeed. It lacks depth and breadth. What I mean is that the scope of education is very much limited. Kenya has a number of educated people but we are turning out people who are useless because we are not using them to solve our problems. The whole idea about education is to enable the human mind to solve its own problems. Our education system, Bwana Chairman, is not doing this.

**Com. Maranga:** Okay, thank you very much.

**Dr. Jore Watindi:** The last one, if you do not mind—

**Com. Maranga:** Let it be the last because I have given you a lot of time because you also represent a special group. That is why I gave you that time.

**Dr. Jore Watindi:** Okay. So I will end there.

**Com. Maranga:** Thank you, and my first question is, you are saying Kenyans are not working hard and yet when I travel between Kakamega and Bungoma I see Kenyans who are very busy on their sugar cane farms, tea farms and others and yet they do not get the benefits of their sweat. Are they not working hard or is the Government not assisting them to get what they

want? That is my first questions. I really want to dissuade you from that point that maybe Kenyans are working very hard but maybe we have not given them proper management of their hard work. Maybe there is another question from Commissioner Baraza.

**Com. Baraza:** Thank you for your presentation. You do rightly say that Parliament given all the powers can run amok, but Kenyans are saying that power from the Executive has to be decentralized and one organ into which we can channel that power is Parliament. I do not know what, in your view, would be the controlling mechanisms upon Parliament so that it is not either too powerful or it gets drunk with the power.

**Dr. Jore Watindi:** Yes, I will start with the last one. What I mean by power is that Parliament cannot make laws and implement them at the same time. In fact, we shall be abusing the whole idea of the division of power. Parliament should make laws, the implementor should be different. That is the mistake we are making; we are letting Parliament make laws and also to implement. That is wrong, completely wrong and we should stop doing it.

The first question about working hard; working hard means that people must get the benefit of their sweat but the reason why there is too much corruption-- If people are working very hard there would be no corruption. There is corruption because people want money without working for it. It should be the other way round: people should work hard to earn money not the other way round.

**Com. Maranga:** Well, that is your view, Daktari, thank you very much. Now you can sign our official register. Webungo Msake? Webungo Msake will be followed by Oranga Okothe, you will be next.

**Webungo Msake:** Thank you very much. My names are Webungo Msake. I represent what is commonly referred to as the "common man". Being a common man I will subscribe to other memoranda that have been presented before the Commission.

I will start by proposing that our new Constitution should have a preamble. That preamble should express our uniqueness as the only people in the world who have what is commonly referred to as a spirit of togetherness, harambee. It should show how unique we are as people who pull together, people who work together and that working together goes also to show that we are people who believe that our country should not be canonized, should not be put into small compartments here and there, regions etc. That is we should not have that federal system of government, we should have a unitary government because we are a people of togetherness.

I will move straight away from there and go to the Executive. I will agree with my friend, Dr. Watindi, that the President has not been abusing his powers; it is us Kenyans who have always stood by passively watching the Constitution as it is abused. It is our Parliament that has been allocating these powers; in fact it has been denying itself the powers to act and instead has been

standing by passively while the Executive has been arrogating itself these powers through the Attorney General in Parliament. On that, I would suggest that we trim the President's powers and most of those powers taken away from him should be given to the Legislature, contrary to what the last speaker, my friend, has just said. We would rather have a Parliament than runs amok than a single individual representing the Executive who runs amok because we will not have any way to control him.

The President, that is the Executive, should not have the powers to appoint people to offices which ensure the security of Kenya without reference to Parliament. Parliament should vet these appointments and either approve them or reject them.

Also the Legislature should have a mechanism which can control a president who runs amok, as you said. We should have a way of impeaching the president using a simple majority not the present 65% of Parliament membership.

Also the Constitution should establish the number of ministries our Government should have and appointment to those ministries should be approved by Parliament. The President should not have the sole power of appointing and removing. We have enjoyed this recently because the mara moja practice was abolished when people were fired while performing official duties, but we would like it entrenched in the Constitution that once appointed to a post, one can only be fired after going through a tribunal or through approval of Parliament rather than being fired by a single individual.

Moving on from there, I would also add to what my friend said and support it again, that ministers should not be members of Parliament. Ministers can only represent their ministries in Parliament on official duty but should not be members of Parliament, which also goes to show that I assert that we should not have a president who is a member of Parliament. He should be a person who is above all this politicking that is taking place in the country currently.

On the Judiciary, I would say that we add another chair to what is already there: we should have a supreme court as the highest organ of the Judiciary in the country. That one should comprise of people of the highest integrity, people who are not political appointees because if we have political appointees, we may have some people holding office by default like in America now. Bush is there not by right but by appointment by the Supreme Court.

On provincial administration – I am running through fast because I know you are about to stop me –

**Com. Maranga:** In fact, make your last point. Make your last point, thank you.

**Webungo Msake:** Provincial administration should be abolished and in its place we should have an elected entity comprising of people from neighbourhoods but whose membership should also have a government representative as the person to liaise between the local administration and the central government.

Well, thank you.

**Com. Maranga:** Actually it was the last point, thank you. There is a question.

**Com. Baraza:** You propose that ministers should not be MP's. I want your thoughts on how and where we source them. Where and how do we source the ministers in our new Constitution?

**Webungo Msake:** In our new Constitution, ministers should be appointed by the President and approved by Parliament.

**Com. Baraza:** Where do we source them from?

**Webungo Msake:** From people of integrity in the country.

**Com. Maranga:** Thank you very much. Please sign our register. Oranga Okothe.

**Oranga Okothe:** Thank you very much, Commissioner. My names are Oranga Okothe presenting my memorandum.

**Com. Baraza:** Oranga Okothe?

**Oranga Okothe:** Yes.

First of all I propose that we should have a constitution for all which takes care of children, women, men, disabled and widows.

I propose that the President should not be a Member of Parliament, the minimum age should be 40 and the limit should be 75.

We do not want just to hear about Young Turks and all that, there should be an age limit and it should be 75 years.

He should have a running mate as a vice-president so that wananchi will also respect that vice-president and if the president fails, that vice-president has failed. We do not want to have the kind of tribalism where the vice-president succeeds but because the president comes from a different tribe says nothing. If the President fails, the vice-president fails, both of them should fail.

The powers of the president: appointment of people in the civil service should be decentralized, it should be given to Parliament to check. After he has made the appointments, the Parliament should check and approve them. The Armed Forces is a special case, appointment of officers in the military should be left to the President.

Local government: mayors should be educated to at least Form Four and should be above 35 years. When we talk about the



age of the president, the mayors also should be 35 years and above and they should be elected directly by the people and their salaries should be paid directly from the Ministry of Local Government. The same should apply to councilors; their salaries should be paid by the Ministry of Local Government and education level should be Form Four.

On education, I propose we should have free primary education and the Government should see to it that education is free. I propose that once a child qualifies for university education, they should get a loan automatically, there should be nothing like application. I have seen cases where you have someone working and getting a salary of K.Shs. 7,000/=, he fills a form and says he is working but he has other children. The loan is refused and file stamped "Deferred Action". He has other children in Form Four at Mukumu, at Butere and at home; you cannot get that loan and it is deferred. So I propose university education should be free like it used to be.

On land, I propose widows and orphans should get free land title deeds. We do not want to see cases whereby a father has died, he has left orphans behind who are being asked to pay K.Shs. 20,000/= and above to get land title deeds. They end up selling those small pieces of land; I feel pity for them. They should just get the title deeds free, that is a gift.

On salaries, we should have salary harmonization as per education level. We do not want to see cases whereby a person with C is getting K.Shs 4,000/= and another one with C is getting K.Shs 20,000/=. That is encouraging laxity, even if one works, he is already demoralized. All the jobs should be equal. People with a Diplomas should get the same salary as far as the Government is concerned. Let us not bother about parastatal bodies, those are making money.

**Com. Maranga:** Your last point.

**Oranga Okothe:** Political parties – that is my last point; any political party with more than 15 members of Parliament should have a minister. We want a coalition govern, a government of unity. So if a party has more than 15 MP's it has followers; it should be represented in the Government by having one minister and two assistant ministers. Thank you.

**Com. Maranga:** Thank you very much, Oranga, and please sign up. I want to call a student by the name Elizabeth Asala to come and present. Thank you.

**Elizabeth Asala:** My names are Elizabeth Asala.

**Com. Maranga:** Which Form? Tell us which Form you are in and from which school.

**Elizabeth Asala:** I am in Form Two in Eshisiru Secondary School. This is a group memorandum which the school prepared.

The students discussed that there was a need to have a preamble which should demand that it can at least eradicate poverty. Corruption has also taken root in the country and laws should be enacted to severely punish those involved and in this nobody should be above the law.

On citizenship, all those born in Kenya should automatically become citizens of this country. Spouses of Kenyan citizens regardless of gender should be automatic citizens also.

On systems of government, we thought it would be better if we retained the presidential system.

On Legislature, we propose that the Parliament should vet all appointments and not leave it to the president alone.

On the Executive, the Constitution should force the president to have a minimum level of education of a First Degree and must have good leadership qualities, not only choosing somebody because he likes his or her behaviour, but the person should have leadership qualities. The presidential tenure should be restricted to two terms of five years per term. The functions of the president should be defined in the Constitution, such as the president should lead the Parliament in choosing the ministers and he should chair cabinet meetings.

The Constitution should set limits on presidential powers: the president should not be above the law, he should not be the Commander in Chief of the armed Forces, the power of sermoning and dissolving the Parliament should not be possessed by him. He should not appoint the Attorney General, the power of pardoning and prosecuting criminals should be taken away from him.

The Constitution should provide for the removal of a president on misconduct while in office under the following circumstances: when the president is corrupt, when he practices nepotism or tribalism, when he breaks the laws of the country. He should be taken to court and if found guilty, he should be removed from the office.

Under the electoral system, we should practice public balloting . During voting we should retain the queuing system.

Equality should be called for between men and women when it comes to choosing participants in Parliament and local authorities.

The election date should not be specified in the Constitution. Presidential elections should be done directly by giving each person a chance to choose the president. Commissioners should be highly educated, for example, (?) and well versed in the laws of the Constitution and country. Commissioners should also be elected. Commissioners should serve for one term and should be re-elected if necessary on application.

Under rights of vulnerable groups, women's interests and rights are not fully guaranteed in the Constitution. Therefore women should be given equal rights with men as far as education, occupation and inheritance are concerned.

The interests of people with disabilities are not fully taken care of. The Constitution should give room for special homes and finances to take care of these people. The Constitution should also call for responsible parenthood where it is only at a certain age that people are allowed to have children. Below that age it should be punishable, i.e under 18 years. The Government should also protect children from child abuse, child labour and many others. The Constitution should give provision for children education whereby every child is forced to go to school through the education system up to Secondary level through the provision of free education. The grading system should be done away with in the system of education whereby one should be allowed to learn up to his or her maximum.

Under the lands and property rights, land should be owned individually but certain limits should be put up whereby those who have large tracts of land are forced to give part of it to those who do not have. Local authorities should be allowed to have power to control the use of land so as to put checks on over-production, under-production, monopoly of cropping and wastage of resources.

There should be right of inheritance for both male and female since they both have equal education opportunities and there is no guarantee for permanence in marriage. In any case, they both need a place to stay and sustain themselves. Kenyans should also be able to own land anywhere in the country but with restrictions on planned acreage. The Constitution should also guarantee that every Kenyan has access to land in order to solve the problem of landlessness. Thank you.

Com. Maranga: Thank you. I have one question on citizenship. I do not know whether you are going to be able to answer that but because you are representing the group maybe you need to address this question. If Tanzanians and Ugandans – you are surrounded by those two countries – decided that when their wives are giving birth, they want to get Kenyan citizenship, somebody can come and maybe give birth in Nairobi Hospital or in Mathari Hospital, or whichever hospital, even if it is here in Mumias. That child who is born of Uganda parents automatically becomes a citizen of Kenya?

**Elizabeth Atala:** At that juncture, I think that the child cannot become a citizen because both the parents are Tanzanians or Ugandans.

**Com. Maranga:** But you said anybody born in Kenya should be a citizen.

**Elizabeth Atala:** I meant that if the parents are automatically Kenyans and the child—

**Com. Maranga:** That one we know, but I am saying you said “children born in Kenya”, any child born in Kenya, whether it is an American or whatever, becomes a citizen of Kenya. Now you want to amend that, isn't it?

**Elizabeth Atala:** It will depend on the parents.

**Com. Baraza:** Now you want to confuse the eloquent lady here. What you meant is—

**Com. Maranga:** That one she gave, the one in respect to gender. That one is there. But the automatic citizenship of children born of Kenyan parents, irrespective of gender.

**Com. Baraza:** No, I am sure the young lady did not mean that Tanzanians can conceive in Tanzania and come to give birth in Mumias and they become citizens. You did not mean that, you eloquent lady, I am sure you did not mean that.

**Elizabeth Atala:** Yes.

**Com. Maranga:** No, you did not mean that?

**Elizabeth Atala:** No.

**Com. Maranga:** Thank you and we want to encourage more students to come and appear before us. Thank you very much, it is a good memorandum. Very good. Amos Munyiri?

**Amos Munyiri:** Thank you, Electoral Commission—

**Com. Maranga:** No, we are Constitution.

**Amos Munyiri:** Sorry, Constitution. I am Amos Munyiri. I would like to air my views to the Constitution Review.

One, the country should have a commission which will be dealing with MP's salaries.

Two, I would like powers to be given to the Auditor General to deal with corrupted public servants and prosecute them immediately. When you are found corrupt, you should leave your office immediately.

Three, employment in the country should be done equally from the grassroot levels, not from the top or executive offices.

Four, there should be a compulsory bursary to a child who has performed well in examination.

Five, youth should be represented in Parliament as it has been done for women.

Trust lands should not be handled by the executive alone; we should form a commission to deal with Trust Land.

I would request if assist chiefs and chiefs be elected by the people every five years.

Any civil servant who has resigned from his job should not be given another office.

A commission should be formed to resolve parents matters in schools.

Lastly, powers of the Executive should be reduced. Thank you.

**Com. Maranga:** I have a question, maybe a clarification. Whom do you clarify as a youth, up to what age?

**Amos Munyiri:** From 18 years to 45 years. Those are youth.

**Com. Maranga:** Those are youth. Thank you very much, hand over your memorandum. The next person is Kefa Shisia.

Kefa, karibu. Atafuatiwa na Silvia Makokha. Ako? Okay, you will be the next one.

**Kefa Shisia:** Thank you very much, I have only two points to talk about.

**Com. Maranga:** Your name.

**Kefa Shisia:** My name is Kefa Shisia.

One, the law about husband and wife should be left alone to the two people to decide what life they should live, not to be discussed in Parliament. Parliamentarians are rich people, they drive expensive cars; how do you expect such a person to live the kind of life an ordinary man lives? It is impossible. Some of us do not even have bicycles, we travel on foot; how do you expect me to live the life a parliamentarian lives? He drives, I do not drive. They do not know how I live with my wife, therefore they should not make laws and enforce them on us poor people. This should be left to the two people to decide what life they should live.

Two, there is no law in Kenya for rich people, the law is only for poor people. Why?

Three, the powers of the President to appoint people or ministers who have lost their seats must be scrapped with immediate effect.

Education in primary schools should be free. When I left school more than 30 years ago there was only one building; only two more buildings have been constructed up to now. When it is said that people should not pay fees, we are told there is no money to run schools. Where has this money gone all these years and we are paying school fees? There must be special audit by the government to find out where this money is going.

**Com. Maranga:** Excuse me. *(To a person in the audience)* Ndugu yangu wewe unjue tuko mkutano, please. Hii ni mkutano rasmi. Unataka kusikiza, ukae, otherwise mimi nitachukulia wewe hatua mara moja. *(To Kefa)* – Haya endelea. Hata hawa wanasikia, musifikiri hawasikii. Wananjua. Okay.

**Kefa Shisia:** My last point is on Asians. We normally have harambees for schools and churches, but you only find the poor Africans contributing money here and there. These Asians are just seated in the shops here. When we get money we go and buy things from them. Are they selling to other Asians? Why are we favouring these people? They should be out; even if there is a harambee here they have to leave the shops and come here. We should not favour them.

**Com. Maranga:** Thank you.

**Kefa Shisia:** Asians must do what Africans are doing if they want to stay here. Thank you very much.

**Com. Maranga:** Thank you very much. Okay, asante. Kuja hapa kidogo, kio swali; rudi huko kuna swali.

**Com. Baraza:** Hii sheria ya-- You have said that men and women should be left to determine their own lives, which law are you talking about? What has happened? What are you fearing, what is there?

**Kefa Shisia:** The Government enforces a law which makes it possible for us to be taken to court even if you slap your wife; you are sent to court. But there must be discipline in the house, there must always be discipline in the house, just a small thing.

**Com. Baraza:** No, that is illegal, it amounts to domestic violence and it is illegal. Why don't you talk to her instead of slapping? Kwani she is a child? You should not even slap a child. You cannot talk to them?

**Kefa Shisia:** With a child, it is even written in the Bible, when a child goes wrong you slap them.

**Com. Baraza:** Na wewe ukichapwa na bibi yako? Is that okay? Na wewe ukichapwa ba bibi, is it okay?

**Kefa Shisia:** It is right if I have made a mistake.

**Com. Maranga:** Okay, please sign the register and give us your memorandum. Savia, you are next. Councillor Joseph Omukanda? Ako? Wapi Omukanda? Uwe tayari.

**Savia Makokha Nkobe:** Mbele yenu ni Savia Makokha Nkobe na nina machache ya kuongezea kwa yale ambaye nimeandika kwa memorandum. Kuna hizi notorious groups kama wakina Mungiki. Serikali iwe inapiga mayoyo sana kwa hizo groups. Serikali ambayo haiwezi kukomesha watu kama hawa tutaihesabu kama serikali ambaye imeshindwa na inafaa iondelewe mamlakani. Officer ye yote ambaye anafanya kazi na afanye kosa kwa kazi yake, iwe ya wizi au makosa kama hayo, zile pesa ambazo ameimba zinafaa sirundishwe; yeye agaramie kuridisha hizo pesa na pia afutwe kazi na asikubaliwe kuandikwa kazi mahali po pote.

Kufuatia traffic kwa barabara zetu hapa, inafaa tuwe na kodi ndogo, ndogo hapa kwa barabara ili kujaribu kupunguza hizi pesa ambazo traffic officers huwa wanachanga kwa watu, shilingi mia moja, mia moja. Pengine tukiwa na traffic kodi hapa kwa barabara itawezesha kupunguza hizo pesa ambazo huwa zinatoshwa watu hapo.

Makosa ya uchaguzi wakati wa uchaguzi wa kura kwa polling station; mtu ye yote ambaye tapatikana na makosa either ya kuiba kura au kuwa anapeana hongo, huyo mtu awe disqualified wakati ule, ule kwa hiyo polling station ili hizo kura zake sisihesabiwe wakati wa final counting.

Upande wa kodi zetu: kodi zetu ule uamuzi ambayo unafanya kodi zetu sabini na tano kwa mia na za uongo kwa vile kuna ile neno, nolle prosequi, inafanya watu wengine kuogopa kwa sababu watawekwa kwa cell. Unaweza kuwa umeshikwa ba baiskeli pengine kama haina taa na badala ya kujieleza unaogopa kuwekwa ndani kwa sababu hautakuwa na pesa ya kupeana kwa remandi, utakubali tu, ndiyo, na pengine ulikuwa unatoka kwa njirani unaenda kwa nyumba yako. Sasa hiyo utakubali kwa sababu ulishindwa kujieleza; hiyo neno nolle prosequi kwa court kwa hizi miscellaneous cases iondelewe ili mtu aweze kujieleza. Na ikiwezekana mtu awe akitoa bond, personal bond, badala ya kupewa bond ya kutoa pesa ndiyo ajieleze.

Jambo la kumalisia mtu akishikwa na apatikane hana hatia baada ya siku mbili, tatu, huyo mtu anafaa alipwe hizo siku ambazo amekuwa cell ya polisi, alipwe pale, pale. Pesa iwe imewekwa ya kwamba akipatikana hakuwa na hatia alipwe, siyo acukue muda mrefu kwenda kudai. Apana, iwe imewekwa kwa sheria. Asanteni.

**Com. Maranga:** Asante. Nakuomba sasa, mzee, utuwekee sahihi na utupatie hiyo memorandum. Councillor Joseph Omukanda. Halafu atafuatiwa na Moses Mwalo? Ako? Okay, you will be next. Your name is quite long and it is one I cannot pronounce, Moses Mwalo. Proceed.

**Councillor Joseph Hamisi Omukanda:** My names are Councillor Joseph Hamisi Omukanda, currently I am the District Coordinator was NCEC, also I am the Secretary of Ford Kenya, Kakamega District. Thank you for coming here and listening to our proposals.

One, the new Constitution must enshrine the principle of separation of powers among various arm or branches of Government and enforce limitation powers, for example, the Executive powers must be trimmed and checked. You know as at now you can be in the office and you hear the President saying that “so-and-so must be sacked” and you will go. We do not want that. We want those power of the President to be reduced immediately.

Regarding the exercise of powers on behalf of the people for their benefit, the Constitution should ensure that the Government is accountable to the people who elected them. You know we are elected; I am a councilor, but we want the electorate to be given powers, if I am not performing you call me back and sack me. This issue of you staying there for five years and you are not performing should not arise. Let us declare that.

On provincial administration, the current provincial administration in Kenya is undemocratic, oppressive, colonial, responsible for exploitation and causes depression of our people. As such, I propose that provincial administrations should be abolished and in place, a democratic, elected system be established by the Constitution. If that is done everything will go on smoothly. This is what people want.

If we go to freedom, the principle of affirmative action should be exercised; legal and constitutional recognition under a new constitutional order so as to enable the disadvantaged groups of society to have freedom. This freedom should have full meaning in the process of national development. We resolve further that one third of parliamentary seats be reserved for women, the disabled, minority and special interest groups. As per now this is not happening. Our natural right freedom should be enshrined in the Constitution, such as freedom of assembly and expression. This should be enshrined in the Constitution by removal of the current provisional order. Political harassment and subversion of citizens by future governments should be stopped. We want to be free.

The Kenya Bill of Rights under the new Constitution should be expanded to incorporate fundamental rights, such as the right to primary education, primary health care, water, housing, the right to basic income for all equally and fairly. The new Constitution must have a broad based bill of rights inspiring private people.

Executive presidential powers should be reviewed so as to be limited under the Constitution. Presidential powers and allocation of state resources should be subjected to parliamentary approval but not just for the President to wake up early in the



morning and say “so-and-so is appointed”. Let it go back to the Parliament, let the people decide there.

Now we go to the new constitution: it should ensure that the right of prisoners and corporal punishment, inhuman treatment and torture are outlawed. Iwe kwa kila mtu siyo tu ati wewe ukiwa Minister kama wakin-Ng’eno, you are above the law. We just want this—

**Com. Maranga:** Councillor, I had cautioned earlier that you have no right to mention anybody’s name and I want to reiterate that position. Just proceed with the offices.

**Coun. Omukanda:** Okay. The new Constitution should provide for the establishment of civic security machinery at grassroots level and let local residents supplement regular police efforts in fighting cattle rustling, politically motivated violence and general insecurity. Special mechanisms must be put in place to curb corruption, economic sabotages, crime and (?). If you will make an effort to do that, people will be very happy.

The Constitution should establish a new Electoral Commission that is independent politically, neutral and which enjoys the confidence of all political parties and people of Kenya.

**Com. Maranga:** Your last point.

**Coun. Omukanda:** My last point is this one: that the new Constitution should make provision for formulating the criteria and modalities of financing parliamentary and political parties, not only Kanu.

**Com. Maranga:** Just a minute in case there are any questions. No. Thank you very much. You can sign up and give us your memorandum. Now we have Moses Mwalo.

**Moses Mwalo:** Kwanza ni kushukuru nyinyi Commissioners wa Katiba. Kwanza ningesema ni kazi nzuri mnayofanya, na zaidi nawapatia moyo muendeleo maana kazi mnayofanya ni kazi yetu na ni kazi nzuri sana.

Kabla sinjaingia kwa point yangu au lengo langu—

**Com. Maranga:** Majina kwanza.

**Moses Mwalo:** Moses Ndeka Olofumwalo.

**Com. Baraza:** Olofumwalo?

**Moses Olofumwalo:** Olofumwalo.

Kwanza kitu ya kwanza ndiyo nianze kugusia point zangu, katiba ni kitu cha maana kwa sababu hiyo ndiyo engine ya nchi. Na katiba ikiwa mbayam maisha ya watu itakuwa mbaya. Katiba ikiwa nzuri, maisha ya nchi na watu wenyewe watakuwa na maisha mazuri. Point ya kwanza ningetaka katika katiba hii tunahitaji ikuje, kwanza kwa maoni yangu ningetaka katiba hii ikianza kufanya kazi, watumishi wa serikali wote wabadirishwe, fikira zao za awali sikome au utendaji wao wa awali ukome. Hata ingekuwa heri wafutwe lakini tutaanza kusema ndugu tikiteta, lakini hatutaki tuwe tikiteta, tuwe watu walio wanadamu. Hawa watu wabadirishwe ili tuone katiba mpya na watu wapya.

Neno la pili, tunataka mtu ye yote anaweza kugombea kiti cha urais ama ubunge atangaze mali yake; atangaze mali yake tujue ana mali chake Fulani.

Vile nimezungumza, katiba imechangiwa na watu wengi halafu inakubalika kufanya kazi katika nchi na kulinda watu wake. Lakini hatutaki mtu awe juu ya katiba hii, tunataka katiba iwe juu ya watu; hata kama ni yule ambayo tutamchagua atakuwa president, iwe katiba itakuwa juu yake, imlinda, imuongoze naitii ile ajue kwamba akiivunja, itamuwasibu. Hiyo kitu ni ya maana kwetu.

Vile nimezungumza, katika serikali, katiba ni engine, na katika engine kuna mwili mfano, mini nina roho, nina mwili, kuna mkono na mkuu, kila kitu, ili tunatumika katika mwili moja. Katika serikali kuna section mingi, ya polisi, idara ya sheria, kuna utendaji mwingi mbaya ambayo unaonekana unatenga katika hali ya kutoaminika, na inafanya makosa. Kwa mfaano kama barabara. Tunataka katika katiba inayekunja ipinu kitu mbili mzuri ambaye italinda, sehemu kama barabara. Unaweza kupata barabara-- Serikali inasema “tumetoa pesa kiasi fulani, tumefanya kazi barabara fulani” ukienda kwa hiyo barabara hakuna mtu amefanya kazi, lakini pesa zimetoka na mahali zimeenda haijulikani. Ukiuliza, hiyo maneno inaenda namna hii, namna hii na inaisha. Tunataka katiba inayekuja injue kutufagilia mtu kabisa, kamili, aonekane ni nini amefanya; si kuwacha namna hii, namna hiyo.

Ningesema tunahitaji katiba iliyo na nguvu, iliyo mbao (?) tumeitoa, na hiyo mwangaza itatuokoa kutoka mahali ambayo tumekuwa, tumeteseka, katika katiba ile ya zamani. Kwa maana tumeteseka na hiyo katiba zaidi. Imekuwa katiba ya kulinda wakubwa na wanyone wanateseka sana.

Kwa hivyo mimi sina mengi, nimechangia hiyo, iwe hivyo.

**Com. Maranga:** Thank you. Asante Bwana Moses Olofumwalo.

**Ayuma Mediatriks Ashivigha:** My name is Ayuma Mediatriks Ashivigha and I have a memorandum to present. This is a memorandum prepared by Western Province Women Consultative Group.

The women say that it is important that in our new Constitution we should have a preamble and they say the preamble should address gender inequity, patriotism and sense of national identity, equity of all citizens regardless of race, ethnicity, gender, class, breed or political affiliation; respect for human rights and dignity, respect for rule of law, affirmative action and participatory governance. I will just pick a few points because it is not possible for me to read everything.

The women also say there should be devolution of power to facilitate more active participation of the citizens in governance as well as the management and control of the natural resources. They say they want a 35% women representation in Parliament, local authorities and all leadership and policy making positions.

On the Constitution, they said they wanted any amendment of the Constitution of Kenya to be through a memorandum by the citizens of Kenya and not 65% of the parliamentarians. On citizenship, the women say they wanted automatic citizenship to be guaranteed to any child whose mother or father is a Kenyan. The right to dual citizenship for those who provisionally qualify. Automatic citizenship for all Kenyan spouses, female or male. Every Kenyan citizen, irrespective of age, should be entitled to a passport.

Political parties: the women of Western Province recommended that Kenya shall be a multi-party state and the number of registered active political parties should be limited not to less than two and not more than five. That every political party shall have a national outlook, allow for 35% elective positions reserved for women and raise its own funds.

On the Legislature, the women say that the Kenya Parliament and Local Authorities shall comprise of 35% elected women; the post of elected Member of Parliament shall be full time occupation with an office at the constituency level. Nomination to local authorities and parliament shall observe the affirmative action and shall benefit women by a 50% margin. They also say that Section 34(c) of the Constitution of Kenya is discriminatory and recommend that it should be repealed.

On the Executive, the women recommended that the office of the Executive will be a constitutional office. Power of the Executive, i.e. the President, be re-defined to commensurate with the dictates of the Legislature and the Judiciary, with adequate checks and balances. They said they would wish that the powers of the Executive be devolved to create regional offices to bring power back to the people, to rationalize taxation so that not less than 60% of the taxation is retained by the region so that it can give better quality services.

On electoral system, the women proposed that the Electoral Commission office should be delinked from the Executive and be allocated constitutional office status. The gender balance in the the electoral commission should be enforced to no less than

35% women representation. Electoral violence should be outlawed. Security for election process should be constitutionally recognized and be made entirely accountable to all election commissions. Affirmative action for people with disability participating in elections be institutionalized. That it is the population of a constituency that shall determine the constitutional boundaries.

On Bill of Rights, the women of Western Province recommended that Kenya being a signatory to the Bill of Rights contained in the Convention of the United Nations, makes efforts to domesticate the component of application to the local system. Rights and basic rights, political rights, economical, social and cultural rights, third generation rights; freedom of association, of choice, reproduction, health and the girl-child rights to education.

On the girl child and education, the women proposed that to promote girls, the Constitution should be ready to promote the girls full and continuing participation in education, to develop programmes to promote women's literacy, continuing formal educational programmes to be provided for mothers to primary and secondary school levels. We have discovered that some of our girls conceive when they are in primary and secondary schools and they should not just be left to go, the Constitution should take care of them so that they can be taken back to school and continue their education and finish it.

Creation of employment, these women recommended that free, compulsory, quality education for all citizens of this country up to the end of primary school circle should be guaranteed. They also proposed that there should be free and accessible health services in particular targeting women reproductive health needs.

On land ownership, the women recommended that the proper land tenure system and policies should be put in place to accommodate the needs and recommendations of women and persons with disabilities. Equal rights to the ownership of land for both female and male family members. For example, we can have a land title deed bearing my husband's name and my name so that when he is absent I will not be frustrated because I am a woman or because I am a girl.

**Com. Maranga:** Last point.

**Ayuma Ashivigah:** Poverty and women: women are affected more severely than then men in this community so that Constitution of Kenya should made adequate provision to cushion women, youth, children, persons with disabilities and aged persons with programmes and systems which promote suitable poverty alleviation.

May I comment on violence against women. The women of Western Province note that women's rights are also human rights and that these rights should be observed and respected through entrenchment in the Kenyan Constitution. The women of Western Province recommended that any abuse of the rights of women be promptly dealt with by the law but any form of violence of women's rights shall be documented as criminal and promptly punishable. Violence and defilation of minors shall be

the subject of capital punishment. Rape of minors and the aged, rape of wives, disfigurement, physical and mental assault, incest, sexual abuse of children by school teachers-- We do not protect them even as KNUT. Affirmative action in the form of sensitization, mobilization and skill development in the area of rights of women, child's rights and persons with disability. Continuing formal education for the youth mothers to primary and secondary and (?) level. The other points I will not read because they are written in the memorandum, the Commissioners can go through them.

I also have a memorandum that has been prepared by the BEC members of Kakamega branch, KNUT.

**Com. Maranga:** Thank you very much. That one you will hand over and you sign for them. Thank you very much. But I have one question. How do you define rape between a wife and a husband?

**Ayuma Ashivigha:** There can be rape. For example if we have disagreed and we have not made peace, my husband should not come to me and demand—

**Com. Maranga:** Okay, okay.

**Com. Baraza:** Ayuma, I have a question for you. (?) definition to that would be any sex without consent would be rape. Isn't it?

**Ayuma Ashivigha:** Yes.

**Com. Baraza:** Being a wife does not take away the element of consent. Does it?

Now I have a question for you. What representation of women is this memorandum? How many women, the one's you are calling women of Western Province? How many are being represented there?

**Ayuma Ashivigha:** More than a hundred, two picked from every division, all over the province.

**Com. Maranga:** Okay. Thank you very much. Epanito Asulu? Ako? Epanito? Hayuko? Ako wapi. Asulu, hutaki kuongea, sawa. Kama hataki ni sawa. Okay, thank you. We have Aggrey Kuboka? Aggrey? He has gone. Francis Osialo? Okay karibu.

**Francis Osialo:** Mimi nikisimama hapa—

**Com. Maranga:** Majina kwanza, ndiyo usimame—

**Francis Osialo:** Francis Osialo. Kitu ya kwanza nitaongea kwa lugha ya Kiswahili na tena ninataka hiyo Kiswahili iwekwe kwa katiba, iwe ni sheria. Mtu akienda Parliament, ni lazima awe amujua Kiswahili vizuri, pamoja na Kingereza. Kwa kusema hivyo ni kwamba, kuna watu ambayo wamesoma sana, ni ma-Professor, like wamesahau mambo ya kinyumbani. Kwa hivyo lengo langu nataka Kiswahili iwe ya maana kwa Parliament.

Nikitoka hapo nitaongea upande wa mtu akichaandikwa na serikali. Amefanya kazi kwa miaka mingi, ishirini na tano, miaka thelathini, amefikia miaka hamsini na tano, ame-retire. Ni afadhali huyo mtu arudi nyumbani apumzike. Kwa kusema hivyo ninaona serikali yetu ya sasa, mtu anapitisha miaka hamsini na tano, ana-retire, anarude nyumbani, kesho yake anachukuliwa tena anaenda kuwa mkubwa kwa kambuni fulani, na hapo tuko na watota ambao wamesoma, wamesoma zaidi, hawana kazi. Nafasi ile mtoto ambao alimaliza shule angeenda kuchukua, inachukuliwa na yule mtu alifanya miaka mingi, sasa huyo kijana ama msichana anakosa kazi. Kwa hivyo mtu akisha retire, akae tu nyumbani, ajifunze mambo ya nyumbani.

Nitarudi upand ya chiefs pamoja na assistant chiefs. Ingawa wengine wameongea, chiefs hawa wakifanya miaka mitano-- Mimi naonelea chiefs na assistant chiefs, kitu ya kwanza, wachaguliwe na wananchi. Halafu wakishachaguliwa na wananchi watakuwa wakifanya kazi hata zaidi ya miaka kumi kwa uzuri yao, watakuwa wakifanya kazi na wananchi. Na ikiwa haitawezekana hivyo, ikiwa ataajiriwa na serikali, chief ama assistant chief wawe watu wanaenda transfer, sawa sawa DO anaenda transfer, DC anaenda transfer, mtu ye yote wa serikali anaenda transfer. Ni kwa nini huyu assistant chief na chief hawawezi kwenda transfer? Kwa hivyo lengo langu, ikiwa wataajiriwa na serikali, wawe wakienda transfer.

Nafikiri nimefikia hapo.

**Com. Maranga:** Asante. Thank you very much. Sasa nataka u-sign na upatiane hiyo memorandum. Nick Ingo? Nick.

**Nick Ingo:** Good afternoon everybody. My name is Nick Ingo. Mimi ningependa tu kuanzia ya kusema kwamba, the Constitution which we have, actually most of us have said that we do not understand it. So the new Constitution should have a unitary vision for all Kenyans so that we know where it is guiding us to.

On the issue of citizenship, I would say that-- Actually I may not really understand where we are saying that a Kenyan by definition should be someone born of one Kenyan parent. Personally I would say that a child automatically becomes a Kenyan citizen if it is born out of a Kenyan man. This is because we are trying to avoid the issue whereby our sisters go out there, they get hold of some of these friends of ours from outside, they have children with them, after that these men want to leave. This child will be a problem to the family, to the relatives and even to the Government; the same with our sister who has born that child.

Political parties, I would say that we can still sustain as many political parties as possible, but the issue is we should come up with checks and balances to make sure that these political parties are not individual parties.

On the Legislature, I feel that it should be given more powers to even vet the presidential nominations after which it should be given to the President for approval so that it is not left to one person who might end up bringing in his friends to come and confuse things on the ground.

When it comes to the issues of salaries, we have had several bodies deciding their own salaries. I would propose that salaries should be decided under the consultation of the Public Service Commission. All of us public servant should fall under that Commission so that we are not causing a lot of confusion to the consolidated fund.

On Judiciary, I would say that the appointment of judiciary officers should be made from nominations of the President but referred to the related parliamentary committee for vetting before final approval by the President.

Under local government, time and again I have found that there is a problem with mayors whereby they have operated under a system that is really not understood by the people and that is why we see most of our towns, especially our Kakamega town here which is supposed to be our city, looking bad. I would propose that the mayor should be elected by the people and should have a maximum of just four terms, that is five years. After that that person should go for good.

Under the electoral system, I am proposing that we separate the presidential elections from the parliamentary and civic elections so that we can have presidential elections coming first in between the month of August and October of the election year, after which we shall have a run off for all parties involved. Then out of the run off we shall have the two parties, number one and number two, for the final elections. That is the time when we will have a competent leader or a president for the nation.

There is a lot I have written here but I am not going to ready everything. But I am just going back to the gender issue; this is a burning issue as far as it relates to the land issue in our society. I would say that we men have been left behind when it comes to affirmative action for women and children. We should also be asking for affirmative action for women so that we are equally protected in our own homes; that at the end of the day we are not ejected out of our own homes. Because here is a lady who joins me in my own home, comes up with some rules-- So we really fear this kind of thing might end up bringing a lot of problems to us. So we are proposing that it is constitutionalised that we also as men ask for our affirmative action so that we can be equally protected.

**Com. Maranga:** Thank you, thank you very much. Now can I can I ask you to sign our register. The next person is Omusula Ambululi.

**Omusula Ambululi:** Asante sana. Mimi majina yangu ni mwalimu aliyestaafu, Bwana Omusula Ambululi. Maoni ambayo ninaleta hapa ni yale ambayo ilikusanywa na wananchi wasub location yote ya Idangala katika Shikoti (?) Location. Waliandika mengin katika kurasa kumi na nane lakini tumejaribu kufanya muktasari tu ambao ni mfupi sana na nitamaliza haraka.

Com. Maranga: Haya, una muda maximum five minutes so confine yourself.

**Omusula Ambululi:** Asante sana. Tuliona ya kwamba katiba yetu iwe na utangulizi na utangulizi huu utaje mambo yafuatayo. Utangulizi huu utaje taifa lenye umoja wa wananchi, mahadili ya kizalendo and ufanisi wa hali ya juu. Na tajarifa sifuatazo ziendelezwe na sifuatiliwe kuhakikisha ya kwamba ufanisi wa taifa uandilifu uzalenda, umoja wa kitaifa, matumizi ya hali ya mali ya asiri na haki idumize wananchi kwa usawa. Kanuni za dollar, wananchi walionelea ya kwamba wananchi wawe na uhuru wa kujieleza bila uoga wa kunyanyaswa kwa wakati wote na mkono wote wa utawala. Maradhi wasifunje sheria. Wabunge wapewe mamlaka ya kubadili sehemu ye yote ile ya katiba iwapo wanaweza kupiga kura ya siri inayoweza kutosha asilimia sabini na tano.

Vyama vya siasa visiwe vingi sana, viwe kama vyam vne tu and viweze kujifadhili vienyewe. Vile, vile vyam hivi viwe macho ya wananchi na vifuatilishe mambo yote ambaye yamepitishwa, vione kwamba yanatimiswa ili wananchi watumikiwe vizuri.

Tuwe na rais mmoja wa mamlaka, yaani executive president, na waziri mkuu awepo tu kushughulikia mambo Bungeni. Wabunge wapewe uwezo wa kupiga msata na kuchagua maaffisa kama ifuatavyo: waafisa wote wanahusikiana na mambo ya Public Service Commission, wakurugenzi wa mashirika mbali, mbali, mkuu wa sheria, makatibu na wakuu wote ma magereza, hata polisi ili Wabunge wapate kuajibika na kuhakikisha ya kwamba wananchi wanaowatumikia wanalindwa.

Wabunge na madiwani wasiotumikia wananchi sawa sawa waweze kuitwa nyumbani na uchaguzi wa “ndio au apana” ufanywe na ufike kiwango sa asilimia sabini na tano.

Kuhusu mishahara, wananchi wa sehemu hiowalionelea ya kwamba kuundwe public salary commission; hii iangalie mishahara yote pamoja hata na ile ya Wabunge na Rais na kila mtu. Na ikiwezekana, na ni lazima, wakurugenzi wa uchumi, yaani economists, wausishwe kwa sababu kila wakati wanasema hakuna pesa, na huko mambo mengine tunaona yanaendelea, tunashindwa inaendelea na pesa huwa hakuna. Kwa hivyo washirikishe sana. Vipindi vya miaka miwili, miwili kwa yule rais ambaye amefanya vizuri, miaka mitano, mitano, it is all right, viwili, kwa rais aliyefanya vizuri ndiyo inatosha, na kama amelifanya vibaya, miaka mitano inatosha tu mara moja.

Now, wenye viti na ma-mayor wachaguliwe moja kwa moja kutoka kwa wananchi na waziri wa wizara za wilaya apewe mamlaka kuvunja wilaya ye yote ile ambayo haifanyi kazi yake sawa sawa na uchaguzi ufanywe upya.



Kuhusu haki za msingi, tulionelea ya kwamba afya ya wananchi ni muhimu sana na afya ni kitu ambacho kinahitaji pesa na watu wanapata ugonjwa wakati hawana pesa. Kwa hivyo hapo tungepata matibabu ya bure. Elimu vile, vile iwe ya bure kwa kiwango chote kwa wale watoto ambao wanafaulu kwendelea mbele, primary, secondary hata university.

Swala la ajira litiliwe mkaso sana kwa sababu kuna watoto wengi sana wanafanya kazim wanamaliza, wanasoma halafu ajira zinawashika. Na kama tumekuwa tumepunguza matumisi yetu itawezekana kwamba ajira zinawezekana.

Dawala za mikoa, tulionelea ya kwamba tuwe tu na wilaya, mkoa utolewe, wale watumishi wote wa mkoa watolewe, tuwe na wilaya, tuwe na ma-chief. Halafu assistant chiefs na ma-guru vile, vile, yaani wazee ma mitaa. Siku hizi wazee wa mitaa wapate mishahara na shughuli zote silikuwa sikifanywa na provincial administration kama provinces na kadhalika zitolewe; DO's iondolewe hiyo.

Uhusiano wa kimataifa uwepo isipokuwa kila wakati mambo yote yapitie katika Bunge kuona kwamba ule uhusiano wa kimataifa hauwezi kudhuru maendeleo yetu ya nchi yetu.

Garama za maswala ya kumilika ardhi: garama zimeenda juu sana, simefanya hata wananchi wengine hawana miligitha ardhi. Hata mwenendo mwenyewe ni mrefu sana, kwa hivyo walionelea ya kwamba ikiwezekana garama sipunguzwe halafu njia zenyewe za kufanya mipango ya uridhi wa ardhi ziwe fupi.

Na vile, vile tulikuwa na jambo lingine. Kuna na akina dada zetu huwa wanaenda wanaolewa, wakishaolewa wakati fulani wanarundi nyumbani. Hao ambao wameshindwa sana kuishi, tunaweza kupatia sehemu ya ardhi. Lakini kuna wengine wamekaa vizuri kule, wanakuja tena nyumbani, wanarudi kwa sisi tena wanachukua mashamba, wanauza, wanaenda, wanaoengeza kwa mali ambayo wanayo kwa waume zao. Hiyo nafikiri ingeangaliwa vizuri sana, katiba iilinde.

**Com. Maranga:** Mwisho.

**Omusula Ambululi:** Na mwisho wizara sijaaribu kupunguzwa, sisiwe nyingi sana. Sikiwa nyingi sana ziwe kumi na sita. Na haki za wasiojiweza siangaliwe vile, vile, kwa mfano wasioona, waliolemaa, watoto, hata waliostaafu vile, vile, haki zao ziangaliwe kwa sababu ni mmojapo ya nguzo za taifa letu. Asanteni.

**Com. Maranga:** Asante, na ninakuomba utupatie hiyo memorandum na ninafikiri majina ya hao watu wameandikwa hapo, wale ambao wametoa hiyo maoni. Sawa, thank you. James Omugango, karibu. Atafuatiwa na Rev. Moses Wetsa. Ako? Reverend ako? Yes, you are next.

**James Ombango:** Yangu ni kwamba—

**Com. Maranga:** Anza kwa majina, mzee wangu.

**James Ombango:** Yangu naitwa James Sakwa Ombango natoka Shiunzu sub location.

**Com. Maranga:** Unatoka wapi? Shikoti?

**James Ombango:** Shiunzu sub location.

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

James Ombango: Yangu niko na maneno mawili au tatu peke yake. Mimi nasema hivi, katiba hii inatakiwa itusaidie sisi kwa shauri wezi wanaweza imba ng'ombe ya mtu usiku, kama saa tatu au saa sita. Tupewe watu mne au watu nane, kila sehemu itoke mtu mmoja. Kama umefuatlia watu na umewashika, ukiwapeleka kotini, unaona hawa watu wanaanza kuuliza “wewe ulikuwa na nani? Ulikuwa na nani?, wanauza hiyo ng'ombe, wanaanza case kwa wewe. Inatakiwa hii katiba itusaidie katika Kenya. Kama mtu akishikwa na ng'ombe kama hiyo afungwe ndiyo wezi wakome. Wanasumbua sisi sana. Yangu ndiyo hiyo ya kwanza.

Ya pili, kwa Bunge kama ministers wanachaguliwa, wachaguliwe vile wanachaguliwa, lakini mambo ya siasa ya kelele, kelele, wawache, tuwe watulivu. Kwa mishahara yao, kuna watu wengine kwa Bunge-- Mishahara intengenezwe. Afadhali mtu awe anapata kama shilingi elfu thelathini, apate elfu arobaini; pesa ingine yote iwekwe pamoja izaidie watoto kwa sababu tuko na watoto Form Four, wengine university, na hawana kazi; ni mtu mmoja tu anapata pesa nyingi sana na yeye anaanza tu kufanya vitu yake pahali yo yote, maduka, nini, anaanza biashara. Hiyo ndiyo ya pili.

Ya tatu, mtu kama amechaguliwa, amepata kazi kwa Bunge, amekula mishahara, awache kazi ya biashara, wengine wamestaafu wafanye biashara. Asante sana.

**Com. Maranga:** Thank you. Kuja hapa uweke sign, mzee wangu. Reverend. Atafuatiwa na Ernest Kombo. Ernest Kombo ako? Ernest, you will be next baada ya Reverend.

**Rev. Moses Wetsa:** Thank you. I am Reverend Moses. I serve within this area—

**Com. Maranga:** Reverend Moses only?

**Rev. Moses Wetsa:** Wetsa.

**Com. Maranga:** Oh, good. Thank you.

**Rev. Moses Wetsa:** I serve within Shisiru sub location; my parish falls under that jurisdiction.

I want to talk about one or two things. First I would say that it should be made clear whether some people are above the law and some people under the law because our present Constitution does not mandate the lowly placed people. You find that those in high places are in many cases are as if they are above the Constitution. I want to say this, that you find that somebody has maybe stolen millions of shillings or done some kind of evil and the case takes maybe five years before it ends, sometimes it takes even ten years. There should be provision in the Constitution so that those type of cases do not take too long to end; you wonder whether they end, you are not told whether such cases end. This implies that some people are above the law.

I also want to talk about the disabled. I feel that the disabled should be considered in that they should be represented well in our Parliament. You find that nomination does not give room for the disabled to join Parliament so that they can also speak for themselves. They know better how they suffer so it would be better if they are given enough chance and if possible there should be a number reserved in Parliament for the disabled.

I also want to say that jobs should be shared equally. You find at present that jobs are not shared equally. You find somebody holding more than one job while most of our young people have nothing to do. For instance, you might find that somebody is head of a given institution is doing this and that and you find our young people who are qualified lack something to do. Something should be done so that these young people who are qualified and we are staying with them at home, we are living with them in the churches, get something to do while one person is dominating all the jobs. You find somebody is head of this or the other at the expense of the many young people.

I also want to say that the sick people - and I especially want to talk about those affected by HIV/AIDS at present - should be given a chance to continue working as long as they can perform and they should be protected and their illness considered like any other disease. You find some cases where employees are threatened because they are sick. They should be treated like people suffering from any other disease, they should be given room to perform and so long as they can perform they should not be threatened and they should be cared for well until it reaches a time when they cannot perform. That is the time when maybe they can be done away with and if they are done away with they should get a good send off like any other person who retires.

I also want to talk about the question of districts. When districts are being created, the Constitution should make sure that at least they look into a few factors. If you go to some districts you will find some DO's are lacking offices and they have poor accommodation. It would be good for them to have good accommodation just like the other Government officers and

something should be done. Before districts are created, the Government should ensure that there are offices.

That is what I have to say.

**Com. Maranga:** Thank you, Reverend, and I request you to hand over your memorandum and sign our official register. Ernest Kombo? Kombo atafuatiwa na, I think it is Nasion Masiongo? Ako? Okay, you will be next.

**Ernest Kombo:** Kwa majina naitwa Ernest Kombo, ama kwa majina mengine Kombo Dikmbozee Mwanieba Kongoo.

**Response:** (inaudible).

**Ernest Kombo:** Ernest Kombo ama kwa majina mengine Kombo Dikombozee Mwanieba Kongoo.

Naanza hivi; ninaanzia kwa utamanduni. Ningelipenda hili jambi iwasilishwe kwa katiba. Mambo pombe. Zamani wazee wetu walikuwa wanatumia pombe na hata wakati wa ukolini hawa wazee walikuwa wanakunyua pombe; wanatengeneza pombe ama kama kuna sherehe wanatengeneza pombe na wanatumia. Kama kuna msichana yuwataka kuolewa na mme, mpaka wazee waketi, watengeneze jambo hilo na wanatengeneza wakiwa wanakunyua pombe, ndiyo wanatengeneza jambo hilo.

**Com. Maranga:** Unapendekeza nini?

**Ernest Kombo:** Pombe. Wakitengeneza hali ya mahare.

**Com. Maranga:** Kwa hivyo unataka je kwa hiyo maneno ya pombe?

Ernest Kombo: Ninataka iendelee, watupe nafasi hiyo pombe ya kienyenji iendelee. Kuna wengine hatujimuundu na unalimizishwa uende kwa bar and kwa bar ni chupa moja shillingi hamsini ile beer ya chini. Kwa nini sis tukiwa tunatengeneza hii pombe ya kienyenji tunafukuzwa na ma-askari kama kwamba wewe ni mwizi na wanawacha waizi huko kando, wakisikia kama kuna pombe mahali fulani, wanachukua hata bunduki wanafika hapo. Na wanawacha waizi wanaiba vitu, wanafuata mtu ambaye anstarehe, anakunyua pombe yake. Hilo jambo muakilishe kwa Bunge ama muakilishe kwa katiba. Serikari iangalie jambo hilo.

Jambo la pili, nitaongezea kuhusu mambo ya utawala. Chanzo sa serikali kabisa ni *rikuru, makuru* ndio mwanzo wa serikali na hawa wananyimwo haki yao. Kwa nini hawawezi kupawa hata mshahara na ni watu ambao wanajiweza, wana mabibi zao, wana watoto. Sasa serikali inafikiria hawa *makuru* wanapata pesa wapi ya kulisha watoto wao?

La tatu la kumalisia, ni mambo ya kutibiwa. Ningeomba matibabu iwe ya bure kwa hospitali maana yake wengine hawajimundu na mtu anapatikana na ugojwa. Sasa anashindwa atapata kupona namna gani. Kwa hivyo ni hayo, hayo tu, ninashukuru. Asanteni sana, wasimamizi wa katiba.

**Com. Maranga:** Asante Mzee Kombo alias sijui nani, karibu. Kwenda weak sahihi-- Kuna swali, rudi huko basi.

**Com. Baraza:** Utatuma salamu kwa KBC?

**Ernest Kombo:** Mimi, situmi salamu, sister-- (*laughter*).

**Com. Maranga:** Okay. Masiongo, atafuatiwa na Eliab Imbiakha. Iko Eliab? Okay, uwe karibu. Haya, anza kwa majina.

**Nashon Masiongo:** Kwa majina ni Nashon Masiongo. Mimi nimeshukuru kwa hii mambo ya Commission ya katiba ambao mmekuja hapa kutuchangia mambo ya katiba.

Mimi nitaanza na mambo ya vyama. Nitasema hivi. Kwa Kenya tuko kabila arobaini na mbili na kila kabila, sasa tuko democratic, kila kabila iko na chama. Ningependa kila chama iwe ikitawala Kenya kwa sababu tunaona katiba ambao tuko nayo imekuwa kama ya ukoo. Kabila moja ndiyo inataka iongoze u-president and hiyo siyo vizuri. Ningependelea katiba ikuweko kila mwananchi awe akitawala Kenya.

Jambo la pili, ningesema hivi. Tunakuwa na uchaguzi kama prior elections, tunapeleka Wabunge Bungeni, tunakuwa wengi. Pengine mmoja anakuwa number moja, mbili, hivyo, afualitilia. Kama Mubunge anakufa, unaona kama watu wanachagua kama familia yake tena agombee hiyo kiti. Ningependa sheria ikuweko, kama ningekuwa number mbili nipewe hiyo kiti badala ya kurudishwa kwa elections.

La tatu, nitaenda upande wa elimu. Ningependa katiba ikuweko kwa headmasters. Headmasters wengine wanaenda kwa shule, wanakula pesa ya shule, wasasi mkianza kulalamika mnaona anaenda kwa ofisi ya education, anapewa transfer bila sisi wasasi kujua. Hiyo inafanya mashule mengi kuzoroteka sana kwa uchumi kwa sababu amekula pesa na ametoroka bila kuridisha hizo pesa za shule.

Nikiendelea, ya nne, ningependa katiba ipitishwe hii misaada ya wengine kununua mashamba kwa sababu mtu anaweza kuuzia mwingine shamba ako na shinda na pengine amepata mtu mbaya. Sasa ikifika mahali unaona huyu mwenzako huwezi kuishi naye, ukitaka kumrudishia pesa zake, unaona serikali inakulalia ati ulikula pesa za fulani, kwa hivyo wacha aishi, na yule siyo mtu ambao unaweza kuishi naye kwa shamba. Ningeomba katiba ipitishwe kama huyo mtu alikupea pesa na umeona siyo mtu mzuri wa kuishi naye, umrudishie pesa zake aende atafute pahali penngine. Hiyo iwe kwa katiba.

**Com. Maranga:** Ya mwisho. Yako ya mwisho.

**Nashon Masiongo:** Yangu ya mwisho ningetaka kuongea upand wa administration. Administration, mtu kama chief anafaa aende transfer na tubaki na makuru na assistant chief kwa sababu huyo mtu akikalia hiyo kiti muda mrefu huwa ananyanyasa hata maendeleo kwa sub location zingine. Hamuwezi kupata maendeleo. Na akienda transfer pengine munaweza kuwa na maendeleo fulani. Ni hayo tu.

**Com. Maranga:** Asante, weka sahihi. Eliab. Atafuatiwa na Naftali Mzee. Mzee ako? Naftali Mzee ako? Wapi Naftali Mzee? Hayuko. Na Joseph Motinye? Okay. Anza kwa majina, Mzee.

**Eliab Imbiakha:** Maofisa wa hii Tume ambayo imekuja leo, namshukuru.

Yangu ni haya ya kwanza. Mimi nataka serikali ya majimbo. Sababu yangu ya kutaka majimbo, wakati tulipata uhuru katika serikali ya Kanu, wakati wa kugawa rasilimali chache ambayo tuko nayo katika nchi hii, inaenda mahali pengine mingi na inawacha jimbo lingine ambao lina watu wengi. Ndio sababu ya kutaka majimbo, ikirudi watu wagawanye hii rasilimali ndogo tuko nayo kwa njia ya usawa. Kwa hivyo ninataka serikali ya majimbo.

Agenda two ni kwamba ninataka president awe akitawala miaka mitano. Akishatawala miaka mitano twende kwa kura, ikiwa kura itamuchukua kwa sababu alifanya vizuri, arudi miaka tano, halafu yote ikuwe kumi. Hiyo ndiyo mwisho yake kabisa, awe amefanya vizuri, awe amefanya mbaya, hiyo ndiyo mwisho. Na huyo president, tunaweza kusema wakati anapoenda nyumbani asichagulie Wakenya mtu rafiki yake. Awache Wakenya wenyewe watajichagulia.

Point three, wakati MP's na councilors wanataka kura kwa sisi wanatembea sana, wanatwambia maneno mazuri, wakisha kwenda huko, councilors kwa council, MP's kwa Parliament, hawarudi tena. Akishapita ameenda kabisa. Na mimi ninataka hii serikali ambayo tunaenda kuchagua, MP wala councilor awe wakati ya rikiso, watembee sokoni, makanisani, huku remote areas. Iwe ni lazima apatikane mahali. Hata tunataka kwa ofisi ya DO hawa watu wajenge ofisi, tuwe tukiwapata hapa. Lakini maneno ya kupata rikiso na wanakaa Nairobi, hawawezi kunja pande hii, ukitaka yeye kwa hii na ile hawezi kuonekana. Watu kama hao, mimi nasema, wakiitwa wanapatiwa vote of no confidence halafu elections inafanya ama mwenye alikuwa number two kwake anachukua nafasi. Hiyo ni kwa MP na councilor.

Wakati tuliopata uhuru, nilisikia sana vile hiyo maneno ilikuw, Kanu na Kadu. Walikuwa wakituambia "tukipata uhuru tutajali maslahi ya wananchi". Lakini saa hii siyo hivo. Kila siku unasikia mbei ya vitu imeenda juu, ukinunua sabuni shillingi tano kesho ukienda ni shillingi kumi. Sasa hiyo siyo kujali maslahi yetu, kuongeza vitu mara kwa mara. Hiyo tunaona siyo kujali maslahi yetu, ni kutufanya kuwa maskini sana. Kwa hivyo haturidhiki na mambo kama hayo. Tunataka vitu iwe na kiwango hata

ingawa tuko na soko huru lakini iwe na kiwango fulani ya kuongeza vitu.

**Hospitali:** hiyo ndiyo moja ambao serikali ilituahidi, tukipata uhuru kutoka kwa mkoloni tutatibiwa bure. Kwa hivyo tunataka matibabu ya bure. Mtu akipata ugojwa tunataka ambulance itupeleke kwa hospitali ama mgonjwa akifikishwa kule anakuwa mikononi ya daktari, anatibiwa mpaka wakati atapona ama atakufa, na kisha arudi nyumbani bila kulipa hata ndururu hata hela.

Kwa sababu ya kusema hivyo, saa hii ukienda hospitali, wewe unanunua kitabu, unanunua kalamu, haya ukienda hapo daktari kuandika unalipa shilingi hamsini ndiyo uone dakitari, na ni general hospitali. Haya, ukikosa hizo vitu kwanza, tayari mgojwa anakufa hapa, na sisi tunalipa kodi. Kodi yangu mimi nalipa kwa serikali nataka initibu. Kwa hivyo tunataka serikali mpya ambayo itakuja town hii ikubalianie na sisi itatutibu bure. Kama si hivyo isituulize maneno ya kura tena.

**Education:** education ndiyo moja ya ile vitu ilihoroteshwa, vitu tatu, kupambana na umaskini, ujinga na magojwa. Vitu tatu ndiyo ilileta uhuru; sasa wamesahau hiyo vitu tatu. Kwa hivyo tunataka education ya bure, mtoto atoke nursery bure mpaka university, free of charge, kwa sababu tunalipa hii kodi, wakati tunapolipa kodi tunataka itufanyie hiyo, hiyo ndiyo privilege ya mtu maskini.

**Langu la mwisho in number seven.** Tuko na watu wengine wamepewa vipawa na Mungu ya kuongoza nchi hii. Mtu anaweza kuwa councilor, MP hata president, na yeye hakusoma na amejua Kiswahili. Vile mwingine amependekeza hapa, nataka Kiswahili ifanye kazi katika nchi ya Kenya hii. Mtu kama huyo, ningetaka serikali imukubalie, awe akisimama kuomba kura kwa mwananci kwa sababu watu wamesoma katika nchi hii ya Kenya ndio wameharibu nchi hii. Watu walisome ndio wametuletea shida, ukora mingi na hiyo ndiyo sababu mimi nasema mtu kama hakusoma lakini anaweza kusikia Kiswahili na anaweza kuomba kura, wananchi wasiombe maneno ya pesa kwa mtu kama huyo kwa sababu mnaunga mtu ambaye angezaidia nchi hii, na mnammpa mtu ambaye anaenda kwa vyake. Ndiyo mtu ambye hana masomo lakini anaweza kusikia Kiswahili akubaliwe asimame hata kwa kura.

**Com. Maranga:** Asante, Mzee wangu.

**Eliab Imbiakha:** Hiyo ndiyo maneno yangu, nimeshukuru.

**Com. Maranga:** Haya, weka sahihi hapo na utupatie hiyo memorandum. Joseph Motinye.

**Joseph Mutinye:** Asante kwa wageni wetu kututembelea Lurambi. Majina yangu in Joseph Njomo Mutinye, mwenyewe ni kiongozi wa kanisa na ni mhubiri.

Nina repoti kutoka Sinoi sub location, maoni yale ambaye yalitoka katika Sinoi sub location, North Vitotso, Lurambi Division. Na hiyo nitawasilisha, lakini nina maoni machache ambaye mimi nitatoa mwenyewe kulingana na vile tunaona. Kwanza

nitaongea kuhusu kanisa. Mkanisa yako nchini na ninaposoma Biblia ninaona Mungu alikuwa pamoja na serikali na kanisa. Ninapoangalia upande wa watoto wetu wa Israeli walisimbuka kule Misri, Mungu aliongea na Musa na akaongea na Farao kama mtawalla. Kwa hivyo ningependa sisi kama kanisa tuhusishwe ndani ya katiba ambaye itakuweco wakati huu kwa sababu, niseme hivyo, hivi karibuni Tume hii ilipokuwa ikiundwa tulikuwa na mafarakano waliopona maskofu wetu wanaingia ndani ya makanisa kuingia ndani ya serikali waliona kama ni vibaya. Lakini ningeomba pia makanisa yawe na uhuru wao katika katiba ambaye itakuweco ili tuwe na nafasi ya kuongea.

Jambo la pili, makanisa yako lakini huwa misoso inakuja; katiba ambaye iko itukubalie pia tupate na nafasi yetu ya kuweza kuwa na kujiamulia maneno yetu, isiwe ikienda sana ndani ya koti zetu za kawaida. Nafikiri hilo ji jambo la pili.

Katiba ambaye imekuweco imetuongoza, imetufikisha mahali tuko, na sasa tunataka tuzae katiba ingine mpya. Ningependa hiyo katiba ieleweke na mwananchi wa kawaida kwa sababu tumekuwa katika hali ya kutembea hapa na pale tukijaribu kutaka wananchi waje kujua maneno hata kanisani ukitakata kuisema hiyo maneno wanasoma wananchi wanasema hiyo ni maneno ya siasa. Kwa hivyo ningependa tu katiba itakuweco ieleweke na kila mwananchi, wafunzwe kila mahali waelewe katiba ni kitu gani. Tuko na kabila arobaini na mbili nchini, tunakata iwe interpreted kwa kila kabila ili mwananchi wa kawaida ajisomee kule nyumbani na aelewe katiba ni kitu gani. Jambo la tatu.

Wakati wa uchaguzi wa president tungependa wakati ule president anapofanyiwa uchaguzi tuwe na mtu ambaye atalinda nchi na intakikana awe Speaker. Na wakati ule pia, wakati Speaker anaongoza nchi, ofisi zote za mawaziri ziwe zimefungwa; waziri ye yote asipatikane kwa ofisi, wawe tu nje wakifatuta kura huko nje.

Provincial administration: nitaongea kuhusu machief. Wenzangu wameguzia guzia lakini kulingana na wananchi wa Kusotso huko Shinoyi tulifikiria kazi mingi inafanywa na machief, kazi mingi na assistant chiefs huko nyumbani. Kwa hivyo tunapendekeza katika katiba ijayo, tuwe na chiefs pekee na assistant chiefs. Watu kama ma-DO, watu kama DC, PC hawana kazi. Nafikiri chairmen wa councils wataweza kufanya hiyo kazi. Na hao ma-chief wateuliwe na wananchi wenyewe.

Pia nikienda katika upande wa vyama, ningependa-- Wakati nchi yetu iliingia katika muundo wa vyama vingi, tulikuja tukapotea njia, lakini sasa tumeanza kujua ya kwamba tulipotea. Vyama katika nchi yetu ya Kenya tunataka viwe vyama ambavyo vitakuwa na uhisiano ingawa tutakuwa na party tofauti, tofauti, lakini tuwe na uhisiano kwa sababu niseme nini? Nilikuwa Nairobi mwezi wa tatu nikitafuta Mbunge fulani ambaye sitaki kumtaja, na bahati mbaya niliua Mbunge wa chama chingine. Hakunizaidia na hakunijibu na sikuwa nimejua. Sasa nikapata shida ndiyo baadaye nikaonana na huyo MP wakati mtu alikuwa amenipa simu yake. Kwa hivyo lazima vyama katika nchi yetu ya Kenya, kama vile tuko na Kanu, DP, na vingine, lazima pia wawe ha uhusiano. Na hizo vyama vyienyewe sisipite vitatu katika nchi yetu ya Kenya.

MP's pia, ningeomba katika katiba ijayo, ikiwezekana, wapate ofisi, wapewe ofisi kwa sababu hawana maafisi. Ukienda pale



Parliament wanakaa huko kama wachungaji kwa sababu mchungaji hana mahali pa kukaa asipofika mahali ametoka. Serikali itow maofisi wawe wakikaa huko, ukitaka kumuona apatikane kwa ofisi yake halafu inaweza kuwa raisi. Hata pia na ma-councillors.

**Com. Maranga:** Ya mwisho.

**Joseph Mutinye:** Ya mwisho, pale wakati moja huwa tunaona wakati kura zimekwisha tunakuwa na nominated MP's au councilors. Tunaonelea katika katiba injayo hawa watu ambayo wanafinyiwa nomination isiweko kwa sababu mtu huwa ameanguka, anapoteuliwa wale ambao wamechaguliwa wako mbele, anakwenda tena anapewa wasifa mkubwa na yule ambaye alipita wasi wasi anakosa mwelekeo hata akirudi nyumbani.

Asanteni, Mungu amubariki.

**Com. Maranga:** Asante. Natakiwa nikuelezee ya kuwa Wabunge wamepata maofisi. Si uliona kwa TV hata kwa magazeti? Ofisi nzuri sana. Kwa hivyo kama unataka kuwa Mbunge jaribu hapa. Haya. Sasa tunataka mwingine ni Fanuel Asasta. Halafu atafuatiwe na Reverend Chunge. Ako? Reverend Chunge, okay, you wil be next.

**Fanuel Asatsa:** Kwa majina ni Fanuel Asatsa. Point ile ambayo ningependekeza ni kuhusu vyama. Ningependekeza kwamba vyama viwe viwili tu na viwe financed na serikali. Tutoe hii maneno ya ukabila, pesa inaenda chama hii, chama hii ya ukabila.

Point ya pili ni kwamba local government and provincial administration ni kama wanafanya kazi moja. Ingefaa tuchague moja ya hiyo, either provincial administration ama local government kwa sababu kazi ya chief na kazi ya councilor sioni tofauti kubwa sana kwa sababu chief naye anaakirisha tu serikali.

**Com. Maranga:** Inatakiwa utuelezee, unataka nani kati ya hawa wawili? Unataka councilors ama unataka chief? Tuambie, ndiyo sababu tuko hapa.

**Fanuel Asatsa:** Kama chief atakuweko, councilor asiweko. Kama councilor atakuweko, chief asiweko.

**Com. Maranga:** Wewe unataka nini sasa? Kwa maoni yako, kati ya councilor na chief, ni nani unayempendelea sana?

**Fanuel Asatsa:** Councillor.

**Com. Maranga:** Okay.

**Fanuel Asatsa:** Halafu ya tatu ni kuhusu budget ambaye inasomwa. Ningependekeza kwamba Parliament iwe fully involved wakati budget inatayarishwa, si wakati inaswomwa tu.

Halafu ya nne, mawaziri wasichaguliwe kutoka kwa Wabunge. Tuwe na watu ambaye wamesomea kazi fulani, fulani wapewe hiyo kazi.

Ni hayo tu nimekuwa nayo.

Com. Maranga: Thank you very much. Reverend Change. Atafuatiwa na Joe Angalwa. Angalwa ako? You are next.

**Rev. Change:** Thank you, Commissioners.

**Com. Maranga:** Your full names.

**Rev. Change:** My full names are Bishop Zedekia Change. I am in charge of Kakamega, Butere/Mumias, Busia and Bungoma in the church.

**Com. Maranga:** A big constituency, eh?

**Rev. Change:** Episcopal Church of Africa. You have a member of that in the Commission, Bishop Njoroge.

My first recommendation is that the new constitution should provide a period within which a Member of Parliament can defect because that brings a lot of suffering. For example, Hon. Raila and his members just defected recently. Because there is a big loophole in the current Constitution there is nothing that was done, we were just told they have moved to new Kanu. We do not know when it was formed. I think that that is wrong to the people who elected them, it is wrong to the country and it is even wrong to our economy. If, for example, a member has been in Parliament for two years, then he should not be allowed to defect to any other party until the completion of five years. That way, we can plan development knowing that this is our representative in this party and if we do not like him we will have talked to him within that period and we can change our minds and go for somebody else.

Number two, MP's, as they are given offices in Nairobi they should also be given offices here in the divisions so that we can reach them and the new Constitution should provide a clause mandating the electorate to require that the MP's must call other party officials for a meeting at least twice within their five years period so that we are creating a ground for collaboration. This is so that if the MP is leading us in one way members of other parties are not working against it in another way if there is a meeting chaired by the MP or whoever is in charge, with the other people, apart from the DDC which is chaired by the DC and

I am yet to find out what they do.

I would also like to recommend vitting of appointments. There are very many appointments in Kenya, we have the Chief Justice, we have the Attorney General, we have Governor of Central Bank, we have the Solicitor General, Auditor General, I would like all those appointments to be vetted and they should be vetted maybe by a parliamentary select committee or commission. Then we will be able to know, for example, if you are going to Kakamega town in a public vehicle, there is money collected but that money is being collected from what I have paid to that vehicle and I do not know where it goes before the road is very bad and nobody is accountable to me, but I am obliged to pay without questions. I do not know whether that type of collection reaches the Auditor General's office or whether he is aware that such things are happening in the country and so on. There many other wrong things that are happening within the legal framework that exists right now. So, if we should have these big officers vetted and there should be control and checks and balances. I think that alone will even improve the way we govern ourselves and do our things.

The next point is the president. I think that most Kenyans are selfish and they do not like themselves. The reason for saying that is that right now we are being told, "this is the person you want and this is the person you will elect". I do not want that person, I have my own person, I may be interested myself. Why should I be forced to accept somebody else? I do not want to be told that this is the person I want, let those who want to stand, stand, I will elect the person I want or I will replace all of them with myself. If we want to do away with that I think the best way is to rotate the presidency so that this time if he is from Central, next time he should be from Coast. We know then that in the next fifteen years we will have a president from Western. Otherwise the way Luhyas are divided, we will never have a president because we are always arguing whether it is Kenyatta of Musalia Mudavadi and the Constitution does not guarantee-- Sorry for naming names.

**Com. Baraza:** Nobody is telling you you can't; even if they give it to you—

**Rev. Chumbe:** Yes, I am there, I can be a president; if the Constitution allows me I can be a president. I am presidential material, as long as I am over 35.

**Com. Maranga:** Your last point.

**Rev. Chumbe:** My last point is about insurance. In the last budget we were told that Lakestar Insurance was being put under...guarantee or something like that, that it was being removed so as not to be active; it was put under supervision. We are not protected as such because most of our matatus have Lakestar Insurance and we have not been told publicly that they have been put under receivership. The Constitution is quiet about such things, I am sure.

Another thing is that people get involved in accidents and in situations where they are supposed to be paid by insurance

companies and the cases go through the courts, they are awarded damages or costs and the insurance company just takes its time. When it finally agrees to pay the client, it pays to the lawyer, the lawyer consumes that money and goes underground so the victim is left in a worse situation than ever. That is one. Two, he or she did not know when the money was paid to the lawyer.

**Com. Maranga:** So what are you proposing?

**Rev. Chumbe:** I am proposing that we must have a Constitution that protects us from insurance companies' exploitation. It should say that if a case has gone through the courts the insurance company must pay within a given period and the receipt must be aware.

**Com. Maranga:** Thank you very much, Reverend and sign our register. Joe Angalwa.

**Joseph Angalwa:** My names are Joseph Angalwa.

**Com. Maranga:** Not Joe? Or that is the short form of Joseph.

**Joseph Angalwa:** Thanks. One in light of the fact that Kenya has vast resources in the hands of a few billionaires, I propose that all the unemployed and retrenched be paid a salary every month to avoid vagrancy, just as in other countries that have vast resources like Kenya. Look at the presidential retirement package, it is the highest in the whole world; higher than the Americans.

Secondly, foreign languages, French, German, Spanish and computer knowledge be made compulsory to enable our young people to be marketable elsewhere where there are jobs.

Three, it is un-African to wear a long trouser if you are a mama. I propose from now on that the new Constitution makes it a crime for a mama to wear long trousers. It is un-African and again it encourages rape among other bad things. This is not only encouraged by mini skirts.

Number four, old people's homes: all senior citizens should be given homes when they have no fixed abode like in other countries, because like I said Kenya has vast resources in the hands of a few millionaires and billionaires.

Five, Form One selection: this should be done in such a way that all the 42 tribes, children from Western learn in Coast Province to enhance uzalendo just like in the good old days.

Finally, reduce districts and increase police patrols, increase police stations for we need security more than DC's and more than DO's. Thank you so much.

**Com. Maranga:** Thank you, there is a question.

**Com. Baraza:** You said trousers are un-African. Trousers came the other day with the Mzungu. What causes this response to trousers?

**Joseph Angalwa:** Madam, go to Nairobi and see. Trousers are un-African, that is why I say the new Constitution of Kenya should ban trousers to mamas. Wazungu wavae hiyo, wa-Africa—

**Com. Baraza:** But I am telling you the trousers even for men is a Mzungu concept. The African never had a trouser; I know Bukusus never wore trousers before the Mzungu came. So it is an English concept.

**Joseph Angalwa:** For men, there is no objection to trousers.

**Com. Maranga:** Thank you very much. Come and sign the register. Next is Jotham Nangabo. Nangabo? Joseph Nangabo? Hayuko? Okay, proceed.

**Jotham Nangabo:** Mimi sina mengi isipokuwa nitasema kuhusu administration. Upande wa utawala, vile wenzangu wamesema hapa, hata mimi naonelea councilor na chief wanafanya kazi moja, na hiyo kazi imbakie na councilor; chief apana.

Lingine la pili ni kuhusu hawa watoto wetu ambao tunazaa, hasa wasichana. Mimi ningeonelea hawa wasichana wakienda, yaani wakiolewa, iwe kwamba wameenda for good, na wasiende tena warudi—

**Com. Baraza:** Ulisema nini kuhusu— I did not hear, go back to that point.

**Jotham Nangabo:** Okay, you want me to repeat.

**Com. Baraza:** Yes.

**Jotham Nangabo:** Okay. Narudia nikisema hivi. Watoto wetu wasichana wakiolewa wapate mali huko, wasirudi tena waulize mali kutoka kwa baba kwa vile hapo tuna vijana na kama hakuna, basi ni sawa, wanaweza ridhi. Hiyo ndiyo my point.

**Com. Maranga:** Thank you very much. Na uweke sign. The next one is Paul Ndakala. Anza kwa majina yako.

**Paul Ndakala:** Asante sana kwa kunipatia nadasi ya kuongea hapa mbele yenu. Ningependa kumjulisha ya kwamba, sasa hivi Kenya imejitawala miaka mingi, lakini sasa tunaona kama bado sisi tuna shid nyingi kuliko wakati tulikuwa na wazungu. Kwa sababu unafudisha mtoto mpaka anamaliza masomo na anakaa tu na wakati tulikuwa hatuna uhuru, tulikuwa tunauliza uhuru uje ili tusipate shida. Tulikuwa tunafikiri pengine tukipata uhuru, kila kitu itakuwa sawa lakini tunaona kama tulikuwa tunatafuta shida. Wakati wazungu waliwacha reli hii, waliwacha gari la moshi likitembea hapa Kenya. Sasa halitembei; hiyo East African Railways and Harbours ilipotea kabisa, kabisa, hakuna.

Sasa hosipitali, hata ukiwa mgonjwa, ukikonjeka, hata kutolewa kwa nyumba ati unaenda hosipitali kutibiwa imekuwa shida.

**Com. Maranga:** Unataka je?

**Paul Ndakala:** Shida ile iko, huwezi kukonjeka kama una pesa, unaenda hosipitali unaambiwa kwanza hii inunuliwe, hii inunuliwe—

**Com. Maranga:** Hiyo tunaelewa, unataka je sasa? Hosipitali ziwe namna gani? Tupe mapendekezao, mzee wangu.

**Paul Ndakala:** Napendekeza wale wanafanya kazi kwa hosipitali wasipewe nafasi ya kuwa na private clinics au hosipitali yao. Inawafanya wafanye kazi mara mbili, mtu anaenda huku, anaenda huku, halafu mawazo yote inakuwa kwake. Sasa General hakuna, inakuwa kama ni kupitia tu kwa General.

La tatu, tunakuwa na shida sana kila upande, hata ukiwa na shinda ukienda kwa polisi huwezi kuchukuliwa kama una neno la maana. Hata ukipiga repoti inawachiliwa tu hivyo; repoti haina ye yote.

Vitu mingi imeharibika Kenya hapa; hakuna kitu mzuri hapa Kenya, hata Tanzania walikuwa wanasema hapa Kenya in Ulaya. Na hasa siku hizi hata Nairobi inapomoka pomoka pomoka, hata nyumba zinapomoka. Sasa hata kambuni zimeharibika. Hata mtu akiwa huko Ulaya akitaka kuleta biashara yake hapa hawezi kuleta kwa sababu nchi imeharibika. Nchi yetu ya Kenya imeharibika na sisi wenyewe tuko na tunachugua sijui wale watu wanaitwa Wambunge. Wanaenda huko tu, wanajadiliana tu maneno ingine hata wanasahau ile kitu ambao iliwapoleka Bunga. Sasa hivi wakati huu wanatafuta president; sasa kelele nyingi inakuwa kwa president, na kiti moja tu. Kiti ni moja tu ya president, lakini sasa kila mtu anataka kuchagua president yake na ni kiti moja tu.

**Com. Maranga:** Basi, ya mwisho.

**Paul Ndakala:** Ya mwisho mimi nataka tafadhali president wetu, wakati anaenda, aseme tu “mimi naenda, asante sana, mimi

nimekwisha kuwa president wenu miaka mingi, na asanteni kwa kunipa u-presidency”, sisi tutapigia yeye makofi kabisa. Lakini yeye apana sema ati “mimi nataka hapa nyuma mtu akuje hapa”, apana. Hawa wetu wenye Kenya, wachague president. Asanteni.

**Com. Maranga:** Okay, asante. Kuja weka sign. E.J. Wasidia? Karibu. Halafu utafuatiwa na Elphas Olocho. Olocho ako? Okay, you will be next.

E.J. Wasidia? Okay give us your full names and you have five minutes, so make a summary.

**E.J. Wasidia:** Five minutes. Thank you very much, Sir.

My name is Eloka Wasidia, I am a retired civil servant but I would like to mix my language so that my colleagues can know what I am talking about.

**Com. Maranga:** I think you are addressing the Commission. Wewe zungumza, kama ni Kiswahili, hawaja-complain, onega lugha ya Kiswahili. You are civil servant, you know that this is meant for the Commission. Hawa watu kama unataka kuongea nao, unaweza onega na hawa hapa, hapa tu. Onega na sisi.

**E. J. Wasidia:** Very good. Mimi nilikuwa na points saba. Moja nilitaka kuuliza Constitution Review Commission kama wanaweza ku-include some of the points so that they are related to the Book of God, the Old Testament. We should all be God fearing irrespective of our religious beliefs and we are wondering why the Constitution cannot be based on the Book of God, on the commandments which God gave Moses. Most of us citizens of Kenya, we are God-fearing and we learn quite a lot from the church. Therefore if the Constitution is based on the Bible, I think we would be able to-- That is our main constitution, in fact. Ile constitution ninatindi naye ni Biblia, hata tukitaka kufanya kitu, tukiamuka tunaomba, hiyo ndiyo constitution yetu. So we are wondering whether the Constitution could be based on that.

The second point, Mr. Chairman – I do not know how we address you – is registration of political parties. Political parties zimekwisha kuwa nyingi, sasa zimekuwa za ukabila. We were wondering, ikiwa kama political parties zinaweza kuwa tatu; the ruling party iwe the main one, the opposition iwe ya pili and the one remaining can be like independent. Kwa mfaano, this time when they are struggling to get Kenya Alliance, sijui party, where they went round, round and now they are coming back. Somebody talked here about defecting; defection is very hurting. Wewe unakwisha chukua group yako, unaenda noa, unaenda nao, halafu mwishowe unawawacha kwa njia wanakosa mahali wanaenda, na una-get confused. Ni kama wewe umeshafika kwa mundo(?) na unakwisha ruka ng'ambo na sasa unaenda kwa party ingine. There should be a law about defection where if somebody wants to defect, he should not campaign any more. It should be left kabisa like that.

Ingingine ni education. I am just going quickly because I am only given five minutes. Education is also confusing. The reason watoto walipewa 8-4-4, wanakimbia, wanafika university na bando hawajakua na age hata ya kujua what they are doing, they start fighting. Why can't education be reverted to the old system ambaye tulikuwa tunaanza A, B, 1? Wakati ilikuwa inafanywa hivyo ilikuwa ni age conditioning, ili mtoto akimaliza A Level, akienda kwa university awe mtu mzima. Lakini siku hizi tunawa-push tu, wakifika Nairobi University, kutoka kwa university wanarudi, wako na sisi, wanaenda kwa shamba. So I recommend that the old system be maintained.

Health: mambo ya health, mmoja alizungumza hapa, is deteriorating in the country. I was wondering, if we Africans are unable to lead then we should have a law which allows us to invite expatriates, yaani wazungu wale walikuwa wanafanya kazi hapa, tuwakomboe wafanye kazi kwa muda kidogo, kama miaka tano, miaka kumi kama sheria iko, watengeneze mahali inakwisha haribika, maana yake health has deteriorated na ndiyo inaleta malaria sasa.

Ingingine ni land conflicts. Land conflicts ambaye ilikuja baada ya registration ya mashamba inaleta taabu sana, na wazee na chief ndio wanajua what is going on with the society. Kuna law inasema kwamba the title owner, after twelve years without claim, should have the ownership of the land. Lakini tunaona kuna title owners wengine ambayo walichukua death certificates za baba zao kama bado wanaichi; if you have three wives you will find one of your sons amechachukua death certificate, ameshafanya shamba succession. I am talking of real cases I have seen. Halafu anachukua shamba anaanza kugawa, na wewe bado unaishi dani. So I am asking that there should be a section saying that the title deed should not be determining factor of ownership of land. Cases of land should be open, pahali iko maneno iendelee, badala ya kusema that the ownership of the land is the owner of the title deed. Iendelee, alipata hii title namna gani? Iwe open to the public na limitation iwe changed.

Ingingine ni security, Mr. Chairman. Security ya serikali yetu is also failing maana yake unaona mtu anakuwa sentenced to death, kesho unaona yeye iko kwa street. You do not know whether the law-- Yule mtu alikufa, hakukuwa kama huyu mtu? So I recommend that we should even take our security like other states, mtu akiua mtu na akiwa sentenced to hang, he should be hanged in public, if it is firing squad it should be in public. Kama ni Western, apelekwe kwa stadium; if it is kuchoma, iwe kwa stadium so that it can make other people fear.

Ya mwisho, Mr. Chairman – nilikwambia I am confining myself to five minutes – ni ugonjwa ya HIV/AIDS. Sisi wanaume tunasema ni wanawake wanalete, na wanawake nao wanasema wanaume ndiyo wanalete. If you go to some of the towns you find so many women in the streets, prostitutes, wengi, hata wanaita sisi wazee na unanona shssss, shssss, shssss. What can't a Prostitution Act be created so that those who want to practice prostitution wapate permit, na wapate licence, halafu tujue huyu ni Malaya. Because these are the people who are bringing AIDS.

So, Mr. Chairman, these were my points.



**Com. Maranga:** Thank you, I want to ask you a question. Kama unsema wanawake ni malaya na wanaume je ambao wanaenda na hawa wanawake, si ni malaya vile, vile? Na vile, vile tuwekee wazee wale ambao wanafanya hiyo umalaya—

**E.J. Wasidia:** Unajua wanaume, I think they would be the same people, therefore they will not feel it because—

**Com. Maranga:** Si ni Malaya kama unaenda kwa Malaya? Wapi Olocho? Olocho, kuja. Halafu atafuatiwa na senior ex-chief Josphat Halumi. Ako? Okay, kwa sasa uwe tayari.

**Elphas Olocho:** Kwa majina naitwa Elphas Olocho na niko na recommendations zangu karibu tatu ama nne hapa.

Recommendation yangu ya kwanza, nitarudi pale nyuma kidogo ambapo mmoja wetu alisema senior government officials wawe vetted. Mimi napenda kuongeza kwamba hawa senior officials wawe vetted na 60% of Parliamentarians. Yaani, kama mtu anatikiwa achukuliwe kuwa Chief Justice ama Judge ama namna hiyo, wapeleke kwa Bunge na waseme “tunataka kuweka Chief Justice mtu fulani, tunataka 60% of Parliament iruhusu, iseme ndiyo”. Hii ni kumaanisha kwamba huyu mtu awe ni mtu suitable kabisa katika ile kazi ambaye atapewa. Asante.

Recommendation yangu ya pili ni kwamba hii mambo ya Executive to be barred from making announcements at will. Mimi namaansa kitu gani? Ukiangalia katika televesheni nchi kama Marikani, kuna mtu anaitwa State Spokesman, anasimama, nasema “serikali leo imepitisha hivi na hive” lakini sisi tunavyoona watu wanatambea mtu yuko katika soko, mtu yuko katika barabara, anapeana kule announcements kwamba huyu ni hivi ama huyu ndiyo vice president ama huyu ndiye hivi. Nafikiri pale ingekuwa vizuri tungekuwa na State Spokesman.

Jambo la tatu. Wenzangu wamezungumza kuhusu corruption. Kwa nini tuko na corruption nyingi katika Kenya yetu? Basi sisi tuna-recommend kwamba something should be done about rampant corruption in the country. Mfanye mpango katika hiyo constitution, rampant corruption iweze kushuka chini.

Tatizo lingine ni basic needs. Malilio yangu ni kwamba tuwe na basic needs for all Kenyans, iwe health, shelter, education, safe water, kwa mfaano hivi sasa watu wawe na safe water. Na hayo matatizo tunasema ni kwa nini? Mwaka we elfu mbili umefika, bado watu tunakunywa maji katika vimito huko. Kwa nini, na tunaendelea mbekle? So safe water na clean environment. Mwenzangu amezungumza Nairobi ukienda, dust, uchafu kila mahali. Kwa nini vitu hivi tunakumbali viendele? Kwa hivo tunataka mtusaidie kwa constitution vitu kama hizo siweze kurekebisha.

Na ninapoendelea mbele, ikiwa bado nina muda, nasema mimi nalia democracy, nataka good governance, rule of the law; ningependa tuwe na rule of the law tusiwe na mismanagement of the law. Kuna matatizo mengi sana ambayo tunaona from democracy kuharibiwa. Kwa hivyo mimi nasema tuwe na good governance na democracy.

Na mwisho, fair press freedom, kwa maana magazeti ndiyo inatusaidia sana kujua nini kinachoendelea.

Na ninapoenda taxation rates, ukisoma wale ambaye wanafanya economics, taxation hapa ni juu, juu, juu sana, 24%. Tunauliza ni kwa nini? Nchi zingine kama Tanzania, Uganda taxation iko chini na nchi zingine za hapa Africa. Mbona Kenya tuko juu katika taxation? Ndiyo unaona hata hawa watu wetu wako na matatizo katika ku-make ends meet.

Asante sana kwa kunizikiliza.

**Com. Maranga:** Asante, na nakuomba upatiane hiyo memorandum na uweke sahihi. Josphat S. Halumi.

**Josphat Halumi:** Commissioners, majina yangu ni Josphat Sakwa Halumi, retired senior chief. Nitazungumza kama mmoja kwa wazee wa council ya Nabongo elders ambayo iko scattered all over Luhya community. Tayari ile ambayo ninazungumza hapa nimewaka kwa maandishi; nitapeana copy baadaye. Tuna hay ya kupendekeza na mimi naipendekeza kutoka Lurambi Constituency. Na kuna mapendekezo pia imetokea pahali pengine.

Na jambo la kwanza ambalo tunauliza Constitution yetu ambaye inaandikwa sasa, tunapendekeza hivi, kwanza president awe executive president. Na akiwa executive president powers zake sitoke katika Parliament. That means, mambo mengi ambayo president anasema, kwa mfano kama vile ametoka tu kuzungumza-- Kuna decisions zingine president anataka kuchukua na anafanya tu vile anataka; ingekuwa hii ipitie katika Parliament na major decisions sipitie Parliament.

Terms za president ziwe mbili za five years. Cabinet yake iwe represented provincially, properly distributed all over the country.

Number two, I will talk about type of government. Pia tuna-recommend ya kwamba katika nchi hii tuwe na government ya majimbo kama ile tulikuwa nayo wakati tulipata uhuru 1983.

**Com. Maranga:** 1983? Mzee tulipata uhuru 1963, si 1983.

**Josphat Halumi:** Did I say 1983? 1963 not 1983. So thank you for correcting that for me. Hii ituzaidia kuleta muungano, kuleta bidii in every region katika every jimbo watu watakuwa na umoja na watafanyia pamoja na watakuwa na lengo. Kwa sababu nchi yote ya Kenya kuna interests tofauti; some are regional. If we have a regional government, it will take care of those regions more effectively.

Jambo la tatu ni kwamba traditional and cultural leadership iangaliwe. Tungetaka constitution ya sasa iweke provision for

traditional leadership kama ile tulikuwa nayo ya Nabongo, na kwa mfaano kama ile ya Uganda, wana Kabaka, na ingine ya Jabasinga. Hapa tunataka wakifanya hivi wafanye reference kwa ile Chapter 16, Clause 246 ya Uganda Constitution. Hapa pia tulikuwa nayo kwa mfaano kama ile tulikuwa nayo wakati wazungu walikuja, wakupata watu wanaweza kujitawala katika area zao na wana lengo nzuri. That one should be given provision.

Ni hayo nilikuwa nayo, na nimeitoa kwa niamba ya wazee wa hii constituency.

**Com. Maranga:** Asante, Bwana former chief. Asante, mzee wangu, weka sahihi. Tunaye Bassil Lihanda. Lihanda? Karibu.

**Bassil Lihanda:** Honourable Commissioners, I am sorry to appear to be a disturbance: we were a group—

**Com. Maranga:** No, you do not have a disturbance, just continue.

**Bassil Lihanda:** We were a group and my colleague has already presented, so I am sorry and thank you.

**Com. Maranga:** Thank you very much. Basi, kuna mtu ye yote ambaye ako hapa na hajazungumza na angetaka kuzungumza kwa sababu sasa wana Tume, tunafika mwisho wa kipindi. Kuna ye yote? Okay come, introduce yourself, say what you want and say your name.

**Alphonse Ambani:** Jina langu naitwa Hudson Ambani, natoka sehemu za—

Mimi nina machache, na number one ningependa kuongea kuhusu watoto wetu wa shule kwa maana watoto wa shule— Wamesema watoto hawawezi kuchapwa viboko na hiyo imeleta hasara sana katika hii nchi yetu ya Kenya kwa sababu watoto wengi wamekuwa wajeuri, mwalimu hawezi kuwatuma na vile, vile mwalimu hawezi kuwaambia cho chote kwa maana mtoto anajua mwalimu hawezi kumchapa. Tunataka ile system ya zamani ile ya ku-discipline watoto na viboko irudiwe.

Ya pili ni kuhusu chiefs na sub-chiefs. Kwa upande wangu ninaonelea wawe wanapanga mlolongo, wawe wanapigiwa kura kwa sababu wakati mwingine chief au sub-chief anaweza kuwa siyo qualified na unapata amepita, amekuwa yeye ndiye chief lakini ungependa mlolongo ufanywe.

Kitu ya tatu, corruption: corruption katika hii nchi yetu imekuwa ya hali ya juu sana kwa sababu ukija kuangalia, for example, unaweza kuwa na mtoto, mtoto amehitimu vizuri, amepita mtihani yake, aki-apply kama sasa tuseme upande wa medical anataka aingie huko kwenda kusomea community nursing diploma. Mtoto ame-qualify, ako na C au C+, unapata mtoto ame-apply, kupata hiyo chance inakuwa shida sana. Lakini sasa hivi ukiwa na K.Shs. 50,000/= au K.Shs. 40,000/=, ukitoka hapa ukienda Nairobi, mtoto atapa hiyo nafasi. Lakini huna hiyo pesa, mtoto hawezi kupata hiyo chance hata kama amepita.

Number nne ni kuhusu wasichana, hii mambo ya kusema mtoto msichana ameolewa, ameenda makwake na huko anataka vile, vile awe anapata shamba, mimi naonelea mfanye kitu kwa sababu wakati mwingine yeye kule ameolewa ana bwana wake, ana watoto wake huko, watoto wake wamepewa shamba, anarudi huku sasa vile, vile anataka apate shamba hapa. Akipata shamba anataka auze hiyo shamba na hii itakuwa hawezi kuelewana na ndugu zake kwa maana anataka hiyo kipande na pengine ni kidogo; anataka apate na auze, awache ndugu zake wakiwa hivyo.

Na mwisho ningependa kusema kuhusu free education. Sasa wanasema tuko na free education katika primary, lakini sasa wale watu ambayo wanajiweza ndiyo wanasomesha watoto vizuri kwa maana mtoto anaenda shuleni, anatakikana atoe building fund, anatakikana atoe sijui ya nini. Ukija kufanya total ndiyo unapata hata vile, vile wangerudisha hiyo system ya zamani kwa maana zamani school fees tulikuwa tunalipa pesa kidogo sana, shilingi ishirini na tano pengine hamsini, tunalipa school fees. Lakini sasa utapata building fund peke yake inakuwa elfu moja na kitu, elfu mbili na kitu, na huku wanasema “oh, iko free education”. Hiyo mambo ya free education tungependa tuwe tunapata, watoto wawe wanasome free na wanapewa vile, vile vitabu, text books, na vitu vingine. Ni hayo tu.

**Com. Maranga:** Asante, weka sahihi. Kuna ye yote tena amebaki?

Basi, mimi nawapa dakika chache kwa sababu mulikataa kuweka sahihi kwa kitabu chetu. Kaeni hapa mbele niwape dakika mbili, mbile mtoe ile maoni ambayo mnataka kutoa. Haya sema jina lako.

**Harrison Abiyeka:** Jina langu ni Harrison Abiyeka. Yangu ni machache tu ingawa wengi wamezungumza, nami nitasema tu neno moja ambaye inahusu mashamba. Hii mashamba ni mali ya saa ya kuchunga mtu mahali amezaliwa lakini mashamba wakati huu inauzwa hivi, hivi bila wazee kujua shamba la jamaa fulani linataka kuuzwa. Ile shamba imekuwa kama biashara. Mtu akiuza shamba ataendelea tu kukanyaga miguu, miguu, miguu, miguu, mwishowe atapatikana hata ameuza na kale kanyumba kadogo ambako anaishi. Naye hubaki bila shamba lo lote. Kwa hivo nataka katiba hii ikitengenezwa iwe na mahali ambapo panalinda shamba mtu akitaka kuuza, tuwe na wazee was vijiji ambao wanaangalia mashamba na kusikia repoti ya mashamba.

**Com. Maranga:** Okay, asante, mzee. Thank you very much.

**Harrison Abiyeka:** Ni hayo tu ambayo ningetaka kuimiza ya kwamba tuwe na sheria ya kuchunga shamba.

**Com. Maranga:** Tumesikia. Weka sahihi. Next, jina?

**Alfred Machanja:** Kwa jina naitwa Alfred Machanja, mimi siko mbali na huyo, naongea upande wa mashamba. Unaweza

kuta shamba moja watu wa Lands wameandika title deeds mbili. Sasa hiyo maneno hatujui hawa land registrars wakitoa title deeds mbili kwa shamba moja, hiyo maneno ikomeshwe. Ma-commissioners wa lands waambiwe hii maneno ikomeshwe. Ni hayo tu.

**Com. Maranga:** Okay, asante, weka sahihi. Next.

**Andrew Ahonya:** Kwa majina mimi naitwa Andrew Ahonya na nina maneno yenye mimi nataka niongee. Neno la kwanza, president awe na uwezo kwahamri mkuu wa majeshi. Administration wawe karibu na raia kuchukua maripoti yao wakipeleka mbele. Hawa administration wawe hapo; lakini mtu kama councilor hana kazi kama administration, maripoti yote inachukuliwa na administration kutoka *rikuru*, assistant chief, chief wakipeleka kwa DO, mpaka kwa DC. Na hawa ma-councillor hawana kazi.

Watoto wale hawajiwezi wasomeshwe bila malipo kwa shule na kwa hospitali watu watibiwe bure bila pesa.

Mashamba ya watu wale hawajiwezi-- Matajiri wanafamia watu wale hawajiwezi na pesa wanawapa watu wa serikali, wanaanza kunyanyasa watu wale hawajiwezi. Sheria iwe hapo kuwazaidia watu hawajiwezi wawe na mashamba yao bila kunyanyaswa.

**Com. Maranga:** Ya mwisho?

**Andrew Ahonya:** Ya mwisho ni wasichana wale hawaoleka na wana hamuri ile inaweza kuwa wanaoleka, wafanywe mbini wapate kuoleka na mabwana wasikae kwa streets.

**Com. Maranga:** Okay, asante. Kuja weka sahihi. Next. Kuna mtu ye yote ambaye amebaki? Haya, niambie jina yako, mzee, kwa ufupi kabisa utoe mapendekezo yako.

**Elijah Msungu:** Kwa majina ni Elijah Msungu, mkaaji wa sehemu hii. Nina proposals kama sita hivi ningependa kusema, kama mnaweza kusikiliza.

**Com. Maranga:** Excuse me, adjust the mike.

**Elijah Msungu:** Asante. Nina proposals kama sita na mutanisamehe kama nikirudia vile wale wengine wamesema kwa kuwa natoka kuingia saa hizi.

**Com. Maranga:** Just be brief, state the point and your recommendation.

**Elijah Msungu:** In brief, my first recommendation: political parties, tunataka ziwe trimmed down to two or three, nor more than that. Wakati huu kuna so many mushrooming parties zina-encourage tribalism in Kenya and to eliminate tribalism we need three political parties in the whole Republic.

Haya, nije kwa president. President wetu Bunge letu limemupatia mamlaka makubwa sana ambapo binadamu kwa jumla hawezi kutumia vizuri. Ningependa mamlaka ya President iwe trimmed down na iwe subject to vetting by the Parliament. All the appointments na nini ziwe vetted by the Parliament. Hatutaki vice president awe appointed na president, he must be elected by the people on the basis kama ile ya USA ambapo president yule anapigania kiti, kama wale tunaenda kuwa nao, kila mmoja awe na running mate wake na huyo running mate, kama anapita na yeye, constitutionally awe vice president. Hapo nimemaliza.

Sisi kama wenye kutawaliwa tumepeana contract ambayo ni constitution ya kutuwezesha kutawalia na wale wanasiasa ambayo wanatawala nchi hii. Lakini ule utawaliwa wetu kwa njia ambaye ya kunyanyaswa tu and nowhere to go to complain-- We feel that there must be a body, an independent body ambayo any raia, any ordinary citizen ambaye amekuwa mishandled, ametawaliwa vibaya, amenyanyaswa, they can go to that body and complain and the body can listen and enlist the complaints. Inaweza kuwa kama omudiman, or whatever you call it.

**Com. Maranga:** Ni ombudsman.

**Elijah Msungu:** Eeh, ombudsman. Tuwe na body kama hiyo ambaye it is very independent and it can have powers to act.

**Com. Maranga:** Okay, your last point.

**Elijah Msungu:** Siyo last, but—

**Com. Maranga:** Okay. What is the other one?

**Elijah Msungu:** The other one, ambaye ni ya nne ama ya tano, sasa tuna mtindo ya defectors ambaye inaletwa na mchezo ya wanasiasa na wale wako katika siasa kikuu ambaye wanatawala sisi. Wananunua mjumbe. Tume-waste a lot of our revenue ku-conduct elections and after two, three years or two months, Mjumbe ana-defect, anaenda katika chama fulani ambapo amenunuliwa. Ningefikiria hivi. The nominating party of that defector, kwa maana ndiyo watu wamempa mandate, kupigiza huyo mtu. For example, kama Kanu ina Mjumbe hapa ambaye ime-nominate and akapitizwa na watu, if that man or woman defects that party should have the automatic choice to replace the defector.

**Com. Maranga:** Na kama waki-defect kama NDP, wote wameenda, nani ata-nominate?

**Elijah Msungu:** Kama nani:

**Com. Maranga:** Kama NDP vile wamehama wote, nani ata-nominate?

**Elijah Msungu:** Sasa NDP has dissolved itself, tunaambiwa hivyo. We are not there. It dissolved itself into Kanu therefore automatically it is a Kanu thing. That is how we see it, lakini kama that party still exists—

**Com. Maranga:** Haya, peana point ingine.

**Elijah Msungu:** --and it is in Parliament, it must do that.

Tuna utawala tunaita utawala ma majimbo ama local government or whatever. Ningependa hivi, this is my proposal. We must have leaders who are people oriented. For example, chief must be elected by the people. Assistant chief has to be elected by the people. We have found those positions being abused. Wakati assistant chief ama chief wana-apply kuchukuliwa kwa hizo kazi, wakienda kule wanaenda na pesa hongo chungu mzima na yule mtu mtaletewa ni mtu ambaye mnaangalia na mnachangaa, na tunaambiwa “this is the qualified person”. So to eliminate that kind of thing, chiefs and assistant chiefs must be elected by the people.

**Com. Maranga:** Okay, thank you. Last point.

**Elijah Msungu:** I think that is last.

**Com. Maranga:** Okay, thank you.

**Elijah Msungu:** But to add on that finally, Bwana Commissioner, we also have doubt on you. We have given you the mandate, we are now giving our views to you people and you gave us bad impression when you started to take over your offices. When we read in the paper that seven people are diverting, heading towards State House, some are heading sijui Nyali Beach, some are heading where, that left us with no confidence in you. Sasa hata ile yote tunasema hapa maybe it is going to end up being doctored. Asante.

**Com. Maranga:** Wewe simama huko. Sisi tuliye hapa kama Wanatume, tutakuwa imara na tutatumikia Wakenya kulingana na vile wametoa maoni yao. Na kwa leo hakuna hata mmoja ambayo tumesema usizungumze hili ama lile. Kuna ye yote ambaye tumesema hilo ni mbaya.

Response: (inaudible).

**Com. Maranga:** So there is no way, na sisi tunanasa sauti yako hapo. Hiyo repoti utaona hapa na nakuhakikishia kuwa sheria iliyo hapa inalinda kila mtu. Hata mfanyi kazi wa serikali ye yote ana haki ya kutoa maoni yake vile anavyotaka. Kwa hivyo asante, utapata repoti. Weka sahihi.

Kuna ye yote naye amembaki kwa sababu sasa mimi nataka kufunga. Mtu ye yote ambaye na alikuwa anataka kuzungumza? Basi kama hakuna mtu ye yote ambaye anataka kuongea, mimi kwa niaba ya Tume ya Kurekebisha Katiba – wewe uliongea, I don't see what—

**Interjection:** (inaudible).

Com. Maranga: No, no, I am not going to give you. Kwa niaba ya Tume ya Kurekebisha Katiba, mimi nataka kushukuru sana watu wa Lurambi kwa kutoa maoni yenu mbele ya Tume ya Kurekebisha Katiba na sana, sana, nataka kumshukuru DO wa area hii ambaye ameketi na sisi tangu tuingie hapa hadi sasa. Huyu mama mimi namutolea pongezi sana. Na kwa hivyo yeye ni kiongozi ambaye anaonyesha kwa mfaano. Kwa hivyo mimi nasema asante kabisa na vile mmesikia kulingana na sheria yetu, sisi tutachapisha hii repoti, tutaenda tuone maoni yote ya Kenya mzima, tutaweka pamoja, repoti itatoka, ya Lurambi itatoka, national report itatoka, na baadaye tunataka watu watatu kutoka kwa kila district ambaye mmoja wa hao lazima awe mama, halafu mje mkae katika ile kikao cha kitaifa ambaye tunaita National Constitutional Conference. Hapo ndio mtaongea kuhusu hii repoti na hii repoti kulingana na sheria ya sasa, inatakiwa isabazwa nchini kote kwa situ sitini, mwaangalie ya kuwa kweli ile maoni tulitoa Lurambi ndiyo hayo yako katika hiyo repoti. Baadaye tutakaa katika ile kikao cha kitaifa, ikipita basi inaingia moja kwa moja hadi Bunge iwe sheria kuu ama katiba yetu mpya. Na kama kuna yale ambayo humuwezi mukasikizana katika ile kikao cha kitaifa, basi itabidi sisi tuwe na what you call national referendum na hiyo itakuwa kura ya maoni ambaye mtu anasema ndiyo ama la. Kwa hivyo kama kwa mfaano, watu wangapi watataka majimbo na wangapi hawataki majimbo. Hiyo itakuwa katika national referendum, kama hatuikisani katika ile kikao cha kitaifa.

Basi kwa niamba ya mwenzangu, Com. Nancy Baraza, mimi sasa nafunga huu mkutano wa Tume ya Kurekebisha Katiba na nawambieni asanteni na kwa hivyo Mwenyezi Mungu aendelee kutuongoza. Kwa hivyo naomba mmoja wenu aweze akatuombea ili tufunge mkutano.

Asanteni.

**Speaker (payers):** Tuombe. Mwenyezi Mungu Baba, tulikuomba tulipoingia hapa kuwa kiongozi wetu katika mazungumzo yetu, na tuna shukrani kwamba umekuwa nasi, umetuongoza. Mwenyezi Mungu yote ambaye tumezungumza yawe katika mikono yako, Mwenyezi Mungu yatengeneze katiba ya kulinda wananchi wa Kenya. Wewe uwe na Ma-Commissioners



watakapotoka hapa, watembe wakiwa pamoja nawe. Uwe nasi pia, tukiondoka hapa kurudi nyumbani uwe nasi. Mwenyezi Mungu, muuvu shetani asipoteze fikira zetu. Naomba haya katika jina la Yesu Kristo aliye Mkokombozi wetu.

Amen.

The meeting ended at 6 P.M.

**&&&&&&&&&&&&&&&&&&&&&&&&**