

CONSTITUTION OF KENYA REVIEW COMMISSION

(CKRC)

VERBATIM REPORT OF

CONSTITUENCY PUBLIC HEARINGS,

MUMIAS CONSTITUENCY

LUBINU SECONDARY SCHOOL

ON

31ST JULY 2002

RECORDS OF THE PROCEEDINGS, CONSTITUTION OF KENYA REVIEW COMMISSION, PUBLIC HEARINGS, MUMIAS CONSTITUENCY, HELD AT LUBINU SECONDARY SCHOOL ON 31ST JULY 2002

Present

Com. Salome Muigai - Chairlady
Com. D. Mohammed Swazuri
Com. Raiji Riunga

Secretariat in Attendance

Mr. John Watibini - Programme Officer
Ms. Gladys Gichuku - Assistant Programme Officer
Mrs. Asha Boru - Verbatim Recorder

The meeting started at 9.55 a.m. with a Commissioner Salome Muigai in the Chair.

Com. Salome Muigai: Inaonekana kwamba hatujapata mic bado lakini tungeanza. Hamjambo mabwana sioni mabibi bado-ningetaka kutangaza hiki kuwa kikao cha hadhara na pia kikao rasmi cha Tume ya Marekebisho ya Katiba ya Kenya. Na kabla hatujaanza kikao chetu, ningetaka kumwomba mmoja wenu atuanzie kwa maombi tafadhali. Asante.

Prayer: Haya tuombe. Mungu baba, Mungu Mwana, Mungu Roho Mtakatifu, baba aliye mbinguni, aliyemuumba vyote katika dunia na hata hera, Bwana tumejumuhika hapa mbele yako ili kuzungumzia mambo ambayo yanayohusu Constitution yetu ya Kenya ambayo Bwana tunweka mkononi mwako, Ma-Commissioners wote ambao wamekuja kusikiza na wale wote ambao wamekuja kuchangia ili Baba uwape Roho wako mtakatifu awaongoze na tuweze kuchanga kwa ukarimu na kwa moyo safi ili Baba nchi yetu iweze kuendelezwa katika sheria na mwajibu wa sheria ya Mungu. Bwana naomba tunapofungua kikao hiki

uwe pamoja nasi kuanza na hata kumaliza katika jina la Yesu Kristo ambaye ni mkombozi wetu. Amina.

Com. Salome Muigai: Asante sana kwa kutuombea, ninataka kuwajulisha kwa Wanatume wenye wako hapa leo na wenye wameandamana nasi. Na upande wangu wa kulia tuna Mwanatume mwenye atawazungumzia pia msikie sauti yake.

Com. Mohammed Swazuri: Habari zenu? Mimi naitwa Mohammed Zwazuri ni Mwanatume.

Com. Salome Muiga: Na wa kushoto pia...

Com. Riunga Raiji: Hamjambo? Jina langu ni Riunga Raiji hata mimi ni mmoja wa wanachama wa Tume.

Com. Salome Muigai: Nami jina langu ni Salome Wairimu Muigai nami ndio nitakuwa Mwenyekiti wa kikao hiki. Kabla hatujaendelea ningetaka tujue utaratibu tutakaofuata. Kwanza, kuna mbinu tofauti unaweza kutumia kuleta maoni yako unaweza kuwa una maandishi yako ama una memorandum yako basi unaweza kutupa hiyo memorandum na ukaketi ama ukaenda pale kwa shuguli zingine. Unaweza pia kuna kama una maandishi hayo yako na ungetaka kuyaelezea ama kuyaangazia makubwa yake, basi tutakupa dakika tano uweze kuangazia hayo na kutueleza. Unaweza pia kuwa unataka kuzungumza na huna maandishi yoyote ama una notes zako tu, basi tutakupa pia dakika tano ueleze uliyo nayo. Tafadhali ukija hapa na maandishi yako usijaribu kusoma kutoka neno la kwanza mpaka neno la mwisho, hiyo ni kazi ya Tume, tukichukua sisi tutaisoma neno kwa neno, kikomo kwa kikomo ndio tukuelewe vile ulivyotaka kutueleza. Ukija hapa utuelezee tu kwa ajili ni dakika hizo tano na hiyo si muda wa kuweza....

Hebu tafadhali vijana muweke viti upesi halafu mmalize. Just put the seats down. Basi ukishamaliza kutuelezea, Wanatume wanaweza kukuuliza swali moja au mawili ama matatu, maswali ya Wanatume ni kwa ajili ya ufafanuzi tu ndio tukuelewe zaidi ama tukuelewe vilivyo, sio kukuanzia kwa mjadala, “kwa nini unafikiri hivi”, kwa nini sifikiri hivi, la, ni kukuelewa tu utufafanulie ili tukuelewe.

Ukishazungumza kabla ya kuzungumza tafadhali taja jina lako, tutakuwa tukinasa sauti kwa hizi kanda za kunasia sauti moja kwa moja. Kwa hivyo tafadhali jieleze jina lako ili linaswe kwenye kanda za kunasia sauti. Ukishamaliza utajiandikisha (where is the registry up there) ukishamaliza hapa tafadhali utapanda pale juu, utajiandikisha jina lako ili pia tujue kuwa tuna-rekodi ya kuwa ulituzungumzia, ulitoa maoni yako kwa Tume. Tumelewa hayo? Na pia ningetaka kusema kuwa tutaitana vile ulivyokuja mtu wa kuja kwanza tutamuita kwanza lakini sheria iliyotuleta hapa pia imetueleza kuwa tukija upande huu lazima tusikiza kila mtu, kwa hivyo tukiona tumesikia wanaume watano ama kumi hatujasikia akina mama, tunaweza kuwarukia wanaume wengine tukatafuta mama mwenye amekuja ama mtu mwenye ulemavu ama mzee mkongwe mwenye akiingia tunaona hataweza pengine kukaa kwa wakat mrefu. Kwa hivyo tutampa nafasi azungumze ili aweze kuenda kurudi akapumzike, ama watoto wa shule wakija tutawapa nafasi ili wamalize mara moja warudi darasani. Bila hiyo tutafuata utaratibu ama orodha ya vile watu walikuja.

Sasa ningetaka kumuita mzungumzaji wetu wa kwanza ambaye ni Charles Sakwa.

Charles Sakwa: My names are Charles Jitechi Sakwa. The Chair of this sitting of the Constitution of Kenya Review Commission, knowledgeable ladies and gentlemen present today, I will not read everything, I will just highlight a few items.

Health: The cost sharing introduced in public hospitals is too expensive and should be abolished. The medical services in public hospitals must be free so as to cater for the needs of the common man sufficiently and effectively. The price of drugs are too high for a common man to afford, drugs and treatment should be provided freely to reduce the death rate of people who die prematurely simply because they cannot afford to purchase the drugs or pay for expensive hospital bills.

Education: The Constitution should protect the rights of the people to have free education, I propose the Ministry of Education should re-introduce the 7-6-4 System of education to replace the 8-4-4 System of education which is too heavy, boring and expensive. Despite the fact that the Ministry of Education reduced the number of primary subject from 13 to 9, the 8-4-4 System of education should be abolished. The Ministry of Education should to release Kshs, 500 Million to cater for primary school text books but state to set the mechanism for implementing free education in primary schools among other things. Parents are asked to pay and purchase exercise books, watchman, pay the teachers cook, pay money for pieces of chalk, education levies like activity funds, pay for mock examinations and remedial, pay for funeral accounts, payment of development funds, payment of mid and end term examination from primary one to primary eight.

You can realize that education these days has become cumbersome and a political business to demoralize parents. Education is for the rich people and not the poor therefore, education cannot be compulsory in Kenya because the poor will continue to suffer most. I appeal to the Constitution to re-introduce the 7-6-4 System of education and map out a balanced equipment scheme to cater for primary school text books, exercise books, pencils, rubbers, pieces of chalk and abolish other levies.

The government through the Ministry of education should be able to provide physical facilities required in Primary schools through....

(Interjection)

Com. Salome Muigai: Mr. Charles Sakwa, please do not read through, the whole memorandum.

Tafadhali eleza yale maneno important do not try to read that in 5 minutes you cannot. So just highlight the main points.

Charles Sakwa: Okay. Free education should be from Standard One to Standard Eight.

Land acquisition: We propose that the people of Kenya should have freedom to own land anywhere within the republic of

Kenya without any restrictions.

Parliament: The Constitution should guarantee only dynamic graduates to aspire for parliamentary seats. That is all (Inaudible)

Com. Salome Muigai: Asante sana Bwana Sakwa, tafadhali jiandikishe pale. Henry Sako.

Henry Sakwa: My names are Mr. Henry Chuma Sakwa from Nunga Self Help Group and here are my views on the Constitutional review, I will start with:

Directive principles of State policies:

We need the national philosophy and guiding principles but not personal principles. Secondly, democratic principles to be included in the Constitution here, we have to create power within the citizens.

The Constitution should also show distribution between three organs of government, separate powers between, State organs.

The Constitution should address human rights, should enhance equality before the law, should address national economy, should also address the destruction of corruption nationally.

Kenyans have modern values and these are important values as one of them is dowry payment, initiation and inheritance.

National principles should be enforceable in law so that every leader should follow the laid down principles and philosophy.

Constitutional Supremacy:

Any part of the Constitution should be amended by the majority vote, that is, by at least 65% of the total Members of Parliament.

Secondly, the Parliament's powers to amend the Constitution should be limited, there must be designed specifications to amend the Constitution or if any part of the Constitution is subject to be amended if need be.

Before any amendment is done the public must be involved through opinion seeking, the Constitution Review Commission has to conduct the referendum.

Defence and national security:

The forces must be established by the Constitution, the mechanism and discipline of the Armed Forces should include proper and approved training, assignment of work and duties, should have Martial Courts to handle disciplinary cases

and proper handling and accounting of ammunitions.

The President should not be the Commander-In-Chief of the Armed Forces, he should only remain the Head of State.

The Executive can only declare war after recommendations from Parliament.

The Constitution should not permit use of extra ordinary powers in emergency situations and breakdown of public order until after recommendations from Parliament.

The Commander-in-Chief should have authority to invoke the enlisted powers.

The Parliament has a role to play in effecting emergency powers as above.

Basic rights:

The Constitution should provide security, health, power, water, education, shelter and employment as basic rights for all Kenyans. The government should have the responsibility of ensuring that all Kenyans enjoy basic rights.

The specific issues here are:-

Security and human life, must be protected.

Secondly, primary health care should be provided, treated water that is affordable water. Education; free education up to Form Four level.

Food; at least a balanced diet should be ensured.

Employment for all provided resources are made available by the government.

Com. Salome Muigai: (Inaudible)

Henry Sakwa: I have been reading some minor points.

Com. Salome Muigai: The last point.

Henry Sakwa: My last point is on Parliament, and here we said the idea of Nominated MP's should not be there and citizens should be given a chance to pass a vote of no confidence in any MP who does not work properly.

Com. Salome Muigai: Thank you very much. Any questions?

Com. Raiji: Yeah, kuna swali. You propose Bwana Sakwa, that we involve the public before any amendments are effected on the Constitution. Could you elaborate how do you propose to involve the public? By what method? How do we involve them?

Henry Sakwa: Here, we meant that the public should know that if there is such amendments and there is some confusion

somewhere and there is need for an amendment, the public should be consulted before that part is changed and not the MPs and the Ministers to amend the law without involving the citizens.

Com. Salome Muigai: Thank you very much, can we now have Bwana Frag, is it Frag Odeng'o or Fred? Keti na utueleze majina yako tafadhali. ... (Inaudible) Zungumzia kwenye tape.

Frag Odeng'o: Kwa upande wangu nitazungumza kwa ufupi na nitataja tu sehemu ambayo nimeonelea kuwa muhimu.

Kwa upande wa Katiba yetu ya Kenya nilikuwa naonelea ya kwamba mwananchi wa kawaida kama mimi, tunakosa nafasi ya kujua kwamba Katiba imesimama wapi. Sasa wakati tunanyanyaswa au tunapatikana na ufidia mwananchi wa kawaida anashindwa kujua kwamba atajitetea vipi ki Katiba. Kwa mfano, juzi tumekuwa na matatizo ya kampuni, unapata mwananchi ananyanyaswa kwa haki ambayo anaweza kueleza Kikatiba akajua vile anaweza kusaidia, lakini kwa vile hajui chochote katika Katiba inamsumbua sana sasa anakuwa mtu wa kuangaika.

Com. Salome Muigai: Unapendekeza nini?

Frag Odeng'o: Nilikuwa napendekeza mwananchi wa kawaida aweze kupata copy ya Katiba kwa maana hata Quran kila mtu anayo, Biblia kila mtu anayo, anaweza kusoma na aka-quote verses.

Kwa upande wa urithi, tulikuwa tunaonelea kwamba sasa sana wale ambao ni Waislamu wamepewa sheria ndani ya Quran kuhusu urithi na zimeelezwe kikamilifu, kwa hivyo zile sheria ambazo zimeelezwa kwa Qurana zipewe haki yake na ziwe miongoni wa mambo ambayo inaweza kuchukuliwa Kikatiba na ikaelezwe. Kuhusu urithi pia, kuna haki ya kumiliki, tunataka haki ya kumiliki zipeanwe kwa watu bila upingamizi. Kuna watu ambao wanapewa haki ya kumiliki, ni wananchi wa Kenya lakini wanataka wawe na haki ya kumiliki kama ishirini, hiyo tena ni matatizo.

Jambo lingine ni mtu mmoja anamiliki shamba ya location mzima, hiyo tena inanyima watu wengine haki, kwa sababu kuna ma-squatters wengi.

Com. Salome Muigai: Kwa hivyo unataka tufanye nini?

Frag Odeng'o: Nilikuwa naonelea haki ya kumiliki iwe na limitation.

Com. Salome Muigai: Kama gani?

Frag Odeng'o: Mfano ni... (Inaudible) Mtu akipewa hekari sita ama heka moja ili wengine waweze kupata hekari zilizofaa,

si mtu mmoja anakuwa na acres mia moja na anaishi katika nchi ya Kenya, mtu kama huyu ananyima watu wengine haki na watu wengine wanakuwa ma-squatters katika nchi yao.

Jambo lingine, ni upande wa dini: Tulikuwa tunaonelea kwamba tuwe na limitation kwa upande wa dini. Wakati huu hata mtu anakosana ndani ya Kanisa na anaanza Kanisa ingine na kuchukuwa title deed, amekosana na viongozi ndani ya Kanisa na tayari anapata Kanisa ingine, halafu tena vile ilivyo katika Uislamu, dini zote tuwe na limitations. Decentralization of powers pia katika hizo dini.

Com. Salome Muigai: Point yako ya mwisho tafadhali wakati wako umeisha.

Frag Odeng'o: Point ya mwisho ni kwamba, kwa upande wa rasilimali kuna rasilimali mwananchi apewe rasilimali kuanzia sehemu ya Mashinani kuenda juu, rasili mali ipeanwe kuanzia chini kuenda juu na pia hizo rasilimali mwananchi awe na uwezo kubwa kumiliki chini ya sheria ya serikali.

Com. Salome Muigai: Asante sana, sasa sema sentensi ya mwisho tafadhali.

Frag Odeng'o: Nasema mwananchi wa kawaida awe na uwezo kubwa kwa upande wa haki yake ya kumiliki.

Com. Salome Muigai: Asante sana, dakika zako tano zimeisha nimekuongeza moja na imeisha. Tunakushukuru kwa maoni yako, tafadhali peana maandishi yako pale kwenye ofisi. Bwana Joseph Wamaya.

Joseph Wamaya: My names are Joseph Wamaya. My presentation will involve the following:

(Interjection)

Speaker: Jina lako tafadhali?

Joseph Wamaya: Joseph Wamaya. I have a feeling that the Constitution should have a preamble that should inspire Kenyans to work hard to make their country a great nation.

Constitutional Supremacy: I want to believe that there should be no Kenyan that should be above the law on the track we are trying to go through on the Constitution.

Amendment of the Constitution should be through constituency forums or referendums, there should be a proposal passed by the Parliament that there is need for amendment.

Defense and Security: The discipline forces should be established by the Constitution. The President to remain the

Commander-in-Chief but all his appointments of the Chiefs to the Armed Forces should be vetted by Parliament.

Political Parties: The political parties should play a role in political mobilization by conducting continuous civic education at their constituency level. I also have a feeling that all parties should be disbanded during electioneering period.

Structure and Systems of Government: The Constitution should adopt a Parliamentary System of Government in which the President appoints the Prime Minister from the majority party and the President remains as an arbitrator between the government and the opposition. I have also a proposal that the President should not belong to any political party and should be elected directly by the electorates. In this set up, there will be no need for a Vice President and the Deputy Prime Minister.

Legislature: Appointments to be vetted by Parliament in all high offices that is, from the Armed Forces down up to the office of the Attorney General and ex officio officers and Ambassadors.

The idea of Nominated Civic leaders and MPs should be scrapped because it promotes corruption and sycophants.

The Constitution should also spell out moral and ethical qualifications of presidential, parliamentary and civic candidates.

The issue of salary, the Constitution should establish a salary structuring body that should deal with salaries of employees in the public sector and the MPs, this should not be done in their own.

Parliament should have the powers to remove the Prime Minister in my arrangement of the system of government, the Prime Minister will be there. Parliament should be able to remove him through a vote of no confidence by two-thirds majority.

Executive qualifications: Presidential candidates should be graduates, parliamentary and civic should be form four with a pass. The Prime Minister should be a graduate and appointments by the Prime Minister, which will be Ministers. Ministers should also be graduates and even Permanent Secretaries should also be graduates with relevant degrees in the respective ministries.

Presidential tenure of office be two terms of 5 years, the same for Prime Minister.

Com. Salome Muigai: You have one more minute remaining and you are also reading.

Joseph Wamaya: The 8-4-4 System should be scrapped and introduce the 8-4-2-3. The quality of education in this country should be guaranteed if sound policies are put in place that is, to involve the policy of financing, the policy of established institutions, the policy of curriculum in both private and public institutions and also engaging the polices while remunerating.

Finally, I would propose that we establish an independent national examination syndicate which will be charged with the responsibility of setting exams and marking and this should include members who are not serving teachers.

Finally the issue of corruption: The Anti Corruption Unit which is currently operating in the country is just an economic drain because the vice has not rescinded, therefore the Constitution should come out with the penalties for those people who are charged with the responsibility of wiping out this particular vice.

In completion ladies and gentlemen, we as Kenyans have been anxious and confident that the new Constitution will see us in a new era of governance therefore, we would like the Commissioners who are charged with the responsibility to draft the document so as not to embarrass the Kenyans. Thank you very much.

Com. Salome Muigai: Thank you very much. That was Joseph Wamaya. I would like to repeat, ukija hapa na memorandum na ujaribu kusoma na tumekupa dakika tano hutaweza. Kwa hivyo tutaomba kwani ni wewe mwenye umeandika hiyo memorandum ama kama mmeandika kama kikundi, uje uangazie tu yale makubwa yake. Halafu hizo dakika tano zitakuwezesha kuenda through your papers. Lakini ukijaribu kusoma neno kwa neno, utasoma pages mbili ama tatu na dakika zako zitaisha. Tafadhali jaribu kufikiria vile bado umekaa hapo meneno gani ungetaka kuangazia wakati utakapofika hapa ukiwa umepata nafasi. Joshua Osore.

Joshua Osore: Good morning ladies and gentlemen?

Audience: Good morning.

Joshua Osore: My names are Joshua Osore, the Chairman of this forum for development. I join this Constitution review process and we are pleased to present this memoranda giving views on various issues.

Constitution Supremacy: We should still retain the law of Parliament to amend any part of the Constitution with a 65% majority but in other cases, like economy, security, education and theft, we should involve the public and the Commissioners should conduct these referendums so that(Inaudible)

Citizenship: We should not allow dual citizenship to avoid people running away from a country after causing problems.

Defense and National Security: Defense and national security should be the responsibility of the Minister of Defense and not the President who may have many other duties to perform. The Parliament after being briefed by the Minister of Defense should have a role in effecting emergency powers.

Political parties: The Constitution should regulate their formation, they should be of national outlook and not just one family forming a political party so that they get sponsorship from the public sources. The political parties should not exceed three to avoid ethnic divisions and we enhance national unity. They should be financed from the public funds according to the parliamentary confirmation, the number of of members and those who voted for the party during the electioneering year. I think with a maximum of three parties we should not allow the intermarrying of parties from one party to another.

The Executive: We should have the qualifications for the President to be specified in the Constitution. He should be married, educationally the minimum qualification should be of Form Four and not below 40 years of age. He should serve have a fixed term of 5 years with a maximum of 2 terms.

Local Government: Mayors and Council Chairmen should be elected by the people and their term should not be equal to those of MPs and other Councillors. By this I mean to say that a Mayor should not necessarily be a Councillor, he can be anybody who is able to perform. He should be married, educational level form four and age of not less than 25 years. The candidate for this particular seat should not have any criminal history and should not be corrupt or immoral.

An independent body should be formed in each Ward so that if a Councillor is not performing, he can be called back so that he can be placed by a person who is able to perform for the community and this should also apply to the MPs. The MPs should also be married, minimum educational qualification should be forth Form and not less than 30 years of age because if an MP is not married, a Councillor is not married how will he deal with issues of the family? We have got Bills in Parliament that are suppose to be voted for by this particular MPs, if they do not have a family they may not be able to explain what they need as per the problems facing us in our homes.

Electoral System and Process: The present system of simple majority rule to declare the winner should continue.

Com. Salome Muigai: You have one more minute.

Joshua Osore: Just a minute, I have to talk about the basic rights. I want the Constitution to cater for the basic right on health and this in each village for the community to be well presented in matters of heath each village should have a qualified nurse and at this level, the nurse should be trained and should be able to perform duties that require medicine at that particular level.

On Employment: We have got so many people looking for employment yet they are trained by the institutions that are within the country, so there should be a system where by every person who is trained and is qualified should be employed so that we can know how may people in are in particular in civic education and training session we can regulate and find out how we can train enough people to be employed. Thank you.

Com. Salome Muigai: Thank you very much, please have yourself registered. Chweya Hannington.

Chweya Hannington: Commissioners, my names are Chweya Hannington from CPDA working with communities in Mumias.

We propose the following principles to be included in the new Constitution:-

The(Inaudible) power is with the citizens, all citizens are equal before the law, continuous civic education for all the people, this being the rule of the law the Constitution that is understood by the local people, women are important part of the citizens of Kenyans.

On supremacy, we suggest that the retentions of 65% by vote by the Parliament for any law except in the following cases where national referendums should be conducted.

Bill of rights, presidential terms, position of governance, citizenship, electing and removal of the President.

On citizenship, we propose that there be automatic citizenship to a child born to any Kenya parents, dual citizenship because of intermarriages, Kenyan women should be able to confer citizenship to foreign husbands. Passports should be issued as a right.

On Political parties we propose, parties that gunner less than 5 seats in a general election cease to be recognized as official parties in the next election. We also propose that parties to have national representation, we propose that there is no...(Inaudible) of membership and that funding for political parties should be from the national budget. We also propose that there should be a maximum expenditure per candidate during campaigns. We propose that candidates to disclose their wealth publicly and political parties to have equal access to the media.

On governance, we appeal for a system that will ensure women participation in the management of the public affairs and resources. I have a system that will ensure participation of the vulnerable groups or is going to involve the people with special abilities. To promote good governance, we have a system that will retain the KASA to investigate and prosecute all corruption case in court, we also propose that judicial members to be responsible for their judicial responsibilities.

On the Judiciary, we propose that there be established a Supreme Court with at least nine judges who sit together and shall be the highest Court in the land. We also propose that appointment of judges should be subject to Parliament's approval where gender equity will be taken into account. We also propose legal aid to the persons who are unable to afford the services of a lawyer particularly in capital offences and other judicial offences. We propose that criminal and civil cases should dealt with within 6 months from the time of being taken to court.

On electoral System...

Com. Salome Muigai: You have one minute.

Chweya Hannington: On Electoral System, we propose that voters registration to be a continuous exercise, Electoral Police to prosecute election related offences.

On social, cultural and economic rights, we propose that any persons who infect HIV or AIDS to any person to be construed as an abuse of right to life. We propose that early or forced marriages to be construed as denial to the right of education or freedom of choice and that sexual harassment should be construed as a denial of the right of employment and providing for ones livelihood.

On land and property right, we propose a firm approval regarding any disposal, acquisition or mortgaging of property to be mandated and(Inaudible)in the Constitution.

On international relations, we propose Kenyans should vet on conventions before being ratified.

On Commissions and offices, we propose an establishment of an Ombudsman office who will check on abuse of power by public and private research. Let the Commissioners read my memo.

Com. Salome Muigai: Thank you very much that sounds like a very very important memo, we are sorry about the time, please register yourself. Hassan Olwichi.

Hassan Olweichi: Kwa majini ni Hassan Olwichi kutoka katika kikundi cha Mumias Musiminyuri Group. Nina machache, nitaanza na upande wa Ubunge, tunachagua Wabunge wetu na huenda wanapokuwa katika Bunge miaka tano, tunaona kama hawatekelezi jukumu ambalo tumewapea, kwa hivyo naonelea, ikiwa Mbunge atapatikana hatekelezi wajibu ambayo tumempa kutoka sehemu ametoka, serikali ifanye uchunguzi, ikipata asilimia sababi kwa mia ya kwamba kweli watu wake wanatoa hayo maoni itakuwa kama hawana imani naye na wanaweza ruhusu wananchi wamfukuze Bungeni ama wachague mtu mwingine.

Jambo lingine, katika upande wa dini ya Waislamu tumepewa Qurani tukufu ambayo ndio kitabu cha Mwenyezi Mungu ambacho kinatekeleza jukumu la dini ya Islamu, kwa hivyo tunaomba hicho kitabu kiwe ndani ya Katiba ya Kenya ili tuwe na uwezo wa kuitumia kisheria.

Katika urithi, Muislamu amepewe kitabu cha Mwenyezi Mungu kusimamia urithi wote ambao umo ndani ya Qurani kwa hivyo tunaomba urithi upande wa Kiislamu uwe ndani ya Katiba tuwe na nguvu za kuitumia.

Lingine, mahakama ya kazi katika Kenya ambayo inatumika sasa, tunaomba ipanduliwe kuhusu upande wa makadhi na pia waongezewe makazi mengine ambao ukiwa hutosheki na hukumu ambao imetolewa na Kadhi, uende rufani kama mahakami mengine na pia ipanuliwe katika sehemu za wilaya. Ni hayo tu, Salaam aleykum wabarakatu.

Com. Salome Muigai: Asante sana Bwana Hassan, mimi nina swali moja kwako. Umetueleza kuwa Katiba itakapokuja iweke kitabu cha Quran katika Katiba. Vile unavyojua ni kuwa, Kenya kuna dini nyingi, kwa hivyo Muislamu atatuambia tuweke Quran, Mkrito atatuambia tuweke Bibilia, Muhindi atakuja kutuambia tuweke Kitaa na mwingine pia atakuja na vitabu vingine venye pengine hatujui vinaitwa nini wakati huu. Je unaona kama tungetekelezaje haya maombi yote na pia tukumbuke kuwa Kenya ni taifa lisilo na kidini, ndio tunaita secular State, yaani sio taifa la kidini. Tutatekelezaje haya yote kwa maoni yako?

Hassan Olwichi: Kwa moani yangu nafikiria vitabu ambavyo ni vya Mwenyezi Mungu mnazijua hasa sana katika Kenya ni Quran tukufu.... Katiba inayosema kwamba katika kitabu cha Mwenyezi Mungu chochote kiwa ni cha Bibilia au Quran ama vingine viko ndani ya Katiba vile vinavyotumika viwe huru.

Com. Salome Muigai: Tafadhali ujiandikishe na sasa ni Bwana Umulama Francis.

Omulama Francis: Asante, mimi ni Omulama Francis kutoka shule ya upili ya Ebusiam. Nilikuwa na mapendekeza fulani ambayo ningetaka Katiba inayoshugulikiwa sasa yazingatie.

Kuhusu elimu, napendekeza kwamba elimu ya msingi iwe lazima kwa kila mtoto Mkenya na isitoshe ifadhiliwe kwa hali na mali na serikali.

Adhabu ya kiboko idumishwe shuleni lakini iwe na masharti yanayoongoza namna adhabu hii yatakavyo tolewe shuleni badala ya kupigwa marufuku.

Elimu ya Katiba ifundishwe kama somo katika vyuo vya walimu kama somo teule na pia katika viwango mbali mbali za shule ili kuepuka hali ya kutofahamu ambayo iko miongoni mwa wananchi na hata wanaoshikilia nyanja mbali mbali katika nchi hii.

Waziri wa Elimu afanywe kuwa Chancellor wa vyuo vyote vya umma, vyuo vyote vikuu vya umma badala ya Rais na isitoshe waziri huyo iwe ni lazima kwamba awe na shahada ya degree kuenda juu.

Kuhusu Katiba, Katiba hii inayoandikwa sasa ichapishwe katika lugha ya Kiswahili na Kiingereza na ikiwezekana lugha za kienyeji na kisha nakala vitolewe bure na serikali kwa ofisi zote za uma. Isitoshe, muda iwekwe ambapo Katiba itakuwa

ikirekebishwa, napendekeza kwa mfano kila baada ya miaka kumi, wanaweza kuangalia Katiba hiyo upya kama kuja haja.

Kuhusu ardhi na mali, napendekeza kuwa kila Mkenya apewe ardhi isiyopungua hekari moja na swala la ma-squatters kuwepo katika nchi ya Kenya ambao ni Wakenya, liondolewe kwa vile nahisi kwamba hii ni aibu kubwa sana kwa taifa huru kama Kenya wakati kama huu kuwa na ma-squatter!

Pia napendekeza kuwa sector ya jua kali itambuliwe rasmi na Katiba na iweze kushugulikiwa ipasavyo na isitendewe kama inavyotendewa hivi sasa, serikali za mitaa ambapo wafanyikazi wa sector hiyo ya jua kali wanahangaishwa na sheria zinazolinda mali yao.

Kuhusu ndoa, napendekeza kuwa ndoa za watu zaidi ya moja za makabila mbali mbali zitambuliwa Kikatiba na hata vyeti vitolewe kwa wanaohusika badala ya vyeti kutolewa tu kwa zile ndoa ambazo hufanywa Kanisani, Moskitini pamoja na zile ambazo zifanyiwa mbele ya Mkuu wa Walaya na menginezo. Asante.

Com. Salome Muigai: Asante sana kwa hayo maoni yako, tulipokuwa pahali pengine jana tuliambiwa kuwa pia ndoa za bwana zaidi ya mmoja zitambuliwe kwenye Katiba, sijui kama wewe pia unafikiria inatakiwa tuwe na hayo pia.

Omulama Francis: Nafikiri hayo yalikuwa ni maoni ya wenzangu, pengine iwapo walifafanua zaidi, angefafanua zaidi vipi ndoa hizo zinaweza kutekelezwa pengine ningekuwa na jambo la kuongozea.

Com. Salome Muigai: Asante sana tafadhali jiandikishe. Masoso Watitwa, karibu.

Masoso Watitwa: I am Masoso Watitwa from Ngang'a Health Centre. Mine is about Parliament and it is only the Parliament that should have powers to amend the Constitution.

Citizenship: For one to become a good citizen of Kenya, he must have be born of parents both of whom are Kenyans.

Political Parties: A member who is doing political hawking moving from one party to the other party to seek favour from that party, should be penalized by the party which sponsored him, he must pay fine..(Inaudible)

A candidate seeking presidential seat or cabinet should be having a university degree. When I come to the President when he is elected, he should serve for two terms of five years in office after which he should vacate the office. If he messes while in office messing all institutions, then a vote of no confidence to be based against him.

(Interjection)

Com. Salome Muigai: Can you speak through the mic, be close to the microphone so that we can hear you and record, we are recording you.

Masoso Watitwa: When the President messes with powers given to him, then a vote of no confidence should remove him from office.

The present judiciary is very corrupt and there is need for a Supreme Court to look into matters which the High Court fails to execute properly. There is too much corruption in the courts and this is very sad.

Gender issue; women seeking both parliamentary and civic seats should not be given special favours because obviously, they claim full rights like men so they should just fight for that, no favours at all.

Finally, health facilities should be offered free of charge to reduce the rampant diseases and deaths that occur all over the country because medical fees are very high and people who suffer from diseases are unable to go to the hospital for treatment. Thank you.

Com. Salome Muigai: Thank you very much for a very good use of your time, please register. Jafferi Kalelwa.

Jafferi Kalelwa: Mwenyekiti wa Commission, members wengine wote, hamjambo?

Audience: Hatujambo.

Jafferi Kalelwa: Mimi napendekeza Katiba ijayo, watu kama vipofu watengewe nafasi zao katika Bunge letu la Kenya na wale walemavu wa viuno pia nao watengewe viti vyao. Kwa jumla wale watu vipovu na vilema wale hawana watu wa kuwatumia watengewe makao maalum pa kuwantunza.

Kuhusu upande wa matibabu, nataka ile cost sharing ambayo inataolewa kwa hospitali za umma iondolewe, hiyo ndio mojawapo inayoleta corruption kwa kuwa wale wakubwa madaktari ambao wanatibu watu kwa mahospitali za umma kama wanakubaliwa kuwa na nafazi zao za kutibu watu ndio wanapeleka madawa kwa chemists zao. Kwa hivyo wagonjwa huteseka sana.

Kuhusu mambo ya kumiliki mashamba, mtu asiruhusiwe kumiliki shamba kupita hekari mia moja, kuna ma-squatter wengi hapa ambao hawana hata nusu ya heka, wagawe yale mashamba, ile ya mtu mmoja ambaye ana hekari kama elfu tano au ishirini, hiyo haitakikani.

Kuhusu upande wa elimu, watoto kuanzia primary wapewe elimu ya bure ili tuondoe ujinga kusoma.

Kuhusu wazee, ninaomba Katiba hii iruhusu wazee-kama sisi turuhusiwe kunywa pombe yetu ya keinyeji ya mricha, kwa sababu walitukataza ndio wazee wengi hupotelea kwa bar na kuenda kwa logding kuleta yale magonjwa ambayo yanaleta maafa mengi ya ukimwi. Itakuwa bora kama wanaturuhusu, mzee akitoka kwa kazi yake hakae nyumbani kwake hatasambamba hiyo ugonjwa.

Ingingine ni kuhusu mtu akitaka kuwa President wa Kenya asiwe chini wa miaka arubaine na tano. Kuhusu Katiba yetu katika serikali yetu, si serikali ya ufalme, yule mtu ambaye anatosha kulinda Kenya hii anaweza kuwa President, Urais isiwe kwa familia moja kama ya Kingdom.

Upande wa kuchagua Wajumbe wetu, Mjumbe akichaguliwe na umma asiende kwa Parliament akitoka kwa chamba ambacho alichaguliwa nacho, akitaka kuenda kuhamia kwa chama ingine huyo Mjumbe arudishwe nyumbani pale alitoka wachague tena weupya.

Nikiwa hapo bado kwa Ujumbe, wakichagua Mjumbe na asiende kutetea wananchi masilahi yao, huyo Mjumbe Katiba iruhusu wananchi wamtoe kabla kipindi chaki hakichaisha na mwingine achaguliwe, yule anayweza kutetea wananchi.

Kuhusu upande wa wa polisi, mtu akiwa na makosa huyo mtu apewe some months akiwa anatakikana kuenda mahakamani aende mahakamani, sheria isiruhusu mtu kutiwa mbaroni bila kusikizwa mbele ha mahakama, koti iwe na hiyo mamlaka ikipata huyu mtu ako na makosa ikitaka kuhamuru aenda remand ndio apelekwe remand.

Com. Salome Muigai: Umamaliza mzee?

Jaffery Kalelwa: Ni hayo tu.

Com. Salome Muigai: Asante sana, umetumia wakati wako kwa njia nzuri sana, utarudi kwa kiti chako halafu mwenzangu atakuja kukuandikisha ukiwa pale kwa kiti chako. Asante sana atakuja kwako huko, wewe utaandamana kwa kiti halafu atakuja kwako. Inzovu Ciprien.

Inzovu Ciprien: Mwenyekiti na Ma-Commissioner ambao amekuja nao, majina ni Ciprien Inzovu ninaakilisha shirika la umaskini katika division hii ya Mumias.

Jambo la kwanza ningependa kuchangia kwa Constitution nzima, ningependekeza ya kwamba Constitution review ambayo inaendelea kwa wakati huu, wakati inapotekelezwa, mujaribu sana kuzingatia sheria zetu za kitamaduni kwani tuna communities

nyingi katika Kenya ambazo haziingiani katika sheria. Kila community ina sheria yake, kwa hivyo zizingatiwe, pasipo kuendeleza jinsi sheria hasikuwa hapo awali.

Jambo la pili ambalo ningependa kuzungumzia ni hali ya umaskini; sheria inapouundwa kuhusu umaskini lazima tuwe na sheria ambayo ishachambua watu maskini, pasiwe tu tujumuishe sheria iwe ya watu maskini. Lazima watu maskini wajulikane katika kila sehemu, watu maskini ni wangapi. Na katika Kenya mzima tuna maskini wangapi ndiposa wakati wa budget serikali ijue budget itafanywa ikizingatia hawa maskini.

Upande wa elimu, mimi ninamaoni tofauti sana na Wakenya wengi walivyozungumzia. Wakati huu mambo ya kuzungumzia elimu ya bure, jambo hilo ligeuzwe. Ingekuwa vizuri watu ambao wanajimudu, watu ambao wanamali, walipe karo na watoto maskini wapewe elimu ya bure kutoka shule ya msingi hadi university.

Pia, kwa upande wa matibabu sheria hiyo hiyo pia ifutwe ili watu maskini waweze kutibiwa bure na wale ambao wanajimudu waweze kupeana ingetoa kwa matibabu yao.

Sehemu nyingine ambayo ningependa kuchangia katika Katiba hii ambayo inaendelea ni kuhusu vyama vya kisiasa. Kenya haina population kubwa sana, kwa hivyo tungekuwa na sheria ya ku-limit vyama vya kisiasa angalau viwe vinne badala ya kila mmoja kujiwekea chama chake. Katika hivyo vyama, chama iweze kupendekeza wagombeaji waweli, ikiwa ni President wawili katika kila chama, hawa watu wapigiwe kura na wananchi. Watakaotoka kila upande moja moja wapigane viti vya Urais badala ya kenda na delagate system. Hiyo ni kama kuweka mamlaka kwa mtu fulani.

Jambo ambalo nitamalizia ni kuhusu freedom of worship. Sehemu hii imetumiwa vibaya hata imeadhiri nchi sana. Freedom of worship should have at least a limit of sects being registered into this country. We should not have so many sects, wakati zitakuwa nyingi, siasa ikianza ya dini, dini itakuwa inararuka kabisa.

Nikimalizia, sehemu ya sinzia, gender issue; I would propose to this Commission that when we are making laws about gender, we should consider what God created because gender is being misused by many Kenyans. God created man and later woman and he told us rightly, that woman is the helper to man, so we have those rights, we should not create rights for women, rights for children. Here we are dividing families, there should be a general right for human so that even if women come up in leadership, they should be considered according to their behavioral sections. Men coming for leadership should be coming under their behavioral section according to the creation of God. So there should be no segregation but we should only consider how and when somebody should get in a position.

Nikimalizia, jamba ambalo...

Com. Salome Muigai: Umemalizia mara tatu sasa tafadhali malizia la mwisho kabisa kwani uko kwa overtime.

Inzovu Ciprien: Katika shule na hata criminals utumiaji wa kiboko, Katiba hii irejeshe utumiaji wa kiboko inafaa, mtu akishakuwa criminal hakuna njia uta-council huyu mtu arekebishe tabia. Na criminals, kuanzia nyumbani mtoto akiruka kuadhibiwa katika shule yetu, huyo ni criminal hata ukipeleka wapi. Kwa hivyo hiyo sheria irejeshe katika Katiba angalau iwe na kiwango. Asanteni.

Com. Salome Muigai: Asante sana. Salome Munyendo. Ulizungumza wakati mwingine Salome?

Salome Munyendo: Bado.

Com. Salome Muigai: Basi sasa nitampa mwingine nafasi kabla sijakupa. Ulizungumzia pande gani? Jana, okay. James Shiundu na akina mama sioni majina yenu naona kuna upungufu mkubwa sana kwa akina mama hata wenye wako tu chumbani siwaoni kwenye list yangu. James Shiundu tafadhali endelea.

James Shiundu: Mwenyekiti, Watengenezaji wa Katiba hamjambo? Mimi ni Bwana James Shiundu nimezaliwa hapa Busianda. Nina meneno machache ambayo nataka kuogea kwa kukosa kusoma na kukosa kuwa na melekeo kama Mwanakenya. Mimi naishi Kenya lakini sijui maisha ni namna gani, nataka serikali ijue (Inaudible) si kusoma ati ni mishahara hakuna chochote na hata kazi yoyote siwezi kupata sasa naishi kama squatter.

Com. Salome Muigai: Sasa unapendekeza nini?

James Shiundu: Serikali ili itusaidie sisi wenye wameweza kusoma, tupate kitu kutoka kwa serikali.

Ya pili, tupate mashamba, unaweza kufajiwa na baba yako kama ungali mtoto, mtu anaingia kwa samba kuchua number yako, wewe huna pesa ya kuping hiyo shamba, mtu anakunyanyasa tu, hiyo serikali ya Kenya tafadhali itusaidie.

Ya pili, upande wa Malikurus, wazee wa mtaa ambao wanachunga nchi, tunafanya kazi lakini hatuna mshahara. Assistant Chief anapata reporti kutoka kwa Malikuruguru lakini sasa tunafanya kazi, kazi mingi iko kwetu, watu wakikosana au wamefanya nini na inatakikana wewe mzee ujue hiyo maneno na ukishajua hiyo maneno inatakikana upeleke mbele. Hiyo tunataka tafadhali tupate mshahara sisi Malikuru. Ni hayo tu, sina mengi.

Com. Salome Muigai: Asante sana, jilandikishe tafadhali. Gabriel Omsembe.

Gabriel Omsembe: Commissioners and to all listeners or contributors who have arrived here, I say good morning to you.

Audience: Good morning.

Gabriel Omsebe: In the first place, my proposals is concerning the Kenyan Judiciary. I will talk especially on the appointment of Chief Justice and Attorney General. We now learn that these appointments are not clearly done because it is involving an individual appointing. According to my proposal, I would propose that in Kenya today, this system I think should be the role of the Law Society of Kenya because it is only the Law Society of Kenya which is very conversant with the individuals pertaining laws, who can perform well in such areas and who cannot perform well in such areas. So I think this duty should be givent o the Kenya Law Society to enable us appoint us the Chief Justice and the Attorney General so that we can be sure of effectiveness and transparency in duties.

Another thing I would like to propose especially of Local Government, the Local Government Constitution should be reviewed especially when it comes to the system of issuing Licence to business men and so on. This system is not well done because you learn that may be today I am opening up my business and may it is the month of November or December, I am issued with a licence this September and may be it has to run for a period of one year. You find that when it reaches January one year has not elapsed, and my licence shall have expired, I need to go for another licence. This has actually brought some sort of lazyness and reluctance in business and this by so doing has actually made our economy to drop by a certain percentage. I would propose today that the issueing of licences to businessmen should be counted 12 months from the date of issue so that businessmen have ample time to run their business and promote our country's economy.

Land and settlement: Land and settlement I will specifically talk about the procedures of land ownership certificate. We learn today that so many people may be living in an area for about 50 or 60 years without land certificates, it is just because the system of getting land certificate is very complicated in financial issues and we know that our economy is affecting the common man. You find that somebody living on a piece of land for about 60 years and he has got no land title deed for whatever piece of land he owns. Some other people who are financially fit may buy that particular piece of land and after a short period of time, he has a certificate and you find yourself living there living as a squatter. I think this system should be reviewed to give the common man ample time to get the land certificate at least to give him room to stay wherever he is staying peacefully.

Another thing I would like to comment on is about religion

Com. Salome Muigai: You have one more minute to do that.

Gabriel Omsebe: Religion, freedom of worship: This law of freedom of worship has given our government hard times. I would wish that this system be reviewed. Apart from the Catholic Church we have some other protestant Churches which have to submit them constitiuton governing their church to the Kenya government so that if anybody violates the consitution of the

Church he /she must mandate the constitution. This will actually restrict the movement of people from one Church to another Church preaching the wrong gospel and this has contributed to some chaos in various Churches. So I think this freedom of worship should be amended and we should have in Catholic Church and other three protestant Churches with a fine constitution submitted to the government who will verify the Churches.

Presidential appointment: The system where Vice President of Kenya is appointed by the President.

Com. Salome Muigai: Your time is up sir, just finish up on that.

Gabriel Onsembe: Well, I would wish to say that the Vice President be appointed by parliamentary executive council so that he should ensure that his responsibilities are done in a better way. Thank you.

Com. Salome Muigai: Thank you, there is a question for you just hold on.

Com. Raiji: Bwana Onsembe you made some reference to licencing of business by Local Authority. Was it your complaint that sometimes these licences are not issued and the other is this would you like to see a system where you have an automatic licences that you have to pay some kind of fees instead of going there three years to seek for licences?

Gabriel Onsembe: According to me, I feel that like we are in the month of July, when I am issued with a licence in July since it is an annual licence if we count from now to January one year will not have elapsed. So we need this licence to go up to July.

Com. Salome Muigai: Milton Wetaba.

Milton Wetaba: Thank you Commissioners for permitting me to present my views:

First and foremost it is unfortunate that I want to review or make views on a document which I have no access to. However, I am going to assume that whatever I am go to view is relevant.

My first comment is that the current Constitution that we are making should clearly define the difference between a democratic, autocratic or a dictatorship type of government because as we know in Kenya, we believe it is a democratic nation but however, what we are seeing is not the principles governing this type of government because a democratic government is that one which is of the people, for the people, made by the people's Constitution.

There are certain principles for certain powers of the Head of State of which I propose that they should be curtailed such as the appointment of the Vice Chancellors of the Universities, the appointment of the members of trustees in the Judiciary, the appointment of Ministers. However, I propose that these should be left to be done by the Parliament.

I make recommendations that those who are aspiring for the presidential seats apart from those qualities which we know, they must have other qualities to support those under the former Constitution as those people should be graduates and more so those who have done Political Science or a degree in Economics so that they can be in a position to understand various economic principles which are being tabled in Parliament.

I want to address the issue of gender equality, instead of calling it gender equality, I propose that we should say that, let the current Constitution advocate for gender sensitivity where everybody should be given chance to access all the resources that the nation has. Because biologically we can never be equal and that is the way it is, so we cannot be equal but let sensitivity reign.

I want to say that the Judiciary should be given its supremacy where by the Magistrates or any other person in that board should not be appointed by the head of State but by the Parliament.

Children's Act: Children below 18 years should not be allowed to do forced labour. Street children, child abuse or any other right that is affecting these children should be disbanded whereby any person who is found forcing these children to do irrelevant or forced labour should be prosecuted by the Court of Law.

Education Act: I am not against the 8-4-4 System but I want to say that restructuring of the syllabus of the 8-4-4 system should be revised so that once somebody is in high school, the syllabus should be channeled in a way to promote the career the particular student is pursuing.

Under the Education Act, I advocate that mobile schools and mobile colleges should be established so as to cater for the less privileged people in the society like the blind, the disabled and any other person living in the arid or semi arid areas.

Political parties.

Com. Salome Muigai: You are on over time.

Milton Wetaba: Just give me one minute I have only two points left.

Com. Salome Muigai: Half a minute.

Milton Wetaba: Okay, I will just read but it is quite unfortunate we have taken this time to give us our views and you are pinning us down. I have some few points here which you should just allow me to put across because they have to be channelled in the Constitution. Please I beg you.

Com. Salome Muigai: Now you have a quarter minute.

Milston Wetaba: Okay.

The political parties should be given the right to access the media then the Parliament should be the one to advise the President and not be Cabinet.

All Kenyans should be given equal chances of accessing national resources.

Lastly, I want to say that some uncouth behaviours practiced by the Police Forces should be disbanded.

Otherwise I would say that I am giving you this opportunity to correct whatever I have said. Thank you.

Com. Salome Muigai: Thank you very much. Do not leave, I have one question for you, do not go just as yet. I have a question because you have said that biologically, men and women are not equal; do you mean they are not the same which is science or they are not equal which is a bad way of judgement.

Milton Wetaba: Thank you mama. A good practical example I can only give you to qualify this I believe you have a home and in this modern world if you walk in certain villages, we have toilets for men and toilets for women.

Com. Salome Muigai: I am asking whether you are talking, not being the same or not or not being equal. Not being the same is scientific and not being equal is value.

Milton Wetaba: I am saying we are not the same psychologically, biological, and even physically. We are not the same so we cannot be equal in any sense. That is why I wanted to illustrate using the example by saying, here we have men toilets...

Com. Salome Muigai: Okay, I hear you, I have one small question. An Engineer and a Doctor are the same?

Milton Wetaba: An Engineer?

Com. Salome Muigai: And a Doctor yes or no are they the same?

Milston Wetaba: No. Those are different...

Com. Salome Muigai: Are they the same?

Milston Wetaba: No.

Com. Salome Muigai: Can they be equal?

Milston Wetaba: No.

Com. Salome Muigai: An Engineer and a Doctor are not equal?

Milston Wetaba: They are not equal.

Com. Salome Muigai: Thank you. Isaack Ndeche. Please register your presence. Isaack Andeche, karibu mzee.

Isaack Andeche: Asante sana. Commissioner wa Tume ya Kurekebisha Katiba ya Kenya na wenzagu. Maoni yangu ni hivi kwa majina naitwa Isaack Andeche, nimekaa hapa(Inaudible) kazi yangu ni Liguru na Maguru tunaona vibaya na tumeteseka sana, watoto ambao baba yao wamekufa ukimwi, huwa tunasikia msaada inakuja na hatuoni kama huu msaada unakuja upande huu. Watoto wanateseka sana.

Ya pili, mimi ndio mmoja wa wazee waliokuwa hapa, tunafanya kazi usiku na mchana sisi Liguru. Sisi tunaona kwamba, serikali yetu inatudharua sisi Maguru kwa maana sasa kama mtu amekosa tunamshika tena tunafanya kesi tunanenda kwa korti kufanya usaidi, tunatoka huko bure. Hata kama anaenda usiku tunangojea usiku kwa sababu kama kuna sheria, ingine watu wanapigana, tukipigwa hakuna kitu unapata. Ndio sisi tunaomba Katiba yetu itusaidie kwa serikali Maguru.

Com. Salome Muigai: Unapendekeza nini?

Isaack Ndeche: Napendekeza kwamba sisi tunataka mishahara, watupatie kitu kidogo.

Com. Salome Muigai: Asante point ingine?

Isaack Ndeche: Point ingine ni wale watoto mimi nasema huwa tunatembea kwa maboma, watoto wale wazazi wao wamekufa wanateseka, wamama wao tena wanakufa, sasa tunangojea serikali ije iwasaidie hawa watoto.

Com. Salome Muigai: Unapendekeza nini?

Isaack Ndeche: Napendekeza serikali ilete msaada ya kusaida hawa watoto.

Com. Salome Muigai: Asante, point nyingine kama unayo.

Isaack Ndeche: Sina point ingine ni hiyo peke yake.

Com. Salome Muigai: Asante sana, tafadhali jiandikishe. Josephat Muganda, nimekuruka? No. huyo alikwa Isaack Ndeche, ulikwa nambari ngapi wewe? Peter Omwako Musebe. Oh, sorry Peter, tafadhali wacha azungumze mbele yako. Niliona Musebe na mbele ilikuwa ni Musebe nikafikiria ni jina moja, pole. Karibu.

Peter Omwaka: My names are Peter Omwaka Musebe from JJPC Parish. I am going to talk about

Defence and National Security: On the side of defence, the discipline forces, the para military, police prison should be established by the Constitution. After being established by the Constitution if one of these forces lack discipline, it should either be sacked, fined or suspended depending on the type of the crime.

The President should not be the Commander-in-Chief of the Armed Forces because he or she is not trained for that, he is unprofessional.

The declaration of war should be done by the Parliament in consultation with the citizen.

The Constitution should permit the use of extra ordinary powers in emergency situations such as war, national disasters, insurrections and breakdown of public order. For example, if there is a bomb blast, the Constitution has powers to permit the use of extra ordinary powers from abroad rather than coming to the citizens.

Political parties: Political parties should play roles other than political mobilization. This can be done by tabling in Parliament a bill of international bodies that sponsor the country. The Constitution can create the formation, management and conduct of political parties in the Parliament. There should be limitation of political parties because this will help in eradicating tribalism, we shall have equitable resource distribution, we shall have financial divisibilities and we shall stop citizens....(Inaudible). We should have 3 political parties at most which can be financed by public funds and these public funds can be got through government budgets.

The Executive: The qualification of a Presidential candidate should be a Kenyan citizen, a University graduate, age limit between 35 and 70 years, should have sound mind and good conduct. The President should have tenure of two terms of 5 years each. Functions of the President should be defined in the Constitution for example, the President should be in charge of

Armed Forces but not the Commander in Chief. Presidential powers also can be reduced in this reviewed Constitution that is to say, he should not be Chancellor of public universities that is why we said that the presidential candidate should be a university graduate. He should not dissolve the Parliament at his own will and in addition, he has no powers to appoint and dismiss high authorities.

Human and basic rights: Other rights in our Constitution which we must have are education and enough security as the security we have in this Constitution right now is not enough. The Constitution should guarantee a death penalty to any person who does wrong at the same time insecurity.

Com. Salome Muigai: Please finish, your time is up.

Peter Obwaka: In security section we should abolish police torture and the police should identify citizens before arrest and other individuals other than a Police Officer should not have a gun.

Com. Salome Muigai: Thank you very much. Josephat Muganda.

Josephat Muganda: Asante sana Mwenyekiti, nitachukua fursa hii kutoa mapendekezo machache. Kwanza kabisa, nilikuwa nataka kuongea juu ya jua kali na sitaguzia kwa sababu nimesikia mzee mmoja akizungumza juu yake. Sasa, nitaongea ama nitapendekeza kuhusu urithi, Mimi ni mtoto kijana nimezaliwa kwetu pengine labda ndiyo mkubwa, baba yangu amenielimisha, nimeoa, nina watoto na sasa wazazi wangu wawili wananitegemea. Mimi nikiaga kwa njia yeyote, kama naweza kupata ajali ama kufa kwa ugonjwa na mimi nina mali, mimi ndio nangojea wazazi wangu ambao wana miaka ambayo imekaribia kufa. Napendekeza kwamba kuwe kipengele fulani katika Katiba mpya kuwe na kipengele ambacho kitaruhusu mali yangu iendelee kuwalinda wazazi wangu ambao wana miaka ambayo imeendelea mpaka labda wanapoaga dunia. Nasema hivi kwa sababu katika sheria ya urithi kuna familia au jamii zingine ambazo baba au mzee akishakufa mama anachukua mali ya marehemu na watoto wake labda hata wakati mwingine anahama kutoka kwa boma. Kwa hivyo kipengele fulani katika Katiba mpya kiweko cha kuwalinda hawa wazee.

Pili, akina mama na watoto pia napendekeza kwamba Katiba mpya iwe na kipengele fulani ambacho kitawalinda akina mama na watoto kwa sababu kuna wazee wengine walio hostile ambao wako hostile kwa watoto wao na wake wao, sasa kuwe na kipengele na kila mtu ajue kwamba Katiba inasema kwamba mtoto au mama analindwa na Katiba kulingana na hii na hii na hili, wazee ambao watakuwa hostile kwa familia zao, wajue kwamba Katiba inalinda watoto na akina mama. Kwa sababu hao watu wawili mtoto na mama wamepewa wazee, mzee ndiye analinda hawa watu wawili na kuna wengine wanakuwa hostile. Kwa hivyo napendekeza kwamba kipengele kiweko ambacho kitalinda hizo hawa watu wawili pamoja na wazee, the aged. Nafikiri ni hayo tu.

Com. Salome Muigai: Asante sana tafadhali jiandikishe umetuletea jambo geni ile hatukuwa tumesikia pahali pengine popote.

Asante sana. Herbert Wasika.

Herbert Wasika: Commissioners, I thank you for granting me this opportunity at least to present my view that is to the Constitution Review Commission. To begin with, I would like to put across the following views:

(Interjection)

Com. Salome Muigai: Your name?

Herbert Wasika: My names are Herbert Wasika. First, I would like to talk about the presidential powers, personally I have a view that the Presidential powers should be reduced in a manner that he should be given the powers to fire and hire either the top civil servants or any other individual carrying out public work. In that connection, I feel the powers should be entrusted with the Parliament and not the President. Other than that, I would like also to say that the President in a situation where by he has to either execute his own duty by imposing some fine or rather any type of penalty to a civil servant, that one should be entrusted with the Parliament or rather should be carried out in the presence of the Minister in that particular Ministry.

Elections: Election for Parliamentary seats and civil seats, I feel that the MPs vying for those particular seats should have at least a degree in administration or any relevant course in administration. The Councillor should be of "O" level and of sound mind.

Security: The Kenya Police should also be given enough information on what they should do or rather on what they should carry out because I tend to feel that their role is to keep social order but not to harass wananchi.

I would like to talk about education that is, Constitutional education because it is unfortunate that most people back in the villages, I am very sure very few are aware of what is taking place, the people involved should come up with a good structure to ensure that the people in the villages are also aware of what is taking place and they can also participate. In that way we also involve in giving education on Constitutional matters that is, concerning either the elections or any other matter. I feel two methods should be used, that is, interdisciplinary method and multi disciplinary method.

Lastly, I would like to talk about the rule of law: I have a feeling that the Constitution should clearly define that every mwananchi should be given equal opportunity that is, the law should be fair to anybody. That is all I had thank you so much.

Com. Salome Muigai: Thank you very much please register yourself. Wabuti Suleiman.

Suleiman Wabuti: Ma-Commissioners na wale wote ambao wamefika hapa leo, nimefurahi kupewe fursa hii kutoa maoni

yangi na ningependa kuanza na utanguliza wa Katiba yetu ya Kenya. Ninavyojua ni ya kwamba Katiba ya sasa haina utanguliza mzuri wa kutosha maana ilikuwa Katiba ya Mzungu na sasa hivi ningependa ya kwamba Katiba ijayo mpya ipate kueleza maana ya Katiba ya Kenya na heshima yake, madhumuni na kuamarisisha wananchi juu ya haki na majukumu yao katika Katiba yenyewe. Kuongezea, inatakikana pia wananchi wajulishwe hapo Katibani ya kwamba, wao ndio wameandika Katiba na wanafaa kuilinda, Katiba hii ieleze jambo hilo. Ningependa pia kusema ya kwamba wengi sana sana wale ambao wako mashambani kwa saba hawafahamu kinachoendelea hata hapa sasa hivi. Kwa hivyo hatapatati ya kwamba kuna wengi ambao wamehudhuria kikao hichi, hii ni kwa sababu ya kwamba Katiba yetu iliyopita haijieleza vizuri mambo muhimu ambayo yako umo ndani, kwa hivyo ningependekeza ya kwamba Katiba yetu hii iandikwe katika lugha wastani ya Kiswahili na Kiingereza ili watu wengi wapate kuisoma na kuijua. Pia, ichapishwe katika vitabu vingi ili viwe locally available kwa PC, DC, DO, Chifu, maktaba ya serikali na za kibinafsi na hata katika shule zetu za mumu humu kijijini. Hatutaki Katiba ambayo itakuwa ni siri.

Nikienda mbele kidogo nitaguzia Bunge. Ningependa Bunge lipige mzasha watu mashuhuri kama Mkuu wa Sheria, Mawaziri wote, Ma-judge, Speaker, Makamu wa Rais, Mafisa Wakuu wa Usalama, Wakurugenzi wa mashirika mbali mbali, Mabalazi na DC, DO hao watu waangaliwe vizuri, Wabunge wawe na sehemu katika kuajiri na kuwafuta na kuwaangalia katika nyathifa zao.

Napendekeza pia kwamba vyama vya kisiasa viwe ni vitatu au vinne hivi, vifadhiliwe na serikali na wananchi wawe na usemi katika maongozi yake.

Haki ya makundi yanayoweze kuadhiriwa kama akina mama, walemavu na vijana kama sisi wanafaa watengewe nafasi muhimu katika Katiba ili kwamba hata wakifanya bidii kivyao, wawe wenye kutengwe na nafasi zao ili hata ukishindwa kule kwingine, watapata nafasi ya kurudi na kuongea katika Bunge.

Maswali ya ardhi ni swala nyeti Kenya na ningependa walimiliki wa mwisho wa ardhi iwe ni jamii wapewe uhuru wa kuwa wamiliki wa mwisho wa ardhi, serikali imiliki tu mahali kama kando kando ya mito, maziwa, misitu, mbuga za wanyama na vitutio zingine za kitajiri ama sehemu ambazo kuna madini, serikali itwae na itumie ama kuanzisha mradi ya serikali, sehemu hizi ziwe za serikali. Lakini kwa upande mwingine, wamiliki wakuu wa ardhi, napendekeza ya kwamba wawe ni wananchi.

Na wazazi, atakayetaka kuuza shamba lake kama ilivyokuwa ya jamii hivyo mzazi huyo itabidi lazima auzishe wanawe na jamii kwa ujumla maana tunapata wazazi wengi wanataabisha, wanauza tu ardhi halafu tunajipata nyumba zetu zinabomolewa mnabaki mmeshangazwe na mmeadhabishwa sana.

Ningependekeza pia mashamba yanayolala hivi hivi tunimesikia kwamba kuna watu wengi Kenya ambao wana mashamba makubwa makubwa ambayo yamelala, hawasawishi mashamba hayo yateuliwe na serikali na kupewa ma-squatter maana

msemi alisema ni aibu kubwa kiwango Kenya imefika wakati huu na bado tunashida ya ma-squatter.

Halafu ukulima, tumesikia wakulima wengi waambiwa kahawa wanataka kuzing'oa maana ya malipo na ningependa kusema ya kwamba Katiba mpya iruhusu wakulima washtaki ma-kampuni ambayo wanazilisha mazao yao na hawapati mbio mbio kuwalipa maana unawe kuwa na watoto na uanze kuwasomesha na huwezi kupata pesa.

Com. Salome Muigai: You have one more minute.

Suleima Wabuti: Okay, thank you.

Jua kali sector, nafikiria serikali iruhusu jua kali ifanyiwe harambee kubwa kubwa kuanzia mashinini kama Location, Sub-Location, Division na District mpaka kufika kwa national ili watengewe katika mfuko wa serikali watengewe asilimia fulani. Msemi mmoja alisema ya kwamba mali ya mzee ambaye ameaga dunia, mali ya mtu ambaye anawacha wazazi wazee, igawiwe sehemu fulani kwa wazazi hao ili wapate kujimudu. Lakini kwa upande mwingine, tumepata wazazi wengi ambao wanatua mali ya mjane ambaye amewachwa na mtu halafu wanakaa naye wanawacha watoto wanataabika.

Mwisho, ningependekeza ya kwamba Katiba mpya ijayo kielimu sana sana, kwa vijana garama iweze kupunguzwa halafu wale ambao wanajumusu katika jamii nao wazeze kulipa school fees kama kawaida lakini hao watu wengine afadhali.

Com. Salome Muigai: Asante sana, jiandikishe tafadhali. Rita Katamu, Festus Wanyanga. Kutoka tuanze hatujasikia mama yoyote akizungumza kama tuna kila mama tafadhali ningetaka kuwaomba mje mzungumze. Hii ni Katiba na hii ni safari moja hatutarudia hivi karibuni ya mwisho ilifanyika miaka arubaini iliyopita pengine nyingine itakuja baada ya miaka ishiriini na vizazi vyote vitatuuliza sisi akina mama tulikuwa wapi wakati Katiba ilikuwa ikitengenezwa. Kwa hivyo ninawahisi akina mama wenzangu tafadhali, huu ni wakati wa ki-historia, na pia sheria imetuweka sisi kama Tume inaturutisha kusikia maoni ya akina baba na akina mama. Wakati huu nafikiri nimesikia maoni ya akina baba zaidi ya ishirini sijamsikia mama wa kwanza. Ama hapa hakuna akina mama? Unaulizaje unafikiria kama kuna akina mama hapa? (Vernacular)

Ningetaka akina mama tafadhali waje na wazungumze. Asante, endelea.

Festus Wanyanga: Commissioners, all the people who have come to represent their views before this Commission, good morning?

Audience: Goodmorning?

Festus Wanyanga: I am grateful to give a few of my contributions like:-

Parliament: Life of Parliament should be two terms, President should be two terms, a political party should be in power for only two terms.

I am going to speak about corruption in this country: Corruption in this country is very bad because to take an example, during the recruitment of people to the forces like the Police, Army and Prison. The government should be on alert to see that recruitment is done without corruption.

Political parties should be limited to at least two to four parties and should have different policies.

If there is need to perform a post mortem on a body and it has been taken to the mortuary, the expenditure of transportation the body should be borne by the government, the expense should not be borne by the affected people.

Where a witness goes to court to give evidence, he should be paid his expenditure on traveling and some subsistence expenditures whether the case has been completed or not. Those are the few points I had to present to this Commission.

Thank you.

Com. Salome Muigai: Thank you very much Mr. Wanyanga. Alfred Shiundu.

Alfred Shiundu: Kwa majina naitwa Alfred Shiundu. Haya ni mapendekezo ambayo ningependa yarekebishwe kwa Katiba ya Kenya.

Kwa kila Mwanakenya ni sharti awe na shamba ambayo lisilopungua hekari mbili. Kuna watu ambao wako na zaidi ya hekari mia sita, ni lazima serikali iangalie kwa hayo na igawie wale ambao hawana shamba lolote.

Anaye chaguliwa kama Mbunge wa constituency kama ya Mumias hivi, ama yoyote tu ni lazima atekeleze mambo yake vile inatakikana. La sivyo, awe anaondolewa na wenzake ambao anafanya nao huko Bungeni na wachague mwingine ambaye anaweza kutekeleza chenye kinatakikana.

Serikali ya Kenya ni lazima ipunguze ushuru ambayo wanatoa kwa vitu ambavyo vinanunulia sokoni au hata kwa maduka.

Mshahara ya Wabunge ni lazima uangaliwe tena au wapunguze kulingana na vile wanapata kwa saa hii. Kuna Wakenya ambao hata hawapati shilingi moja kwa siku.

Mtu ambaye si Mwanakenya mwenye ako na rasilimali humu nchini ni lazima aangalie masharti ya wafanyikazi wake na aongeze mishahara yao kama hawa wenye wanaingia tu katika Kenya na kupata mali kwa njia ambayo isio ya halali.

CIDs hakuna chenye huwa wanatekeleza ndio wanaoongeza mvurugano humu nchini kama bribery na corruption, waachie kort yenyewe ifanye uchunguzi. Ni hayo tu.

Com. Salome Muigai: Asante tafadhali ujandikishe na nitamuita Anne Sakwa.Fredrick Anjinji.

Fredrick Anjiji: I salute you all officials of today's CKRC session and all fellow contributors. My names are Fredrick Anjiji Biloka a representative from the Catholic Justice and Peace Commission, Kisongo Catholic Church, East Wanga. We have sat and decided on the following issues touching on our social, economic and political lives. We have tried to follow the guidelines given by the Constitution of Kenya Review Commission, however, we have only discussed what is interpretive within our understanding. Since we have typed our memorandum, I will only touch on special areas.

Political parties: The number of political parties should be limited to avoid tribalism and culturalistic or individualist parties. All political parties should be financed by the government at an equitable ration and supplemented by party activities e.g. registration of members, individual donations, harambees and international donors. All political parties should be given same treatment by the State e.g. security, non partisan by the ruling party, freedom of rallies amongst others.

The Legislature: The constituents should be given power to recall their parliamentarians in case of non-deliverance. A letter should be written three times- three notices to the MPs should he not appear before the constituents a petition should be filled through the Speaker requesting the MP to come back to his people. The MP should work on people's convictions and not their own, the person defecting to another party without seeking the electorates consent should be made illegal. The movement from one party to another in the country without the consent of the constituents should be illegalized such elections should nullified like the recent NDP – KANU negotiations that was done in Nairobi.

The nomination of MPs should continue, all parties should be given equal opportunities of nomination and special consideration given to women and the disabled groups. From our suggestion, each party should nominate two MPs. Our suggestion was five parties, so each party should give two women nominees and two given to the disabled groups. (Inaudible)

The Judiciary: There are organizations which offer judicial services at low costs or no costs at all like Public Law Institute, Kituo cha Sheria, FIDA, Anti Rape Organization, legal source foundation should be assisted by the government to establish offices everywhere within the country to enable needy citizens to reach them so that justice can be met in Law Courts especially where one individual has hired an advocate and the other has not.

Basic rights: The Constitution should enforce the issue of security and security of search should not be unnecessarily protected and covered when they offend a citizen. A case between a security officers and a civilian should be dealt with in openness. In

case a security officer confines one by himself and the victim is before or not before the court of law, the individual should be compensated for the day he or she was behind bars to avoid harassment.

Due to different classes of people(Inaudible) and licence, after 2.00 p.m., if one has a ceremonial or cultural feast, permit should be sought from the Assistant Chief or any other concerned officer.

Employment of Kenyans should be on merit; there should be equal distribution depending on area of origin, where people should be nominated or listed. We should not have real contestants failing to be selected while people who do not appear for interviews joining public service or colleges, it has to be clear after selection who from the region has been employed or selected.

The rights of vulnerable groups: The rights of Kenya women be fully guaranteed through the Constitution like nomination of women in Parliament and Countys. They should be represented at all levels.

Land and property rights: The present law on land, there should be a sealing on land owned by an individual so long as the person does not leave the land dominant. Government owned land should be given to people without land. People should not be given land just because of being well placed in the government.

On management of resources; the best method of raising funds should remain taxation but it should target luxury goods instead of basic things used by ordinary Kenyans.

Com. Salome Muigai: You are on your last minute.

Fredrick Anjji: The methods used presently to control are insufficient. Taxation areas are not varied and properly controlled, areas of licencing and (Inaudible) are underdeveloped, for example, traffic laws should be known and open to people. Fines to be done on wrongs and government receipts issued instead of bribes. Licences to be given to(Inaudible) a specific amount known to everybody, e.g Kshs.500/= immediately there are many other areas that would be explored for public revenue.

The Controller and Auditor General position should remain entrenched in the Constituion as it is currently but should be added prosecuting powers.

That is all. Thank you so much.

Com. Salome Muigai: Thank you, please register yourself. Borshi Esbera, William Ojusi, jina lako? Hapana, namtafuta

Esbera, William Ojusi, Washington Wasika.

Washington Asaka: Asante sana Mwenyekiti wa Kamati hii, langu nitaguzia tu haraka haraka yale wengine waliguzia kwa sababu ndio nilikuwa nazo moyoni.

Com. Salome Muigai: Ungeanza na lile halijaguziwa, ukimaliza ndio urudie ukiwa na wakati.

Washington Asaka: Asante.

Constitution, mimi napendekeza kwamba, iwe ya Majimbo na tuwe na President na Prime Minister na hawa watu lazima wawe kwa rotation, ikiwa kwamba Jimbo hili ndio ilitoa President, kipindi kili kingine iwe Jimbo lingine.

Vyama vya kisiasa, mimi napendekeza vile wenzangu walipendekeza kwamba viwe viwili hadi vitatu ama tano isizidi hapo.

Shule / education, ningependekeza kwamba elimu iwe ya 8-4-2 kama ilivyokuwa hapo awali na sasa tunapendekeza kwamba serikali naye ichunguze ione kwamba ni watoto wa aina gani wale wanatakiwa waende kwa technology na tuwe na technologies kuanzia katika tarafa kuendelea mbele ili ende sambamba na grammar schools. Kwa sababu tunachukua watoto wale wanaweza kufanya ukarabati wa barabara ama ujenzi, tunawaweka pamoja na wale wengine na wengine. Kwa hivyo mimi napendekeza kwamba ziwe shule mbili tofauti kuanzia kidato cha kwanza.

Lingine, ni shule za kienyeji yaani private schools. Napendekeza kwamba Ministry yetu ya education iangalie sana kwa sababu sasa shule za kienyeji ama private schools sasa zimekuwa nyingi na zingine tunasikia kwamba mtoto anasoma kwa mwaka moja anasoma madarasa matatu na hivyo sijui inatokea wapi. Kwa hivyo hizo zichungzwe, ikiwa haziwe na vikwaso vinavyotosha wasiruhusiwe kuendelea.

Freedom of worship: Mimi ningependekeza kwamba tuwe na Mkanisa ama dini karibu tano au sita hivi, kwa sababu kuna zingine sasa tunaita kama devil worshipers hata tuliona kwa TV na magazeti kwamba hata wa dini pia washaingilia mambo hayo. Kwa hivyo hiyo freedom of worship inatupelea kwingine.

Freedom of speech: Ningependekeza kwamba kila Mwanakenya apewe ruhusa hata kutangaza jambo lake vile anataka katika media. Kwa sababu hata ukiangalia wakati huu ni KANU tu, kwa kila siku lakini ukiona vyama vingine wale wakubwa ndio wanasema wadogo huwa hawafikiriwi.

Non Governmental Organization, kama kwetu Western hata hatujaona moja. Ningependekeza kwamba zisambazwe, pia kuna watu maskini hapa Western kwa nini tunaangaliwa kama si watu.

Kazi: Viwanda viwe decentralized, hata shule ziwe decentralized kama zile kubwa kubwa hizi kama university na technical schools. Unapata kwamba zote ziko Nairobi na tunatoa elimu ya kuenda na kurudi, yaani parallel programme. Unapata kwamba, hizo shule ziko mbali na watoto wetu na wanaweza kusomea hapo ndani lakini kwa vile hawa hawaruhusiwi kukaa ndani, inakuwa ni vigumu. Kwa hivyo ningependekeza kwamba hata shule hizi za Universities viwe decentralized kama viwanda, ili watoto wetu pia nao wapate kazi nchini.

Wafanyi biashara: Ningependekeza kwamba wafanyi biashara wa reja reja hawa tafadhali watengewe mahali, wasiwe kati kati ya mji, hiyo inaonyesha kwamba Kenya hata ijaendelea mbele.

Marriage: Napendekeza kwamba marriage isiwe legal kwa sababu unapata kwamba hawa wanawake wasomi wanaolewa hapa leo anenda kwa court tena anawachana na huyu bwana yake na kunda kwingine na watoto ndio wanateseka. Kwa hivyo ningependekeza kwamba hawa iwe pengine ni separation, wasiwe kwamba ni kuwachana kabisa na watoto wawe wanateseka. Asante sana.

Com. Salome Muigai: Asante sana, tafadhali nina swali moja kwako. Unasema tusikubaliwe divorce, Katiba iseme hamna divorce?

Washington Akaka: Isi-allow divorce.

Com. Salome Muigai: Okay. Rita Katamu. Ulikuwa na maoni? Tafadhali njoo. William Ochusi, Ramadhan Okum Kweyu, Peter Mubasi, una maoni, tafadhali njoo ni wakati wako. Weka hiyo microphone karibu na mdomo wako ndio tukusikie.

Peter Mubasi: Asante sana Commissioners kunipa nafasi ili nipate kutoa maoni kidogo. Kwa majina yangu naitwa Peter Mubasi natoka Mumias.

Maoni yangu ni kwamba wale watoto ambao wako chini ya miaka kumi na tano wapelekwe kwa shule ili wapate free education ya primary na sheria itungwe kama mzazi hawezi kupeleka watoto wake kwa shule ahadhibiwe, isipokuwa yule mzazi ambaye ni disabled peke yake.

Jambo la pili ni kwamba ile section ya sheria ambayo inawezesha President awe above the law nataka ifutiliwe mbali na isiwekwe katika Constitution hii mpya.

Jambo la tatu ni kwamba, zile mipaka ambazo zilikuwa wakati hatukuwa tumepata uhuru, tunataka zirudishwe kwa maana

mipaka imekuwa tenzi na watu ambao walikuwa na mamlaka, yaani waliokuwa na uwezo. Kwa mfano, sehemu ambazo zilichukuliwa ni kama Musiero na Bukholo katika South Wanga, sehemu hizi zote zirudishwe katika South Wanga na mipaka iwe pale pale ambapo ilikuwa wataka hatukuwa tumepata uhuru.

Jambo la nne ni kwamba, Bwana DO awe mmoja tu katika Wanga Location yote na awe mkaazi katika Mumias Township. Hawa wengine kama sehemu kama Madungu na Shianga na Etenge ziwachiwe wa..... (Inaudible) kuwa kama Police Station ili kulinda amani huko. Tena tuwe na health centres, ziwachiwe kama health centres peke yake. Maoni yangu ni hayo tu, nasema asante sana.

Com. Salome Muigai: Kuna swali moja kwako Bwana Peter.

Com. Raiji: Asante sana kwa maoni yako. Ulitupatia pendekezo moja kuhusu mipaka lakini sijakuelewa vizuri kwa sababu kumekuwa na mabadiliko mengi hata kama hii district yenu haikuwa hapo mbeleni sasa unataka turidi wakati kabla hatujapata uhuru wakati kulikuwa na district moja Kakamega, mipaka iwe namna hiyo au ni mipaka gani ulikuwa ukitaka irudiwe kwa sababu wakati tunatengeneza district mpya ni lazima sasa tuanze na ma locations na vitu kama hivyo?

Peter Mubasi: Asante sana. Ile mipaka ambayo nilisema inahusu location ya South Wanga peke yake. Tuseme nilipokuwa mtoto mdogo, nilikuwa nikiona Chief wa Buholo alikuwa anakuja Mumias na sehemu hiyo yote ilikuwa inaitwa South Wanga. Na tena huko Musiere, sehemu hiyo yote ilikuwa South Wanga, ndio mipaka ambayo tulitaka peke yake na hii itaungana, ikiletwa pamoja itafanya Butere Mumias District.

Com. Salome Muigai: Asante sana Mzee, tafadhali jiandikishe. Nitampa hii nafasi kwa wakati wa mwisho kwa Rita Katamu, nimekuita mara nyingi nafurahia kuwa huko sasa. Asante. Tafadhali jiandikishe. Rita.

Rita Katamu: Kwa majina ni Bi. Rita Katamu.

Nitapeana mapendekezo kuhusu shamba, every Kenyan should be titled to own land and there should be a land ceiling which should be 50 acres maximum because we have very many people who have big pieces of land while others have nothing.

There should be a gender Commission in Kenya with representation from women from district levels.

Political parties should not be more than three and the three should be funded by the government.

There should be free, compulsory education from class one to eight. Medication to be free in all government hospitals.

The government should implement affirmative bill where in every organization 35% seats should be left to women.

Any child born of a Kenyan parent regardless of gender is entitled to free citizenship.

The regressive cultural practices e.g. wife inheritance, dowry payment, taboos that target only women to be abolished, here we recommend that every community should be given a chance to vet the cultural practices and take into consideration those that are progress oriented and those that are gender biased should be deleted.

Parents should have a collective responsibility, the men should not blame women when things go wrong because they are both parents.

Those people who abuse children regardless of gender, should be severely punished e.g. the rapists and other people actually who abuse children, they use them to sell drugs, they should be punished.

Abortion should be legalized to enable women to get rid of children conceived through rape and lured relationships. Here, I would say, there are some ladies who are harassed by their bosses in the offices, they have had children with them and those children have been a burden to those girls, so such are the children that the women do not need. They women should be allowed to abort because if we allow this, we shall minimize death where most women try to do this under cover or outside hospitals and most of the ladies have died and yet what they are doing is actually acceptable.

Maternity leave to be given up to 6 months to women and during this time a woman should be entitled to her full salary and a medical allowance which should be 50% of her salary because it a dangerous situation for a woman and she needs this money to take care of herself and the baby.

All the property of the man and the wife which was gotten when they were still one wife / one husband should be given to the first wife incase a man marries a second wife so that they can now look for more properties with the newly married wife. Thank you very much.

Com. Salome Muigai: Very good, tuna maswali kwako Madam Rita, tafadhali subiri.

Com. Riunga Raiji: There are two points which I want clarifications. The first one is in respect of maternity leave where you are recommending that it be given for 6 months. Don't you think that if this is accepted it will disadvantage women in that the potential employers will now discriminate against women because they do not want to have to pay people who are not working and that in fact it may not help women? The second issue that I have is with regard to some regressive customs, you have put dowry and wife inheritance in the same category, I am particularly asking about dowry. What is regressive about

dowry?

Rita Katamu: Thank you.

Com. Salome Muigai: I have a question for you also, and that is about matrimonial property after the marriage and you have said that all the property should go to the first wife. What are the rights of the man to own matrimonial property if everything goes to the first wife?

Rita Katamu: Thank you. I will start with the maternity leave, the maternity leave should be given to the ladies and a limit is actually put in the Constitution, those employed women should know that a woman will have that maternity leave and should prepare to cater for the situation where she is not she should not be punished because she is a woman.

The second one is on dowry: In most cases when dowry is paid, the man pays dowry to the family of the girl, the girl does not benefit anything from the dowry paid and yet when she gets married, the properties she would have used to develop her own home is no longer there because the dowry was paid. In most cases our women have suffered in people's homes because they were paid for and you are handled as an asset rather than a human being, therefore, we better do away with the dowry and stay well, when you feel you want to go home, you go home. In this area, when I go to my home where I was born I will be sent away by my parents because my dowry was paid, regardless of how harassed I am.

Com. Salome Muigai: Now, I have two questions. I will remind you of the first one which was about the right of a man to the matrimonial property but now I have a second question that, in India the wife pays the dowry to the family of the man and the women are still harassed so do you think that just removal of the dowry will protect the woman?

Rita Katamu: To a certain extent, we do not want to pay dowry to the men and we do not want men to pay dowry to us, let us have free life, one can move to any place when you need to. Now, the second one was the matrimonial property. The matrimonial property will be belong to the woman and the man as long as you are staying as two, that is, one wife, one husband. If the man defects to another partner then he automatically loses all the property he had with the first wife and starts a new life with his new wife. Thank you.

Com. Salome Muigai: Thank you very much Rita, please register yourself. Paul Wabuyabo.

Wabuyabo Paul: Thank you very much Commissioners. My contributions are going to address five issues towards the current new Constitution.

The first one involve the issue of the role of Parliament, as we stand right now the perceived role of the Parliament seems to be

simply to make laws and to amend the laws.

I would propose as follows:

I want the current Members of Parliament to be simply more or less as public servants where they function as full time and their role should include apart from just making the law, they should be involved in the participation of the government expenditure so that it is the Parliament that is recommending to the Minister of Finance on the expenditure and the estimates of the country.

For example, the Parliament should be involved in the management of the country's affairs I would for example

(Intejection)

Com. Salome Muigai: Just one moment, please if you have a mobile phone that is still on, it is interfering with our recording, please put it off. Thank you. Tafadhali kama una simu ya mkoni ifunge ndiyo yenye inaleta hizo tashwishi kwa recordings zetu. Endelea.

Wabuyabo Paul: Thank you. Finally, on the role of the Parliament also, there is the issue of the appointment of key personnel in the government, this role can also be taken back to the Parliament.

Secondly my contribution is on the issue of the presidential appointments and the role of the President. On the issue of the presidential appointments my suggestion would be, we need a popular President and a healthy nation should ensure a popular President. In the future it is my suggestion that we have what I might come and call a rug of election where the first candidate and the second candidate are going into a re-election. This one will ensure a President who have the majority to vote for every Kenyan.

On the issue of Parliament, we should have a provision for the right to sue the President and what I mean by the right to sue the President and the government, we should have a provision where if the current President committed a crime be it criminal or civil offence, there should be a provision to sue this particular government and the President.

Thirdly concerns the Provincial Administration, it was a strong wish that at the provincial administration, the services that are being offered by the provincial administration, there is a lot of re-duplication of services of duties which can be performed by the Local Government.

Next concerns the Nominated MPs, nomination of MPs is based on parties sympathises where individuals sympathise with a particular political parties are elected as Nominated MPs. I would suggest that there should be a strict provision where Nominated MPs are strictly relying on interest groups for example, the physically handicapped groups, the youth, the

professional and so on and so forth. (Inaudible)

I am a teacher by profession and I will not forget to mention something about the Education Act. There is a lot of weaknesses as it stands out in the current curriculum where there is no stress on specialization of subjects. I wonder where our country is heading to when we make subjects such as agriculture, economics and industrial art optional in the curriculum. I could suggest that the current Constitution give a provision where we have specialization of candidates right from secondary school so that, a candidate when he is in form two or form one, he should be able to know what he or she wants be in the future.

Finally, in the event of the death of a President I would suggest that it should not be automatic that the sitting Vice President takes over the Presidency. My suggestions is that, in the event of the death of a President, Members of the Cabinet should choose a member amongst the Cabinet who should stand in for a minimum period of 90 days pending the elections for the President.

Those are the contributions I have for the Commission. Thank you very much.

Com. Salome Muigai: Asante sana Mwalimu, I have one question for you on specialization I am also a teacher. We find that students come in form one and two, some are very weak on some subject like a child may have hardshop in maths when they come to form one and they still do not like maths, but by the time they are in form three, they end up actually doing maths at the University. Specialization at that early age and when children are dealing with teanage, are they really ready to be able to choose their careers at that early stage?

Wabuyabo Paul: Thank you very much for that question. This is what I think, we are trying to look at the age group of students we have in our current secondary schools and I strongly believe that a student in form two level we have departments of guidance and counseling, careers departments and so on and so forth a candidate or a student in form two level definitely has a mind where he can decide on what he wants to do through the assistance of the parents, through the counseling of the carreers department and so on, so definitely it can work.

Com. Salome Muigai: Thank you very much, please register yourself. Henry Okwiri, Japheth Munyifwa no it just good to read close to your mouth.

Japheth Munyifwa: Thank you very much.

Com. Salome Muigai: No try and see whether it is off, is it off?

Japheth Munifwa: Thank you. My name is Japheth Munyifwa. I will talk only on one thing, that is the President of the

republic of Kenya.

I do feel that the President of this country should be a person above the age of 55.

(Interjection)

Com. Salome Muigai: Put the mic closer to your mouth.

Japheth Munyifwa: This is because, 10 years term will bring it to 65 years which is a good age to retire, should you give one at the age of 30 years, it means he will reach the retirement age at 40 because our Constitution gives him only 10 years as the President. At this age, one can easily refuse to leave the seat because at the age of 40, somebody who has been a President travelling all over the world with influence of other leaders can easily say, “no at the age of 40 I cannot go”. These Kenyans who are able to become President at the age 40 should still serve the country effectively in the capacity of Ministers until they attain that age of 55 years. I have seen in the past, the two Presidents we have had, including the one we have today, I am convinced that they have survived some conflicts because of their age otherwise, there was a time for those who are ageing as I can remember, when we had a conflict with Somalia and also with Uganda. Had they been young men of about 40 years they would have just said no. So, it is my feeling that these people should be given opportunities further more, if we start giving these young energetic men of 40 or 30 years presidency, it will come a time when we have 4 or 5 Ex Presidents who have to be cared for and maintained by the State and that is very expensive. So that is my only contribution, thank you very much.

Com. Salome Muigai: Thank you very much, please register yourself. Aggrey Wanzeze. Karibu. Ungetaka kupeana in brief, basi endelea na uanze na jina lako. Eleza kwa kifupi. Zungunza kwa microphone ndio tukusikie.

Aggrey Wanzeze: Naitwa Aggrey Sam Wanzeze. Maoni yangu ya kwanza ni utawala ya ufalme. Sisi kama tunavyoona hata juu hata hapa chini, hatupendelei maneno ya ufalme. Tunataka mtu akitawala, mwingine akiwacha mwingine achukue, si kwa kabila moja. Tena chini hata kwa ma-location vitu za (Inaudible) tunataka mrekebishe kwa Katiba maneno ya ufalme katika utawala.

Kitu ya pili, maneno ya wanaweke na kurithi mali imetajwa sana lakini maoni yangu na ya wengine tunaonelea tunawapa hawa akina mama nguvu nyingi sana na hawa si relatives hawa ni marafiki, wakizaa watoto basi sasa urafiki umekwisha, wanaweza kukuua. Ya pili, mwanamke akipewa shamba arithi, mwanamme mwingine atakuja na kumdanganya anachukua hiyo shamba halafu anamfukuza, wale watoto ambao umewacha watasumbuka. Hii mnatia nguvu nyingi lakini sisi hatutaki, mwanamke miaka ya chini ya ishirini ndio wapewe mamlaka ya namna hiyo.

Tukienda kwa Bible, Mungu alisema nini kwa Bibilia na tena Paulo amesema nini kwa Bible? sisi tumekuwa na wanawake, mabibi zetu kutoka zamani, sasa nyinyi mmeanza kuwafundisha tu maneno mengine.

Ya tatu ni records za serikali, ukifanya kazi ya serikali kuna record ambayo inawekwe na wanaweka kama siri, sijui wanafanya safu au wamewacha wakati wa wazungu. Kama iko haifanyi kazi, mtu mmoja anaweza kufanya kazi ishirini na wengine kwa location wamekaa tu. Hii hatupendi, tukiwa na hii recordi committee nyingi za locational development, mtu achuguliwe kutoka kwa record hiyo ili asaidie watu. Akimaliza period yake mwingine akuje tena lakini si mtu kufanya kazi mpaka afe kwa committee hiyo. Record hiyo tena inaweza kusaida upande wa Ma-Councils, kuna watu ambao walikuwa kwa Council wame-retire, wengine walikuwa walimu lakini ma-Council zinaharibika kwa sababu wamechukua hawa young men, lakini hawajui njia za kufanya kazi na serikali nayo inaangalia mtu ambaye anapesa. Hata nimefanya na wewe kura na tena mimekushinda na tena wanachukua yule mtu ambaye amekatalikwa na watu ndio wanepekeka kwa Council. Hapo tunapeleka temptation kwa watu, hapa pia tunaona makosa.

Com. Salome Muigai: Point ya mwisho mzee saa zimeisha.

Aggrey Wanzeze: Haya. Ya nne ni elimu. Elimu tunataka vitabu vya (Inaudible) zirudishwe kwa syllabus, watoto wasome kutoka standard one mpaka eight na tunataka tena. Tunataka Standard one to Four, writing iwe subject na reading pia iwe subject kwa sababu watoto wengi hawawezi kusoma, hawawezi kuandikia baba yake ambaye hajui kiingereza, Kuluya au Kijaluo. Kwa sababu wame wacha hizi subject.

Com. Salome Muigai: Mzee umemaliza wakati wako, sasa second ya mwisho lakini utatupa hayo maandishi yako. Lakini kabla hujaenda, ningetaka kukuuliza swali moja. Sasa akina mama umesema wasipatiwe shamba kwani bado wanangojea miaka mia mbili ndio waweze kujua habari ya kutunza shamba bila kudanganywa na wanaume. Je, wakitaka kununua tuwakataze kwa Katiba wasinunue?

Aggrey Wanzeze: Hiyo ni yake mwenyewe kama anataka. (*Applause*)

Com. Salome Muigai: Kwa hivyo anaweza kununua lakini asipewe?

Aggrey Wanzeze: Asipewe.

Com. Salome Muigai: Sasa tuna wanafunzi wenye wamekuja, kwa hivyo tafadhali ningetaka kuwaomba kuwa nitamchagua mwanafunzi mmoja au wanafunzi wawili ndio warudi kwenye darasa wakafanye mitihani ni akina nani ndio walikuja zamani? Nitaanza na Jeffrey Chichole, yuko? Kama hayuko, Richard Nangapo, kama hayuko, Edwin Sakwa, kama hayuko Doreen Ochanda, Christabel Atako, Collins Kandalo. Karibu.

Collins Andalo: Okay, I have about two points to put across.

Com. Salome Muigai: Your name, anza na majina yako, shule yako.

Collins Andalo: I am Collins Andalo, I am a student at Lubinu High School and I am in Form Two. I have two points to put across.

1. Education Systems. You find that in the 8-4-4 System, there are so many subjects that we are pertaking where by you find in future some of them are not going to help us in our careers.

2. The government should put mechanism to ensure maximum participation in the government e.g. the youth should have their representative in the Parliament so that they can help them in their problems and help them to progresss and be good citizens.
Thank you.

Com. Salome Muigai: Asante sana kijana mwanafunzi kwa kuwa very, very focused tafadhali nenda ujiandikishe hapo juu. Sasa tunamuita Benard Mashemo. Wewe ni Benard Mashemo? Okay.

Benard Mashemo: My names are Benard Mashemo, I am in Form Three, Lubinu Boys High School. I have got the following comments to put across.

1. Presidential powers: You find that in Kenya currently our President is having a lot of powers for example now, he is the Chancellor of Universities, he is the Chairman of KANU, he is also the Commander-in-Chief of the Armed Forces. When he was in Senegal, there was document to be forwarded to Kenya but he was supposed to be waited for to come back and give the job officially and despite the fact that we have got the Commander-in-Chief Mr. Kibwana.

Secondly, we want to have...

Com. Salome Muigai: What are your proposals?

Benard Mashemo: I propose that the presidential powers are supposed to be minimized, for example, he is supposed to lead this country in one direction not to have a lot of powers.

On the industrial sector, you find that they stress too much on the localization of industries, for example now Kicomi was moved from Nairobi to Kisumu but after being moved it collapsed. The government stresses on localization but when it was moved there, the government should step in and help because very many people are suffering those who were employed there, they are just roaming around the country. The government should invest in such an industry so that it develops.

Right now we have situations where by the President's worry is about his wealth while in office. Any citizen who is tried in court even if he is chosen by the President, if he is found guilty, he should be demoted or given a last chance.

Finally, there are so many strikes in schools, we would like to have an issues where by the channels for communication in schools needs to be widened. For example when there is a problem, students must be given that chance to address a certain issue to (Inaudible) before destroying schools properties, which is not a good thing. Thank you.

Com. Salome Muigai: Thank you very much, please register your presence. Brian Omondi.

Brian Omondi: My names are Brian Omondi from Lubinu Boys, I have the following points to present. We know that our government is fighting against eradication of poverty and it is my view that we are around 30 Million according to the current statistics, donors have been giving Kenya around 60 Billion and above to eradicate the poverty, there is no reason why the government should take this money and use it in seminars. What they should do is this, they should take at least a Million and give to every Kenyan so that we can eradicate poverty rather than giving of using it in Seminars.

Protection of local industries, the government should ensure that rules are passed that importation of foreign commodities to be stopped to protect the local industries we have a lot of sugar produced in this country and we get that many businessmen from Kenya import sugar which make the local mwananchi buy foreign sugar which is cheap. The government should ensure that no sugar is imported or any commodity from foreign country to protect these local industries from collapsing. We have got many Kenyans who depend on these industries for their survival e.g. paying of their bills.

The other point is that jobs should be given to any Kenyan citizen according to academic qualification. We find that in Kenya at present, Ministers are just posted but according to their academic qualification, they are not supposed to hold those posts. This is where you find that before a Minister is appointed say a Minister for Finance, at least he should have worked in financial institutions like a Bank, World Bank, etc. not that you are given this post because you are close to the President or you are involved in political affairs.

Another point is that students should be given free time to study themselves without criticism from the school administration and the government. They should be involved in choosing their own leaders to stop them from striking where their views can be heard. Thank you.

Com. Salome Muigai: Thank you very much, register yourself. Richard Nangavo.

Speaker: (Inaudible)

Com. Salome Muigai: Pardon, who should be speaking. That boy and who else, okay let him come. Who else is speaking, this young lady, alright. That is okay. Tell us your name sir and your class.

Godfrey Chitole: My names are Godfrey Chitole from Lubinu Primary School, I am in Standard Seven. I want to talk about the President.

Com. Salome Muigai: Come again? Your name?

Godfrey Chitole: My names are Godfrey Chitole from Lubinu Primary School, I am in Standard Seven, My first point is about the President.

Personally, I feel that the President should serve for one 5-year term and that voting should be abolished and that the President should be appointed by wananchi.

Secondly, there should be free education in the country. Thank you.

Com. Salome Muigai: Thank you very much, register your presence and the lady please? Your name, your class and your school, okay.

Doreen Ochanda: My names are Doreen Ochanda from Lubinu Primary School in Standard Eight. I have something to present on the Constitution and it is regarding women positions in the country.

As you can see most of the women in the country are left home while the men go to work, all the senior positions belong to men. So, I am asking the Constitution Review Commission to do something about the position of women, because women are lagging behind so much.

Secondly, I am going to talk about the house girls, if you walk from house to house, there are many house girls and surprisingly, all of them. I am asking the Constitutional review to do something so that the house girls are educated or taken to polytechnic schools.

Com. Salome Muigai: Doreen, just a moment. What would you like us to do about the women? Have you thought of what you would like the Constitution to do? You have told us to do something but supposing you had a fairy godmother who would do what you want to be done, what would you like to be done about women?

Doreen Ochanda: Jobs should be reserved for the women and even if they become old they must retire from their positions of employment.

Com. Salome Muigai: Thank you very much. We are grateful for the teachers who have prepared the students to come to us, now I am going to my main list. The rest of you want to talk, okay. I have De Klerk Odili.

De Klerk Odili: My names are Odili Dickson De Klerk, I am in form three at Lubinu High School. I would like the following to be considered in the Constitutional review.

Concerning the academic the government should be serious when making some schools to be national schools especially secondary schools and Universities. For example in Western Province we do not have any University and we also do not have any National school. We would like this to be given serious consideration by the government.

Salaries that the Members of Parliament are being given, we find that an MP is being given about Kshs.600.000/= as salary and yet, we do not see what the money does. I would like their salaries to be reduced so that they are given a reasonable salary and the rest of the money is taken to other departments like the teaching department to prevent teachers from striking making us suffer.

Concerning the powers of the President, I will also suggest that the President should be able to take to a court of law in case of any misconduct and he should defend himself. If he appears in court twice he should be sacked or demoted.

Concerning the importation of foreigners to work in this country, the leaders of the country should not be a foreigner. There are capable Kenyans who can work but they are not given the chance. Therefore, we should not have foreigners coming to work in the country, they should only be as advisers for example, the Chairman of the Constitution Review there are other Kenyans who can do that work. Thank you.

Com. Salome Muigai: Thank you very much, I would like to appreciate your views because they are yours but also to share with you that the Chairman of the Constitution Review, Yash Pal Ghai is a Kenya, born at Ruiru and educated at Jamhuri High School. Eshitemi Sylvester.

Eshitemi Sylvester: My name is Eshitemi Sylvester and I have only one point to put across and if the point is taken seriously by the next government, then I think Kenya would be heading somewhere.

Parliamentary seats should be reduced so that the government can avoid financial constraints that result from MPs who take a lot of money leading to poverty in the country. The issue of MPs demanding increment of seat implies that the government has

a lot of money yet it cannot pay other people well, like teacher, doctors making them to strike. If this is taken seriously, I think Kenya will be heading somewhere. Thank you.

Com. Salome Muigai: Kuna swali moja.

Com. Raiji: How many right now we have 210 constituencies, how many do we reduce to?

Eshitemi Sylvester: I think if they are reduced to 68 it will be better.

Com. Raiji: Only 68 seats, okay.

Com. Salome Muigai: Thank you. Bwanga Peter.

Peter Bwanga: My name is Peter Bwanga, Form Three West, at Lubinu Boys High School. My point is this:

I would like to stress on the issue of freedom of worship, you find that here in Kenya there is freedom of worship and this has resulted to devil worshipping and this has caused many problems like lose of lives in our country. I would like the issue of devil worshipping to be illegalized.

Com. Salome Muigai: Thank you, if there is another primary school child who would like to talk I would be happy to give them another chance, meanwhile I have Tony Katisia.

Tony Matisia: My names are Tony Matisia from Lubinu Secondary School. I have two points to put across.

When it comes to the government giving aid to schools, they normaly give aid to developed schools only I would like the undeveloped schools to be considered to improve their education system.

When the councillors are being elected you may find that a Councillor is illiterate but he is elected because he has the language to confuse people. I would like the qualifications to be considered because you may find a Councillor has the language but later he uses that post to grab things like kiosks and plots. That is all.

Com. Raiji: What qualification do you want for a Councillor?

Tony Matisia: Education; at least he should be a person who has gone to a college or secondary school up to form four level.

Com. Salome Muigai: Thank you. Any of the primary school students who would like to talk, to add something? No. Okay, now I am through with the student, I have gone back to our original list and call Protus Asakania.

Protus Asakania: Mimi ni Protus Asakania. Mimi nitaongea kuhusu matibabu. Upende wa matibabu katika serikali ya Kenya kama ingebadilisha Katiba ya kugawana gharama vifo haihakuwa mingi katika Kenya. Kugawana gharama kunafanya mtu asiyejiweza kuenda hospitali na kama hana pesa hapati matibabu halafu anarudi nyumbani anakufa. Kwa hivyo serikali ingetoa kugawana gharama.

Com. Salome Muigai: Asante, ni hilo tu?

Protus Asakania: La pili, kuna kitu kingine upande wa mashamba inaitwa special Board, inakuwa kwa DO. Sasa special Board inaweza kupitisha shamba na watu wa familia hawajui ati shamba imepitishwa. Hiyo special Board kama ingeondolewa ingawa hapa ni mbali mashamba ingerekebishwa kidogo.

Cha tatu, mama na bwana ndani ya nyumba kama wameoana, kuna kitu kimoja, (Inaudible) inasema kichwa cha nyumba ni mwanamme sasa tukisema tugawane mamlaka hiyo itakuwa inavunja ndoa nyingi sana katika Kenya. Hiyo suing mkono. Ni hayo tu.

Com. Salome Muigai: Asante sana kwa maoni yako tafadhali jandikishe Protus. Harrison Wahuu.

Harrison Wahuu: Majina langu ni Harrison Makokha Wahuu. Nawashukuru sana ma-Commissioner ambao wamefika leo, nitazungumzia mambo matatu.

Jambo la kwanza, serikali ambayo tunahitaji kuwa nayo, tunahitaji kuwa na serikali ya Majimbo ambayo itakuwa na close administration katika Jimbo. Kwa sababu Unitary Government imekuwa mbali sana na wananchi na pia inapewa madaraka mengi. President amekuwa na madaraka mengi, anafanya vile amependa na sisi wananchi wakati wengine tunaona ni kunyanyaswa. Tuwe na Katiba ile ile tulikuwa nayo wakati tulipata serikali yetu. Sasa ni miaka arubaine tumepata serikali ya kujitawala wenyewe lakini ukitazama sehemu za kwetu hapa hakuna chochote ni miwa tu, hakuna industries, hakuna chochote kinachofanywa hapa kwa sababu mambo yote inafanywa Nairobi.

Jambo la pili ni ukulima, sisi ni wakulima wa miwa na miwa tunalima hatupati chochote, kwanza mambo yote inafanyika Nairobi, mtu hapati nafasi ya kufanya lolote. Juzi Act ilipitishwa ambayo ilisema tugawane gharama, hata serikali haifuatili hii na wakubwa wa factory wamekataa. Kwa hivyo, pengine tungekuwa na Jimbo letu peke yetu hatungekuwa tunalia. Pia wa ukulima huo huo, tumeona kwamba tumechagua Wajumbe wetu katika Kenya Sugar Board lakini wamepelekwa Nairobi na sukari inalimwa hapa, hii ni jambo la kusaida mwananchi wa kawaida? Nairobi kwenyewe hatujui ni sehemu gani, hata nikiwa

na jambo la kuzungumza na Mjumbe wangu ambaye nilichagua juu, sijui nitampata wapi? Kwa hivyo ningepomba sisi wakulima wa miwa, Kenya Sugar Board iwe na ofisi yake hapa.

Jambo la tatu ni elimu, nayo ni juu ya elimu ya 8-4-4, hii si elimu inayosaidia watoto vizuri, tunataka warudishe ile ambayo ilikuwa ya kwanza ya 7-4-2. Hii ndio sababu watoto wengine wanatoka secondary kama wengine hawawezi. Hii inaonekana kama ni hasara tupu.

Jambo jingine la kumaliza, serikali ambayo imechaguliwa iwe serikali ambayo inaweza kusikiza mtu yoyote kwa sababu mambo mengi yamekuwa ya rushwa tu mahali popote unapokwenda ni rushwa. Kwa hivyo imekuwa serikali ambayo haisaidii mwananchi wa kawaida, kama huna pesa unanyanganywa kile uko nayo. Asanteni.

Com. Salome Muigai: Thank you very much. Tafadhali Bwana Rajabu Omar ni wakati wako.

Rajab Omar: Kwa majina mimi ni Bwana Rajab Omar na nashukuru Commissioners kwa kuja kwa mambo yanayoendelea leo. Maoni yangu ni kwamba Constitution ambayo inatengenezwa mapya, President asiwe na safari mingi. Safari mingi zina-abuse mwananchi wa kawaida ama zina-abuse serikali kwa sababu ya matumizi wa pesa. Pesa nyingi zinatumiwa kwa safari ya Rais, kila mara Rais akitoka kuna magari hata zaidi ya mia moja kwa barabara na hiyo inadhuru mwananchi wa kawaida kwa sababu inakuja tu wakati wa budget na budget inapatikana inadhuru mwananchi sana kifedha.

Ningelipenda kama kuna function yoyote ambayo President anatakikana, aende peke yake na Minister na PS katika hiyo Wizara na assistant badala magari katika mlolongo inafanya serikali itumie pesa nyingi ambayo inadhuru mwananchi wa Kenya.

Jambo lingine ni corruption: Leo utapata kuna Wakenya fulani ambao wameiba pesa, pesa ambazo zilikuwa zimetoka kwa World Bank ama IMF na ikija kulipwa mwanachi wa Kenya, itamdhuru atalipa kwa ile hali ya kuweka budget kuwa juu zaidi ambayo haisaidii mwananchi wa kawaida.

Jambo lingine ni kiti cha Urais, Rais akiwa na mamlaka nyingi sana ile hali ya kuchagua mwenye ataongoza nchi. Nchi kuongozwa iwe kwa mwananchi mwenye kupiga kura na mtu akipita kura, apite kura kwa sababu ya wananchi sio mapendekezo ya Rais.

Jua kali sector, ningelisii Constitution mpya inayotengenezwa iangalie masilahi ya mtu wa jua kali mtu wa jua kali aweze kupata msaada ambayo inatoka ng'ambo. Kila mara tunasikia msaada imetoka ng'ambo na sijui inafika wapi maanake sijaona jua kali ambayo imepata msaada labda kama inapelekwa pahali pengine lakini Western Province nimezunguka kote sijawahi kuona. I would like the Jua kali sector to be highly considered to promote the youth na akina mama ambao wako kwa vyama tofauti tofauti.

The President should not be above the law, may be this will limit corruption. But the President being above the law, I think it is not good according to me. Rais anatakikana afanye kazi akijua pia sheria iko pahali inamkumba si yeye ndio ame (Inaudible) yeye pia afanye kazi akizingatia sheria fulani na uongozi uwe kama mpira kwa uwanja penye watu wanapigania wote isiwe iwe kiti ya Rais kusimama na kuchagua ati so and so.

Com. Salome Muigai: Asante sana. Benson Ochango.

Paul Shikure: Nitafanya correction kidogo, jina langu ni Paul Ambombo Shikure.

Com. Salome Muigai: Wewe si mwenye nimeita mimi namuita Benson Ochango.

Paul Shikure: Tuko naye tukiwa chama kimoja.

Com. Salome Muigai: Yuko wapi?

Paul Shikure: Yuko tu hapa.

Com. Salome Muigai: Basi hii ni nafasi yake. Na wewe hukujiandisha Bwana.

Paul Shikure: Nilijiandikisha.

Com. Salome Muigai: Nani?

Paul Shikure: Paul Shikure.

Com. Salome Muigai: Okay, na umekuwa ukilalamika kwa wakati mrefu sana unaona sasa ndio tumefikia wakati wako.

Paul Shikure: Sawa sawa. Basi kwa majina ni Paul Ambogo Shikure natoka kwa chama ya Marara Youth Group, nimetumwa na wanachama kwa maoni yafuatayo tukiwa na Benson Ochango ambaye ametajwa, na mwalimu Onyango. Maoni yangu ni kama ifuatwayo.

Kwanza nitaanza na elimu: Elimu ya 8-4-4 tunapendekeza kwamba ni dhaifu ambayo haiwezi kushindana na mambo ya sasa kwa hivyo ningependekeza elimu ya 7-4-2-3 irejeshwe ili wanafunzi waweze kupata nafasi kwa vyo vingine vywa nchi za nje. Na elimu iwe ya bure na ya lazima kuanzia darasa la kwanza hadi la saba.

La pili, nitazungumza kuhusu mila zetu: Tulipendekeza kwamba, pombe ya busaa ambayo ni utamaduni wa Waluya wote na nafasi zake ni mingi kwamba vijana wanapoenda kutahiri wakati ambao wamepona hiyo pombe ya busaa ndio dawa ambayo inaonyesha kwamba wamekuwa wanaume wazima. Ya pili kwa hiyo hiyo busaa, ni kwamba ndoa zinazotengenezwa hapo awali wazee walikuwa wakikaa chini wakitumia pombe busaa kama njia ya kuzungumzana maneno wakisikizana na pia mtu akikuuma kwa meno hiyo pombe ya busaa ni dawa. Kwa hivyo tungependekeza utengenezaji na unywaji wa busaa (Inaudible)

Nimekuja kwa uraia: Uraia tumependekeza kwamba mtoto wa mtu ama watu ambao ni wazaliwa hapa apewe uraia bila pingamizi na ikiwa mmoja wa wazazi hao ni wa nchi za nje na mmoja ni wa hapa, pia huyo ana haki bora, wamechunguza huyo mzazi mmoja ni wa hapa nchini.

La nne, Bunge: Bunge liwachiwe uamuzi wa kuamua mambo ya mshahara yao bali wachague Tume ambayo itasimamia maswala kama hayo ya mishahara na maofisa pia kama Wakurugenzi wa kampuni makubwa makubwa wasiwe wakichaguliwa na Rais bali Tume hiyo hiyo ambayo itakuwa inachaguliwa iwe na mamlaka ya kufanya hivyo.

Nafikiria nikimaliza maana najua yaliozalia nitawapatia karatasi yake.

Langu la mwisho, haki ya ardhi na mali asili: Ni lazima serikali imfidie mtu mwenye shamba ambalo litakuwa limenyakuliwa na serikali kwa sababu mbali mbali si kwamba waichukue tu na waache mtu akiranda randa bila mahali pa kuenda. Mengine mengi nafikiri nitawaachia copy ili muende nayo na ninashukuru. Asanteni sana.

Com. Salome Muigai: Kuna swali moja.

Com. Raiji: Hii pombe ya busaa inatengenezwa na dawa gani ambayo ni dawa hata mtu akikuuma unaweza ukatumia?

Paul Shikure: Pombe ya busaa inatengenezwa either na mtama na mshinde pia halafu, mchanganyiko huo ambao unakaa karibu siku kumi kama umegandishwa mahali, baadaye unakuja unachemswa hiyo tayari imetengeneza dawa.

Com. Salome Muigai: Na je, tukileta daktari karibu na watu na tulete nurse kwa kila location? Na hospital ziwe za bure, bado tuwache busaa iwe ya kutibu pahali mtu ameumwa?

Paul Shikure: Hiyo ya hospitali haiwezi kufanya kwa sababu, hiyo si utamaduni na nimesema juu ya utamaduni.

Com. Salome Muigai: Asante na ujiandikishe. Anne Sakwa, amekuja? Jacksona Wahu.

Jackson Wahu: Asante sana wakurugenzi wa Katiba. Kwa majina naitwa Jackson Abetwa Wahu.

Ningeanza kwa maoni yangu na serikali ya Majimbo, ningependelea serikali iwe ya Majimbo.

Rais awe na kipindi cha miaka mitano, ikizidi iwe kumi. Hicho kipindi cha miaka kumi kikiisha asiingie kwa siasa, akijiingisha kwa siasa asipewe allowance yoyote kwa maana bado ni mwana siasa. Apumzike kama raia wa kawaida. Raia awe na uhuru, hata anaweza kuzungunza na Rais kwa shida yoyote ambayo inamkabidhi. Rais asifanyie mtu yoyote campaign ati anataka fulani.

Ningependelea, Chifu na naibu wa Chifu wawe wakienda transfer kama wafanyikazi wa serikali wengine.

Kesi za mashamba, zisikilizwe na wazee wa kijiji hiyo isiende kwa koti.

Kila mtoto hata mzee akiwa na watoto kumi ama ishirini, kila mtoto ana haki ya kupata shamba ya baba yake. Na mtu wa familia hiyo asipate shamba mara pili kutoka kwa baba, ikiwa yake kama amenunua hiyo ni yake, lakini ya baba apate mara moja. Kwa maana sisi Waluya tunasema mtu anapata fupa moja kutoka kwa baba yaani kifipa na hawezi kupata mara mbili. Kwani nimeona wengine wananyang'anya watoto wadogo mashamba na wamepewa yao zamani.

Mahari: Kila sisi Abagusi tuko na sheria, mtu akioa mtoto wako lazima apeane mahari kama ngombe kumi na nne na zaidi na mbuzi. Kwa maana tuna sheria, huyo mtu ambaye ameo mtoto wako, huyo mtoto akifariki lazima atapeana mali kama huyu ni maiti. Kwa hivyo wakati huu watu hawapeani mahari anachukua tu mtoto fulani anakaa naye. Ni hayo tu.

Com. Salome Muigai: Asante sana, mimi nina swali moja kwako. Umeeleza kuwa kesi za mashamba zirudishwe kwa wazee. Akina mama wametuambia kila pahali tumeenda kuwa mara nyingi hizo korti za wazee ni za wanaume peke yao na wakipeleka kesi zao huko hazisikizwi kwa vile wanaona kama wanaonewa na wazee na wakati mwingine hata shida zingine zinawakaba wanaona haibu ya kuwaambia wazee shida zao. Sasa wewe ni mzee, ungetaka kutuelezaje ili tahakikishe kuwa hizi koti zinahudumia kila mtu na kila mtu anasikia amehudumiwa.

Jackson Wahu: Ndio, hata akina mama wahusishwe kwa hiyo kamati ya wazee.

Com. Salome Muigai: Asante. Elly Onyango, Geoffrey Omurunga, yuko?

Geoffrey Omurunga: Thank you very much Commissioners, I came in as an observer but I have to make some contributions.

In this case, I would rather that the new Constitution addresses the following, that is:

It should allow the citizens to elect the Vice President that is, the next presidential candidate should have a running mate who will in turn be his Vice President who will help him rule the country properly.

Political Parties: They should be strictly three and not more that, that is to curtail on the tribal inclinations of feelings.

Provincial Administration: Right from the Sub Chief to the DC, all of them are civil servants and therefore, they should be transferable. In this case, may I just after before other speakers that the Sub Chief and the Chief should also be transferable and if possible, the sub Chief should have an established office for easier access.

Cabinet Ministries: The Constitution is not decided on the duties and responsibilities of the Ministers that is, it should outline their duties and responsibilities not necessarily being assigned by the President. The current Constitution has a very bad scenario where Ministers share ministries. The new Constitution should actually address that there should be no sharing of ministries or duplication of duties. Where you find that for example, the Minister for Informations is different from Minister for Transport and Communication when the ministries are supposed to be one.

Before Ministers are appointed to the Cabinet, actually the names should be floated to the Parliament so that they are vetted. This will prevent the idea of giving ministries to Ministers whose backgrounds sometimes are questionable.

Life of Parliament: The incoming Constitution should actually state when the life of the Parliament should end for example, if it has to start this year and when it has to end to avoid the idea of the sitting President using it as a private weapon keeping the citizens in a state of anxiety.

We have the issue of the political rejects for example, during the elections there is no draw in election there must be a winner and there must be a looser. We find a case where one has lost in an election then he or she is nominated or appointed to head another parastatal in the government, that is serving the people. That breaches the purpose of democracy.

Then we have the fund raising, actually the new Constittution should be made it a point that it should be abolished completely because it has lost its meaning. You find that government is now reluctant it is not planning for the needs of its citizens, it is relying on the fund raising. You find the targeted groups are never reached, for example, you find that we have needy students or needy pupils who are supposed to be fund raising to catter for their fees but in the end you find that they are not benefiting from the same, so the government should be made to plan for the education of needy children, physical development of schools and infrustructure in general.

Then we have the Nursery, schools ESD, you find that the teachers are not directly employed by the TSC, actually they hand over the children to class one where you find that TSC is hiring teachers from Class One up to the University. Therefore, the

Nursery School teachers should be directly hired by the TSC. Thank you very much.

Com. Salome Muigai: You have talked about issues of democracy and you have said that Parliament should vet Ministers, if this Ministers come from amongst them, then a time comes when possibly the Parliament is afraid of being too alert incase next time it is your chance to be vetted. So how do we deal this so that as we put checks and balances we also don't by the same way make those same institutions we want to strengthen become weakened because we have a conflict of interest.

Geoffrey Omurunga: Now, by vetting the would be Cabinet members, we will not be weakening the system. For example, we have a Finance Minister actually, I forgot to put in he should be a person of high intergrity, a person who is well versed with the ministry, that is the kind of vetting we have to do.

Com. Salome Muigai: Thank you very much. Felix Rapando, Dick Waliaro. Tafadhali utueleze majina yako vilivyo.

Dick Waliaro: Majina yangu kamili ni Dick Waliaro. Mimi natoka hapa Lubinu na ni Secretary wa Democratic Party, Mumias Branch. Kwanza, ningependa kuomba Katiba ikiisha iaandikwe katika lugha ambayo itaeleweka na kila mtu na ipewe kwa mashule, makanisa na mahali pengine ambapo mwananchi wa kawaida anaweza kupata.

Ya pili, ningepeda kusema vile wengine wamesema na inabidi tuseme tukirudia kwamba powers za President ziwe reduced kwa sababu anaweze kuwa na makosa, akiwa na makosa apelekwe kortini kama raia mwingine. Pia mahali hapo kwenye wadhifa wa Rais, awe na degree kwa sababu, ukiangalia kwa wakati huu vile ulimwengu unaendelea, utapata kwamba yeye ni Chancellor wa vyuo vikuu vyote vya Kenya na yeye mwenyewe si wa chuo kikuu. Sisemi kwa sababu kwa yule yuko, mbeleni vile tunaendelea.

Provincial Administration: Ningependa Katiba iaandikwe kwamba Chifu, atolewe tubaki na Assistant Chief na Ma-DO halafu DC asiweko, tuwe na PC. Kuna sababu ya kusema hivyo kwa sababu, Chifu hakuna mtu anayemjua mpaka chini mashinani ni Liguri na Asssistant Chief. Kwa sababu baada ya vijana kupata kitambulisho, unapata kwamba Chifu anamfukuza kijana kwa sababu hamjui na ilhali Assistant Chief ameweka sahihi katika hiyo form.

Tena hapo hapo ningelipenda hawa wawe wakipigiwa kura, kwa sababu kwa umri kama huu wangu nikiwa Assistant Chief hadi wakati ule nita-retire, yule mzee ambaye yuko mbele yangu na tumekosana atateseka sana. Kwa hivyo ningependa wawe wakipigiwa kura kwa muda fulani.

Com. Salome Muigai: (Inaudible)

Dick Waliaro: At least 3 years.

Jambo lingine narudia ni Councillor kwa upande wa Municipa. Utakuta kwamba kwa mfano Municipa kama hapa Mumias, unakuta kwamba ma-Councillors wote ni wale ambao hawawezi kuelewa chochote. Kwa hivyo ningependa wawe ‘O’ Level and above kwa sababu hapo ndio kuna mambo mengi ya revenue na cess na ukipeleka kule mtu ambaye haelewi ndio sababu kila kitu kinaenda mrama.

Nikirudi kwa upande wa Parliament, hapo ningeliomba tena Katiba iundwe, yoyote ambaye atawania wadhifa wa Parliament awe na University degree kwa sababu ukienda pale Parliament mambo mengi yanaharibika kwa sababu mtu anapewe Ministry na yeye mwenyewe haelewi chochote kulingana na vile mambo yalivyo. Tena niki-support hapo, hii Katiba ingetengenezwa Parliament ijapo wale wako huko wote wangukuwa watu ambao wameelimika wangetutosha. Lakini kuna wengine wangeleta tashwishi ndio tumeletwa hapa chini.

Nikimalizia, ningeliomba tena vyama vya kisiasa zipungzwe hadi 3 na 5 zishizidi hapo kwa sababu ikiendelea mno zinaingiza mambo ya kikabila.

Ya mwisho, Rais, the sitting President asiwe na mamlaka ya ku-propose next President, akimaliza wadhifa wake, akae kama raia na asijuuzishe na siasa. Asanteni.

Com. Salome Muigai: Asante sana. Patrick Wesa, Bonventure Otovera, Peter Manyasa.

Peter Manyasa: Kwa majina ni Peter Manyasa Salasia na maoni yangu ni kuhusiana na urithi. Mimi nikiwa mkulima au mfanyikazi, ninaweza kufariki kama nimefariki, pesa yangu itachukuliwa au mali yangu inapelekwa kwa trustee kuwekwa huko. Familia yangu inanza kuangaika juu ya hizo pesa ambazo ni pesa zangu. Kama mke wangu au mtoto wangu hawawezi kukaribia hizo pesa. Wakitafuta njia ya kupata hizo pesa kwa huyo trustee itakuwa ni vita nyingi sana inaweza kuchukua mwaka mmoja au mbili zikiwa kwa trustee. Pendekezo langu ningenelea ya kwamba, mambo ya pesa kupelekwa kwa trustee hii pesa iwekwe kama kwa Chief anaweza kunijua au Sub Chief anaweza ku-recommend halafu familia inachukua pesa, hatutaki pesa zetu kupelekwa kwa trustee. Mwishowe unaweka kuta hizo pesa zinachukuliwa na zinapanda ushuru tena na hakuna vuke trustee huyo au kwa serikali anaweza kusaidia familia yangu. Pesa zinakatwa na kusemekana kwamba zinalipa ushuru na tayari mahali hizo pesa zilikuwa zinatolewa kama Mumias vile vile inalipa ushuru. Kwa hivyo mambo ya pesa kuenda kwa trustee, nimeona hiyo ni makosa, itakuwa pesa iko tusema vile nilikuwa nasema hapo mbeleni, Chief au Sub Chief anajua shida ya mwenye pesa.

Neno la pili, ninazungumzia juu ya uwezo ya serikali, unaweza kuenda ukiwa na shida kwa Chief au kwa yoyote yule anahusika na kuuliza ili usaidiwe jambo fulani, atakurudisha nyuma na kukuambia wewe kuja unione baadaye labda ndio nitakusaidia kwa jambo hilo. Mimi naonelea kama inawezekana sheria kama iko au Katiba haitasaidia mwananchi mdogo, ukienda kama hapo

mbeleni kama ulikuwa umepata taabu, mtu anakupiga naenda kwa Polisi, Polisi anatoka wakati huo mara moja akienda kushika huyo mtu. Lakini siku hizi hiyo hakuna hata kidogo, unaweza kuenda kwa Polisi na uuleze shida yako, watakuambia huyo mtu alikupiga wapi, kwanda huko na hiyo maneno yako. Kwa hivyo hili jambo inatakikana serikali iweke mkazo kabisa kwa mwananchi mdogo ajaribu kusaidiwa kama watu wengine.

Jambo la mwisho, ningesema hivi katika maisha ya watu sasa imekuwa ugumu sana kwa hivyo, mimi ningependelea serikali vile vile iwekwe sheria. Mkulima aangaliwe sana ili naya pate kuwa na usawa, kwa maana nikiangalia sasa, serikali naweka maanani sana upande wa wafanyikazi lakini upande wa mkulima haangaliwi hata kidogo. Kama serikali inaweka nguvu upande wa kilimo hakuna shida itatokea Kenya hii, lakini sehemu ya kilimo imewekwa nyuma sana. Wafanyikazi ndio wanaangaliwa sana katika serikali hii. Ni hayo tu ndio nilikuwa nayo.

Com. Salome Muigai: Asante sana jiandikishe. Bwana Ngai Mate, Alan Ojwang' Julius Nanjira.

Julius Nanjira: Commissioners of the Constitution Review, I have the following proposals in our new Constitution.

Provincial Administration: It starts from the PC down to the Assistant Chief and they forget the most important person the Liguru, Village Elders. That person should be given at least some little salary.

Salary difference in Kenya is very high, you find that one is earning Millions and the other one is earning nothing. I would wish that the new Constitution caters for all and not for a few individuals.

No man is above God and by that I mean, all men should be treated equally when it comes to law.

You find that in Kenya, one man has very many jobs, he is a clerk of a secretary somewhere, he is a businessman, a carpenter and everything while there is another man suffering else where. There should be some control over job issue.

Women in Kenya should be given powers but these powers should be controlled. Even in the Bible, the woman came in as a helper not as powerful as you want to do it now.

We have people who have come up, advocates in our Law Courts instead of doing their jobs, these fellows have started harassing and causing problems to those accused or given anything. So my advice to the Constitution is that, the Advocate should be abolished from the Law Courts because they cause confusion between the Judge and the victim.

Hospital bills especially in government hospitals should be abolished completely because man (Inaudible) is alarming.

Women fashion; wanawake kuvaa nguo, you find that they put on tumbo cuts and yet she is an elderly mother who is supposed to be respected, a slit up to this size exposing whatever. I would say that if such a woman exists in Kenya she should be taken to the Law Court and be charged.

Abortion; any woman found aborting should be sentenced to life sentence because that is like killing.

Street children; you find that the government has started what we call approved schools in the republic which were assisting such children but instead, they have converted those schools for Ministers children. The government should create schools for these street children, after primary education these children should be taken to colleges, polytechnics to enable them earn a living. They are not bad the way you see them, if they are controlled they will be able to be good citizens in the republic.

Lastly, privatization of firms in Kenya is only for the will to do ... (Inaudible) you find that now Mumias Sugar Factory will be sold to mwananchi at Kshs. 2/25 per share, then they come up with another suggestion where they say the minimum is Kshs.10,000/= if this is done well then, we should have control over that so that mwananchi has a say in whatever they say. Otherwise

Com.Salome Muigai: You have said that any woman found aborting should be taken to a court of law, what about any man who fathers a child and is not responsible for it, what do we do with him? He is already aborting half of the foetus.

Julius Nanjira: Pardon, come again?

Com.Salome Muigai: I am saying that biologically which I am sure the Luhya culture appreciates is that a child is born, made by a father and a mother so when the man says he is not interested with his half of the baby that is already an abortion of half of that baby. So, by the time the woman perhaps is aborting she is only aborting half of the baby, somebody else has aborted half.

What do you say about this other person?

Julius Nanjira: Thank you. This man who has decided in that manner that you have put him in yet this child is alive should be asked to take care of the child upto a certain age.

Com.Salome Muigai: Just that, supposing he says no?. Asante sana umejibu swali langu.

Julius Nanjira: Thank you.

Com.Salome Muigai: James Imbiakha.

James Imbiakha: I am James Imbiakha from Isongo, Mtaa wa Kakamega Town Council. Nina machache hapa ambayo nimetengeneza as my proposals, which we shall look into.

Upande wa mashamba ningependekeza hivi, ningependekeza tuwe na kamati teule ya mahakama ya wezee na akina mama ambayo ingeshugulika na mambo ya mashamba. Na hawa wazee wasiwe watu wa ukoo ule, it should be a special independent body from the Judiciary.

Kesi za Polisi, mimi ningependekeza kwamba hizi forms za P3, ziondolewe na wale wanahusika wahukumiwe kisheria, kwa sababu unatapata watu wamepigana, mmoja ana pesa na mwingine hana pesa, yule ambaye hana pesa amepigwa na kwa sababu hana pesa za kulipa kwa P3, yeye tena ndiye atafungwa. Kwangu ningependekeza hizi forms zitolewe kabisa. Wale watu ambao wamepigana waende tu kotini halafu koti ichunguze mambo yao na wanapata ushaidi wa kutosha.

Kwa mashamba pia kwa korti, ningesema kwamba kwa korti kuna kesi nyingi ambazo zimelala huko na ikiwa hizi kesi zimemalizika, mambo ya kufanya appeal, ningependekeza hii appeal iwe mara moja tu peke yake kwa sababu unapata watu wameshitakiana huko kortini halafu appeal hii inaendelea mpaka Kisumu na inaendelea kwa muda mrefu hata miaka kumi, huyu anashindwa bado anafanya appeal, anashindwa tena anafanya appeal, inachukua hata miaka kumi kabla hiyo kesi haijaisha.

Ningependa pia kurudia mambo ya recruitment ya Armed Forces, I would suggest that every constituency ama division ipewe number fulani ya recruits halafu tusema wanakuja huko mbeleni, Mumias inapewa nambari fulani, Ikolomani nambari fulani ndio wanachukua watu sawa. Kwa sababu hii mambo ya kufanya pamoja hatuwezi kujua kama hawa watu wa Mumias tumepata hiyo nafasi ama hatukupata.

Nafikiri hapa mambo ya nomination of candidates kama tusema watu wame-apply kupigania viti kama za Local Authorities mimi ningesema ya kwamba lazima huyo mtu awe amesoma, hawa watu ambao wamesoma sana saa zingine hawajali masilahi ya wananchi. Inatakikana huyo mtu awe very popular, flexible halafu awe mtu ambaye anajulikana katika hiyo area sawa sawa watu wenyewe wamchague kuliko kusema lazima wawe na education. Kwa sababu mtu akiwa amesoma, amepata degree halafu unamwambia wewe utakuja ku-represent sisi, hajui hata shida ya mtu. Ni hayo tu nilikuwa nayo. Asanteni.

Com.Salome Muigai: Asante sana. Celina A. Riawya.

Celina Riawya: My names are Celina A. Riawya. I have a written memorandum and it is long but I want about orally is more important than what I wrote.

Com.Salome Muigai: You have 5 minutes in which to let us know what you would like usto know.

Celina Riawya: Okay. First, I would like to point out that currently according to me, the office of the Vice President is dormant because we have everything being done by the President. When it comes to tours, he is out 24 hours and spends almost the whole month outside according to me, some of these tours should at least be shared or should have some given to the Vice President and even other duties, that is just an example.

2. Women are complaining that we want to be equal to men but the way it was understood initially I would say it started on a wrong note whereby the ladies who are supposed to represent us (Inaudible).

Com.Salome Muigai: Celine can you speak on the mic, when you keep on looking behind who is listening to you, then you will keep on moving away from the microphone and that way we cannot hear you.

Celine Riawya: Thank you. I think we should be given an opportunity and there should be restrictions to guide the ladies.

Com.Salome Muigai: Celina please speak to the mic because we are trying to record what you are saying. Can you hear me the way I am speaking to my mic? Hold it the same way so that you can also be heard.

Celine Riawya: Okay. I was saying that I would like women to be given a chance although they should be given some restrictions, at least according to the African cultures, behaviours and characters and she should follow the rules while in that position, that she has been given to present interest of other women.

I will also talk about beer because Kenya being an African country, we cannot do without it. The truth is when you are drunk after taking tuskers, chang'aa or busaa I cannot know the difference the fact is, you are just a drunkard. According to me, the Africans really value the traditional beer, it should be legalized. This has destroyed our Police Force most of their time is used on looking where chang'aa is brewed and beer instead of doing what is right. When it is legalized at least they direct their power towards the very important issues they are supposed to address like robbery.

I will also talk about the universities in Kenya currently, where by you find that our Chancellor is the President of which it is not even a matter of requesting but if need be, then at least there should be a change because we should have a Chancellor who has been through the same channel and understands what it means to be jobless after studying for all those years. You note that during graduation time, they do not address any issue on what do after graduating, you are given the gown and then you are told to go home, this is very painful, so it should be addressed.

The loans that are given by the HELB, there is that percentage of interest which will be paid when you start working, you can imagine you are out and then you tarmack for 15 years, there is that interest accruing. What is the government doing about that?

Our Constitution has been there but surprisingly, most of we citizens have only heard of it at this time when it is being reviewed but we do not really know our rights, we do not know our Constitution. In case we come put with a new Constitution it is our request that you make reach each and every citizen in Kenya.

For our Constitution to be modern like in the west, it should have a preamble which should at least capture the following: Peace, love, unity, good governance, gender equity in ownership, inheritance and the right to dispose off these assets. In upholding this, it will lead to eradication of poverty, ignorance, diseases and corruption and in Kenya will be ready to safeguard our national resources and their equitable distribution. Thus, we expect a copy that will have something to do with a statement like, “we the people of Kenya” meaning it is us who have taken part in writing the Constitution. It should not just be a document.

Com.Salome Muigai: Last point mum?

Celine Riawya: The last point is on citizenship, I will say that our current citizenship for foreigners is only for 6 months then a foreigner is allowed to be a Kenya just like me, a natural citizen, this has led to Kenya having quite a good number of foreigners such that the natural citizens are not getting access to our resources. So, please I would request the government to increase the period of 6 months to at least 5 years because they come in, invest when they invest they come along with their families because that period is so long, this has resulted to lack of employment.

Com.Salome Muigai: Thank you very much. I have one question for you madam. You said that the women should be given positions but with rules. Should the men in positions also have rules or you just want rules for women?

Celine Riawya: According to our African culture, it seems the men feel okay and they are not ready to give us a chance because according to them they are (Inaudible) but to me it is just like you should be married for you to rule, you should rule your house first before you can rule outside. It is like in Kenya nobody makes a follow up to know if so and so is married or if so and so has 20 men or women they only look after the ladies. So for us to have that chance, let us give them the opportunity to think and should be married first.

Com.Salome Muigai: But you are giving the rules yourself in giving your own submissions both as a couple and as a woman. What would you like, would you like the women leaders to be given some rules but not the men or would you like there to be rules for leadership which apply to both men and women?

Celin Riawya: I think there should be rules for both men and women but the rules which they feel are denying women the chance to lead they should at least put in their ...(incomplete).

Com.Salome Muigai: Okay, thank you very much madam. Patlshia Sistia.

Patlshia Sistia: (Inaudible)... nimetangaza mtoe vitu zinakumba au zinaleta shida wakati huu, Makumba au “Ting’ani” kwa Waluya.

Com. Salome Muigai: ...(Inaudible) mzee wa kutafsiri haya mambo, can you come over?

Patlshia Sistia: Hamjui hiyo. Tulikuwa tunavuka Mekumba hapo zamani halafu wanasema ati warudi hapo tena.

Com.Salome Muigai: Ungetaka kutuelezea kidogo.

Speaker: (Inaudible)

Com.Salome Muigai: They reduce it to the grave, unataka hiyo irudie kwenye kaburi na itolewe?

Patlshia Sistia: Ndio, tafadhali.

Com.Salome Muigai: Endelea mama.

Patlshia Sistia: Ya pili, ninataka vilabu za zamani virudishwa.

Speaker: Klabu ya pombe.

Patlshia Sistia: Yes, vilabu vya pombe ya busaa zilikuwa za maana kwa maana kuna watu wengine wanataka kunywa hiyo pombe lakini wanajificha ficha, hii ndilo inaleta shida zaidi.

Ya tatu, mrudishe social halls za zamani, watu walikuwa wanacheza mchana halafu ikifika saa kumi na mbili wanaenda nyumbani. Hakukuwa na shida.

Com.Salome Muigai: Unasema kucheza nini, watu walicheza dansi au walicheza...

Patlshia Sistia: Walikuwa wanacheza tu,

Com.Salome Muigai: Wanacheza mchana.

Patrlishia Sistia: Ndio walikuwa wanacheza mchana.

Ya nne ni watoto wa shule, kuna watoto wa shule wanaoenda shuleni na kuna wengine wanaoweza kujipatia na wengine hawawezi. Na hao wote wanawekewa tu pamoja mtoto akienda shule tena anafukuzwa na mwalimu, haya anapewe kitu kidogo apeleke shule, mtoto anaenda shuleni siki mbili, siku ya tatu tena anafukuzwe na mwalimu. Tafadhali mtusaidie.

Com.Salome Muigai: Unataka kupendekeza nini mama?

Patricia Sistia: Napendekeza hayo mambo ya shule kuna wadogo na wakubwa.

Com. Salome Muigai: Kwa hivyo waweke nini?

Patricia Sistia: Wasifukuzwe watoto tu bala wasibiri wazazi watafute pesa halafu wapeleke shuleni.

Com. Salome Muigai: Endelea?

Patricia Shistia: Ni hayo tu, niseme ingine.

Mabwana wanopiga mabibi wao kabisa hata wengine wanawaua sijui hiyo jambo inatokana na nini, hata nyingi pia hua mnasikia.

Com. Salome Muigai: Sasa unapendekeza nini kwa Katibi?

Patricia Shistia: Katiba ya Kenya irekebishe hiyo na mimi najua sana chenye inaleta hii mambo ni hii mambo ya kujificha wakienda kunywa pombe ya kijifishe, wakunywe in public. Mtu akitoka kama anaenda kusiaga lakini akipata pombe kwa mtu fulani anaenda huko anakunywa upese halafu baadaya anakimbia tena akirudi. Ni hayo tu.

Com. Salome Muigai: Asante sana. Joseph Maloba, Asman Akhonya.

Asman Akhonya: Kwa majina ni Asmani Akhonya, nashukuru sana ma-Commissioners kutufikia leo kupokea maoni yetu. Lakini kabla sijaanza kutoa maoni yangu, ningependa kwanza ma-Commissioners wanijibu kidogo swali moja tu. Nyinyi mmetembea kote nchini mkitafuta maoni na kuna mswada ambayo inapelekwa Bungeni wakati huu, je ikipitishwa, itawekwa kwa sheria ambayo tunatunga ye kesho ama sheria iliyoko?

Com. Salome Muigai: Endelea. Nilikupa nafasi ya kuleta moani tafadhali uichukue.

Asman Akhonya: Kwa hivyo hiyo ilikuwa taswishi langu la kwamba uenda tunatoa moani na sheria inaendelea kutungwa sawa na maoni wengine ambao ninawajua pia. Maoni yangu kuhusu sheria ya Katiba ya kesho kwa mawazo yangu ni hivi;

Tunataka sheria ya kesho iwe sheria ambayo itaunganisha Kenya, makabila yote arubaine na mawili na ikiwa mwenye ako kwa ofisi, kwanza kabisa tutoe kitu kinachoitwa vyama vya kisiasa. Nataka serikali isiokuwa na vyama vya kisiasa kwa sababu vimetugawanya mara nyingi na tumekuta tukipigana kwa ajili tu ya tofauti ya vyama na si kwa ajili tu ya tofauti ya vyama na si kwa ajili ya tofauti ya kabila ama chochote. Kwa hivyo hiyo izingatiwe.

Urais wa nchi: Rais wa nchi apewe kipindi cha miaka mitano tu lakini lazima Urais ubadilishwe kwa makabila arubaini na mbili za Kenya. Kama kabila limewahi kuwa na Rais, isiruhusiwe tena kugombania kiti cha Urais kwa uchaguzi unaokuja. Kwa hivyo nataka kipindi cha miaka mitano Rais atoke kwa kabila fulani ili tuone kabila fulani itafanyia nini Kenya wakati wa kipindi chao kama Rais. Na Rais huyo haistahili awe Mbunge, kwa mfano kama tumetoa Rais ili apiganie Urais, si lazima awe Mbunge, awe mtu tu ambaye amechaguliwa na Waluya na Wabunge wengine wapatikane naye asiwe Mbunge.

Uchaguzi: Uchaguzi hapa Kenya unasumbua sana na ningependa wakati wa uchaguzi, uchaguzi usimamiwe na Tume ya uchaguzi ambayo imechaguliwa na Bunge na Tume hii ipewe mamlaka kamili ya kuendesha uchaguzi pamoja na kutangaza siku ya uchaguzi. Isiwe ata siku ya uchaguzi inatumiwa kama secret weapon na Rais ambaye ako mamlakani wakati huo.

Wanaochaguliwa, sheria ya Kenya ya kesho isisitize ya kwamba yoyote ambaye atachaguliwa Kenya kuwakilisha watu lazima awe ni mtu ambaye amesoma, kwa sababu tunataka kumaliza umaskini, ujinga na mara nyingi tunakuta kwamba tunachagua wajinga ambao hawakusoma kutuwakilisha na hoa ndio tunataka wapigane na ujinga, wamalize kutojua kusoma na kuandika na hoa wenyewe hawakusoma, unapata wanapata mishahara ya nchi na hao hawakusoma.

Com. Salome Muigai: Ungependekeza jambo lipi?

Asmani Akhonya: Ningependekeza ya kwamba hiyo Tume ya uchaguzi iweke masharti ya watu ambao wanafaa wachaguliwe,, masomo yao ili mtu kama hatafikisha masomo ambayo imewekwa na Tume ya uchaguzi asigombee kiti.

Jambo lingine ni hili, wanaochaguliwa, mara nyingi tunachagua watu kutuwakilisha awe Mbunge, Councillor lakini sasa eneo ambalo amewakilisha ni kubwa, lazima Katiba iweke sheria ya kwamba anayechaguliwa kuwakilisha watu ni mtu anayetaka kuhudumia watu, lazima awekewe ofisi katika eneo ya wakilishi. Awe Councillor apewe ofisi yake kama mfanyikazi wa serikali, awe ni MP pia apewe ofisi yake kama mfanyikazi wa serikali ili watu wakiwa na maoni ya kumpelekea Mjumbe wao

ambaye wamechagua waweze kumpata na kumuona kwa uraisi.

Elimu: Elimu ni kitu cha manufaa sana lakini mara nyingi tunaivuruga kisiasa, kwa hivyo ningependa ya kwamba, sheria iwekwe ya kwamba elimu ya msingi iwe ni bure isiyokuwa na masharti yoyote na ya lazima kwa kila mtoto wa Kenya. Iwapo nitataka hata watoto wa Kenya wapate elimu ya juu zaidi na zaidi, lazima tuweke, Ministry iwe created, iwepo Wizara ya Uwajiri, hii Wizara ya Uwajiri ambayo itakuwa chini ya serikali yetu iweke masharti ya kwamba yoyote atakeyefanya kazi Kenya lazima awe amesoma. Waajiri wetu wamegeukia kuajiri watu ambao hawakusoma vile wapendavyo kwa sababu wanakubali chochote wamelipwa hata ikiwa ni ya chini, ikiwa ni bure. Kwa hivyo nataka Wizari ya Uajiri ianzishwe na Wizari hiyo iweke masharti ya kwamba atayetaka mfanyikazi lazima apata kupitia Wizara hiyo kwa kiwango vya elimu ambavyo ambavyo wenyewe watakuwa wameweka.

Com. Salome Muigai: Jambo la mwisho?

Asman Akhonya: Jambo la mwisho ni kuhusu koti zetu, mahakamu zetu zinavyoendesha kesi za watu, inatakikana mtu maskini anaumia sana, ningepomba sheria iweke ya kwamba hata maskini aweze kuwakilishwa na wakili. Tume na wakili wa serikali kotini, kitambu mtu afikishwe kotini awe amepata wakili, either wa serikali ama wake. Itategemea atakavyokuwa yeye mwenyewe. Ni hayo tu.

Com. Salome Muigai: Asante sana, tafadhali jiandikishe. Ismail Opanda. Ni wewe? Ulishau kidogo ama umengoja muda mrefu mpaka umesahau, pole?

Ismail Opanda: Nashukuru sana wale ambao wamekusanyika hapa. Mimi ningetoa tu, pendekezo moja kuhusu President. Ningependelea nchi hii yetu isichue Rais ama Vice tufanye awe kama familia ama ukoo(Inaudible)

(Interjection)

Com. Salome Muigai: Zungumza kwenye mic tafadhali.

Ismail Opanda: Nasema hivi, kuchagua Rais katika makabila arubaine na mbili tukitaka iwe na haki ni kwamba tuchukue Rais kwa kila tribe ama Rais ambaye ameongoza asisimame tena kugombea kiti cha Urais, kabila moja ikishaongoza wawachie kabila ingine na wapigie kura kabila ingine ambayo haijaongoza ili pia nao tuone vile wanaongoza.

Kipingi cha Rais kuongoza iwe miaka tano kwa sababu makabila ni nyingi na pia tutaitaji tuende round, kwa hivyo zile tribes ambazo hazijaongozi pia wawe na tumaini ya kupata uongozi. Ni hayo tu, sina mengi. Asante.

Com. Salome Muigai: Asante sana Bwana Ismail, jiandikishe. Walike Syslvanus.

Sylvanus Wasike: I wish to present my statements as pertains to the Constitution of Kenya. First and foremost, pertains to the powers of the President that is the Presidential seat.

Appointment of Ministers and other senior civil servants. I wish that every civil servant or every Minister must be chosen by their qualification that is , for one to head any given Ministry. To wide the scope of choice, the qualification should not allow any Member of Parliament to be chosen to head any Ministry despite of his party, be the ruling party or the opposition, he must have the qualities to be appointed provided he is capable.

Duties of the President; the Kenya President has got too much work to do, I wish that he should be relieved of some of his duties like being the Commander-in-Chief, the Chancellor of public Universities. He should only assume the position of being only a Ceremonial President during public functions but not to be the head..

The number of Ministries in Kenya must be specified by the Constitution clearly so that we do not come up with other Ministries which are not important, for instance, currently I hear of the Ministry of Tourism, the Ministry of Environment, the Ministry of Wildlife, all those Ministries belong to the same Ministry, to reduce the government expenditure let us strive to reduce those Ministries to affordable levels.

Any civil servant who is not productive or who is corrupt or who abuses his power or office should resign by law, not even being taken to court but should resign by himself or herself as pertains to the law.

The President should completely resign from his duties during the election, the President should not continue holding the same position which he is also vying for. He should resign from his duties to provide an equal ground for reckoning for all those people who have declared their candidature.

Any Member of Parliament should be sued incase he does not fullfil the promises he made to his constituents which he does not fullfil at the end of the day. We should be in a position to sue such an MP and he should not be given another chance to vie for that seat until he proves beyond any reasonable doubt that he is completing a given project. This will enable the MPs to take their work seriously in serving the wananchi. Besides that, any post (Inaudible) that involve elections, you discover in Kenya we do not practice democracy, people go to power because of money so any MP who is to be elected must not campaign by using money, using money is a sign of corruption and that is why most people call it dishonest and take the money they used during the campaigns before starting their work of serving the wananchi. We should have no campaign by use of money, use your words so that even the poor can afford.

Com. Salome Muigai: You are on your last minute.

Syslvanus Wasike: As an educationist, there is one important point which I must not leave out pertaining to the cottage industries. You will find that industrialized countries starting from cottage industries before coming to these big industries, so the issue of calling some of our products illegal and yet we import others should be avoided. Local brews like chang'aa and busaa, let us publicize and improve on it so that we can compete in the market instead of being considered illegal and yet this is our own creation.

Education, Kenya education system should change its trend of clustering people in the society in the name of those who pass and those who fail so that we all have the same grounds.

The education system in Kenya must be specialized so that somebody only specializes in an area where he or she is capable not overburdening children with a lot of subject which are at the higher level, is not important at all.

Com. Salome Muigai: Thank you very much Bwana Wasike, Syslvanus. Lawrence Okwisia.

Lawrence Okwisia: Commissioners, I am Lawrence Okwisia and I have the following to put across on the Constitutional review process.

I would like the Kenya government to have a Federal System of Government where by I mean that this is Majimbo kind of government, so that we can have equal distribution of resources in every level. We will have the provinces which will be as States so that each province has its President and there is a senior President who is elected. I know that this system works in America and it can also work here, it is the only way in which we can improve the economy of Kenya. We can improve the economy of Kenya in terms of employment and in terms of resources. You find that there is no University in Western Province there in no national school in Western province and yet some areas like Nairobi and Central Province have universities and national schools.

The government should state clearly the difference between the kinds of leadership, by this I mean the democratic kind of leadership, autocratic and *laisser-faire* kind of leadership. You find that we have had this kind of leadership where by one dictates the powers, the powers comes from the head of the State that is the President, and this has to be followed whether you like it or not but if the Kenya government there is a confusion to a democratic kind of leadership where by the people have to be involved, (Inaudible) So, you find that the President has been having so many powers under this kind of leadership and the Parliament has failed in his role. They consider themselves more that the citizens, recently they increased their salaries and yet teachers are complaining of poor salaries. Therefore, the MPs have failed completely and there is nothing they can do about it.

Com. Salome Muigai: What are your proposals?

Lawrence Okwisia: My proposal is that we should have a democratic kind of government not just the Unitary where by the powers come from above and other members do not decided what to do, as has been.

Health: We would like the government to introduce free medical services or reduce the cost of medication to almost zero percent. The government collects a lot of tax from people but the services offered are minimal, you find that the people who are HIV positive, I believe it would be good if the government would provide free drugs to these people because most of these people depend so much on the economy of Kenya.

Education: I believe there should be free education at primary level and at secondary level. Everybody has been talking about free education in primary but what about secondary level. You find that the secondary fee is too high and some parents cannot afford this. The only way we can get rid of illiteracy and poverty is through education and you find that most people fail to reach secondary level because of the fees which is too high, if we cannot get free education, let the government introduce loans in secondary and all colleges, not only universities should be considered for loans.

Com. Salome Muigai: Thank you. Thomas Kadieru Kaleru, Alex Oteng'o, Dr. Michael Machere.

Dr. Michael Machere: My names are Dr. Michael Machere, I have specifically for herbal medicine or alternative treatment, you were here sometime you brief us, therefore I followed the briefing and I have put whatever I can say in writing.

Com. Salome Muigai: Daktari tafadhali tueleze highlights peke yake hamna nafasi ya kusoma memorandum yote.

Dr. Michael Machere: That is what I will do because I believe there is no point of repeating the same things. We are suggesting as herbalists, that our medicine should be recognised after recommendation then it is legalized so that the people can buy. We want our medicine to work together with alternative treatment that is, intergration (Inudible)

Pattency, we have some good medicine and are sometimes taken by foreigners because it is not registered and we would like the government to consider that.

On trading, it is our suggestion that since we have institutions in the country that train doctors, we would like to send our people there and train our people.

National and international marketing; we are not recognised outside although foreigners come to take our medicine here and we know they are benefiting but when we are treating we do not go beyond that because we do not advertise ourselves. If the government would recognise us, it is our wonder that during the colonial time, the Mzungu never recognised our medicine and

to date we have 40 years since independence, our own Africans have not recognised our medicine! It is good that such a thing like (Inaudible) to hear what we are saying and also I have no doubt the Minister is aware of our requirement, protection and maintenance of resources of local raw materials and factors of herbal or (Inaudible)

A name should be suggested for our medicine not herbal. A herb is a plant that grows, this word actually comes from shrubs, trees, animals, man and so forth, therefore, the word herbal or herbalist we do not want. We also go the field of healing, praying to healing (Inaudible) Therefore it is my suggestion that our Kenya medicine be called Hrlalasi ya Kenya, Ugandans have go "Itakalari ya Uganda dawa ya Uganda, why can't we have a name for our medicine, that is 'Amalasi ya Kenya'. We have doctors who are not educated and they are not able to express themselves or put forward their medicine. These are the same with those ones that I understand, (Inaudible) we are ready to take out medicine for test because if the world tests their medicine, why are can't we test our medicine? We have do so but the results have not been given and how far the medicine works.

I sat down for long hours writing and I have written a fifth one (Inaudible). Thank you.

Com. Salome Muigai: Asante sana Bwana Daktari, tumesikia maneno yako tutayasoma maandishi yako na tunakushukuru. Tafadhali jandikishe pale kwenye ofisi yetu. Suku Justinu.

Suku Justinu: Honourable Commissioners.

Com. Salome Muigai: Say your names please?

Justino Suku: I am Justino Suku, a resident of Lubinu in Butere Mumias District. I want to begin with the Kenya Police Force.

We have a good and well trained Kenya Police Force, for those who have been able to visit their training school in Kiganjo, we are well aware that the Police Force is trained well, however there are certain shortcoming which come in due to poor supervision and poor allocation of offices e.g. if we are given a Police Offices, a Senior Police Officer in Mumias who will be taking care or commanding the station in Mumias but he is not careful about the things that are happening in Mumias, you realize...

(Interjection)

Speaker: Inaudible.

Justin Suku: Okay. I would like to suggest something about the Police Force in Kenya, they are sluggish when it comes to tip

offs about certain happenings. I therefore suggest that senior police officers should mount or should come in quickly to supervise and organize arms that will go out and Police Officers who will be allocate various places to act in good time.

On corruption, corruption has become the order of the day in Kenya. I would like to say that Police Officers who are in charge of this should be taken to court whenever they are found committing such crimes.

Presidential powers are too much and this is the climax of the matter I would like the President to strictly handle the office of the President nothing more nothing less. The idea of the President being the Chancellor of a University should not arise because, this one causes confusion in the universities working system. Here is a situation where somebody is not learned ...

(Interjection)

Com. Salome Muigai: I wish you would just give us your proposals because those are the one which help us in our work. If you give us the background in your writing, you will give us the memo. Just give us the proposals now.

Justin Suku: Appointments made by the President, first of all Cabinet Ministers, we should not allow a situation where one Ministry is divided into three or two just to allow certain people of a favour to come into office and earn some living. Appointments of chiefs of state corporations, banks, companies e.t.c. we should get a national committee with personnel appointed from at least every province which will take care of this type of appointments of Chiefs at state corporations, banks, companies, etc.

Policy making, in Kenya we have realized a situation where a policy is passed but nobody cares to follow it up to ensure that it is implemented for example, primary school free education. We have had situations where in boarding schools a pupil sent away, you try to talk to the teachers and they tell you, they have not received a circular to that effect. I therefore suggest that our dear Commissioners you include this in our reform.

Com. Salome Muigai: Yes we shall and you have just run short of time so please make sure that you give us your memorandum and we shall read the others. Thank you very much. Elly Machengo, Gabriel Waswa.

Gabriel Waswa: Mimi ni Gabriel Waswa, maoni yangu ni machache tu.

Ninaona vigumu sana unaweza kukutana na askari wakikamata watu wa pombe na wewe kam lunywi pombe utashikwa kwa nguvu na kushtakiwa na pengine tangu uzaliwe hujakunywa pombe unapelekwa kortini na kushtakiwa na uwongo.

Wale mabibi tunaoa, hatuwezi kutawaliwa na mwanamke kwa nyumba ni lazima mwanamke awe chini ya bwana yake kwa sababu mwanamke akitawala, hawezi kuishi na bwana yake, watakuwa wakiwachana kila mara na bwana yake.

Mtoto anaweza soma, ana-degree kazi inatangazwa na akienda pale kwa interview anaambiwa wewe una degree hiyo lakini tunataka experience na experience hiyo atapata wapi na yeye ametoka shuleni anakaa nyumbani na hajui hiyo experience atapata wapi ndi aandikwe kazi? Nina hayo machache.

Com. Salome Muigai: Asante sana Bwana Waswa jiandikishe tafadhali, pale kwa desk. Raphael Olunga.

Raphael Olunga: My names are Raphael Mumia Olunga. My first representation before the Commissions is the issue of:

Selling and buying land: The buyer and the willing seller makes an agreement either before the elder or before the court. Within the process of buying land, you find that if the seller dies before the transfer of the land and the consent has been made, in my case. I prefer the family consent and the board consent both be made for if the seller dies before the transfer of the land, you find the buyer loosing the land. I would suggest that the buyer should inherit part of the land that he has bought because our present law does not allow the buyer to take the land but it gives mandate to the family of the deceased to inherit the property and the family may refuse to give the land to the buyer. It is a common practice in our division here.

The other thing is on educational and discipline in our schools. I would prefer that to restore discipline in schools. The government has not given out a proper solution to that. Children from different homes meet at primary level. These children come from different families with different behaviours but it is not easy to instill a common behaviour in them. Guidance and counseling is not fully provided, I would propose that certain measures to be in place to reinforce this children to cope up with the discipline required at the primary level. For example, I would suggest that a punishment should be given to restore the discipline especially in primary.

Still on education, there is a problem if education about reduction of the subjects. I am sorry to say before the Commission that we have removed agriculture as subject in primary school and you find that most of our children end their education at primary level leaving school with no knowledge on farming and that is where they are heading to. I would suggest before the Commission that for the syllabus to be adjusted let the politicians leave the professionals or the educationalists to creating the syllabus or making changes in the ministry.

Distribution of government resources; there are certain resources that the government gives to various regions for example, you find the government sub dividing an area into two district, two divisions or sub location. I am surprised that since this area was born. This was before colonialism, Mumias which was the first district in the Western Province which is presently Mumias is still the Mumias Division. It was the first district in our area still being named after a division. Where we are at present is East Wanga Location, it was a location created when Mumia was still alive, I am Mumia by name was born in 1949, I am surprised I was born when this location was there and it is still there. Other locations of this nature do not exist in Kenya here. I propose

that the when the government is sharing the government resources these should be divided equally to all parts of the country especially the suffering Mumias, Wanga Division. Thank you.

Com. Salome Muigai: Thank you very much Mr. Mumia. Dickson Osundwa.

Dickson Osundwa: Mimi ni Dickson Osundwa, ninayo machache ambayo nataka kuongea kuhusiana na haya mambo ya Katiba.

Kwanza ninataka niongee juu ya ID Cards, hizo nasema kwamba wawe wanapeana bure kulipishwa pesa yoyote kwa sababu ni njia moja ya kutaka kujua Wanakenya ama wananchi tumefika kiasi gani.

Ningelipenda kuongea kuhusu mambo ya kazi, let there be one man one job, hiyo itawezesha watu wengine kupata ya kufanya kazi yao kwa sababu wengi hawana kazi kwa ajili wengine wameshikilia kazi za wengine

Chief and the Assistant Chiefs maoni yangu ni kwamba,hawa watu wachaguliwe na wananchi wenyewe hakuna maneno ya kwamba barua pengine inaenda Nairobi mara wanachaguliwa kwa ukoo, baadaye jina linatoka huko kusema kwamba ni fulani amechaguliwa. Sisi wenyewe tusimame mlolongi ili tumchague mtu ambaye tunamjua mwenendo wake na tabia yake kwa sababu ni sisi tunaishi na yeye na atafanya kazi na sisi. Kwa hivyo mambo ya kuchaguliwana na huko nje iseweze kupatikana.

MPs: MPs ni lazima tuwe na kiwango fulani cha miaka ambayo mtu aweza kufikisha na akipitisha, asichaguliwe kuwa MP ikiwa ni miaka 60, ikomee kwa sitini, because we believe in retardation in mind when somebody grows old kwa hivyo, miaka 60 iwe ni mwisho mtu kuchaguliwa kuenda kwa Bunge.

Retirement; tuwe na seal ambayo inawekwa kwa certificate ama barua ya yule mtu ambaye alikuwa akifanya kazi na ame-retire ya kumaanisha kwamba ame-retire na asipate kazi nyingine tena. Hii ni kwa sababu mtu ana-retire kuto kazi fulani tena anajiriwa mahali pengine na kufanya kazi tena. When one has retired, akae nyumbani.

Katiba ambayo tunaongea kuhusu wakati huu, hizo vitabu vya Katiba zipeanwe bure shuleni, kanisani na mahali pengine kama moskitini na pahali pengine popote ambapo watu husanyinya na zipelekwa katika bookshops ili wengine watu ambao hatuendi kanisani na tunasoma vitabu, tuweze kununua zetu tukae nazo nyumbani tuweze kuelimishana kuliko kusumbuliwa because of ignorance, hatulewi sheria inaendelea namna gani.

Church leaders; a Church leader ni mwananchi like any other mwananchi, he or she has a right to talk about anything in the country, hakuna maneno ya kuwaambia, 'nenda ukae nyumbani utuombe', watu wa kanisa muwache maneno ya kuongea kuhusu siasa na vitu vingine, 'yeye pia ni mwananchi ambaye anapiga kura kumchagua huyu huyu mtu ambaye amamwambie

aende akae nyumbani amwombee. Kwa hivyo a church leader has powers to talk about anything in this country.

Lastly, nitaongea juu ya askari: A Policeman is a peace maker but at times utapata kwamba they do not promote peace instead they cause pieces. Wakati askari anaingia katika kijiji fulani, watu wengi hutawanyika na kukimbia kwa sababu anahakika ya kwamba huenda akashikwa, kwa mfano ikiwa kuna kitu kama pombe au mambo fulani. Nina imani ya kwamba wakati askari anatoka station akienda kazi huko nje anaambiwa mahali anaenda na anajua ni kazi gani anaenda kufanya. Iwapo hana habari ya yule mtu ambaye anaenda kumshika, asiende lakini kushika tu mwananchi tu yoyote yule isitakikane hivyo. Kutokana na hayo, every traveler has the right to travel at any time, ninaweza kutoka mahali na nifike nyumbani usiku, sina gari kwa hivyo niende pahali pale natakiwa, askari nikukutana na yeye anielewe nilipotoka na ninapoenda. Si kwamba anisimamisha na kunipeleka Police Station. Asanteni.

Com. Salome Muigai: Asante, mimi nina swali moja kwako juu ya Machifu na Manaibu wao kuchaguliwa kwa mlolongo. Je sasa hawa watu wenye hawakunichagua tukifanya kwa mlolongo, Chifu mwenyewe anaona fulani hakumchagua atawatumikiaje Ikiwa hawakuwachagua? Kwa nini wewe unaonelea sana habari ya mlolongo na kuna uchaguzi mwingine mwenye hujui nani mwenye alimchagua ama nani hakumchagua?

Dickson Osundwa: Nitaanza kujibu kwa njia kama hii. Ulienda kuolwa na nakuelewa naye hata hamwuonani. Kwa hivyo hata Chifu asipokuona kwa mlolongo ama kwa vile (Inaudible) hatujachagui kwa mlolongo kuna wengine wanaowadaa wengine, kwa hivyo ni sisi wenyeji ambao wananchi tunaoishi katika mji ule na unajua fulani ni mtu anayeweza kufanya kazi.

Com. Salome Muigai: Hiyo nakubali. Swali langu la ufafanusi ni juu ya mlolongo, ni lazima tuchague Chifu kwa mlolongo, akiona ni nani mwenye alisimama na moja hakusimama ama pia tungefanya kura ya siri, yaani Chigu atahudumia kila mtu bila kuwa na ule uhaki wa kukosa kukuona kwa mlolongo wake jana.

Dickson Osundwa: Tunaweza kuwa na secret ballot na tumchague. Asante

Com. Salome Muigai: Peter Sakwa.

Peter Sakwa: My names are Peter Sakwa. We want a Constitution which will clearly and broadly spell out measures that will stive or multiply the economy of this country. How can we do thi? We can to this by proper utilization of our natural resources like rivers and water from the land we have not used properly instead we have made pipeline for fuel from Mombasa to Nairobi which is not of much importance.

A certain percentage of the profit received from agricultural major activities should be ploughed back to the area at the

divisional level because when they go to counties the resources are misused and does not reach the wananchi who produced them.

Creation of the post of the County's secretary to replace Town Clerk, to the County Councils and this town secretary must be a senior person whose major duty will be to plan for the Country.

Establish economic resource centres in every county to give every information on marketing or whatever goods and service in and abroad. This will attract interest of the business men and farmers to know what to grow and where to sell it.

Establish economic crime issues of public funds that is to say, public funds are really heavily misused so if they establish economic crime and the sentences should be strict together with compensation.

Pay well to those who produce directly, that is industries this will enable those boys who go to the city to come back to villages because things will be different.

There must be clear cuts between economist and politicians to avoid misuse of power e.g. establishment of Turkwel, I am sure it was more possible than political, economic and see what it is now. Kisumu Molasses Plant was more political than economic therefore there was much interference by politicians.

Agricultural by products must benefit the Kenyan community first then others later. Molasses, our molasses is not helping us at all if you want it, you must go to Nairobi and since 1994, I have requested for this molasses duty to date I have not been replied because the office is in Nairobi and the Molasses are being used by other people other than the residents of Mumias

The Constitution to be reviewed every 25 years to examine the trend of the economy and changes accordingly.

Retirees to be considered every time the salary review is done.

Local levies: these local levies are very much misused, I suggest that the local levies particularly agricultural produce such as the levy in sugar, half of the produce should go to the road, quarter to education, quarter to health for that particular area.

The government should stop relying on borrowing or begging as we have enough resources to sustain us, in fact by so doing it is those stakeholders, those who head the government who are now ruling the country instead of we Kenyans ruling the country a good example if sacking people from employment.

Gambling, we have noted with regret that katata tatu and simbi have been licenced by the government, something which is very

serious and is making the youth to misuse their time and even resources.

Provincial administration to be removed, what the wananchi want is security and that is taken care of by the Police and the Army, economists will take care of how it can be done and courts therefore...

(Interjection)

Com. Salome Muigai: Mr. Waswa, sema jambo la mwisho.

Peter Sakwa: Jambo la mwisho ndio hilo, courts to be established and instead therefore in the establishment, council of elders to solve problems within the community. Thank you.

Com. Salome Muigai: Swali moja, council of elders will it have elders being men or women or both?

Peter Sakwa: Both.

Com. Salome Muigai: Thank you, tafadhli jilandikishe. Sylviro Murogo, Onyango Kenneth, Danson Ochieng', are you Steven from Matika School, okay come?

Danson Ochieng: My names are Danson Ochieng' and my proposals are as follows:

First of all concerning the students leaders for example you find that Universities and these other bigger institutions have students leaders but in secondary schools there are no student leaders. So, in secondary schools students usually find it had to present their problems to the government.

Commodity charges: During the budgeting by the government you find that some of the special commodities like sugar, have their prices is raised but other commodities like cigarettes their prizes remain constant. It goes to an extent that the payment of a commodity like sugar goes down and that of cigarette rises. Since most of the majorities of Kenyans use sugar while very people do smoke, I think before they budget, they should consider the basic needs of the society.

My other point is on tobacco; we find that people plant tobacco and it is tobacco that is processed to produce cigarrates, in turn we find that people plant tobacco but some of them when they plant, it is said that it is illegal. I do not understand why we should plant tobacco and yet it is illegal and in turn the British American Tobacco uses tobacco to produce cigarettes, I think if tobacco is legal then the cigarettes should also be legalized.

Elections: I think these general elections in Kenya, they should consider a certain age of student in high school. For example, if you are in high school and you have attained a certain age you should be allowed to vote. This will will enable equal distribution

of presidential votes within the nation.

ID cards; you find that most of us right now have attained the age of 18 and we have not got ID cards, this idea of obtaining ID cards should be made compulsory by the government where by special units should be located in areas such that the moment you attain the age of 18 you go back home and obtaine the Id Card, this will ensure that these people vote for the presidential candidate. That is all I have, thank you.

Com. Salome Muigai: Thank you very much Danson, please make sure you are registered. Nelly Bukosia, Matia Edwin Musera Solomon.

Musera Solomon: I thank you for this opportunity to give my suggestion to the Constitutional Review Commission. I have three items to highlight on institution, executive and on land and property rights.

Institutions: I suggest that the TSC Act be revised so that the Teachers Service Commission can become a parastatal body so that the government can hire the services of teachers at competitive market rates.

The education Act should also be revised so that head of institutions should come from outside the province in which the schools are situated in order to alleviate corruption and enhance management of our learning institutions.

Corporal punishment should be reinstated in schools so that discipline can also be upheld.

The Ministry of Education on this point on government polity toward training and promotion of teachers. Some government policies on land should be challenged in court for instance, promotion of teachers to be on merit and done according to the qualifications.

The meal programme for schools to be scrapped and replaces with Kenya Scheme so that every employed Kenyan can contribute between Kshs. 5/= to Kshs. 10/= on monthly basisi towards the same and this will go along way to enhance learning facilities in our schools.

The Executive: I would suggest that the presidential appoints should be subject to Parliament approval especially appointment of parastatal chiefs. Ministerial appointments to be done on merit, especially the Minister for Education should be somebody who is an educationist and also his education standards to be looked into.

I would also suggest that one of the 10 nomination seats in Parliament be given to prominent community leaders, (Inaudible) and then the presidential seats to be rotational per province.

On the powers of the President, the duties like Chancellor of all the public universities should be left to academicians.

On land and property rights: Those who own large and underutilized land to be taxed heavily and the land to be seized so that it can be given to the landless. Thank you very much.

Com. Salome Muigai: Thank you very much Mr Musera. Dr. Michael Mashera has registered can we have him please. Ni wewe, umeshazungumza? Ainea Ngai, Richard Mukabana.

Richard Mukabana: Mimi kwa majina ni Richard Kabana. Nitatoa maoni.

Naanza na Uraia, raia halisi wa Kenya atambuliwe kutokana na vizazi vitatu. Mkenya halisi, Mkenya yoyote anayeomba uraia ni lazima azingatie haya yafuatayo, awe na vitambulisho vyote vya wazazi, cheti cha kuzaliwa, hati ya ubatiso na awe amefikisha umri wa miaka kumi na nane bila kuzingatia jinzia.

Uraia wa nchi mbili: Uraia wa nchi mbili kwa kinya kipana haukubaliki hatutaki kupalilia uhalifu.

Serikali ya Majimbo, ndiyo tufuate serikali ya Majimbo ambapo madaraka ya mali yamegawanywe kwa aina ya serikali kuu na serikali za kimaeneo.

Haki ya Majimbo, Majimbo yapewe haki ya kujitawala na kutufanyia mambo yake chini ya waziri kiongozi.

Vyombo vya utawala wa Majimbo:

Kila jimbo lipewe Bunge la kuchaguliwa.

Liwe na serikali yake chini ya waziri kiongozi.

Kupewa uwezo wa koti kuu, jeshi la polisi iwe moja chini ya amri jeshi mkuu ambaye ni Rais wa nchi hii.

Uwezo wa Bunge: Bunge lipewe madaraka na uwezo wa kuidhinisha uteuzi wa watumishi wa uma baada ya majina yao kuwashilishwa Bungeni na Waziri Mkuu, watumishi na sifa zinazojitaidi.

Majukumu ya Bunge yafanuliwe na lihusishwe katika uteuzi wa Judge Mkuu hata mabalozi ikiwezekana hata Mawaziri baada ya kupendekezwa na Waziri Mkuu.

Wanaichi waregesha Mbunge nyumbani, wananchi wawe na haki ya kumrejeshwa Mbunge wao nyumbani asiyetimiza matarajio

yao.

Utaratibu, wananchi katika sehemu inayohusika wafanye maandamani dhidi ya Mbunge wao na kuwasilisha barua ya kumfuta kazi kwa Tume ya uchaguzi nayo iwakilishe hiyo barua kwa Speaker wa Bunge naye atangazi kiti hicho kuwa wazi mara moja.

Mishahara ya Wabunge, kulingana na mishahara ya Wabunge iamuliwe kwa kura ya maoni ya wananchi.

Wabunge wateule; dhana ya Wabunge wateule iendelezwe lakini kwa mtazamo tofauti, viti hivyo vipewe wataalamu kwa nyanja mbali mbali.

Wanawake Bungeni; sio tu uwezo wa wanawake peke yao kushiriki Bungeni lakini pia kumbukeni makunde adhiriwa.

Serikali ya mseto; Katiba iruhusu serikali ya mseto, kadhalika Rais apewe uwezo wa kuwaleta wataalamu kutoka nje ya Bunge katika baraza la Mawaziri.

Chamber, tuwe na chamber tatu, chamber ya wakilishi, chamber ya ma-senator na chamber ya kieneo. Chamber ya wakilishi itachaguliwa moja kwa moja na wananchi., Chamber ya Masenator watakuwa wakilishi wa makabila yote arubaine na mbili ya Kenya na kuongezea idadi ya wakilishi watakaoteuliwa kimaeneo. Chamber wa kieneo, watachaguliwa moja kwa moja na wananchi wahusika kwa msingi wa vywama vya kisiasa.

Kutokuwa na imani na serikali, kura ya kutokuwa na imani na serikali ibuniwe kutoka bungeni na madara na uwezo huo upewe mwananchi kupigia kura ya maoni kwa sababu Wabunge wanaweza kununuliwa.

Com. Salome Muigai: Tafadhali ungemalizia.

Richard Mukabana: Kanisa; uhuru wa kuabudi uangaliwe ili tusije tukashuhudia kanungu ya pili Kenya kama iliyokuwa Uganda mambo ya kupiga piga ngombe usiku na kudanganya watu wanaona maono. Hiyo pia ichungzwe ili kanunge ya pili isiwe hapa Kenya.

Wafungwa kama Wakenya wengine, wapewe hati ya kisiasa.

Com. Salome Muigai: Hayo ndio maoni yako ya mwisho kuhusu wafungwa.

Richard Mukabana: Wafungwa kama Wakenya wengine, wapewe haki ya kisiasa kwa kushiriki katika uchaguzi.

