

CONSTITUTION OF KENYA REVIEW COMMISSION

(CKRC)

Verbatim Report of

CONSTITUENCY PUBLIC HEARINGS,

MUMIAS CONSTITUENCY,

HELD AT ST ANN'S PRIMARY SCHOOL

ON

30 JULY 2002

CONSTITUTION OF KENYA REVIEW COMMISSION CONSTITUENCY PUBLIC HEARINGS MUMIAS
CONSTITUENCY HELD AT ST ANN'S PRIMARY SCHOOL ON 30TH JULY 2002

PRESENT

Com. Dr Mohammed Swazuri – Chair
Com. Riunga Raiji
Com. Salome Muigai

SECRETARIAT STAFF

John Watibini – Programme Officer
Gladys Gichuki – Assistant Programme Officer
Asha Boru – Verbatim Recorder

All having assembled the meeting was called to order at 9:45 a.m.

Com Mohammed Swazuri: Tunataka mmoja atuanzie kwa maombi. Tutaanza na maombi ya Kikristo halafu jioni tutamaliza na maombi ya Kiislamu. Haya, Mkristo mmoja atuombee.

Prayers: Kwa jina la Baba, la Mwana na la Roho Mtakatifu Amen. Ewe Mungu Baba Mwenyeni tunakuomba utupe Roho Mtakatifu ili atuongoze katika siku hii ya leo. Tunataka kukushukuru kwa wale ambao wamefika hapa na wale ambao wako safarini Mungu Mwenyeni uwawezeshe kufika, ili watoe maoni yao kwa hii Katiba yetu tupate kuibadilisha ili tupate

(?). Tunaomba haya machache kupitia Yesu Mwokozi wetu, Amen. Kwa jina la Baba, la Mwana na la Roho Mtakatifu, Amina.

Com Mohammed Swazuri: Karibuni katika kikao hiki cha Tume ya Kurekebisha Katiba, ili muweze kutoa maoni yenu kama mnavyoweza. Nilikuwa na ma-Commissioner watatu hapa. kwanza tuko na Bi Salome Muigai,

Com Salome Muigai: Hamjambo?

Response from the audience: Hatujambo.

Com Mohammed Swazuri: Na niko na Bwana Riunga Raiji, Commissioner,

Com Riunga Raiji: Hamjambo?

Response from the audience: Hatujambo.

Com Mohammed Swazuri: Na mimi ninaitwa Mohammed Swazuri, pia ni Commissioner. Tuko na Asha Boru, huyo ni Verbatim Recorder. Tuko na Watibini, huyo ndiye mkuu wetu katika secretariat wa hapa. Na tuko na Gladys pale ambaye ni Assistant programme officer halafu District Coordinator yuko hapa. Sijui kama wale members wako?

Speaker: Wako.

Com Mohamed Swazuri: Kwa hivyo wakisimama tutawaona? Pengine wataji-introduce.

Rosemary Wamukole: Kwa majina ni Rosemary Wamukole, hamjambo wote?

Response from the audience: Hatujambo.

Saijuza Abdi: Salaam Aleykum!

Response from the audience: Aleykum Salaam!

Saijuza Abdi: Kwa majina ni Saijuza Abdi.

Rita Katamu: Rita Katamu, Secretary, karibuni.

Mohammed Shiundu: Hamjambo nyote. Mohammed Shiundu, Asalaam Aleykum.

Peter Sakwa: Hamjambo wote, Peter Sakwa, acting Chairman.

Com Mohammed Swazuri: Nitawaeleza zile taratibu tutakazofuata wakati wa kutoa maoni. Kuna njia tatu za kutoa maoni:- kuna wale ambao wameandika mswada, yaani memorandum na hawangependa kuizungumzia au kuisoma. Wanaruhusiwa kutoa pale, itarekodiwa hapo na ukitaka kukaa baada ya hapo usikize ni sawa, ukitaka kuenda ni sawa, maoni yako tumeshayasikiza. Tumeelewana hapo.

Kuna wale ambao wako na memorandum na wangependa kuipitia, Tutawapatia dakika tano, tano. Kuipitia tunataka upitie mapendekezo, utuambie mapendekezo. Utusomee proposals, usitusomee memorandum yote, ukurasa hadi ukurasa, itachukua muda mrefu kwanza, pili hata baada ya hapa sisi kazi yetu ni kwenda kusoma hiyo memorandum. Kwa hivyo usilete habari ya kusoma kila kitu, tuambie tu neno la kwanza ninataka powers za president zipunguzwe, hiyo tunajua. Sisi wenyewe tutaenda kusoma yale maneno unaeleza pale ndani. Wala usitupatie historia nyingi, tunajua ndio maana Serikali na bunge imeamua tuje turekebishe Katiba.

Njia ya tatu ni wale ambao hawana kitu chochote walichoandika, hawana mswada lakini wamekuja kutoa maoni yao kwa kuzungumza. Hata hao Tutawapatia dakika tano. Na hata huyo anayezungumza pia ni vile, vile, tuambie mapendekezo yako, solutions ndio tunataka kujadili. Sio historia au vile mambo yako hivi sasa, tumeshajua hayo. Ni sawa hapo? Halafu ikiwa kuna kitu ambacho hatukuelewa tunaruhusiwa kuuliza ufafanuzi kidogo tu, kama kuna kitu hatujaelewa. Lakini maoni yenu hatuwezi kuyabadilisha, ni sawa?

Na sheria imewaruhusu mueleze vile mnavyotaka bila ya uoga, bila ya kujali walioko hapa na sheria inakataza mtu kuadhibiwa kwa sababu ametoa maoni yake ambayo hayapendezi mtu fulani, au kukamatwa baada ya hapa, sheria inakataa. Isipokuwa anayetoa maoni yake haruhusiwi hata yeye kutukana mwingine, au kutumia lugha mbaya kwa mwingine, haruhusiwi. Tumeelewana hapo? Haya, na tutafuata orodha iliyoko hapa, first come, first served, hii ni demokrasia. Mtu ambaye atakuja kutoa maoni yake kwanza ni lazima ataje jina lake na akimaliza ni lazima aende pale ajiandikishe tena. Nitaanza na Bwana Nyakundi, A.O. Karibu, dakika tano. Na lugha unaweza kutumia Kiswahili, Kiingereza na lugha ya mama pia tutatafsiri. Ile lugha ambayo unajisikia uko comfortable kabisa utumie.

Nyakundi A. O.: As you have heard my names I am Abel Nyakundi. I am presenting the views of Seventh Day Adventist worshippers who are residing in Mumias. Basically I will touch on two things: Basic rights. One of the areas that we would like the Constitution to improve are as follows: The freedom of (??) Freedom of association, freedom of assembly and association, freedom from discrimination on the basis of age, tribe, region, gender etc. Other views you will see when I present a copy of this to you.

What the Constitution should be: One, to observe a day of worship of one's choice and not be compelled to do any work on that day. Therefore I feel that Saturday should be put very clearly in the Constitution and the time frame is from sunset on Friday to sunset on Saturday as by going with the instructions found in Genesis Chapter 1, verse 5 – 8, 13 and Nehemiah Chapter 13, verse 15 – 19. This is the day of worship.

Second, the right to profess or not to profess a religion. Third, to receive or not to receive religious instructions. Fourth, to participate or not to participate in any form of worship. Fifth, to refuse to take any oath contrary to someone's perceptions. Sixth, to express openly personal religious beliefs, or to maintain silence about such beliefs. These are some of the issues the Constitution should guarantee. I think these are the areas I wanted to talk on.

Com Mohammed Swazuri: Thank you very much, can you hand in your memo that side, thank you. Bwana Ogutu Agunda.

Ogutu Agunda: Asante. Kwa majina ni Ogutu Ogayo Agunda. I have my personal views in the following areas.

One, structures and systems of government. Number one in that is that I think the federal system of government should seek to be executive under the legislative authority (?). Legislature, parliament to be given time to approve the following when they are proposed:-

- I. The Attorney General.
- II. The Chief of General Staff.
- III. Ministers.
- IV. Chairmen of Parastatals.
- V. The Secretary to the Cabinet.

Number two on that, members of parliament not to be treated as unemployed but as the representatives in the Legislative Council and be given allowances only. Number three, the current Constitution should have the formation of the coalition government and the dates on the dissolution of parliament to be set in the Constitution.

On the basic rights, unemployment allowances be given to people who have reached eighteen years and above an unemployment allowance after they have reached eighteen years and above. Number two, old age maintenance, people who have reached above sixty-five years be given old age maintenance allowance in order for them to sustain their lives.

Land and property rights: I would like the land of Kenya to be owned by two:- one the State and two the community. Number two, the land be set aside as follows:- the land for residential and two the land for farming.

For natural resources and taxes the following to be done. One 70% of the amount earned from the natural resources be used in the development of the region in which it is found. Two, the population attached to that natural resources be relocated in that

area or in that region. Three, the taxes collected in every region to be used as follows: - The Central government to be allocated 30%, and the regional government to be allocated 60% and the Local government to be allocated 10%. That is the end of my presentation.

Com Mohammed Swazuri: Thank you very much. Sign your name there and submit your memorandum. Ibrahim Mukonzo.

Ibrahim Mukonzo: Thank you very much indeed. Before you all listen to my points a point of (?) to add. I would like to comment on something (inaudible). First of all I will comment on citizenship. Citizenship being a fundamental right. A Kenyan citizenship should be born by a Kenyan male (inaudible) or (?) the woman married to and the children (?) should be regarded as Kenyan citizens automatically. If a Kenyan citizen parent gets a child with a non Kenyan, then the child should not be regarded as a Kenyan and if a man Kenyan gets a child with a non Kenyan lady then the child would be a Kenyan. (inaudible) a Kenyan under eighteen years should possess a clinical card and a birth certificate and those over eighteen should carry a national identity card.

Structures and systems of government. We should adopt a federal system of government whereby let us say for example we have zones, such as Mumias Zone. The next point is the executive. The presidential tenure should be of two terms of five years each. (inaudible). The president should be under the law and not above the law.

(inaudible) the president should also be a member (?)

Land and property rights: we feel (inaudible) the individual. The State, government and Local Authority should only control the land (inaudible) in the Constitution, the issues of transfer and inheritance of land should be direct.

(interjection) **Com Mohammed Swazuri:** One minute.

Ibrahim Mukonzo: (Inaudible). One, the capital, two economical (inaudible) not less than 2% of the public funds. (inaudible)

(Interjection) **Com Mohammed Swazuri:** Your time is up.

Ibrahim Mukonzo: My time is up?

Com Mohammed Swazuri: Yeah, we are going to read that memorandum.

Ibrahim Mukonzo: Okay.

Com Mohammed Swazuri: There is a question here.

(Clarification) **Com Salome Muigai:** Thank you Mr. Chairman, thank you Mr. Ibrahim Mukonzo. You have said that women should not have access to land unless a man dies and he has not left children and is the Constitution says

(inaudible)

Ibrahim Mukonzo: (inaudible)

Com Salome Muigai: You have said that all males should have access to land and women should only get land if a man dies and he has no children. This is a Constitution we are making, by saying that women should not have access to land... Do you also say that they cannot buy land then (?) and yet you are saying women should not have access to land either to buy or to inherit.

Ibrahim Mukonzo: I was referring to ancestral land.

Com Mohammed Swazuri: Thank you, please go and register there. Nathan Machanga ambaye atafuatiwa na Wangulu Bwire.

Nathan Machanga: Thank you, my names are Nathan Machanga, I am going to present my points on the Constitutional Review. Number one is the preamble. The current constitution does not have a preamble, and I feel that we need to have a preamble to fight corruption. All Kenyans must come together and fight corruption that is the main issue that must be contained in the preamble.

Two, we have the Constitutional supremacy, in that parliament should not (?) to amend the various parts of the Constitution, but if there is need they should come and consult the members of the constituencies which they are representing, then can pass for amendments to the Constitution.

All Kenyan citizens born in Kenya must acquire automatic citizenship of Kenya (inaudible) must be different from the automatic citizens who are born in Kenya. Also on (?) and national security, (inaudible).

Political parties also should be (Inaudible). I suggest at least that we should have at least three political parties in order to have good (?) of the government. On the structures and systems of government, my view is that we should maintain the current president, but some powers must be limited. (Inaudible) and also Councillors should at least

be Form IV leavers not the current system where the Councillors are just got from anywhere. Also under provincial administration should be as per their specialization.

Lastly, the judiciary. The judiciary should be independent in order to fight corruption in that, once somebody has committed a crime, he should be disciplined without (?) if he is a president or is what. But the president and the ordinary man should be disciplined so that (inaudible). Thank you very much.

Com Mohammed Swazuri: Okay (inaudible). Wangulu Bwire atafuatiwa na Margaret (?)

Wangulu Bwire: I have the following proposals. One, administration. I propose that (inaudible)

Com Mohammed Swazuri: Ongeza sauti.

Wangulu Bwire: Then we should have assistant chiefs, chiefs and D.Os. The assistant chief does his work and reports to the chief, the chief to the D.O. and you find that the work that has been done by the assistant chief is the same as that of the chief and the D.O and this work has been done by three people and yet it ought to have been done by only one person. So I propose that we get rid of the chief in a Location. When we have assistant chief to work with village elders, from the village elders you go to the D.O and the D.O communicates to the D.C. The D.C. reports direct to the Office of the president. The D.C. (Inaudible)

The Kenya police and Administration police, they are doing duplication of work. An A.P. goes to the village, arrests people while these people have wasted a lot of time in the D.Os camp. (inaudible) department rather than duplicating A.P.'s and Kenya Police.

Three, marriage. People go to church and get married. After they have been married they go down to the town and marry another lady in the D.C's office, leaving their wives at home. They just come to the A.G's chambers to get married. So you find one man with two wives, and two official marriage certificates. When it comes to the question of inheriting property, you will find two wives with legal marriage certificates waiting to inherit property. We should avoid marriage in the D.C's office and the A.G's chambers, thank you very much.

Com Mohammed Swazuri: Thank you, please sign your name and submit your memorandum there please. Margaret Kweyi, to be followed by Pius Amwayi. Majina yako?

Margaret Kweyi: Majina yangu ni Margaret Kweyi.

Com Mohammed Swazuri: Endelea.

Margaret Kweyi: Yangu ni maoni juu ya (?) ya ardhi na mali. Ninaonelea ya kwamba anayepaswa kuwa mmiliki wa ardhi ni jamii ya mahali pale kwa sababu, ikiwa ardhi hii itaachiwa mtu binafsi, anaweza kuiuza bila hata kuwajulisha jamii yake, na hapo inaleta shida nyingi.

Serikali iwe na uwezo wa kutoa ardhi ya mtu binafsi. Hapo mimi ninaona ya kwamba Serikali isiwe na uwezo, kwa sababu ikiwa Serikali itatoa ile ardhi ya mtu binafsi mwananchi atalazimishwa kuhama mahali pale alipozaliwa na kuhamishwa apelekwe jangwani.

Kuwe na kiwango cha juu cha ukubwa wa ardhi. Kwa maoni yangu nimeonelea kuwe na kiwango cha juu cha ukubwa wa ardhi kwa sababu kuna watu wengine matajiri wanaweza tu kung'oa ardhi ya watu maskini na kuwaacha pale wakiwa bila ardhi yoyote, bila hata (?) chochote kile.

(Interjection) **Com Mohammed Swazuri:** (inaudible)

Margaret Kweyi: Sijui, kama mia mbili hivi.

Com Mohammed Swazuri: Endelea.

Margaret Kweyi: Maswala ya (inaudible) na Katiba ikiwa (?) wa ardhi, iingie kwa jamii ya mahali pale kwanza. (inaudible) kutoka kwa mtu mmoja, mtu wa kwanza hadi (?) kwa sababu kuna watu wengine (inaudible).

Com Mohammed Swazuri: Thank you very much.

Pius Amwayi: Thank you very much. My names are Pius Amwayi. I have not written a memorandum or my views on paper but I will try to handle some of the issues. I will start with political parties. I believe that we have political parties (inaudible). Political parties should be financed by the government. They do not have money other than money from the taxpayers and political parties are also tax payers. So these ones should be financed from taxpayers.

There should be a record on how many times an MP has visited and talked to the people in his constituency. Because there some of the MPs who do not appear in their constituencies for a very long time, therefore the people in the constituency will be remembered at the time of the elections again when it is time for votes. He should not make technical appearances.

Coming to the Defence and National security, there is the question that (inaudible). Armed Forces should have another profession so that they are not only kept in the barracks, that is why they (inaudible). He should come out and have some sort of contact with the people outside other (inaudible) so that at the time of the war they are deployed elsewhere (inaudible) when they are seated waiting for war.

The president should not be the Commander-In-Chief of the Armed Forces (?). This one encourages nepotism so that (inaudible). Therefore, I feel that if a president clings to power beyond the period he is supposed to serve.

Lastly the traffic police on the roads. For corruption to be reduced on that line, every piece of (?) they tow out of the road should be accounted (inaudible) so what they are doing on the roads is to look for money. Thank you.

Com Salome Muigai: Thank you very much Mr. Chairman and thank you for your views. I have got two questions. One is on the record of visits of the MPs, how many times should be the minimum if we are to keep these records; and what kind of speaking you have said that they come speak to the people. How many people? I am just trying to find a way of putting views in the Constitution and hoping that you can help us to do it.

My other question is that we are making a Constitution which is the rule of law. And you are saying that presidents who stick to power should be shot, should this be part of the Constitution which is the rule of law?

Pius Amwayi: (inaudible) so how many times the MP should talk to the people. I have no reason to (?) but I still think if he can meet his people three times in a year. The time (inaudible) he should find out the needs of the people in the constituency and probably advice them. Because probably the people in the constituency feel that he should be going for (inaudible) the people in the constituency should be able to do.

Com Mohammed Swazuri: Shaban Shiuka atafutwa na Joseph Lutta.

Shaban Shiuka: Asante sana. Kwa majina mimi ni Shaban Shiuka. Ninapendekeza ya kwamba Katiba iandikwe kwa lugha inayoeleweka na kila mwananchi wa Kenya, ili isigharimu wananchi muda mwingi ama (?).

Tukienda upande wa Rais; ninapendekeza ya kwamba Rais achaguliwe kwa Vipindi viwili, na asiwe na mamlaka ama asiwe juu ya sheria. Na ninapendekeza ya kwamba tuwe na Waziri mkuu na achaguliwe na wananchi.

Upande wa mamlaka (?) ninasema ya kwamba, mamlaka yagawanywe. Nchini Kenya tuko na Wakristo na

Waislamu. Ninapendekeza kwamba asilimia hamsini (50%) ya mamlaka iwe kwa Wakristo na asilimia arobaini (40%) iwe kwa Waislamu na asilimia kumi (10%) iwe kwa wale hawana dini yoyote.

Ninapendekeza ya kwamba katika baraza la mawaziri, tuwe na wizara kumi na sita pekee. Na mawaziri kumi na sita, mawaziri wasaidizi kumi na sita, na makatibu kumi na sita.

Katika uchaguzi, ninapendekeza kwamba wataochaguliwa na wananchi awe rais, waziri mkuu, mbunge, mayor, mayor mdogo na madiwani. Ninapendekeza ya kwamba watumishi kwa Serikali ambao hawahamishwi kama chief, chief wasaidizi, na wazee wa kijiji wachaguliwe na wananchi. Wazee wa kijiji wawe wakilipwa na Serikali kwa kazi yao nzuri wanaotekeleza, ili wasitegemee upande mmoja wanapotekeleza wajibu wao.

Ninapendekeza ya kwamba anayetaka kusimama (?) awe na kiwango cha elimu. Mbunge awe na kiwango cha elimu ya Kidato cha Nne kuendelea mbele. Diwani awe na kiwango cha darasa la saba kuendelea mbele. Kura zihesabiwe katika kituo cha kupiga kura na wala sio kuhamisha masanduku na kupeleka kura kuhesabiwa mahali kwingine.

Ninapendekeza ya kwamba anayetaka kusimama kiti chochote atangaze mali yake. Pendekezo ifuatayo ni kwamba kwa wabunge kumi na mbili wanaochaguliwa na Serikali nafasi mbili ziwe za baraza kuu ya Kiislamu ili washughulikie mambo ya Waislamu katika bunge.

(Interjection) **Com Mohammed Swazuri:** Ninasema wakati wako umebakia dakika moja umalize.

Shaban Shiuka: Ninapendekeza kwamba Muislamu akishtakiwa asifikishwe mahakamani siku ya Ijumaa, kwa sababu inajulikana Ijumaa ni siku tukufu kwa Muislamu. Afikishwe Jumatatu hadi Alhamisi, lakini wala sio Ijumaa.

(Interjection) **Com Mohammed Swazuri:** La mwisho?

Shaban Shiuka: Mwisho ninapendekeza ya kwamba Mbunge akikosa vikao vitatu bungeni, wananchi anaowakilisha wakubaliwe kumchagua mbunge mwingine. Asanteni.

(Clarification) **Com Salome Muigai:** Asante sana Bwana Mwenyekiti, asante kwa maoni yako. Swali langu ni kuhusu wazee wa kijiji. Umesema walipwe, wanafanya kazi pamoja na chief na assistant chief. Swali langu ni kuwa wazee wa kijiji ni kina baba, ni kina mama, au ni mchanganyiko wa kina mama na kina baba?

Shaban Shiuka: Tuna wazee wa kijiji ambao wamechaguliwa kusimamia kijiji, ndio nimependekeza kwamba hao lazima wawe wakilipwa angalau kitu kidogo na Serikali.

Com Salome Muigai: Ninauliza, ni kina baba, ni kina mama au ni mchanganyiko?

Shaban Shiuka: Ni mchanganyiko wa kina mama na kina baba.

Com Salome Muigai: Wakati huu?

Shaban Shiuka: Ndio.

Com Mohammed Swazuri: Maruti Toloi? Atafuatwa na Jotham Mangwana. Si kulikuwa na Joseph Lutta? Hayuko?

Speaker: Yuko.

Com Mohammed Swazuri: Wacha tumsikilize yeye, nilikuwa nimesema jina lake kwanza. Kaa karibu mzee, usiende mbali.

Joseph Lutta: My names are Joseph Lutta. I have two types of memorandum, one is from Nabongo Council of elders and the other is individual.

(Interjection) **Com Mohammed Swazuri:** It will only be possible to give us the highlights of one, and the other one you can deposit it with us, we are going to read it.

Joseph Lutta: Nabongo camp of elders on behalf of the Abaluhya community. The Constitution of Kenya should give provision to traditional and cultural leadership in Kenya. The reason being preservation of our cultures and property, concern and (?) Preferences (inaudible) like in Uganda contained in Chapter (?) of the Ugandan Constitution.

Section two, the type of government. We prefer majimboism type of government like the one we had at independence.

(Inaudible). Section three, powers of the president. We prefer that the president to run for two terms of five years each. (Inaudible)

(End of tape)

Com Mohammed Swazuri: Unasoma kwa haraka karaka sana, pole pole. Pole pole kidogo lakini u-give recommendations usitupatie hizo reasons.

Joseph Lutta: (inaudible). The country's annual budget be drawn on GDP, (Gross Domestic Product).

The (inaudible) free education should be put up to Form II.

(Inaudible) to strive and get rid of corruption from our society by introducing it as a lesson in all learning institutions. To eliminate external debt, the government borrowing to be controlled by a special committee of professions. The government shall not rely on Kenyans as a source of revenue by taxing them heavily but we should export our own technology, our own produce or own textiles (?) is earned as foreign exchange.

Now, the next one...

(Interjection) **Com Mohammed Swazuri:** Please you have only half a minute remaining.

Joseph Lutta: We should have (inaudible). The colonialists have taken (?) in the current constitution and yet it is from that income that has given them control

(inaudible). The Nabongo Kingdom to be given special seats right from the local authority level to the parliamentary level.

Com Mohammed Swazuri: Thank you very much. You can have both memoranda registered there. Mr. Tolo.

Maruti Tolo: Thank you Mr. Commissioner and other commissioners. I am here on behalf of Mumias Jua Kali Association.

(Interjection) **Com Mohammed Swazuri:** Your name please.

Maruti Tolo: Maruti Tolo. We prefer a democratic multiparty state headed by an executive president and a prime minister who is the leader of government business in the parliament. Any person vying for the position of presidency will have to serve a maximum of two terms of five years each.

A president while (?) of State, must not be involved in matters of political parties. (inaudible) his powers cut across political parties. Separation of powers should be there in practice and not in mere words because we have a situation where the executive orders the legislature, or orders the judiciary.

Appointing bodies for the different arms of the separate arms of the State, should be different and become entrenched. For instance the Executive should be appointed by the President, and the Judiciary should have its own Commission of appointing the relevant personnel, and also the legislature should have its own body.

Powers that are now vested in the Central government should be distributed to lower levels of governance, which will make the local people to plan and implement their priorities, instead of getting the orders from above.

On basic rights: The basic rights we have now are good, but they are not being observed by the said bodies. So I propose that we should have a body, maybe the Ombudsman's office or such a body, to oversee that the basic rights are maintained or observed when dealing with the wananchi. Where there has been a breach of the basic rights then the office or the overseer should have powers to take appropriate action.

Also I would like free and compulsory education for Kenyan citizen's children to be included in our constitution. In order to reduce congestion in our prisons which is (?) now, I suggest that people arrested for petty offences should normally be given a bond; and once issued to such offenders they should be directed to attend a court hearing on a particular set date instead of putting them in remand. This will save us a lot of money and many other things.

On political parties...

(Interjection) **Com Mohammed Swazuri**: One minute left.

Maruti Toloi: On political parties I suggest that we have a maximum of three political parties, and they be funded from public funds. There is one more point.

Cultural values: The Constitution should update our diverse cultural values and recognize community leaders who were there during the colonial times. In this part of the Republic, the constitution should provide for the recognition of the Nabongo kingdom as is the case of the Kabaka kingdom in Uganda.

Lastly, the Constitution should make a provision for legal aid to suspect offenders (?) before a suspect is taken to court. Thank you.

Com Mohammed Swazuri: Thank you very much, there is a question.

Com Raiji: Thank you very much Mr. Tolo. Now these Nabongo Kingdoms which you want us to provide for in the Constitution, what power or what law would you want us to bring and still have the basic combination represented?

Maruti Toloi: There were quite many things which were under the Nabongo Kingdom before independence. We had our own markets, we had our own cultural sites, we had our own laws regulating things like (?) and other such like things. So these are cultural things that we would like represented.

Com Salome Muigai: Thank you very much. Does the law (inaudible) of us to deal with gender equality.

One of the issues of traditional leadership was the absence of women. How would you like us to deal with this issue so that we meet with the requirement of the law that the law has placed before this Commission?

Maruti Tolo: I cannot get your question clearly Madam, but I think even in the olden days, women were there and they had their own special business because there were no calculated work from (?) wife and others. So I don't know...

(Interjection) **Com Mohammed Swazuri:** You have made your point can we have you register yourself please. Jotham Mangwana.

Jotham Mangwana: My names are Jotham Weikulu Mangwana. I am representing (?).

(Inaudible) We should have a preamble in our Constitution and in that preamble; it should be able to capture the core values and principles of our country. Any law that is not in line with the Constitution should be null and void. In that preamble we should make sure that we have enhanced national unity, there is respect for our culture, respect for human rights and conservation of (inaudible).

Direct Principles of state policy. We should have (?) in the Constitution which ensures that there is entitlement of (inaudible) and in any situation in our country, majority should always (?).

On Constitutional Supremacy: It is our feeling that $\frac{2}{3}$ rd of the parliamentarians should have the final say in upholding anything in parliament. But where there are changes in our Constitution involving administrative units of our country like districts, provinces or a constituency or involving changes in the Constitution, then we should have a national referendum.

On citizenship (?) that any Kenyan citizen male marrying a non citizen, children born out of that union are automatically Kenyan citizens. Any other should be by naturalization.

Defence and national security: It is our company's feeling that all Armed Forces (?) the existence of the Constitution and there should be two permanent commissions. One, such Commission should be able to deal with discipline, promotions and appointments of the military, and para-military. The second commission, both appointed by parliament should be dealing with the police and (?) and the prisons. This particular permanent commission should be able to deal with discipline, promotions of police forces and also the dimensions. Should there be any (?) like the police undoing (?) those who have (?) investigating and taking them to court should be by this particular permanent commission and not the police.

On political parties: my committee recommend that there should only be three political parties in Kenya, and funding of these political parties should be by the government.

Structures of government: We recommend that we scrap the presidential system of government, and replace it with the parliamentary system; whereby the parliament will elect a Prime Minister and hold State authority and administrative powers should be put in the hands of (?)

Legislature: We propose that there should be two chambers of the legislature in this country known as the Senate which is the house of senators who are the representatives of each region. Therefore we shall have eight regions represented by eight senators. The National Assembly should have representatives who are elected according to the population of the regions.

As far as land is concerned, we recommend that land in this country should be owned by individual, the State and the government and land which is owned should be only one hundred acres per person or forty acres. (?) Thank you.

Com Mohammed Swazuri: Mathius Wambuti? Will be followed by Yusuf Were.

Mathius Were: Thank you very much. I am Mathius Wambuti, representing the Catholic Justice and Peace Commission, (?) Parish. We analyzed our Constitution and we found out that it does not have a preamble and we gave (?) the next Constitution should have a preamble which should read, 'We the people of Kenya, we recognize the past common experience on human right abuse, insecurity, corruption and poor governance pledge to abide with this Constitution and sharing the national resources fairly and protect our human rights and freedoms in unity. May God bless us.'

Then we also analyzed the citizenship, where we said automatic citizenship should be acquired by a person born in Kenya within the forty-two tribes recognized by the Kenyan community, who have been living in Kenya continuously since independence. We also talked about a woman married to a citizen of Kenya should be entitled to being a Kenyan citizen upon application, after matrimony and investigation of one year. She should have a certificate of good conduct from the country which she comes from.

We also analyzed the rights and obligations of a citizen, that is a Kenyan citizen where we talked about political. We mentioned things like the right to place a vote of no confidence to their members of parliament.

Under social, we were also able to analyze the problems that (?) to these young citizens, the social (?) values. Economic; we were able to see the right to work anywhere in Kenya regardless of where he or she comes from. The government to try and give or create employment for all trained Kenyan citizens.

On the (?) we say the need of the legislative, the identity cards (Inaudible) instead we put on birth certificates to

be given as evidence that one is a Kenyan citizen.

We also analyzed constitutional supremacy where we said the amendment of the Constitution should not remain in the hands of the parliament with a quorum of 65% instead we should (?) and involve the entire community of Kenya.

Then we also analyzed the content of the Constitutional Review Commission of Kenya of which should be an independent body separate from government and the members from whom it is owned from should be the body concerned with the amendments and making of the Constitution.

Lastly, I would like to address human rights, where we said the present Constitution is not sufficient, and we propose that other basic rights should be any person above fifty-five years be (?) the rights to acquire soft loans to all Kenyans regardless of the tribe, sex or where one comes from.

Just to conclude, we hoped that we all have (?) the CKRC is going to soon implement and we also talked about education, where we said there should be compulsory, free primary education should be provided to all Kenyans and the government should provide labour and other materials.

Com Mohammed Swazuri: Thank you very much, go and record it there. I would like to appeal to anybody who has a mobile phone, please switch it off. Mobile phones to be switched off, because as you can hear it is interfering with our recording. Wale wako na simu za mikono tafadhali wazizime kwa sasa. Bwana Yusuf.

Yusuf Were: Honourable Commissioners, I am Yusuf Were, I am representing (?) Muslim (?) in Mumias. First of all I would like to talk about the (?) I feel that nominations and appointments of public servants should be done only through parliament, one. Two, chiefs and sub-chiefs should be elected by the people. And the leaders should be moral, that is they should not have any tendencies of bad behaviour.

The Kadhi; he should have the (inaudible) and this position is there that this court should be abolished in the judiciary that this court should not be there. The political leader also may or may not belong to any political party. In the social field health and education should be free.

We have several divorces, so when a woman makes a mistake she is divorced but when a man makes the mistake she remains there. There should be care for the aged. There should be care of the AIDS victims, those people who cannot care for themselves. The segregation of sexes; man and woman are equal proportionally but not (?) that is they should be given their rights according to the sexes.

Social evils: Brewing and taking of liquor should be stopped and this includes chang'aa and beer. The government has allowed beer but banned chang'aa. Economic (?) distribution of wealth, three quarters ($\frac{3}{4}$) of Kenyans live below the poverty line, so (inaudible) one person should only have one job at one time.

The natural resources, especially minerals are people's property and not the government's. So if gold is found in a person's land, that is his property and not the government's property. In Islam we have something called Zakaat, this Zakaat or alms is taken from the rich and given to the poor. So the rich should be taxed at the expense of the poor.

Lastly, the laws should be easy to understand without complications. It should be translated into several languages, as it might be possible and most of all these laws should have references from the Holy books that is the Holy Quran and the Holy Bible to avoid people going away from the laws. Because they have to follow their religion as well as the laws.

Com Mohammed Swazuri: Thank you very much

(Clarification) **Com Salome Muigai:** Thank you very much Mr. Chairman, thank you Mr. Yusuf Were. You have said that the law has taken (?) to the Quran and to the Bible. But Kenya is a secular society, in other words it is not a religious society. We have Muslims, Christians, Hindus, there are Mungiki and there are those other religions. So when you call it (?) we put the Quran and the Bible in the law, what do we do with the other people who are Kenyans and they are stake holders to the Constitution, but do not ascribe to either the Bible or the Quran?

Yusuf Were: That is something that you can discuss because we have decided on religious groups in the country, and they are based on the Holy books, so I think the law should be in reference to the Holy books whether it is the Hindus, Muslims or Christians and they all have preferences in their own views and if the laws do not agree with Holy Books that is the main problem because we must follow at least a person should belong to a religious group, and has to follow his religious books.

Com Mohamed Swazuri: Thank you very much. Haji Hamisi Masakwe. Njoo upande huu Bwana Yusuf, enda pale.

Haji Hamisi Masakwe: Asante sana Bwana Mwenyekiti ninashukuru (?) Mimi maoni yangu ningependa...

(Interjection) **Com Mohammed Swazuri:** Unaitwa nani?

Hamisi Masakwe: Jina langu ninaitwa Haji Hamisi Masakwe. Ningependa kutoa maoni yangu kuhusu shule maana yake watoto (inaudible) na waalimu hawa wakuu wa shule.

Swala langu la pili, kazi moja kwa mtu mmoja. Unaweza kupata mtu ana kazi kumi sasa watu wengine wamekosa kazi katika

Kenya. Jambo langu la tatu, askari wakienda kushika pombe, halafu wakose mwenye pombe; watahika mtu yeyote hata kama mimi na mimi sikunywi pombe tangu nizaliwe halafu ndio nitoe kitu kidogo.

Shamba ningependelea mashamba yetu yamekuwa na ugumu. Babu ameachiwa baba, baba ameniachia mimi, na mtoto wangu akitaka hiyo shamba ambayo (?) kwa ugumu wa pesa shamba hilo litakuwa (inaudible) shamba fulani mpunguze gharama badala ya kuifanya (?) sana hiyo sio mzuri. (?) ningesema mavazi ya Kiislamu yawe rasmi kwa Waislamu wa kike na waume, kwa maana wengine huvaa hayo mavazi na kuharibu jina la Kiislamu, akishikwa na (?) mimi ni Hamisi au ni Rajabu. Hayo ni makosa (?) na watasema ni Mislamu ndio alishikwa.

Ningependa wanawake au kina mama kuvaa mavazi kama yale ya zamani. Hii jeans ina haya sana. Imeleta hata tunakosa kuwa na (?) wa mambo mengine. Jambo lingine la nane, ukienda kuishi kwako, hukupenda ama umependa na utakwenda kortini na kortini utakubaliwa tu kukubali (?) kama umekubali hiyo inataka iangaliwe. Sisi watoto wetu wazamani kama mimi nikiwa mzee. Mtoto wetu alikuwa akitungwa mimba na kijana alikuwa akitoa ng'ombe wawili na gharama juu. Siku hizi hata mtoto akitungwa mimba mara kumi itakuwa gharama kwa mama yake.

La kumi, chief na manaibu wao wawe wakienda uhamishoni kama ilioko na wengineo wanaofanya kazi ya Serikali ili maendeleo yawe yanaweza kupatikana katika sehemu zingine maanake huko kuhamishwa kutamfanya aelewe mengi. Kwa majina ni Hamisi Masakwe.

Com Mohammed Swazuri: Tutawasikiliza hawa mabubu. Tell us your names and so on.

Speaker: (inaudible) The rights of the (?) the new Constitution should provide for a Social Security Scheme for persons with disabilities. This should be a constitutional provision for elections or nomination to parliament this will ensure that the position (inaudible)

There is bad planning for persons with disabilities and (inaudible) to ensure that their (?) is catered for and (?) institutions of government. (?) who have tried to become MPs should not be subjected to vote (inaudible).

On Affirmative Action, the disabled people should be involved in (?) during nominations. Nomination office (?) which will ensure that people with disabilities are taken on board.

On education there should be free education. No taxation on hearing aids. The (?) for all hearing impaired

schools.
should be redefined.

(inaudible). Last, Section 34 C of the Laws of Kenya on persons with disabilities

Com Mohammed Swazuri: Thank you very much for your presentation. Hand in the memorandum.

(inaudible).

Speaker: (Inaudible)

Com Mohammed Swazuri: Can you just hold on, we need to talk to those school girls because they are going to sit for an exam, and they want to go back to the exam hall. Mobile phones tafadhali, nimesema mzime. Are they coming one by one?

Speaker: Yeah.

Com Mohammed Swazuri: Okay.

Student (St Ann's Primary School): Thank you for giving this opportunity to present my views on the Constitution amendment.
First of all I would like to say that ...

(Interjection) **Com Mohammed Swazuri:** What are your names, we need to register you.

Evelyn Mungera Munyire: My names are Evelyn Mungera Munyire, I am in class eight, St Ann's Girls Mumias. First of all I would like the Constitution to give the president a lot of powers. Like for example the president has powers to release a person who is guilty of an offence. I do not think that would be there because that person who is guilty of an offence. I do not think that should be there because that person will escape unpunished and (inaudible) and he will just be removed the next time he will be caught. I don't think that power of the president should be there.

Also I do think an Anti-Corruption Commission should be established to deal with corruption which is very wide-spread in Kenya. And also the assent of the president to approve so that is it can become a law, I do not think it should be there because all the other MPs can have accepted and the president refuses and the Bill is correct, but he does not want it. That should not be there. The stages of a Bill should just end on the third reading only, and not the president's assent.

Also I do not think there should be a Khadi's court because that court is on the religious basis. Why should the Muslims be given their own court and not the Christians, not the Hindus, don't we have all the other religions in Kenya why should only the Muslims be given their own court? I do not think the Khadi's court should be there.

Also the Kenya Human Rights Commission should be given some funds by the government. (?) they are being given any funds but I think they should be provided for some cash by the government so that they can carry out their work effectively. Thank you.

Com Mohammed Swazuri: Next is Aladi Millicent. They should all come near here so that we save time. Pick the microphone tell us your name...switch on the microphone.

Millicent Aladi: Thank you for giving me this opportunity to give a point on the amendment of the Constitution. My names are Millicent Aladi; I am in Class eight Red. First of all I would like to say that the street children who are in the streets, they should be taken care of, so that the rate of theft (?) that is around the streets should be reduced.

Another thing is that I feel there should be free compulsory education because we hear that there are some poor parents maybe in villages who cannot afford to pay the fees and some of the fees is just too much for them. Therefore there should be free education, then I think most of the children would be able to study effectively.

Another thing is that I would like to comment of bribery. The ways of bribery is (?) but it only the smuggling of goods in and out of the country. If the police can completely refuse bribery, I think we will have a good country. Thank you.

Com Mohammed Swazuri: (inaudible)

Nabwire Josephine: Thank you for giving me this opportunity to contribute to the Constitutional amendment. My names are Nabwire Josephine.

(End of tape)

I am glad to say that the elections or campaign expenditure should be limited. Because like for example when there are elections the MPs who are campaigning for elections use a lot of government's finance.

On to my second point, the mayors are supposed to be elected by the public not only the Councillors to elect them because of favouritism. Thank you.

Com Mohammed Swazuri: Next one, go there and register yourself please. Thank you.

Student: Thank you for giving me this opportunity to come and contribute. On to my first point...

(Interjection) **Com Mohammed Swazuri:** What are your names and class?

Leah Oyaya: My names are Leah Oyaya; I am in Class eight, St Ann's Girls, Mumias. My first point Constitutional amendment, I feel that the public should be involved in the Constitution amendment, so that we can avoid complaints and it should be suggested by the public also.

On to my second point; Presidential appointees. I feel that the presidential appointees should be reduced to avoid favouritism, tribalism and have peace and equal opportunities among people. I feel those presidential appointees should be reduced. The public should also elect them. Thank you.

Christine Boke: Thank you for giving me this opportunity to contribute towards the Constitution Review Commission. My names are Christine Boke, I am in Class Seven. First, I would like to talk about free education and health services. I would like Kenya to have free education because, there are some people in places like Turkana who may not have the money to take their children to school, and most of the children are bright. This will lead to poverty in our country.

Environment: I would like the government to urge people to be cleaning our environment to avoid health hazards such as diseases like dysentery and others.

Employment: The government should strive to provide employment for everybody. This will lead to prosperity of our country and it will help to abolish corruption.

My fourth point, drug abuse: The Kenyan government should try and stop drug abuse. This leads to most of the school dropouts and pregnancies.

Refugees: The government should try and provide a home for the refugees and provide them with funds to have them prosper in their various lives. Rape; we have heard very many cases of parents raping their own children. I would like to say this one is a very serious offence and someone found raping a child, or something of the sort should be severely punished.

I would also like Kenya to become a one party State; because since Kenya became a multi-party State in 1992, there are very many evils such as tribalism, people having social differences, and before that I believe Kenya was once a good country.

I would also like to say, let us follow the footsteps of our former president the late Honourable Jomo Kenyatta. Remember, Kenya's well-being is our responsibility. Thank you.

Com Mohammed Swazuri: Thank you very much.

Yvonne Olunde: Thank you for giving me this opportunity to talk about the Constitution Review Commission of Kenya. My names are Yvonne Olunde; I am in Class Seven.

First I would like to talk about the environment. In Nairobi and also in other cities, we feel that the environment is very dirty. There is also a rise in the street children problem as they run away from home because of their parents, their parents may be giving them too much work, or maybe overworking them or they may be raping their children. This thing should stop. The Constitution should give every child an opportunity to learn, even the street children who we have on the streets; they should be taken to a special home, which should guide them and take care of them until they grow up.

My other point is irrigation. People in Turkana suffer because they do not have food, water and health facilities. Why can't we take the water maybe from Lake Turkana or Lake Victoria, so that it can be used for irrigation in Turkana? So that all the cases which we hear about like (?) facilities may also be provided to them. Thank you.

Com Mohammed Swazuri: Next.

Joan Odhiambo Anyango: Thank you for giving the opportunity of contributing to the Constitution Review Commission. My names are Joan Odhiambo Anyango.

My first point; Girl education. Girls should be entitled to the same education as boys. In most communities or homes, parents see that girls cannot manage in school, but that is a lie. A good example of some female leaders is Charity Ngilu.

On to my second point; Girl circumcision. Girl circumcision should be stopped. Mostly some of the girls who have been circumcised lose a lot of blood, also they may contract the HIV virus which will cause AIDS.

On to my third point; early marriages and forced marriages. I would like to comment on that. Early marriages will stop the girls from more education, and may also cause dropping out. Also most of the early marriages are forced by their parents. Some of the parents just place a lot of worth on the dowry, that is why most of the girls end up marrying very old men, and the marriages are forced, and therefore they will not last long.

Under age labour: I would also like to comment on that, because most of the parents the children will drop out of school and they will be forced to be maids or even some of them will turn into prostitution.

My fifth point: I would also like to comment on women violence. Most of the (?) in some homes the husband torture their wife. Most of them beat them and send them out with their children, which is a very big offence, they should be punished

for that.

Lastly, I would like the government to motivate the teachers so that the standards of education in Kenya may improve. Also I would like the school milk to be brought back. Thank you.

Com Mohammed Swazuri: Next one.

Student: Thank you, for giving me this opportunity to come and talk about my points to the Commission Review.

(Interjection) **Com Mohammed Swazuri:** What is your name?

Josephine Matundi: My name is Josephine Matundi from Class Seven. Onto my first point, after marriage the women are brutally beaten by their husbands. This is because when a man and woman get married, after the marriage has lasted let us say for two years, this woman is brutally beaten. Maybe because the woman can't provide enough money for the family, or because the husband provides a lot of money and pays for the children fees, and the husband tells the woman to go away because you do not bring a lot of money to the family.

Onto my second point. Women should be given the right to vote. Women should be given right like men, e.g. most of our MPs are men. We do not have a lot of women M.P's in Kenya so I believe that women should also be given chances like the men are given.

Onto my third point, most men are given a lot of powers by their wives. I think this power should be reduced, e.g. when a woman gets paid she gives the money to the man, so I think the women should reduce these powers. This is what leads to men and women divorcing.

On to my fifth point, I think that the land used for growing drugs like miraa bhang etc should be used for something important, e.g. coffee growing because these drugs miraa and bhang and all sorts of drugs bring poverty to our country. Thank you.

Anastacia Mbuvi Ongoro: Thank you for giving me this opportunity to come to contribute on this Constitutional Review. My first point, the women should...My names are Anastacia Mbuvi Ongoro. The women should put on clothes and avoid showing off their bodies. Most women who watch television, see other women putting on mini skirts, hipsters now we see that maybe this is the new fashion that has come to Kenya, they will then start putting on such clothes and a lot of make-up.

Girls should be educated because if we follow we will see that men are the top of the houses, now they do not like educating the women, the girls would know that they would also be good in future. Smoking should be stopped in public places. The

government should construct more hospitals in rural areas, because maybe there might be an outbreak of diseases, and you find that a hospital may be something like five miles away and the person is too weak to walk. I think they should just construct more hospitals in the rural areas.

I feel that parents should stop child abuse. Most step-fathers always rape their young children because maybe they are not their own flesh and blood. I would like the school milk to be brought back. Thank you.

Caroline Lihanda: Thank you for giving me this opportunity to talk about the constitutional views. My names are Caroline Lihanda from Class Seven.

My first point, poverty. Poverty leads to many things like prostitution. Some girls just start prostitution because they want to look for money, to give to their young sisters or brothers.

Dropping from school: Most of the children in Kenya drop out of school because of poverty. The money is not enough to pay for their school fees.

On to street children. Kenya is one nation. We should take care of the street children either we should take them to some schools or orphanages and (?)

My next point is about poaching. In Kenya poaching is (inaudible) and then we should also ban poaching of animals, (inaudible). I know recruiting (inaudible).

On to my next point, about polluting the environment. More (?) let me say that sometimes we get acidic rain because of the factories and also the factory wastes are disposed in rivers. Sometimes some places do not have water, when they go to the river, they find it has the chemicals from the factory.

Also I have a question, why should drugs be illegal and tobacco is legal? Because people also complain when they sell tobacco they earn money, and also when they sell money bhang they earn money (?) if they are making bhang illegal they should also make tobacco illegal. Or they should just make both of them legal.

Also I would like to say that tribalism should be stopped. This leads to... let me say, there are some clans let me say maybe you are a Luhya (?) they can choose sub-chiefs from the same clan, and the other clan has no sub chief.

So they may (?) work, they may hate each other and (?) Also I would like to say that we should not forget the disabled, thank you.

Com Mohammed Swazuri: Mwalimu can we now have your views? And we acknowledge the presence of Bwana Kirwa, please welcome, and feel part of us.

Evans Kohani: *(Sign Language)*

Interpreter: He is Evans Kohani and he has come here on behalf of the deaf community.

Evans Kohani: *(Sign Language)*

Interpreter: (inaudible) on the Constitution Review

Evans Kohani: *(Sign Language)*

Interpreter: And he is (inaudible)

Evans Kohani: *(Sign Language)*

Interpreter: He is saying that the deaf community, he would like to (inaudible)

Evans Kohani: *(Sign Language)*

Interpreter: In more public places like in hospitals where there is any gathering there should be an interpreter for sign language.

Evans Kohani: *(Sign Language)*

Interpreter: And sign language, say during news on the television the deaf person are there watching and would like our television to cover this too, to involve interpreters in their programmes.

Evans Kohani: *(Sign Language)*

Interpreter: What he is saying is that during the political (inaudible) he wants that you make (?) and forgotten special people (?) so that perhaps a deaf person could be elected alongside the hearing because both of them are there and their personalities can live with that.

Evans Kohani: *(Sign Language)*

Interpreter: But now as (inaudible) those who go to universities, we have very few deaf persons there, and even job opportunities are quite minimal; yet these are people who are qualified and can be qualified to compete with other regular or other hearing people.

Evans Kohani: *(Sign Language)*

Interpreter: This should change. Thank you very much.

Sign Language Interpreter: This is a deaf lady from Nairobi and she has come here to also contribute on the Constitution Review Commission.

(Interjection) **Com Mohammed Swazuri:** Tell us the names.

Sign Language Interpreter: Josephine Shisia.

Josephine Shisia: (*Sign Language*)

Interpreter: First she would like to say that the government should assist the deaf persons to pass through the university, through the provision of interpreters in schools.

Josephine Shisia: (*Sign Language*)

Interpreter: Then the employment for the deaf. The government should be able to consider handing over a number of opportunities to the deaf. To go to the judiciary and also they should go to the computer or Information Technology of the most recent information, they could get so that they are also well informed.

Josephine Shisia: (*Sign Language*)

Interpreter: We have parents who hide their deaf children, or ostracize them in one way or another. She would like the new constitution to make provision for a stop to harassment of the disabled people or parents who hide their children who are disabled.

Josephine Shisia: (*Sign Language*)

Interpreter: Then we have social problems. Like in church, in wedding and all other public gatherings, we hardly have interpreters and it is in our view that it should be considered because (?) without interpreters to follow proceedings in those public places.

Josephine Shisia: (*Sign Language*)

Interpreter: Corruption: She says that the Constitution should also provide for a stop to corruption, or a limit to corruption.

Josephine Shisia: (*Sign Language*)

Interpreter: She would like the capacity, the constitution to make provisions, so that if there are facilities that can help the deaf, should come in without either special or long procedures. This will help them get information and develop themselves.

Josephine Shisia: (*Sign Language*)

Interpreter: For example you may be involved in a road accident and if all the deaf were provided with hearing aids, then that would easily improve their hearing and so would make the public be mindful of the deaf persons.

Josephine Shisia: (*Sign Language*)

Interpreter: The government should have a quota for jobs to be provided for the deaf or the disabled persons.

Josephine Shisia: (*Sign Language*)

Interpreter: And then as she mentioned earlier ahead to lay provisions for interpreters in court when deaf persons are arrested.

Josephine Shisia: (*Sign Language*)

Interpreter: The Constitution should provide for interpreters both in schools and the teachers in regular schools and give an allowance for the (?) of deaf persons at all levels.

Josephine Shisia: (*Sign Language*)

Interpreter: Then she also points out some seats like in Uganda we have a minister for the deaf within the government. We would like if that can be provided that we have a minister or specifically seats (?) within the parliament that can go to the disabled people specifically any (?) whichever the Constitution will find useful.

Josephine Shisia: (*Sign Language*)

Interpreter: Then she talks about the syllabus. The Constitution should provide for a reviewed syllabus for the handicapped to participate or enable them compile (?) with other regular activities. In all, (?)

Josephine Shisia: (*Sign Language*)

Interpreter: She says thank you very much.

Interpreter (To Josephine Shisia): There is a question for you.

Com Salome Muigai: Thank you very much Mr. Chairman, thank you very much Josephine for your contribution. When we are going round, the women said they have social problems they because they are women? People with disabilities (?) come across have showed that you have problems (?). Are there some problems, which combine because one is both a woman and coupled with a disability (?)

Josephine Shisia: (*Sign Language*)

Interpreter: Yes, I have had quite a number of problems, and one of the problems as a deaf person is job opportunities. We

have got to struggle in order to get things which should be (in audible) maybe if there was a way the Constitution would provide so that all of them can be gathered together and be assisted as a community.

Com Mohammed Swazuri: (inaudible). Thank you very much. Mrs. Lillian Nyongesa?

Lillian Nyongesa: Asante, mimi ni Bi Lillian Nyongesa, ninawakilisha chama cha kina mama cha Mumias (in audible). Katika utangulizi, tunaona kwamba utangulizi utaje mwelekeo wa kitaifa unao mulika mambo muhimu kama uzalendo, uajibikaji na haki. Utangulizi utambue kwamba wanawake wamebaguliwa, hivyo wawe na haki sawa kama zile za mwanamume haya ndio maendeleo ya kidemokrasia na haki sawa.

Haki za wana jamii na tofauti za kitamaduni, kikabila wanawake na watoto wa kike wawe na haki sawa za kujieleza, kuabudu na kuandamana, wakalindwa na sheria ili wasinyanyaswe nyumbani. Wasinajisiwe katika ndoa na pia wakati wa kura.

Ibuniwe wizara inayoshughulikiu akina mama na wasichana walemavu, ili wasidhulumiwe na mazingira wa kisiasa hasa wakati wa kura. Ya faa Katiba itilie mkazo elimu hasa nafasi ya kujiendeleza katika masomo. Na nafasi ya kazi za juu za akina mama na wasichana wa Kiislamu.

Nikitazama usawa wa waume na wake na haki zao katika jamii. Wanawake watambuliwe na kusikilizwa kuambatana na jinsi wanavyochangia katika ukuzi wa haki za nchi na dunia kwa jumla. Haswa vyombo vingine vinavyoleta mabadiliko barabara.

Na kunapotokea kifo cha mume, mkewe mkubwa au atakaye kuweco kama mke mkubwa wakati huo, apewe nafasi ya kuchagua mahali mumewe marehemu atakapozikwa. Uhuru wa kuabudu, unatumiwa vibaya hapa Kenya. Inafaa iundwe Tume ya kuchunguza Katiba ya makanisa ambayo yanayoibuka, kabla ya kusajiliwa hasa inaadhiri watoto na akina mama. Wakati huu imani tofauti zinabadilisha maisha ya watu.

Pia idadi fulani ya viti katika bunge itengewe wanawake kama vile nchi jirani Uganda. Ikiwezekana iwe asilimia thelathini na tano (35%) na wanawake watengewe sehemu maalum kwa mfano katika benki za public kwa sababu wanajukumu kubwa katika ujenzi wa taifa. Hii pia itazuia ubakafi wa wake kwa waume ili kupunguza idadi ya watu wanaoturudisha katika mambo yasio pendeza.

Uraia, wake wa raia wa Kenya wapewe uraia bila kuzingatia jinsia. Ni lazima hali ya majukumu ya raia yategemee

(in audible) namna urai ulivyopatikana ili tamaduni ya mienendo isiyofaa isije ikagongana na utaratibu wetu tuliopewa.

Katika Katiba isiruhusu uraia wa nchi mbili kwa sababu watu watakuwa watenda maovu na kutowekea kwingine.

Ulinzi na Usalama wa taifa. Katiba ni lazima iruhusu wengi wa kipekee katika hali ya hatari kama vile vita, majenga ya kitaifa, maasi na kukikosekana kwa usalama wa umma.

Mahakama: Muundo ulioko wa mahakama ingawaje inatosheleza mengi ya mahitaji yetu, lakini utapata mara nyingi kesi za kudhulimiwa kwa wanawake hazitiliwi uzito zaidi. Pia watoto na wale (?) kimaisha hawapewi haki sawa. Itakuwa vyema kesi kina mama tusikilizwe na majaji wa kike na wa kiume kwa wakati mmoja, ili uamuzi mwafaka uweze kufikiwa.

Kadhi na kadhi Mkuu wawe na kiwango sawa na Mahakimu wengine na hata zaidi katika viwango viwili vya sheria; yaani ile yetu ya kiulimwengu na kidini. Na hakimu wa Kiislamu wateuliwe na kipengo cha bunge kilicho na wasomi wa Kiislamu wake kwa waume, wenye maadili na elimu ya dini ya Kiislamu ya hali ya juu.

Mahakama ya Kadhi iwe na viwango vya ofisi mbali mbali kama vile tarafa, wilaya, mkoa ili ukishindwa katika kiwango hiki, upate kujaribu katika korti ifuatayo. Nikikaribia kumaliza, mayor na wenye kiti wa mabaraza wachaguliwe moja kwa moja na wananchi, ili kusiwe na udhaifu ulioko kama wakuchaguliwa na wajumbe. Wengi wao hupata wadhifa huu kwa njia ya ufisadi kwa kuwanunua madiwani katika mabaraza yao. Hii imefanya mabaraza mengi kuwa na matatizo, kwa sababu afisa wa ngazi za juu pengine hawana elimu ya kutosha, ama maadili mema katika jamii.

Na la mwisho kabisa tafadhali, Katiba ni lazima itoe usawa katika uridhi wa ardhi. Wanawake wamebaguliwa sana katika hili jambo, na walinyimwa haki ya kuridhi ardhi kutoka kwa jamii zao, na wengi wamebaki wakiteseka ulimwenguni.

(inaudible) wanawake wakibaguliwa wakati wa umilikaji wa shamba, mradi tu wana dhibitisho lolote ambalo ni wazi kijamii, basi pia nao wapate usawa wa shamba asanteni.

Com Mohammed Swazuri: Na hayo ni maoni ya kikundi chote, au kuna wengine watakuja?

Lillian Nyongesa: Hapana ni mimi tu ninawawakilisha. Asante.

Com Mohammed Swazuri: Haya asante. Bwana Titus Odinga, atafuatwa na Aggrey Musango, awe tayari.

Titus Odinga: I am Titus Odinga from St. (?) Secondary. Now, on the Constitution, I would like to make the following recommendations. One, that the Constitution be written in a language that can be comprehended by all the people. Terminologies used in the Constitution like 'locus standi' and 'ultra vires' should be changed into terminology that can be understood by any person who has gone to school.

Two, Civic education should be part and parcel of the school curriculum. You cannot educate people on government matters for one month or two. Three, parliament should be in charge of its own calendar. Election dates should be known quite in

advance, it should be provided for in the Constitution, nobody should use it as a secret weapon.

Point four, civic leaders must be of minimum education of O level or its equivalent. Mayors too should have similar qualifications and they should be elected directly by the people, that is the Mayors and the Chairmen of the various councils.

The Central government should not have a lot of control over the civic body. In other words the Central government should have a supervisory role over the Local authority. However, the Minister in charge of the Local Authority should have the power to dissolve any Council in the event of financial misappropriation.

Next, senior Parastatal chiefs, A.G., the permanent secretary should be appointed by the president. However, the appointment should be subject to parliamentary approval. The sacking of senior officials should be (?) approved by parliament.

We have heard cases where senior government officials are sacked unceremoniously (inaudible).

Next, (?) (*Laughing from the audience*). The legislature/parliamentarians should not determine their own matters in terms of remuneration of course they are the (?) instead a representative body (?) should determine the pay packages for the parliamentarians, taking into account the state of the economy. Other civil servants, teachers, should also be well remunerated.

Next, the package for the entire (inaudible) and of course (?) I propose that there should be no need for the post of a prime minister. What we need is only a system of Checks and Balances between the three arms of the government namely the legislature, the executive and the judiciary. (?) should be taken against them like suspension and (?) the Speaker or a parliamentary committee should be formed to deal with MPs failing to behave in parliament (inaudible).

The idea of parliamentary immunity should be removed of course parliamentarians have misused this privilege to attack individuals who are not in parliament and yet (?). One man, one vote should also be upheld. Finally, whenever casual jobs like those of the Electoral Commission or even the Constitutional Review Commission, like when you want people to conduct civic education, preference must be given to the uneducated youth, people who are forty-five years of age and above (?) and it is overcrowded by an avalanche of unemployed youths. Those are views of (inaudible).

Com Mohammed Swazuri: Thank you very much we are glad. Anyone here (?) Aggrey Musambo to be followed by Salim Mambo.

Aggrey Musambo: Thank you for giving me this opportunity. My name is Aggrey Musambo. I want to propose the

following to the Constitution Review Commission of Kenya.

I will start with land. There should be a law that every Kenyan possess land and a title deed. To make this possible, they should create or form a permanent Land Commission. It should bring three different title deeds. Public land, institutional land and private or personal land. A title deed should have the names of the husband and wife, and if you have any problem it is very easy to read on the title deed and (?) clearly.

The terms and distribution of the Land Commission and (?) should be authorized by the Kenyan parliament because most of the confusion (?) the Commission that was appointed by the president when they give out the report, it is not accepted in parliament.

Agriculture: A permanent Agriculture Commission should be formed. Commissioners should be qualified in agriculture and finance and each Commissioner to come from each province. The duty of the commissioner, agriculture activities in Kenya, agriculture marketing, agriculture (?) and agriculture's new and old inventions. Terms and (?) of the agriculture Commission should be made and reported to parliament.

The National Social Security Fund: To remove property and (?) percent of Kenya are not employed, they do seasonal work so you find, when such people do not have enough to eat their day (?). So it is upon the Constitution to create (?) they can help somebody to (?) to grow in financial (?).

I recommend 50% of this (?) to be used for determination of functional industries and non functional industries where 10% (?) and the Board of Directors should be (?) because (?) are from Commonwealth countries. Any employee employed who refuses to remit the NSSF fund (?) because it is affecting the economy of the country.

National Social insurance: They should find out a way to assist the mission hospitals, for the good work they are doing, they should be assisted by the National Hospital Insurance in buying shares in Mission Hospitals and even building new hospitals to assist Kenyans.

(Interjection) **Com Mohammed Swazuri**: One minute more.

Aggrey Musambo: Clothing: For example like in Western Province most of our citizens have moved to Rift Valley province. I recommend that some parts of the Rift Valley province to be part of Western Province, and those people who are there will be able to know that they are in their country because there are several land clashes.

(Interjection) **Com Mohammed Swazuri**: Can you name these (inaudible)

Aggrey Musambo: Nandi, Uasin Gishu and Trans Nzoia.

Com Mohammed Swazuri: Your last point please.

Aggrey Musambo: Lastly I will talk about the law. Because of corruption level in the country, I recommend even (?) lawyers and judges from the commonwealth countries can do the services (?) to Kenyans so Kenyans should not be blamed for corruption there (?) and they find out how they can do away with the corruption.

Com Mohammed Swazuri: Salim Mambo?

Salim Mambo: My names are Salim Mambo, I am representing the Muslim community of Mumias. These are our proposals.

Legislature: When the president comes from the Christian faith, (?) his/her vice should be a Muslim and vice versa. (inaudible) two term of a maximum of five years each and (?) should not represent any constituency. (?) should not be less than forty years old.

(Inaudible). Counting of ballot papers should be done at every polling station before any transfer.

Judiciary: The law should be applied to all, nobody should be above the law. The need for District Kadhis and that the status of Kadhi should be elevated to that of magistrate level as at the required (?) also the official retirement age to be fifty as that of the magistrates. All Islamic cases above the Chief Kadhi should be taken to the Court of Appeal under three judges whom too must be Muslims.

Land: All land disputes to be dealt with by Council of elders not the land Control Boards. (*End of tape*)...and not less than twenty in parliament and others appointed so long as there is no compromise on merit.

Lastly, the three Islamic festivals that is Id-Ulfitr, (?) and Fridays should be declared resting days for all Muslims. Thank you very much.

Com Mohammed Swazuri: Raphael Wanga, halafu Joseph Shiundu, naye pia awe tayari.

Raphael Wanga: Kwa majina ni Raphael Wanga, hapa nitaongea kwa mamlaka ya nchi, the executive. Nitaongea kwa Rais.

Rais wa nchi anatakikana awe na elimu ya university. Awe mwenye akili timamu. Awe kati ya miaka thelathini na tano mpaka miaka sabini na tano. Vipindi vya utawala, viwe vipindi viwili, kila kipindi cha miaka mitano mitano. Rais awe mkuu wa majeshi kwa maana ni baba mwenye boma, lazima ulinzi uwe juu yake. Na asiwe tu na mamlaka mengine.

Nitaenda kwa haki ya ardhi na mali, Land and property rights. Umiliki wa shamba au ardhi, uwe kwa raia wa Kenya. Raia wa Kenya ni nani? Ni yule kwa zile kabila arobaini na mbili. Kina mama na baba wawe na usawa wa kumiliki ardhi.

Nitaenda kwa Serikali za Mitaa. Mwenye kuchaguliwa kama Diwani, awe na minimum ya education, kuanzia class eight and above. Awe kwa vipindi viwili vya miaka mitano, mitano. Mayor achaguliwe na raia na wenyeviti. Awe mtu wa akili timamu, anaweza kuzungumza lugha ya Kiingereza na Kiswahili.

Nitaenda kwa vyama vya kisiasa. Ningependelea vyama vya kisiasa viwe vitatu. Na wale wakigawana mamlaka kila kipindi. Saa hii tuko na vyama vya kisiasa arobaini na saba. Tunashinda hata makabila za Kenya. Shuguli za vyama vya kisiasa viwe vikishugulikiwa na tume ya uchaguzi. Nafikiri ni hayo tu. Mengine mengi mtasoma.

Com Mohammed Swazuri: Mengine tutasoma haya, asante sana nimekubaliana na wewe. Joseph Shiundu. Nenda pale mzee wangu, ujiandikishe majina yako.

Joseph Shiundu: My names are Joseph Shiundu. I will recommend that the type of government, coalition government. The new government majority of the MPs in parliament from the government of the day. I recommend that nominated MPs should not be there. The person who has been given power to nominate such people to parliament for five years at the expense of mwananchi being paid salaries yet they are talking “oh, uchumi, uchumi, uchumi!”. Some people are getting money without doing anything. Therefore I recommend that nominated MPs, that post be scrapped off. The remuneration of MPs I am recommending it should be done on a referandum, not by individuals sitting in parliament and then deciding on their pay.

Appointment of Ministers. When a person has been given the powers to appoint ministers, ministries and permanent secretaries. We talk of the economy at independence we had fifteen ministers, but at the moment they are more than that. What are they serving? They are only increasing the government’s expenditure...

(Interjection) **Com Mohammed Swazuri:** Give a recommendation.

Joseph Shiundu: I recommend that this number be reduced to fifteen.

Economical crimes: there are people when Kenyans are still (?) to ammerse a lot of property. When these people are arrested from (?) public funding or public funds they go to court. When they are in court, they say they

are appealing to the Constitutional Review (?). This (?) is not doing anything for Kenyans, it is only that covering those tycoons.

I propose the Constitutional Review should not interfere with criminals before the court they determine that the criminals (inaudible). The Traditional Liquor Act, this Traditional Liquor Act controls the chang'aa and busaa. This Act has been overtaken by events because in some places you find busaa being sold. But in Western Kenya the trend is not there yet the traditional liquor is meant for elderly people, sitting discussing about marriages etc then you find that when you come to Western province (?)

I propose that the traditional liquor Act should be scrapped off, and wananchi to be left to drink and brew their beer at their own time without being harassed by the government.

Next, I have recommended that there should be an Ombudsman. There are many times (?) but nobody to (?) but whenever they see they are needed nothing comes up, instead a body should be set up to oversee the crimes committed by these officers so that they are brought to book.

Lastly, on behalf of Nabongo Welfare Society, they used to be our own leaders before independence. They were very effective, they were very good, these were Nabongo Mumia, Lenana, just like the Kabaka in Uganda, or like the Queen in England. I recommend that our traditional and cultural leaders, to be recognized by the government. With those few points, thank you.

Com Mohammed Swazuri: Where is that gentleman? Njoo hapa, ukae hapo na utuambie majina yako na utuambie maoni yako. Chukua microphone.

Speaker: Kwa majina ni (inaudible)

Com Mohammed Swazuri: Haya asante sana. Ismael Wagona.

Ismael Wagona: Asante sana, kwa kunipa nafasi hii niongee juu ya Katiba mpya. Kwa majina ninaitwa Ismael Wagona. Maoni yangu ya kwanza ni kuhusu Serikali ya majimbo. Serikali ya majimbo itanufaisha wenye majimbo, na biashara iendeshwe moja kwa moja na wenyeji wa jimbo hilo, sio watu kutoka jimbo fulani na kuja kufanyia huko biashara bila kutoa ushuru wowote. Na hii itasaidia wanafunzi wanao wacha masomo ya 8-4-4 ambao hawana kazi ili wapate kazi kwa jumla. Kulingana na customs kutoka kwa jimbo fulani mpaka lingine.

Pili, maoni yangu ya pili ni ufalme wetu wa Waluhya. Tulikuwa na wafalme. Waluhya walikuwa na Mfalme wao aliyeitwa ‘

Nabongo” na hii Serikali lazima imtambue. Kwanzia tu kwa Nabongo Wanga, mpaka Nabongo Mumia, ndio walikusanya kabila lote la Waluhya na kujulikana kama Abaluhya tribe. Kama sio hao, Waluhya tungekuwa hatitambuliwe nchini Kenya na ni lazima Mfalme wetu wa Nabongo wa sasa (?) ambaye yuko hai. Alipwe mshahara na Serikali, yaani central government kama vile Uganda (?) Na pia Chief Lenana, naye pia atambuliwe na hao ndio machief ambao walisaidia sana missionaries na explorers yaani (?) wakikwasaidia kuenda Uganda njia mpaka wengine wakataokea Mombasa.

(Interjection) **Com Mohammed Swazuri:** Jambo lingine?

Ismael Wagona: Na lingine ningesema utawala wa machief lazima wachaguliwe na raia, au sio nao wakichaguliwa na Serikali basi wapate uhamisho kama wafanyi kazi wengine wa Serikali.

Lingine ni kazi ya mashamba. Kulingana na idadi ya watu inavyozidi kuogezeka mashamba ya watu binafsi yasiuzwe ovyo, ovyo ama kiholela maana kuna makabila mengine kutoka jimbo fulani, wanakuja jimbo fulani na wanakuta kina mama wajane ambao waliofiwa, na kuwadanganaya mimi ninataka kukodisha shamba; halafu mwishowe nitakwachia. Na mwishowe huyo mnunuzi anapitia kando, kando mpaka kwa D.C, na kumwambia D.C, ati nimeshanunua shamba na anapewa title deed. Huku mama anaweza aambiwa hama kwa maana yeye ameshauza shamba na hakujua kuwa shamba imeshanyakuliwa. Na vile vile municipalities pia ifanye hivyo sio, lazima kunyang’anaya watu ovyo ovyo mashamba yao, hiyo ni mali ya municipality.

Ingingine ni lugha ya taifa, Kiswahili, lazima itambuliwe na Kizungu kiwe tu kwa upande. Mwisho ni vazi la kitaifa. Lazima Kenya iwe na vazi la kitaifa kama vile Uganda, Tanzania, Ghana na Nigeria. Haya mavazi ya kuiga iga nchi za kigeni, inaleta aibu kwa akina mama na sisi pia kwa jumla.

Com Mohammed Swazuri: Asante sana, tutamsikiliza Bwana Simeon Kagichu, sijui kama imeandikwa sawa.

Simeon M Kagichu: Honourable Commissioners, my names are Simeon M Kagichu and I am going to take the shortest time possible. Mine, I am going to present my views in written form and not in oral form. Thank you very much.

Com Mohammed Swazuri: Next is Bwana Joash Olwanda, hayuko? Haya akirudi atatuambia. James Nyegenye, na atafuatiwa na Salim Shikanda.

James Nyegenye: Thank you very much for this chance, I am James Nyegenye. I have a few presentations to make to the Commission.

First of all, I would want to talk of education. It is my opinion that education should be made free and compulsory, right from

primary up to Form IV and the University education should be funded by the government. At least it should be subsidized to that level.

Second thing, I would like to talk on commission. I think this should be made in the new Constitution, how the Commissioners will be appointed; if that they will have to be appointed by the president or subject to the approval of parliament. In the same way, on the same issue of the Commission, official reports should be made public through the press. We have heard several fights where officials have been appointed and their reports are locked in wardrobes somewhere, I do not know whether what we are presenting will actually materialize.

Thirdly, I would want to talk about the levels of unemployment I feel the government should provide some small allowance to people who are unemployed, or in that level they should provide some soft loans to enable poor people to be able to get some money to set up businesses.

Next, the government should provide free medical services. Medical services in all public hospitals, government hospitals should be free.

Next is about the governance: One, the president should be a university graduate. He should not have (?) any more time. Next to that, the president should declare his running mate who will definitely become the Vice president. This ensures that the two win as a team we do not have a chance where the president is just picking a Vice president to the extent that he will have no powers at all.

Next is the issue of ministers and senior civil servants. These should be appointed by the president subject to the approval of the national assembly or parliament.

Next is the issue of citizens, or Members of parliament. The citizens should be made able to recall members of parliament who have failed; or those who have performed below the expectations of the electorate. The electorate to be given a chance to recall such people and we appoint or we elect a new man who will be able to do the work.

Next is the issue of the Civil Servants and senior politicians. It is my opinion that civil servants and politicians should declare their wealth. They tell us what they have, and how they got it. We all know that various number of politicians in this country have depleted our economy, and they are too rich at the expense of the majority of the citizens.

On the same line when it is established that so and so, or senior civil servants or be it politicians looted the economy, they should be forced to return what they looted. First of all, let them return what they looted and secondly, let them be given a stiff penalty.

Finally it is my opinion that civil servants or the police if they are to have been found to have violated human rights or harassed citizens, the Attorney General should not be made to protect them. Let them face the law as individuals. We have heard situations where we have to sue the Attorney General, and now it is a conflict of interests. Thank you very much.

Com Mohammed Swazuri: Thank you very much. May we have Salim Shikanda followed by Nicholas Baraza.

Salim Shikanda: Thank you, very much the Commissioners. My name is Salim Shikanda. On provincial administration, I propose that the position of the chief be dropped, since the work that is being done by the chief is a duplication. Therefore the parties should be answerable to the D.Os

On our prisons, I feel that our prisons are not properly managed, and they are no longer the correction centers. They are just now like an inhuman punishment center. I therefore propose that a Commission be formed by the Constitution that is coming; to create room for that Commission to look into the affairs of the prisons. The prisons security should be put under the umbrella of the Commissioner of Police.

I also propose that any person between the age of eighteen and twenty-five be trained in the disciplined forces; like the Armed Forces or the Kenya Police, National Youth Service to train them in perseverance and make them hard working citizens.

On the side of our parliament, I propose that, and that should even continue vying seats in their various constituencies with their counterparts, the men. If we have eight provinces, we should have at least in every province, one post given to a woman to represent that province in parliament. And also one vote given to the physically handicapped persons, to be represented in parliament from every province.

On the importation of goods; I propose that this Constitution give room to formation of a very strict Commission, which will look into importation of goods so that we can avoid the dumping by the Western countries of their sub-standard goods into our local markets. Thank you.

Com Mohammed Swazuri: Next we will have Nicholas Baraza. Yuko wapi? Ndio huyo mzee, haya. Mwingine ajitayarishe, Josephine Shisya, awe tayari. Na Elizabeth Wanyama. Mzee kaa hapo.

Nicholas Baraza: Jambo langu la kwanza...

(Interjection) **Com Mohammed Swazuri:** Jina lako?

Nicholas Baraza: Jina langu ni Nicholas Baraza, ninaishi sub-location ya Kwaka, Nabongo area. Sina matatizo mengi sana kwa sababu tuko wengi na kila mtu leo anataka kuzungumza haki yake.

Jambo langu la kwanza ni kuhusu president. President wetu yuko tofauti na wazungu. Wazungu wako na (?) wa kukusanya kila raia kwenda huko na sisi hakuna nguvu ya kwenda kwa president wetu, anataka wale MPs ndio wanakwenda kuwa na yeye na sisi watu wa reserve tunaumia.

Sasa malilio yetu yale ningetangulia kusema ni ya polisi. Kama tunapata matatizo huku reserve, tukienda kwa polisi kama tunapeleka repoti wanasema siku hizi hakuna motokaa na sisi tunaumia. Na wakati anapofutwa kazi yuko na miguu ile Mungu alimpatia yeye hakumpatia motokaa. Sasa anatuambia sisi kuwa hakuna motokaa, na hapa reserve tutapata motokaa kutoka wapi?

Halafu lile lingine, mtu anajua habari ya shamba tangu azaliwe. Tukaenda kortini na jaji anasema tulete vitu kama tite deed na kama sisi tuko na watu kumi na mtu mmoja anapelekwa (?) pengine atapiga ule mchanga wholesale kulipa fine fine ya huyo mtu sisi watu wengine tutakaa wapi, na mchanga ni moja moja, hiyo hiyo. Hawezi kuandama na yule mwenye makosa ampeleke kwa cell au kwa jela (?) na hiyo ni nguvu. Afadhali hii tite deed itolewe turudi kukaa kwa mchanga vile tulizaliwa. Zamani sisi tulikaa na hatukuwa na matatizo. Mtu analima mchanga vile anataka.

Sasa lile lingine ni kuhusu hawa (?) afadhali wapelekwe kwa (?) na ile miezi sita
(inaudible) anageuka anawaacha yale maneno ya dini (inaudible) na hiyo inatuletea
sisi maneno bure. (inaudible)

(Interjection) **Com Mohammed Swazuri:** Mzee wewe (inaudible)

Nicholas Baraza: Kwa class, mtu afanye tu kazi ile alipatiwa, (*Laughter from the audience*)
(inaudible). Mungu hakusema ni wa Form IV, Mungu alisema kila mtu afanye vile roho yake inataka.

Com Mohammed Swazuri: La mwisho?

Nicholas Baraza: Mimi niko na maneno mingi hii hapana ya mwisho.

(*Laughter from the audience*)

Nicholas Baraza: Sasa kama (?) sisi tulikuwa na (?) na pombe ya Kenya hapa ni kumi na
nne, na ya Uganda ni thelathini na tano. Lakini hapa Kenya (inaudible) ndio akuwe Nabongo

kamili (?)

(Interjection) **Com Mohammed Swazuri:** Sasa hivyo unaonelea tufanye nini kwa hao Nabongo?

Nicholas Baraza: Hapo sina neno kamili. Sasa kama mtoto wa (?) maneno mingi ndio akue Nabongo lakini angali Nairobi. (?)

Com Mohammed Swazuri: Haya malizia mzee...

Nicholas Baraza: Lile neno nitamalizia, watuache sisi watu wakunywe busaa na chang'aa. Chang'aa ilikuja na Wanubi, niambie waliharibu wapi? Lakini busaa kama mzee ametoka kuchunga ng'ombe au safari au kulima, hiyo mwanaume anapumuzika nayo.

Com Mohammed Swazuri: Haya asante sana. Nenda pale juu ujiandikishe majina yako.

Nicholas Baraza: Majina yangu muandike (?) muwaambie yale maneno mimi nimezungumza, msiende kuyaficha.

Com Mohammed Swazuri: Haya, nenda kule mzee. Amesahau kofia yake. Elizabeth Wanyama, hayuko? Haya tutaenda kwa Mary Shem. Mary? Wote hawako. Casper Shituma? Stephen Malala? Atafuatiwa na Musumba Zakaria pia awe tayari.

Stephen Malala: My names are Stephen Malala, I would like to present my memorandum under J.P.C., from Shitemo Catholic Church. I am going to talk about the rights of vulnerable groups in our society. In reality, the historical and socio-cultural values should be abolished to give women rights to vie for all posts in this country.

Secondly, all the disabled persons should be employed according to the opportunities available. They should not be discriminated. Thirdly, we have those who are vulnerable groups, these people should be given fair education assistance such as wheel chairs, walking aids, and so many other instruments.

Fourth; Child abuse. Whoever is found carrying out such an offence should be prosecuted accordingly. Therefore all the rights of the child should be protected. We have other vulnerable groups like the street boys, orphans, widows, these people should be supported by the president governing.

Then, the new Constitution should indicate all the positions, and all these vulnerable groups, in order to reinforce and give these

people their rights in this country. Thank you very much.

Com Mohammed Swazuri: Go and record your name. Musumba Zakaria? Gregory Wafula? Atafuatiwa na Richard Oranga, awe tayari, hata Jonathan Akungu pia awe tayari.

Gregory Wafula: Nitachukua muda mfupi sana kwa sababu maoni yangu. Majina yangu ni Gregory Wafula. Maoni yangu nimeyaandika kwa hivyo ningependa kuyatoa kwa maandishi vile nilivyotaja. Asante.

Com Mohammed Swazuri: Sawa. Na yeyote ambaye yuko na maandishi kama haya, hana haja kungojea mpaka nimwite, anaweza tu kuja kujiandikisha na aende zake. Tunataka kumsikiliza Richard Oranga, yuko? Haya, karibu.

Richard Oranga: Asante sana Commissioners. My name is Richard Arika Oranga. First I think that the in the new Constitution there should be a preamble. I propose that the number of political parties should be limited to three, and should be funded from public funds equally. A coalition government should be allowed for more transparency.

A Member of Parliament absconding parliament hearings for three consecutive seatings should be recalled and by-elections be called for. I propose that the current MPs salaries be reduced, and if possible they should be reduced by one hundred per cent, to enable the unemployed learned people get jobs.

I propose that MPs academic qualifications should be at least Form IV, and Councillors to be KCPE, CPE order and its equivalent because I believe most of these (?) positions are not stagnant.

(Inaudible) President and Prime Minister to be university graduates.

(Inaudible) and therefore I propose that a special body be set to (?) making judgements separately to establish room (inaudible). In some cases like (inaudible). In all votes I propose that (?) should be there (inaudible) and judges to solve cases for Muslims.

On proper representation, I propose that more constituencies to be created, and be equated to areas of District Officers. A County council ward to be equated to areas of a chief, and all votes within the municipality to go under the recommended population.

I propose that elections of president, MPs and Councillors should be done separately on three different days, starting with Councillors, the first day, MPs, the second day and then the President's on the third day. Mayors and the chairmen of the Councils should be elected by the public, and the Prime Minister by parliament.

I propose that any government doctor, or hospital employee found running private hospitals and chemists should be sacked, and that practice should begin today because I believe that is the main cause of drugs disappearing in public hospitals. P3 forms to be free of charge because I believe these policemen are (?).

(Inaudible) because I (?) involves men in this area making others (?).

Thank you.

Jonathan Abungu: My names are Jonathan Abungu. Point number one, the president should not be above the law. Point number two, Ministers to be elected by wananchi. Point number three, incase a president is a Muslim, the Vice President should be a Catholic. Number four, Councillors should have Form IV level of education. Number five, Mayors to be elected by wananchi and not Councillors. Thank you.

Com Mohammed Swazuri: Grace? Ni wewe?

Grace Mumasaba: I am Grace Mumasaba, I am going to present to you the views from Mumias Maendeleo Ya Wanawake.

The present Constitution does not have a preamble, but now the new constitution should highlight the past injustices suffered during the colonial times, and also acknowledge the contribution of both women and men in the fight for independence.

The Constitution should ensure that there is freedom of speech, religion, association and the right to own property anywhere in the country; without any discrimination as to gender. It should recognize women as important agents of change who have their own unique experiences. There must be 35% women representation in parliament and Local Authorities.

There must be free and fair elections within specified periods, or intervals and at least five years to hold parliament and civic elections. If a woman is the president, then automatically a man should become the vice president.

Constitutional Supremacy: The new constitution should have undergone an elaborate consultation within the public before being passed.

Citizenship; Mumias women recommend the following: -

- ◆ Automatic citizenship for all Kenyans, all males and females.
- ◆ Every Kenyan whether a child or an adult shall be entitled to a passport.
- ◆ Automatic citizenship to be accorded to any child born in Kenya as long as one of the parents is a Kenyan.

Defence and security: The Chief of General Staff employed by the Public Service Commission, shall be the Commander-In-Chief controlled by the Chief Executive, (?) but not the President.

Political parties. We recommend the following: - Kenya should remain a multi-party country. The number of political parties should not exceed four. We discourage tribal groupings. There must be time limit for the campaigns. The parties must field at least 45% women candidates for elections. An MP who changes a party that made him/her elected to parliament must lose his/her seat, and seek support from the electorate of the new party. All registered parties should be funded and not only one party.

Structure and System of Government. The present government does not serve the social and economic requirements of women. We therefore recommend that there must be devolution of powers to be brought back to the people.

Structure and System of the Local Government: All parliament and Local authorities to comprise 35% elected women. The mayors and chairperson should be elected by the people and not in the Councils itself. The position of an MP shall be a full time occupation and an office in the Constituency. That is an MP to be there throughout for his people.

The qualifications of all MPs: Should be of university level and above. Ambassadors should be of Form IV level with good passes. Nomination of Local Authorities and Parliament should observe Affirmative Action.

The Executive: The functions of the President must be defined in the constitution. The powers of the Executive should be devolved and have regional offices whereby they should give (?) quality services to the grass root level.

The Judiciary: Legal aid should be provided as a right for people who cannot afford private lawyers, especially in serious cases. There must be gender equity in the appointment of judges. The (?) should be inherited (?) and we must have qualifications for a judge.

Basic Rights. A child's rights: We recommend that there must be free education to all children. There must be free health services for all. Establish (?) awareness programs on the importance of women's health rights. Engender all programs that affect women's health rights, and research should be carried out on reproductive health and rights of women.

(Interjection) **Com Mohammed Swazuri:** (inaudible)

Grace Mumasaba: The girl child and her education. To develop programs to promote women's literacy. On traditional cultures, we recommend that there should be no remarrying or inheritance if your husband dies. That thing should be outlawed.

I think that is all I have and others will be raised as we go on.

Com Mohammed Swazuri: Thank you very much...

(Interjection) **Grace Mumasaba:** I have a written one for the Nabongo Women's group...

Com Mohammed Swazuri: Submit it to us, we will read it.

Grace Mumasaba: Thank you very much.

Com Mohammed Swazuri: Thank you. Jacinta Malebe?

Response from the audience: She is sick.

Com Mohammed Swazuri: She is sick? Sawa we can call someone else. Ibrahim (?) hayuko. Gabriel Shikuku?
Haya, karibu mzee.

Gabriel Shikuku: Honourable Commissioners, I have several views to air out about the Constitution. First, on the Basic Rights. Our Constitutional provision of fundamental rights is inadequate...

(Interjection) **Com Mohammed Swazuri:** Tell us your name.

Gabriel Shikuku: My names are Gabriel Shikuku Mugamba. First point, our constitutional provision for fundamental rights are inadequate. This is because some of the rights that were entrenched in the Constitution for example the freedom of worship has been really abused in Kenya. This is because devil worship has really increased in Kenya, so this type of worship should be stopped completely.

Cultures contrary to religion, that is Christianity is lacking and genuineness should be done away with. Also on the freedom of worship, we should have a specific place recognized by law as places for worship. This will reduce those preachers who move from house to house, place to place pretending to be preaching the word of God but they have funny intentions, which finally interfere with some of the personal rights.

Number three, the death penalty should be not be stopped. In case the victim is proved guilty (?) then death penalty should be exercised. The Constitution should protect security, healthcare, water, education, shelter, food and employment as basic rights for all Kenyans. The responsibility of ensuring that all Kenyans enjoy basic rights such as security,

healthcare, water, education, shelter, food and employment should be performed by a specific body. This should ensure that all these rights are enjoyed by all Kenyans.

The Judiciary as a separate organ of the government should ensure that they perform according to what they are required to perform. Specific issues that should be dealt with in employment are eradication of corruption, nepotism, tribalism and so on.

Education: Free education should be provided to orphans, the poor, those who are disabled, provision for laboratory equipment, school text books and bursary.

Shelter: Conditions of rental houses be improved (?) provided with lights, water, toilets, latrines and also good ventilation. They should be provided at more affordable charges.

Security: Security lights should be provided both in rural and urban areas, highways and the main roads.

Food: Donated food should not be sold. Donated food should be given to the needy people in the whole republic of Kenya.

(Interjection) **Com Mohammed Swazuri:** One more minute.

Gabriel Shikuku: The Constitution should provide for compulsory and free education up to primary level. For special cases of the orphans and the poor, the government should sponsor them for post-primary education.

All Kenyans should have a right to access information in the possession of the State or any agency or any organ of the State.

(Interjection) **Com Mohammed Swazuri:** Last point please.

Gabriel Shikuku: The Constitution should guarantee all workers the right to trade union representation. Other basic rights of Kenyans that the Constitution should guarantee are, education, health care and water. Thank you.

Com Mohammed Swazuri: Thank you very much. Can you go and register there and leave the memorandum with us. We will now listen to Salome Nyendo. I thought we heard this lady yesterday. Salome Nyendo yuko?

Speaker from the audience: She was around but she left.

Com Mohammed Swazuri: Okay. Baraza (?) Jackson Lubale? Hata huyo tulimsikiza jana. Jackson, kuna wenzako wengi ambao hawajazungumza. Tungekuomba utupatie memorandum hapo juu tafadhali. Asante sana, jana

ulizungumza vizuri. Ezra Makokha?

Ezra Makokha: Majina yangu ninaitwa Ezra Makokha Mukhobero. Ninawakilisha kikundi cha JPC, (?) Catholic Church. Nina memorandum hapa lakini kuna yale ambayo nitaongezea kwa hii memo yangu. Ningependa iwekwe kwa Katiba ya kwamba siku za campaign, magari yote ya Serikali yasitumike na wale ambao walikuwa wakifanya kwa Serikali na wale ambao pia wanawania hivyo viti. (Inaudible)

Jambo la pili, kuna groups zile mbali mbali ambazo Serikali huwa inalia (?) kama Mungiki na groups zingine. Serikali kama hiyo ambayo itakuweco ikiwa inanza kukubalia groups kama hizo ambazo (inaudible) groups kama hizo, hii Serikali inaonekana imeshindwa kazi yake na inafaa itolewe.

Jambo la tatu, mahali computers zinafanya kazi, huwa zinanyima wafanyikazi wengi nafasi ya kazi; na watu ambao walikuwa wakifanya sehemu kama hizo, wanafaa wawewakilipwa kwa sababu, hizo computers zinafanya kazi ambayo wao wangepanya.

Jambo la nne, iwekwe kwa Constitution ya kwamba wafungwa wote (?) wafungwa wote wawe wakitembelewa na mabibi zao pamoja na mabwana zao lakini wasitengwe kwa wale ambao wametembelewa.

Jambo lingine ni kwamba, kuna wakati ma-minister wengi, au maofisa wengine wa kazi huwa wanafanya makosa, kama wizi wa pesa lakini hao huwa hawashiki hizo pesa ambazo zimesemekana zimeibiwa. Ikiwa jambo kama hilo limetokea hawa watu wagharamie hizo pesa ambazo zitakuwa zimeibiwa, na pia wafungwe; kwa vile hapa Kenya hatujaona kitendo kama hicho.

Jambo lingine, siku ya uchaguzi, vile vituo ambao vinahusika na uchaguzi, kuna makosa ambayo yanatokezea hapo kama bribing na mengine. Makosa ambayo yamaetokezea kwa yule mtu ambaye atakuwa amesimama uchaguzi, na ionekane wazi kwa wale ma officer ambao wamesimamia hiyo kazi, huyo mtu afukuzwe na asikuwe (?) kwa hicho kituo zikihesabiwa kwa vile huwa inachukuwa muda mrefu sana watu wakipeleka kesi mahakamani kwa kesi kama hizo na unapata miaka tano imepita kabla sheria haijachukulilwa.

Jambo la mwisho, sheria iwekwe ikiwa mtu ameshikwa na polisi na hana makosa yoyote zile siku ambazo atakuwa amewekwa kuzuizini alipwe; kwa vile kuna watu ambao huwa wana (?) baadaye wanaachiliwa bila kupatikana na hatia halafu hawawezi kulipwa kitu chochote.

Na nitamalizia na jambo moja ya kwamba, upande wa security, askari wetu wamepewa (?) wanatumia. Hivyo vipengele viondolewe. Utapata mnagombana na askari, pengine kwa busaa au kwa makosa mengine madogo, madogo. Akikuzaba makofi, huwezi kumpeleka mahali popote na yeye ukimpiga utaona atakuchukulia hatua na utashikwa. Ofisa kama huyo akipatikana na awe amefanya makosa yake ya kibinafsi, achukuliwe kama raia mwingine yeyote kortini. Asanteni.

Com Mohammed Swazuri: Asante sana, enda ujiandikishe pale mzee. Tutakuwa na Paul Onyango, atafutwa na Ndombi Lutta awe tayari.

Paul Onyango: Thank you very much. My name is Nabongo Paul Onyango, an Electronic Engineer, Mumias town. I would like to congratulate the Constitutional Review Commission of Kenya for giving me this opportunity to air my views pertaining to the coming Constitution.

First, I will speak about the poverty eradication programs. You find the common mwananchi, paying tax even operating petty businesses such as fish mongering, vegetable vendors and many small scale proprietors therefore I urge the government in the coming Constitution not to give such operators licenses and mostly small proprietors.

Second, distribution of wealth. Many people are living below the poverty line. You find other people heavily paid compared to others who receive meagre pay and the basic needs of each citizen is the same. You find the price of bread is ten shillings regardless of a minister or a mere watchman or a shoe shiner. Therefore the salary scale of different people should be checked in order to cater for the basic needs of a common man.

Third, police custody. Nobody arrested should be subject to police sentence for a law (?) without taking them to court for judgements. You find police officers have made their private courts for taking bribes and (?) before judgement.

Fourth, this is about currency. The Kenya currency should not bear the picture of the Head of State. Since the current Constitution allows the president to rule for a period not exceeding ten years, that means whenever we get a new president, the picture has to appear on the money. Now the expense of releasing money every five or ten years is expensive for the government. I suggest that, should it be a must that our money must bear any picture, it should be either the Court of Arms, or the founder of our nation, Mzee Jomo Kenyatta, or any other people representing Kenya.

Local media: The Kenya Broadcasting Corporation should air news to run transparently without favouring the party in power. KBC has to be democratic not to allow for such headlines to jam the airtime when somebody has defected from the opposition to the ruling party, and when one defects from the ruling party to the opposition, hardly is this seen as news or talked about.

Leadership: A democratic country has to be ruled by anybody whom the electorate elects through elections. Nobody should urge or convince wananchi to vote for so and so, it is dishonour to the Constitution of Kenya. Anybody willing to vie for presidency should seek votes verbally without being supported by the current head of State.

Kingdom leadership sprouted from Mumia Nabongo, Maasai laibon and etc, which was conducted on tribal basis. When the president dissolves the parliament. he should not anticipate for the next president to be, let the electorate to search for itself.

Local Government: Civil servants who are not subjected to transfers e.g. chiefs and assistant chiefs, should be given a period of service, if it is five to ten years or so, in order to give room for (?) administrators who harass citizens to step down and pave way for new and educated people of the areas being administered.

State Universities. Chancellors of these universities should be people holding academic degrees from either local or abroad universities. He should be one who knows what university education entails, in order to facilitate good learning environment to the students. He should be either a professor or a (?)

Lastly about parliamentary representation. A person who has failed to represent his people through elections should not be nominated to parliament. If someone failed through elections, it means he is not popular with people, that is people do not like him then why nominate him at the expense of wananchi? Good examples are the current constitution where infact we have ministers who have been nominated, and their role (?) they failed through elections.
(inaudible). Thank you very much.

Com Mohammed Swazuri: Thank you. Fred Ndombi Lutta, followed by Martin Wesonga if he is ready.

Fred Ndombi Lutta: Your honour, my proposals are as follows. My names are Fred Ndombi Lutta. First I will talk of pensioners. Retired people who are on pension. I propose that their salaries to be reviewed and increased every time the government makes its increment to its employees.

Two, the traditional busaa is cheaper, be legalized for wananchi for one: - use during their traditional ceremonies, two for sale.
Thank you.

Com Mohammed Swazuri: Can we have (?) Martin Wesonga? Yeye yuko?

Response from the audience: Hapana.

Com Mohammed Swazuri: Martin Wesonga hayuko. Sebastian Wayoyi? Catherine Mosore? Jacksona Luvale? Anyango Constance, hayuko. David Purkwa? Hala, watu wametoroka. Wandarwa Catherine? Hassan Pewa? Haya karibu. Majina yako na uweke (?)

Hassan Pewa: Commissioners, my names are Hassan Pewa. These are my personal proposals. I propose that the Kenya

government adapts Central government so as to be shared and post be on provincial level.

(?) a new policy. I propose that the presidential

The chiefs and sub-chiefs be elected by their communities to stop bribery and corruption in (?) I also propose that the Kenya government should provide free education and free medicine to wananchi like our fellow neighbours, Tanzania and Uganda.

Presidential qualifications should be defined in our Constitution (?) Illegal groupings and movements like Mungiki and Jeshi la Mzee, should be dealt with and done away with. Thank you.

Com Mohammed Swazuri: Can you have your name registered there please. Next we will listen to Jacinta Makokha Mangira. Hayuko. Ibrahim Shikanda?

Ibrahim Shikanda: I am Ibrahim Shikanda, representing Kenya (?) I will talk on the Executive. The Constitution should specify the qualifications of the president. Any person aspiring to be the president should at least have a degree and be computer literate. The presidential tenure should be fixed with impeachment in consideration. The president should serve five years per term, for only two terms if he is re-elected.

The specific functions should be clearly defined in the Constitution to cut off the duplication of duties and overstretching of the Executive. The powers of the president should be limited. He should not be above the law, he should be sued and should also sue. The president should be answerable to parliament in matters concerning the Executive.

The president should not necessarily be a Member of Parliament. The president's relationship to parliament should remain mostly on governance. The Executive should be mandated in the Constitution to improve the well being of its people through strict vote of no confidence. If 30% of Kenya's citizens live below poverty level. The president should be allowed to mingle freely with the citizens to avoid the (?) security men.

I will also talk on the Legislature. The parliament should make the Cabinet appointments, parastatal heads, disciplined forces and police force appointments. The function of parliament should be expanded. Parliament should have its own agenda and a calendar of its own operation.

Members of Parliament should (inaudible) their constituency. Voting should be from the age of sixteen years, noting that Kenyans will only need a passport as a document to show their identity, therefore those at sixteen will be eligible to vote.

I will talk on the Judiciary. Kenya needs a Supreme Court and this new Constitution should determine all that (?) the other lower courts are unable to handle. The Supreme Court should have seven judges on the bench. A Constitutional court should also be provided in this Constitution. To enhance and elaborate issues regarding things like uncertainties in the Constitution. Judicial officers should be appointed by the president subject to parliament's approval.

The minimum qualifications of the judicial officers should be according to the court one is serving experience and a degree should be the minimum requirement or which is equivalent. The judicial tenure should be provided in the Constitution. The Supreme Court tenure should be longer than all the others.

(Interjection) **Com Mohammed Swazuri:** You have one minute to go.

Ibrahim Shikanda: Parliament should be given the mandate to remove the immunity of a judicial officer who is found guilty so that he can be punished. Thank you so much.

Com Mohammed Swazuri: Thank you, go and register there. Next is Boniface Manda. To be followed by (?)

Boniface Manda: My names are Boniface Manda and I would like to make the following proposals.

The Civil Servants should declare their wealth. Appointment of government heads like the PS, Magistrates, Judges, Chief Justice, (?) Provincial Administration, heads of Parastatals and others. We realize that these powers have been totally vested in the president and (?) because you find that in most cases only those who look faithful to the president and not the qualified ones are appointed. My proposal would be that parliament should do the appointment.

Also, I propose to the Commission that unnecessary taxes and levies should be abolished or be controlled to avoid overloading the poor people who are already overloaded. If for example I (?) on the levy on motor vehicles especially the matatu, you find that there are more taxes on road license, stickers P.S.V. (inaudible).

Unnecessary Commissions: I propose that the government avoids making unnecessary commissions which in themselves are a burden after some times, and others fail to look into the work they have been formed to perform. This will actually reduce the expense which in return is put on the common, poor mwananchi. Thank you.

Com Mohammed Swazuri: Thank you very much. Makamu Namusendo? Hayuko. Idris Keya.

Idris Mohammed Keya: My names are Idris Mohammed Keya, and I represent the Mapato self help group. First of all

(inaudible) and the ministries concerned. Salaries of our fellow country men

(inaudible). Deeper tendencies to foreign intruders especially from Somali, Uganda as a matter of national security, first priority should be given to Kenyan citizens before considering foreigners when it comes to job availability. Contractors should be Kenyans so that they circulate money within our own country.

Succession: (?) should be (?) around ksh 20,000 and above. The political should not take part (inaudible) the Local government should be (?). The local brew should be set free and those who brew should be taxed by the government. This will promote the job sector and also the (inaudible) to reduce poverty in the country.

70% of the youths are poor, there should be a community job so as to earn the youth something small. Loans should be given to the youths through community services. The unemployed persons should get pension in their old age. The government can get this money from taxes. Every one in the country should be employed as a casual worker so as to levelise wealth and erase poverty.

On prisoners, murder cases should be dealt with in three months time for sufficient (?) of innocent people in prisons. In the prisons, sports should be initiated in all prisons for prisoners. (?) should be given to people even below five feet high for (?) with the problem. Thank you.

Com Mohammed Swazuri: Can you register your name there. Zakiah (inaudible) Osore, Mohammed Manyasa.

Mohammed Osore Manyasa: Maoni kuhusu Katiba...

(Interjection) **Com Mohammed Swazuri:** Jina lako kwanza.

Mohammed Osore Manyasa: Mohammed Osore Manyasa. Sheria ipitishwe kuhusu mishahara na marupurupu ya rais wa Kenya, na wabunge na madiwani. Iundwe kamati maalum, kupitia uwakilishi bungeni, pamoja na mkuu wa sheria na wakuu wa thehebu mbali mbali, waunde mishahara inayohusika na wabunge.

Pesa zinazookotwa sokoni zifanye kazi ya shule na hospitali na barabara, ambazo ziko maeneo hayo kuliko kwenda kufanya kazi sehemu zinginezo. Wafanyakazi wanaofanya kazi katika Municipal, waajiriwe kutoka maeneo yao ili mwananchi apate kuhudumu karibu na kwao sio mtu kutoka mbali.

Chiefs na assistant chiefs wapewe uwezo kwa sub-locations zao kufanya msako wa kama pombe haramu na makosa madogo, madogo bila kuingililiwa na police wanaoumiza wananchi na kufanya mahakamani chorochoroni. Pia kufika mahakama, bond

inayowanapena, sharti kui[pokea na kupiga fine ila mahabusu kuandikisha taarifa yake.

Serikali igharamie mahitaji ya shule ya msingi na upili, (?) vitabu vya kusoma na kuandika na chakula. Ikiwa pesa za michezo na mitihani hazipo, Serikali itueleze ikiwa hakuna (?) hapo sheria itakuwa imekamilika kwa watoto maskini.
(?) Serikali vitabu vya kusoma na kuandika, na karo ya watoto maskini na wale watoto werevu.

Serikali irekebishe kifungu cha kina mama wajawazito, wanaonyonyesha na vikongwe wa kike na wa kiume, wapewe kifungu cha nyumbani ili mtoto mchanga asijiingize kwa mateso yasiyojulikana. Yaani mtoto mchanga ashikwe na mama yake kama ananyonya. Na pia yeye anaweza kufungwa na mama yake ndani. Hiyo Serikali itusaidie, na isaidie kina mama watoto wasitaabike. Ikiwa watafungwa, wafungwe kifungu cha nyumbani.

Sheria irekebishwe ya mavazi ya kina mama, kama kuvaa nguo za kubana mwili, kuvaa 'long'i', nguo nyepesi na kinyasa. Hii ni njia moja ya kuleta mataminio, na ni njia moja pia ya kina mama kujitangaza hadharani kuuza miili yao.

(Interjection) **Com Mohammed Swazuri:** Dakika moja umalize.

Mohammed Osore Manyasa: Wapige marufuku matangazo ya ngono katika radio, TV video pamoja na picha za mapenzi kuonekana hadharani ikiwa kuna watoto. Inafunza watoto na watu kwa jumla mambo ya usherati. Asanteni.

Com Mohammed Swazuri: Asante sana, nenda pale ujiandikishe. Zacharia Shitanda yuko? Haya tutamsikiliza Salim Abusiola, alizungumza jana. Benard Baraza Benson Baraza? Okumu Morris? Ni wewe? Haya karibu.

Morris Okumu: I am Okumu Morris, speaking on behalf of Mumias (?) Among other issues we have agreed as a group; one the preamble. The group realizes that the expected people driven Constitution should have a preamble. The (?) to be included in the preamble should be a happy and prosperous nation. Former experiences of Kenyans to be reflected in the preamble, struggle and eventual gain of our independence, respecting and protection of our independence, and the invitation and respect of our diverse cultures, self realization and acceptance of others within our society. Self protection and preservation and that of others in our society. Identification, promotion and preservation of both human and natural resources even for the (inaudible)

Constitutional Supremacy: The group feels that the Constitution should be the fountain of all other laws of the land. There should be a Constitutional office in Kenya. The office should be run by a permanent commission with departments down to the district level. The commission should have a Constitutional court with judges specifically qualified in Constitutional affairs.

This is qualified by the fact that a Constitution is the second important institution after society, the practice of man and his

association. So the establishment of this office in Kenya will not only preserve but will also promote the citizens knowledge (inaudible) of courts as together in society.

Amendment of the Constitution: Parliament should not have express authority to amend any section of the Constitution, because if it is to amend the appropriate sections of the Constitution, it should be done following a 65% - 95% referendum and any section of the Constitution which may affect citizens across Kenya should not be amended in parliament. Sub sections should include system and structures of government, citizenship, fundamental rights and national resources.

So through referendums, the government should amend sections of the Constitution with affect the entire citizenry. Such referendum should be conducted through a central Constitution office run by Constitution Commission.

Citizenship: The group feels, all born by both parents who are citizens of Kenya should be automatic citizens. Other ways through which Kenyan citizenship can be acquired are by registration and naturalization. Then we feel if one wishes to apply to be a Kenyan citizen he should be:-

1. A required professional,
2. An economically sound person, at the moment with not less than \$100,000
3. Ready to abandon dual-citizenship.

We also think that a non-citizen male spouse fulfilling the above conditions can be accepted to be a citizen of Kenya. Children born of a Kenyan male citizen, should become automatic citizens. Children born of Kenyan female spouse but to a non-Kenyan male spouse, should not be given automatic citizenship. He may have to meet the first three conditions.

We have a very long memorandum but you are going to read it (?). we also talked of Defence and National Security. We argued that the Constitution should establish the disciplined forces in Kenya. The Constitution should establish a discipline mechanism for the Armed Forces, by permitting parliament to legislate a war crime (?) instead of the current martial court.

The president should not be the Commander-In-Chief of the Armed Forces, instead he should take action in the matters that (?) armed forces as (?) In cases of (?) parliament should (?) calls to be investigated and recommend to the president for action.

Under political parties, we feel that a decision should be made to provide for a maximum of three political parties. This will avoid duplication of aims by political groupings. Further legislation should provide for formation of parties that are objective such old parties should be compelled (inaudible).

(Interjection) **Com Mohammed Swazuri:** Mohammed, you have added more than one minute. Please

(inaudible). Patrick Nambio.

Patrick Nambio: My names are Patrick Nambio. I come from (?) Sub-Location, (?) Location. Point one, (?) the government to stop interfering (?) within the country. Two, the government to stop (?) with no violence by helping them on what they have collected (?) have received on any topic.

Three, I think the current government or the KANU government should give us free services on the education system from nursery school to university. The current government or the incoming, in support of the government that is coming in should give us free medical services both from a dispensary to a national hospital, which is the highest in the country.

(inaudible) should be taken to court. I would also (?) should not exit. Anybody that wishes to get (?). A member of parliament who defects to another party before the period of elections, should be fined heavily by paying a fine of Kshs 5M. Anybody who is educated up to Form IV and above and is able to (?) should be elected as a president.

Lastly the government should come out with the true picture about the Commissions of inquiry (?). Thank you very much.

(Clarification) **Com Salome Muigai:** Thank you very much I just want to ask you a question on the political parties you said that those with less than nine MPs should dissolve themselves. What do we do with the five MPs that have been (?)

Patrick Nambio: They should go back to the (inaudible)

Com Mohammed Swazuri: Thank you very much Sir register your name over here. John Rasam? Hayuko. Godfrey Nyongesa? Hayuko. Jeffrey Shitegi?

Jeffrey Shitechi: Kwa majina ni Jeffrey Shitechi, ninawakilisha (?). Nitasema machache kwa sababu mengi yamesemwa. Maoni yangu ni mawili au matatu hivi. Ya kwanza, kuhusu uraia ninapendekeza ya kwamba hao watoto wapewe uraia wa nchi ya baba, mahali baba yao alizaliwa.

La pili ni kuhusu ulinzi na usalama wa taifa. Ninaomba ya kwamba bunge iwe na uwezo wa kutangaza hali ya hatari kwa sababu hawa ndio wawakilishi wa wananchi kuhusu vyama vya kisiasa. Ninaomba ya kwamba uundaji wa vyama vya kisiasa ni wa kibinafsi kwa hivyo ninapendekeza kwamba, wale ambao wanaunda vyama vyao wawe wakijisaidia hao wenyewe sio

kuomba pesa kutoka serikalini ili wajisaidie kwa sababu wakipewa pesa, kuna watu wengi ambao wanaendelea kuunda vyama (inaudible).

Miundo na aina ya utawala mzee wa kijiji apewe mshahara, na manaibu wa machief wawe wakichaguliwa na wananchi, kwa sababu hiyo itakuwa ikipunguza (?) kama ufisadi. Mamlaka ya rais Katiba itoe kibali ili Rais aweze kuondolewa mamlakani kuhusu uporaji wa pesa, yaani ufisadi ama kutokuwa na usalama katika nchi. Akishaondolewa, makamu wa rais achukue uongozi ule mpaka kipindi hicho kimalizike.

Rais awe mbunge kwa sababu kuna sababu moja tu ambayo niko nayo. Unawezaje kulinda mamiloni ya wananchi na waliokuchagua kwa constituency yako imeanguka? Na...

(Interjection) **Com Mohammed Swazuri:** Ile ya mwisho.

Jeffrey Shitechi: La mwisho, ninasema kuhusu unajisi (inaudible). Katika Katiba ninasikia tu unajisi katika wanaume, kunajisi wanawake. Kwa hivyo ninapendekeza, wanawake pia wawe wakivunja sheria kwamba ule mwanamke atakayeoleka kwa kijana ambaye angali hajafikia umri wa miaka ishirini na tano, ashikwe na kushtakiwa, kwa sababu atakuwa ametembea na pengine ameshikwa na magonjwa kama ya zinaa ama ukimwi.

La mwisho kabisa ni kuhusu wazee. Wazee wahesabiwe katika kikundi cha walemavu na wanawake (?) wenye umri wa zaidi ya miaka sabini ili pia hao wapate (?) Ni hayo tu nilikuwa nayo.

Com Mohammed Swazuri: Nicholas Omolo? Hayuko.

Nicholas Omolo: Niko.

Com Mohammed Swazuri: Ni wewe? Halafu atafutwa na Iddi Rajab.

Nicholas Omolo: Kwa majina ni Nicholas Omolo. Ningependa kutoa maoni yafuatayo. Ningependa Serikali iwe na mamlaka ya kutekeleza hizi sheria zitakazo pitishwa na bunge, na wanachi kwa jumla. Ingawaje mimi sio msomi na sielewi sheria, namna zinavyotungwa isipokuwa kuna mambo mengi ambayo yanatendekeza hapa na watu wanasema wanayatekeleza kulingana na sheria. Kwa mfano upande wa uandikishaji na utoaji wa title deed za kumiliki ardhi ukienda katika ofisi hizo kuna mambo mengi ambayo yanatekelezwa huko ya ufisadi na huwezi kuzungumzia kwa maana wanasema wanatekeleza sheria. Pia tungependa nyinyi kama officers ambao mnajua sheria na mnaweza kutusaidia muangalia mahali hapo zaidi.

Pili, kuna sheria ambayo police inatumia kutengeneza sheria zao wakati wa kushika mtu. Kwa nini anapewa mamlaka zaidi ya

kufanya uovu anaweza kushtaki mtu kwa makosa hajafanya, akikupeleka mahakamani, unasomewa mashtaka na unaulizwa kama unakubali ama unakataa na upelekwe korokoroni. Mahali hapo ama, sheria hiyo imetushinda sisi wananchi. Naomba nyinyi officers mtusaidie hapo.

Kuna mambo mengine kama ya lugha. Katiba iundwe katika lugha zote. Ziwe za kienyeji, ifafanuliwe katika lugha za kienyeji na Kiswahili. Na ikiwezekana vitabu hivyo visambazwe nchini pole pole.

Kuna sheria ambayo inatumiwa na banks zetu. Basi unapokwenda kufungua account katika benki kuna mambo mengi ambayo yana orodheshwa katika form hizo utapata kitu, kama (?) ama korti imewekwa kila kitu lakini ajabu ni kuwa wananchi tunaumia unakuta ukija kuuwa (?) unapata zile pesa ama sheria zile ambazo utaambiwa ni za kutatanisha iwe account tunalipa.

(Interjection) **Com Mohammed Swazuri:** (inaudible)

Nicholas Omolo: Na sheria hizo bado zinatoa watu. Na (inaudible) wanakwambia account yako itaanzwa (?) give it two weeks (?) Sheria kama hizo benki zinatoa wapi? Na ingawa unamwachia agent wako (?) wanakwambia account yako itanza kulipwa, give it two weeks (?). Sheria kama hizo zinatatiza wananchi.

Utawala wa mashinani: Assistant chief, maguruu na chief waongezewe nguvu maana hao ndio, ni kama wanatumika sana katika jamii. Police wanapofanya kazi zao, wawe wakiandamana na (?) either assistant chief, chief (?) polisi wanaitumia vibaya. Ni hayo tu.

Com Mohammed Swazuri: Nenda pale ujiandikishe. Iddi Rajab. Mzee hatuna haja na history (?) Jina lako wewe ni nani? (?)

Iddi Rajab: Ninashukuru sana kwa ma-officer wa Katiba kwa kutupa fursa hii kuzungumzia hii Katiba. (Inaudible)

(Interjection) **Com Mohammed Swazuri:** Ebu ngoja kidogo utuonyeshe jina lako.

Iddi Rajab: Kuhusu marekebisho haya ya Katiba, Waislamu wanaumia sana kwa sababu kuna mapendeleo kwa Uislamu. Waislamu hatupati haki kwa vyombo vya habari kwa sababu utapata kuwa ni mawaidha pekee ambayo yatatolewa usiku, mchana hakuna. Kwa hivyo ninapendekeza pia Waislamu (?)

Kuhusu elimu: Ninaonelea iwe ni lazima Uislamu upatikane katika mashule, kwanzia primary mpaka university kuandikwe waalimu (?) yake watakao zungumzia Uislamu, watoto waanzie kujua Uislamu kwanzia huko chini. Na hao waalimu watafutwe kutoka kwa madrasa (?). Hawa waalimu wasiwe chini ya Serikali, wako chini ya mkataba wa kijamaa wa Kiislamu.

Kuhusu uongozi, nimeonelea kwamba kuwe na utawala wa chief (?) isiende mpaka (?) mamlaka ya kutosha kwa sababu hawa (?) pengine kama mshahara na (?) ule kama (?) kumi na mbili. Wanawake wawili, vijana wawili, wazee wawili na (inaudible) waangalie katika sifa, sifa za uongozi. Je niko na sifa za kisawa sawa ama vipi? Akiwa ni (?) basi asiwe involved katika (?)

Halafu kuhusu utawala huu, (?) na sehemu chache karibu kama miaka kumi na mbili. Miaka kumi na mbili ipatikane kwa hawa watu (inaudible). Halafu mimi tena ninapendekeza, sub-chiefs na ma-chiefs hawa ndio wana ufisadi mkubwa. Waondolewe kabisa. Wabaki D.O. na kuendelea huko mbele halafu hapa kati yake (inaudible). Mtu akipatikana na ufisadi, achunguzwe katika mali yake nayo ishikwe naipelekwe katika ule ufisadi alioutumia.

Na wale (?) wengine kama president anapoingia katika uongozi, pindi tu anapoingia katika uongozi. Mali yake ishikwe kwanza halafu atangaze aliipataje iwapo amepelika mali nje, mali zilizoko nje zote zitolewe ziletwe Kenya. Nafikiri tutakua tumeusafisha ufisadi kabisa.

Halafu tukiangalia kwa wazee kuhusu uridhi. Uridhi huu uwachiwe tu ma-Kadhi kama ni Muislamu na kama ni Mkristo pia vile vile waangalie hali yao. Tunajua mwanamke ako na haki ya kufuata (?) mambo haya.

Halafu tukiangalia kidogo kuhusiana na pengine wanawake. (?) wa kufaa wanawake wavae kulingana na sheria, akiwa ni Muislamu avae Kislamu na hao wamepatikana wamenajisiwa, waangalie hawa watu wawili. Sijui ni kwa nini amenajisiwa na alikuwa amevaa katika hali gani na alikuwa wapi. Sasa mambo kama haya tutawasihi nyote muangalie nchi yenu. *Assalamu Aleykum warahmatula wabarakatu.*

Com Mohammed Swazuri: *Waleykum salaam.* Lakini kuna swali kidogo.

Com Salome Muigai: Asante sana Mwenyekiti, asante sana Bwana Rajab. Sheria ya Kenya (?) ulifunga hukufunga, ulikuwa wapi, kulikuwa saa ngapi (?) mradi tu jambo limefanyika na haliambatani na sheria basi (inaudible)

Iddi Rajab: Sawa hawa wote wanaadhibika kwa korti kwa sababu (?) sasa na kokote aliko kuna watu

tofauti, na mavazi tofauti kama hafuati sheria ya kuvaa vile inavyotakikana halafu pia (?) pia yeye ana

(inaudible) hawa watu wote waangaliwe wote. Sasa kwa hivyo ndio maana nikasema lazima mwanamume pia
achunguzwe kwa nini. Ingawaje (?) hawajamkosea sawa, ndio tutapata (?)

Com Mohammed Swazuri: Constance Washika.

Constant Washika: Kwa majina ni Constance Washika Oloo kutoka (?)Maoni yangu ya kwanza kwa
Constitution Review hii ni kuhakikisha kwamba tuna watu wengine hapa Kenya ambao wana mashamba makubwa na
hawatumii na ukikuta wana shamba madogo (?) na wale wote wanafanya kazi. Ingekuwa vizuri, sehemu zingine za
hayo mashamba makubwa ambayo hayatumiki sana yapewe wale ambao wanaweza kufanya kazi ili tuweze kufaidika nchini
kwa kupata vyakula vya kutosha.

Ya pili ni misaada ambayo inatoka nje na kuingia Kenya. Mimi ningependelea msaada ambao utasaida wale ambao ni maskini
na wengine wasaidie Serikali. Hizo pesa zote, msaada wote uende kwa Serikali na (?) wanaendelea kuwa maskini
na wanasema kuwa wanataka kupigana na umaskini. Ni njia gani wanapigana na umaskini na kuna watu ambao ni maskini,
hawana njia ya kupata na hawapewi nafasi (?)

Jambo lingine ni kwamba, hapa Kenya kuna watu ambao wanafanya kazi nyingi sana, hata watu wanauliza unafanya kazi ngapi
na yeye ana kazi ngapi. Sasa mimi ninaonelea kwamba ingekuwa vizuri mtu afanye kazi moja kwa mshahara mmoja. Sisi
tupate na yule mwingi pia apate.

Ingekuwa vizuri kama rais angekuwa anachaguliwa na wananchi na kutoka kwa mikoa. Ili kila mkoa uweze kufaidika, maana
unapata mahali hapajatoka Rais mtu anachaguliwa kutoka kwa mkoa moja na hawaangalii pande zote za nchi.

Upande wa kuadhimisha malalamishi mahakamani. Ningependa pia hao watu ambao wanakosewa na hawana uwezo, au pesa
za kuwakilisha kesi yao kortini, wapewe nafasi pia. Kama kuna mtu wa aina hiyo, na amepatikana amekosewa na mtu, aweze
kusaidiwa ili afikishe malalamishi yake kortini.

Upande wa assistant chiefs na chiefs, mimi ninaonelea kwamba hawa watu haingekuwa vizuri kuchukua pesa kutoka kwa
wananchi wakati mwananchi (?) hiyo ndio (inaudible) kwa nini anafanya hivyo? Hilo jambo
limenifanya nina (?) sana kwa nini ma assistant chief na chiefs wanapendelea kufanya mambo kama hayo hapa nchini
na mtu akiandikisha malalamishi yao, akiwa na pesa hata kama sio yeye (?)

(Interjection) **Com Mohammed Swazuri:** Sasa unataka iondolewe ama unataka ichunguzwe? Maanake (?)
umeamua ifanywe nini.

Constant Washika: Iondolewe na wasiwe wakilipwa. Ni hayo tu nilikuwa nayo. Asanteni.

Com Mohammed Swazuri: Asante sana. Mzee wangu Esa Mwombo, sijui kwa nini umekaa hapa tangu asubuhi na sisi hatujaku... kumbe hukuandika jina lako?

Esa Mwombo: Makosa (?)

Com Mohammed Swazuri: Haya ninaona makosa sio yetu. Sawa, lakini kwa vile uko sawa.

Esa Mwombo: Hapa ni Esa Mwombo wa (?) Self-Help group. Jambo la kwanza, tunataka Serikali ya majimbo katika Katiba ya sasa kama ile ya 1960. La pili, tuwe na Rais anayechaguliwa na raia, Waziri Mkuu achaguliwe na bunge. Mawaziri wawe kumi na nane. La tatu, Rais, Waziri Mkuu wasaidiane kuteua mawaziri.

La nne, Mbunge, madiwani, akianguka kura asiteuliwe katika Bunge au municipaa. Wateu watu (?) Number five, mashirika ya umma yawe chini ya Bunge. Wenyeviti au wakurgenzi wateuliwe na mbunge. Na wateuwe wanafunzi wa vyuo vikuu sio wale wamestaafu wachaguliwe kuwakilisha Serikali, hapana. Akistaafu aende.

Number six, wafisadi au wezi katika mashirika ya umma, wahukumiwe tena walipe mali ya umma. Namba saba, watumishi wa Serikali, P.C., D.C., D.O., Officer wa Police wahudumu katika mikoa mwaka mmoja. Police constable wahudumu miezi tatu waende transfer. Namba nane, succession za Bunge, mtu akifa ni shida kubwa sana. Inachukua succession, hii succession kwa maoni yangu iwe chini ya P.C. D.O. Chief, assistant Chief halafu iishe kortini hivyo vitu irahisishe. Ikisha fika kortini uende utoe affidavit, ili irahisishe gharama ya kwenda Nairobi kwa maana gharama ya kufika Nairobi hivi sasa imefika elfu ishirini kwa njia ya Serikali na (?) kupata cheti cha succession. Tafadhali (?) na upewe certificate hiyo.

Namba nane, wanaoshika wadhfa kwa vyeo vya kiserikali au mashirika ya umma sharti wawe wameolewa au wameoa. Namba tisa, kuhusu mipaka ya ma province boundary hii sababu katika Katiba inayokuja iweke igawanywe, irekebishwe, boundary hii ya mikoa na mipaka ya wilaya hata wakati huu kuna makosa, kama Rift Valley ambayo inahitaji igawanywe province mbili (?) the whole (?)

Namba kumi na moja kina mama wanaopigwa wakiwa angali wasichana, wanalipiwa mali mingi sana baadaye hukataa na shemeji wao kumshika, lakini baadaye upate mume anayempenda, mwishowe anamdanganya anakosa yale mali yote. Na wakati huo huo watoto wangali wadogo, kesho anarudi kwa mashemeji anawauliza ‘mashemeji mmisaidie school fees ya watoto, watoto hawana njia ya kusoma.’ Hii ni baada ya kumaliza mali na wakati ulimaliza pia sisi hatuwezi kukusaidia vizuri. Kwa hivyo ninaomba, wale wajane wanaoachwa wakiwa wasichana badala ya (?) kwa shemeji na kuhusisha D.O ili

hawa watoto

(?) kuhusika kwa hiyo mali ya marehemu.

Namba kumi na mbili, vyama vya kisiasa viwe vinne. Namba kumi na tatu, mawaziri katika Serikali ya sasa ati wengi wao hatuwajui katika Katiba inayokuja hao (?) ikiwa watateuliwa wazunguge wilaya zote za Kenya sio kuishi na yeyote na kuwasoma kwenye gazeti. Asante. Yangu yameishia hapo.

Com Mohammed Swazuri: Asante sana. (?) wakuje wazungunze. Nenda kule, hebu umfuate pengine kuna (?) huko. Kuna mtu ambaye hajaongea na anataka kuongea? Mko wengi? Haya tutaanza na (?)

Wycliffe Odongo: My names are Wycliffe Odongo and I propose the following. As far as the President is concerned, he should be subject to all (?) Constitution while he is in the office. That means he should not be above the law. He should also be somebody with reasonable education that Form IV and above. When a vacancy for presidency falls, the Attorney General or rather an independent person should take over the President's office for a maximum of ninety days awaiting presidential elections if the presidential seat is vacant.

I also propose that, the president should not have powers to create or abolish any public office, and to appoint or dismiss any person in any public office except for the office created and governed by the Constitution.

I propose that we should adopt a parliamentary government that means the parliament will have all the powers. Under the Legislature, parliament should debate issues based on (?) when it is passed as a Bill, the Bill automatically becomes law but it does need or require the President's signature because he will also have to vote for it, not to sign.

Under the Judiciary, the High Court should still remain the final court in the law and it should be headed by the Chief Justice who should be appointed by the Judiciary Service Commission or Attorney General but not the President.

Under the citizenship: I propose the following. The following should be granted automatic citizenship in Kenya: - any person born in Kenya and has stayed in Kenya for over eighteen years should automatically be declared a Kenyan citizen. Any woman married to a Kenyan citizen should be granted automatic citizenship. Note that, for the case of non-Kenyans, no automatic citizenship is granted unless:

- They have been (?) and they have been registered as Kenyans
- They must have stayed in this country for over five years without committing any criminal offence.

The Kenyan citizen should have the following rights and obligation: one, he should have the freedom of expression, movement and acquire any property that he can afford. Two, he should be free or have a right to vote or to be voted in when the need arises. Three, he should be allowed to enter (?) or to (?)

Under the Kenya Anti Corruption, that is KASA. I propose the following: - That KASA should be formed by the Act of Parliament or Parliamentary Service Commission. (?) within the disposal of authority over all Kenyans concerning corruption in the country. A KASA court to be established within certain areas and it should be given powers to execute (?) without any restrictions.

Under land and property rights...

(Interjection) **Com Mohammed Swazuri:** You have one last point to make.

Wycliffe Odongo: Now, any Kenyan citizen has a right to own any property or land without restrictions. Any (?) cooperative body registered in Kenya has a right to own property or land.

Under political parties, political parties be reduced to a maximum of three only and this is going to reduce tribal parties from presidential races. If no presidential candidate is (?) and this will contribute to effective democracy with (?). Political parties should be financed by the government but it is propotional to the number of representatives they have in parliament.

Under employment, I propose the following: - one we should have a....

(Interjection) **Com Mohammed Swazuri:** Your time is up please, we are going to read that document.

Wycliffe Odongo: Okay, thank you.

Com Mohammed Swazuri: What were you saying in that last point?

Wycliffe Odongo: I am reading the last point which is employment.

Com Mohammed Swazuri: Finish up.

Wycliffe Odongo: Under employment, I propose the following: - we should have a strong control over public funds under Kenya Anti-Corruption Authority. Two, we should have (?) must be adopted. I think we should have (?) system and the currency should be dealt away with immediately. Four, women should be allocated specific jobs and population reduction strategies should be adopted as a family planning measure and (?) for a woman and (?) a child (?). One man, one job. Thank you.

Com Mohammed Swazuri: Willis Wandere.

Willis Wandere: My names are Willis Wandere, I would like to present the following views to the Constitutional Review Commission. First I will start by talking about parliament. As we know parliament is the supreme law making body of the country and I will propose the following. Its members should possess certain values, qualities and virtues to enhance effectiveness. I propose that (?) should have sound education that is a university degree. This will enable members play a vital role in debate and enactment of Bills in the House.

It has become a law in the Kenyan parliament to have only the members of parliament who do not contribute effectively or never speak in the House. I will also propose that a special body be created to vet people who have become Members of Parliament. This is to ensure that the members are corrupt-free.

I also propose that a two-chamber house that is a bi-cameral parliament should be created. This should have an Upper House and a Lower House. I propose that members of the Upper House should be appointed to the House. These should be people who have excelled in various fields and this House should have final authority.

I also propose that when we talk about the Lower House, this should be composed of the elected Members of Parliament. I would say that members of the Upper House should be elected from various districts, two from each districts, one from the Opposition, and one from the ruling party. I also propose that parliament should be given power to vet all the presidential appointments.

On the Judiciary: Independence of Judiciary is not observed in Kenya and I propose the following. The president should not appoint judges and Chief Justice but a special Commission should be set up to appoint these people. The Rule of law is not observed and I want to say that people who cannot at all afford legal services should be given the services by the country.

On the Executive: I would like the absolute powers of the president to be checked. The parliament should have the authority to remove the president from office, if he is found unfavourably. I also propose that sound education is a prerequisite for effective leadership either a university degree can enhance effective leadership a president should possess such a degree.

On Public Service Commission, I would propose that members should be relevant qualifications, should possess first degree from the university and all (?) Commissioners should be interviewed for their positions. I also propose that all District Officers should have the same qualifications that is university degrees, in public administration.

On political parties, I propose that we only have two political parties for effective management. Thank you so much.

Com Mohammed Swazuri: Next we will listen to Albert Ananje.

Albert Ananje: My names are Albert Ananje. These are my own proposals. Any citizen of Kenya be it a president, be it ministers, prominent businessman should not own land more than fifty acres. Land owned by individuals more than that, should be snatched and distributed to Kenyan citizens who are landless.

To find food security in the country, I am proposing that land owned by individuals that is lying furrow, should be put into proper usage, and the owners should be taxed heavily to discourage laziness in this country.

On the pension scheme: NSSF should be reformed so that it can save money for those who have no employment, since they end up getting older without any savings. Any eligible Kenyan should vote at the age of fourteen years since they all feel the pain of Kenya be it economically or politically.

Any Kenyan should own title deed at the age of twenty one years so that one can be accessed to loans hence fighting poverty. Recruitment of Armed Forces, Kenya Police, Navy, to be carried out by private bodies to discourage recruitment along tribal lines. To curb the increasing abuse of freedom of worship, the government should come in to control spiritual bodies and also quell the up-coming devil worship.

Judiciary: Appointment of judges should be scrutinized by the Judiciary Commission of Kenya subject to the Law Society of Kenya's approval. Local authorities should be decentralized to improve services. Powers of the executive. The Chief Executive, that is the President should not be allowed to make appointments like of Managing Directors, Permanent Secretaries, but instead it should be done by parliament. Chiefs and assistant chiefs should be elected by Kenyans.

Com Mohammed Swazuri: Thank you very much. Next person on our list is Ismael Omukoba.

Ismael Omukoba: Jina langu ni Ismael Omukoba, nimezaliwa Mumias (?) . Ningependekeza maoni yangu kwa Katiba yetu ambayo tunaitaka iwe nzuri, ikumbuke sana walemavu, na wasiojiweza.

Kuzuia mambo ya corruption, turuhusu pombe ya chang'aa na busaa ipikwe na akina mama wanaosomesha watoto. Kutoka zamani, Katiba iliyopita watoto wetu wameelimika kutoka na hii pombe. Imezusha polisi, badala ya kufanya kazi yao mzuri wanawatafuta kina mama wazee, na kina baba wasiojiweza kuwakimbiza watoe kitu kidogo.

Katiba mpya ijayo, ichunguze sana uandikishaji wa kazi. Kazi moja mtu mmoja; maana Katiba iliyoko saa hii, inaruhusu mtu kuwa na kazi tatu na maskini hapati. Nimesomesha mtoto angalau apate kazi awasaidie wenzake. Ananyimwa kazi kwa nini katiba ijayo ichunguze haya mambo.

La mwisho ni kwamba raia (?) kama mimi mzaliwa wa Western Province kuwa nina acre ngapi ya shamba maana inanisumbua. Nikienda (?) naambiwa ni cha Serikali sasa raia anakubalika kuwa na acre ngapi hasa?

(Interjection) **Com Mohammed Swazuri:** Wewe unataka uwe na ngapi? Kila mtu apate ngapi?

Ismael Omukoba: Ninapendekeza acre tano.

Com Mohammed Swazuri: Protas Shimwewe. Majina yako kamili.

Protus Shimwewe: Majina yangu ni Protus Shimwewe. Maoni yangu ya kwanza ni kwamba ndoa ambayo watu hufanyia mijini kwa D.C. huwa zinaleta shida. Hii ni kwa sababu kuna mtu ameo mke huku nyumbani, na anapoenda huko mjini anapofanya kazi unapata anaoa mke mwingine; na wanaenda kujiandikisha kwa D.C vile bila watu wa nyumbani kujua. Wakati wa kuridhi mali, kwa mfano sasa huyo mtu afe kwa ghafula, huwa tunaona wakati wa uridhi huwa ni shida, kwa sababu wake wengine huwa wanatokezea na kuanza kusema mimi ninataka hii, mimi ninataka kile. Kwa hivyo ningependekeza kwamba ndoa ikifanyika, wazazi wa mvulana wawe wakijulishwa. Na pia familia ya mvulana iwe pia ikihusishwa isiwe tu D. C. ukienda kwa D.C. tu mara moja unaandikisha bibi yako na mnafanya arusi huko, hapana.

Jambo la pili, watu maskini wanateswa sana wakiwa police station, na pia mahakamani. Kwa sababu hao maskini hawawezi kumudu pesa za kutumia wakili. Polisi (?) kazi yao wanafanya labda wanakimibizana na watu wa busaa ama pombe haramu, na wewe mtu ambaye unapita karibu nao, utaona hata hao polisi wanashika huyo mtu kwa ghafula wanamweka ndani.

(Interjection) **Com Mohammed Swazuri:** Unapendekeza nini?

Protus Shimwewe: Ninapendekeza kwamba watu kama hao masikini wapewe free bond na Serikali, ili waweze kujitetea haki zao. Pia wakati police wanawashika watu inatakikana wawe na arrest warrant, na ikiwa wanaenda huko reserve kwa maboma ya watu usiku, wawe na chief au makuruu wa area hizo.

Mbunge akichaguliwa ni lazima... yaani yale ambayo huwa anaambiwa watu atawapatia awe akichunguzwa. Asipofanya yale ambayo amesema, asipotimiza, watu wawe na haki ya kutaka kura ya pili ifanywe na yeye ang'olewe.

Ofisi zote kubwa kubwa, sio Nairobi tu, kuna ma-ofisi zingine ambazo zinatakikana ziwe mahali ambapo hiyo jambo huwa inafanyikakwa mfano kwa ofisi kama ya Sukari, unaona ofisi kubwa iko Nairobi, ili hali Nairobi hawakuzi miwa. Kwa hivyo, vitu kama hivyo tungependelea ziwe mahali ambapo zinatakikana sio Nairobi tu.

Kuwe na kamati ya kuchunguza ufisadi, kuanzia kwa kata mpaka kwa division, na hata district. Tusiwe tu na kamati ile ya kuchunguza ufisadi ambayo iko mbali na watu, kwa sababu watu wengi huwa wanajua ufisadi vile unafanyika, lakini wale watu ambao wanachunguza hayo maneno wako mbali, inakuwa ni vigumu hao watu kujua ukweli wa mambo. Ni hayo tu.

Com Mohammed Swazuri: Enda pale ukajiandikishe. Fredrick Kundu, atafuatiwa na Musa Shaban, yuko? Hayuko.

Fredrick Kundu: Kwa majina ninaitwa Fredrick Kundu. Mimi nilizaliwa hapa Mumias na ninafanya kazi (?) kulingana na maoni yanayosemwa, ningependelea kwamba tutengeneze Katiba, ambayo itakuwa clear kwa watu wote. Kwa mfano, utakuta kwamba kulingana na Kenya ambayo tuko nayo, utakuta kwamba sheria huwa inaumiza hasa watu masikini yule wa mwisho. Ningependa kwamba sheria, iwe tu ni sheria kwa watu wote, uwe mkubwa, uwe mdogo, sheria iwe ni sheria. Sheria isiwe tu kwa wale watu ambao (?) sheria (?) kwa sababu wako na pesa. Hiyo kitu iondolewe mara moja. Sheria ibaki tu kama ni sheria, kwa mkubwa au mdogo.

La pili, ningependelea kwamba hawa wabunge tunaowachagua, wapatiwe muda wa miaka tano, na wakipatiwa muda huo wa miaka tano; tuwe tunahaki ya kwamba asipotekeleza wajibu uliompelekam tuwe na haki ya kumtoa na kumchagua mtu mwingine.

Tumeonela ya kwamba Rais achaguliwe kwa muda wa miaka mitano, na asiwe na mamlaka ambapo kama saa hii Kenya tunasema, rais ako juu ya mamlaka. Tunajua mtu mwenye hupewa mamlaka pekee yake ni Mwenyezi Mungu. Rais awe tu ni binadamu kama watu wengine. Asiwe juu ya mamlaka. Mamlaka yawe kwa bunge lakini sio rais, kwa sababu ataweza kuwachagua watu vile anataka, na anapendelea upande mwingine ati hio ndio mamlaka. Awe tu ni Rais wa nchi.

Com Mohammed Swazuri: Lngine?

Fredrick Kundu: Ya nne ni kuhusiana na ufisadi hasa na maofisa wa polisi. Hawa watu kwa kusema ukweli kama (inaudible) polisi utakuta kwamba ajali inafanyika hapa katika Kenya hii husababishwa na polisi (?) hawa ndio watu wa kuhukumiwa kwanza. Wameweka kitu ambacho kinaitwa (?) hicho kitu cha hongo (?) kiondolewe. Awe polisi awe nani akipatikana amekosa (?) ashitakiwe kulingana na sheria ya Kenya. Ni hayo tu, asanteni.

Musa Shaban: Majina yangu ni Musa Shaban. (inaudible) anaongea kwanzia saa nne na nusu (inaudible). Kwa ajili sisi Waislamu ikifika wakati mwezi unaonekana watu wanaswali siku hiyo, sio ati Serikali inapitisha mpaka kesho, na nilitaka (?) ni swali leo, unaambiwa mpaka kesho ndio uswali.

Mambo ya polisi kushika watu na kuwatembeza (?) anakwambia wewe ulikuwa unaranda randa unakunywa chang'aa (?) anenda kukubandikiza huko anakufunga bila kosa lolote. Na jaji tunataka aangalia mambo kama hayo. Ni hayo tu sina mengi.

Com Mohammed Swazuri: Asante sana Bwana Musa, nenda pale ukajiandikishe. Kina mama mlikuwa na maoni mnataka kutupatia? Haya Njoooni hapa. Nyote wawili au ni mmoja? Huyu?

Speaker: Kila mtu anayake.

Com Mohammed Swazuri: Kila mtu ana yake. Haya wa kwanza sema jina lako.

Alice Inyambo: Kwa majina ninaitwa Alice Inyambo.

Com Mohammed Swazuri: Endelea.

Alice Inyambo: Nina maoni kutoka kwa department ya Community (?). Maoni yenyewe tulikaa tukaonelea, the president of this country should not be above the law. Akifanya mistake yoyote ashtakiwe na hata faini apewe kama hao watu wengine.

Com Mohammed Swazuri: Injine?

Alice Inyambo: Injine ikawa basic education should be provided to all children of Kenya, free because it is basic and everybody should gain. Primary education is very, very expensive nowadays. So many children are at home because their parents cannot manage buying textbooks and many other things. So I think it should be free because it is basic and necessary.

Injine, ni hawa Local government employees. They should be pensionable. Injine ikawa education system should be the 7-4-2-3 and not the current 8-4-4.

Com Mohammed Swazuri: Injine?

Alice Inyambo: Injine ikawa women should be given freedom to marry many men because these things are happening. Women are moving with many men and if they are caught they are punished seriously by their men. So there should be a law that we marry many men like them.

Com Mohammed Swazuri: Okay thank you. Lakini ninataka utuambie kidogo. kina mama waolewe na wanaume wengi au waolewe whichever term waoewe wanaume wengi officially. Sasa inawezekana vipi hiyo? Ninauliza kwa kutaka kujua.

Alice Inyambo: Women should be given that freedom of choosing maybe three men to marry (?) It is happening so we want it to be official.

Com Riunga Raiji: You said that Local government employees should be pensionable at the moment they have pension provided that your council remits the money they (?) for local authorities (inaudible)

Alice Inyambo: It is for some people of some (inaudible)

Com Riunga Raiji: (Inaudible)

Alice Inyambo: Senior officers.

Com Mohammed Swazuri: Register your name there and leave your memo there. Mama majina yako.

Gertrude Wangatia: Kwa majina ninaitwa Gertrude Wangatia. Maoni yangu ni kwamba women should be given their father's share of land.

Com Mohammed Swazuri: Ingingine?

Gertrude Wangatia: Early childhood education teachers should be employed by the Ministry of Education. The age for retirement should be fifty-five years. Many young people die before they reach that age, so they get more chances for jobs. Because watu hata they are not fifty-five years wanaambiwa wanaacha kazi na pengine wako thirty five.

Com Mohammed Swazuri: Lingingine.

Gertrude Wangatia: People should be given what they have paid for. Unaweza kuwa ume-pay (Inaudible) you are given another (Inaudible). Those are all the points I had.

Com Mohammed Swazuri: Haya jilandikishe huko. Haya ninafikiri tumemaliza. Kulingana na yale majina yalioandikishwa huyo alikuwa ndio mtu wa mwisho kwa siku ya leo. Kwa hivyo tumewashukuru sana nyinyi nyote mliofika hapa. Tumesema tutaomba kwa dini ya Kiislamu. Yuko wapi... Mama utatuombea. Asha please.

