

CONSTITUTION OF KENYA REVIEW COMMISSION

CKRC

VERBATIM REPORT OF

[Redacted]

[Redacted]

[Redacted]

**CONSTITUENCY PUBLIC HEARINGS, MVITA CONSTITUENCY HELD
AT CHANDARIA SOCIAL HALL**

[Redacted]

[Redacted]

[Redacted]

[Redacted] **ON** [Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

29TH APRIL 2002.

ON 29TH APRIL 2002

Present

1. Com. Paul Wambua
2. Com. Salome W. Muigai
3. Com. Pastor Zablon Ayonga

Secretariat in Attendance:

- | | | |
|--------------------|---|---------------------------|
| 1. Nancy Muthoni | - | Sign Language interpreter |
| 2. Regina Obara | - | Verbatim Recorder |
| 3. Philip Molo | - | Rapporteur |
| 4. Eunice Gichangi | - | Programme officer |

Speaker: (*Prays in Arabic*)

Ewe Mola tunakuomba haya tumekuja nayo hapa yawe ni mambo yenye kukuridhisha wewe, kulinda umma huu wa Kenya, na kulinda umma wa ulimwengu mzima katika nchi yetu hii, utuwezeshe tutoe fikira ambazo kwamba zitakubaliana na maongozi yako, ziwe fikira zenye kwenda pamoja na shukurani. Utuwekee mbali na fikira ambazo kwamba zitakaoleta maonevu na zitakaoleta ubaguzi. Utupe uwezo na uwape uwezo ma-Commissioner wenye kuchukua fikira zetu, Mungu awapanue bongo zao, waweze kuwatafisiri hata wale ambao hawakusoma, waweze kutafisiri maoni yao kwa njia ya Busara, Mwenyezi Mungu utubariki zote na ukibariki hiki kikao chetu. Amini.

Com Salome: Karibu nyote katika Tume ya marekebisha ya Katiba ya Kenya, na kabla hatujaanza nina machache yenye ningetaka kuwahusisha nayo. Jina langu ni Salome Wairimu Muigai kama hivyo majina inavyoeleza mimi si mzungumzaji wa Kiswahili lakini nitajihidi kuwa hata hiyo lugha ya Kiingereza yenye tunazungumza pia Tumejifundisha. Kwa hivyo nitajitahindi kuzungumza na Kiswahili.

Kwanza ningetaka kuwaeleza kuwa Tume inapokutana uanza kikao chake kutoka saa mbili mpaka saa thenashara jioni. Wakati mwingine tunavunja kikao cha Tume katikati ya siku kwa ajili ya kupata chakula lakini tunarudia tena alasiri. Leo ninataraji wezangu wengine wawili hawajafika bado lakini vile ninaona mumejitahidi kufika asubuhi, nikaona kwani kunachukua maneno yetu moja kwa moja kwenye kanda za tape, tuanzie kikao hiki, wezangu wakija watatukuta tunaendelea.

Unaweza kutupa maoni yako kwa kuzungumzia tu ukiwa huna maandiko, ikiwa hivi ndivyo vile tutafanya tutawapa dakika kumi

ya kujieleza. Lakini ukiwa wewe una maandiko yenye utatuwachia, yenye tunaita memorandum basi tutakupa dakika tano hili uangazie tu maoni yale makubwa kwenye maandiko yako. Unaweza kutumia lugha ya Kiingereza, lugha zetu mbili ni Kiingereza, na Kiswahili lakini ukiwa huwezi kujieleza kwa mojawapo ya hizi lugha unijulishe mapema na nitajaribu kumpata mtu mwenye atatafisiri ile lugha yenge ungetaka kuitumia. Ninaomba iwe ni lugha ya Kiafrica ndio tuweze kumpata mwenzetu mwenye anaweza kututafisiria. Unaweza kujieleza wewe mwenyewe kwa maoni yako ya kipekee ikiwa wewe unajieleza wewe mwenyewe peke yako. Pia unaweza kuwa umekuja hapa kwa niaba ya kikundi kilicho sajiriwa, unakizungumzia hicho kikundi na wamekutuma wewe. Unaweza pia kuwa unaeleza kwa niaba ya kikundi kisicho sajiliwa chochote. Unaweza kuwa umekuja kwa niaba ya dini, ya kikundi cha kina mama, cha watu wenye elemavu ama vikundi hivi vingine vyovyote vile bado tuko tayari kukusikiliza. Ukishamaliza kutueleza maoni yako, sisi kama wanaTume tanaweza kukuuliza maswali lakini maswali yetu itakuwa tu kwa ajili ya ufafanusi ili tukuelewe zaidi.

Pia mtu yeyote anayeketi kwenye hall hii leo anaweza kuuliza swali lakini mimi ama mwenye atakuwa mwenye kiti atakusimamia ili usiulizwe maswali ya mjadala. Wewe maswali yako tu ni kujieleza wasiwasi ili kila mtu akuelewe vilivyo.

Ukiwa wewe siku ya leo umefika hapa na umsikie mwenzako amezungumzia maneno yenye ukubaliani nayo tafadhali mpe wakati wake, mpe heshima zake azungumze yake amalizie halafu wewe nao ukipata nafasi yako tueleze yako yenye kukataa yale aliyosema yeye. Lakini wakati bado yuko sakafuni usianzishe mjadala tafadhali. Kama nilivyosema waweza kutupa maandiko yako kwenye hard copy, yaani kuandikwa kwenyue karatasi ama unaweza kutupa ikiwa imeandikwa kwa diskette. Yoyote ile tutafurahia kuipata. Ukimalizia humu kuzungumza maneno yako ukija kuzungumza utaketi kwenye kile kiti ukimalizia hapo utavuka sakavu uende upande wangu wa kushoto kunaye mmoja wa wafanyi kazi wetu na kazi yake ni kusajiri kuwa umetuzungumzia. Kwa hivyo kama umeleta maandiko utampa yeye kama huna maandika bado utaenda kusajiliwa na yeye kuwa wewe ulikuja kwenye mkutano wetu na tukakusikiza.

Na kwa hayo machache ningetaka kumuita mzungumzaji wa kwanza lakini kabla ya hayo pia ningetaka kueleza kuwa tutawaita vile mlivyo kuja. Bali na hiyo wakati mwingine utanisikia mimi nimeruka wewe nikamuita pengine mama ama mtu mwenye ulemavu ama mtu mwenye anatoka kwa kikundi kidogo hapa kwenye Mombasa. Kwa mfano nikipata wa Islamu sita nione mtu pengine jina yenye inajitangaza yeyenwe ni ya Kikristu nitamuita yule ili tuone, tusikie maoni mbali mbali mbali kwa wakati huu ni wakati wa kuleta Kenya yote pamoja. Kwa hivyo ukinisikia wakati mwingine ulikuwa mbele mama mbele yako tafadhali nielewe ama ukinisikia sijakuita na nimemuita mtu mwenye ulemavu ama pengine kijana mdogo unielewe kuwa tunajaribu kusikiza wana Kenya wote kwa jumla.

Na sasa ningetaka kumita mzungumzaji wetu wa kwanza mwenye ni Zein Mohammed.

Zein Omar Mohammed: Salama maleku. Kwanza kabisa ningependa kuchukua fursa hii kwa kuwakaribisha nyote hapa Bondeni, ninawakaribisha Bondeni kwanza kabisa mimi ni mzaliwa wa Bondeni. Pili ni treasurer wa KANU bondeni ward na la

tatu nitagombea kiti cha KANU katika Bondeni ward, Mvita constituency. Nikijitambulisha, jina langu ninaitwa Zein Mohammed Omar. Kama nilivyo sema naninashukuru sana kwa nyinyi Commissioner kuja hapa, tulikuwa na hamu sana, siku nyinyi watu wa Bondeni haswa watu wa Mvita.

If I can go back we have to be, we are mature enough that we can stand for our own. Kitu ambacho ningependa kuwaomba, baba zangu, mama zangu, ndugu zangu, dada zangu, wakati umefika wa kusema wenyewe kwa sababu tunawapa udhifa wa kuenda kuwasemea hawatusemei. Tunaowapa watu wa hapa wakati wa kuenda kutusemea hawatusemei, hawatujui, hatujui ima hawakusoma ama hawana uwezo ama wanaangalia masilahi ya matumbo yao. This is the time now, the time has come for us to look for integrity, educated young and brilliant enough. Kwa hivyo Commissioners ningewaomba ni wakati umefika tusijaribu kupoteza tena hii opportunity. Nasema sana na ninasisitiza sana kwa upande wa Mvita constituency, this is a time for a change.

Sisi Tumewekwa nyuma na Tumepiwa, sio kwa sababu ya chama, hapana, chama hakijatutenga. Sisi tunashukishwa sana ikiwa kuna watu waliopata taabu na chama ni sisi watu wa Pwani. Tume-produce almost 75% ya kumpa Mheshimiwa mwenye kiti wetu Mtukufu Raisi Daniel Arap Moi, uwezo wa kutuongoza sisi na yeye kwa heshima yake akatupa viongozi hapa Mombasa, akatupa wizara. Jambo la kusitisha ni kuwa if we have to have a government that serves the people na njia moja ya kupata hiyo ni viongozi wetu wale wanaenda kuzilipa zile ssako, matakwa ya raia kwa serikali. Leo hii Tume na lingine, imekuwa ni Tume na hivyo kabisa, makazi hakuna, education hakuna, economy imekuwa mbaya sisi sio kuwa ati ni masikini watu wa pwani, hatujakuwa masikini but we are forced to be beggars due to the leaders that we have. They are not leaders of quality they are leaders of quantity leaders.

Com Salome: (Inaudible)

Zein Omar Mohammed: Kwa hivyo katika maoni yangu ninakuomba Katiba hii itakaporudi hapa iangalie masilahi ya watu na watu wengine na mahali walipo.

Kwa upande wa elimu, kwa upande wa parliament na kwa upande wa makazi. Kwa hivyo ninafikiri mimi mwenyewe binafisi kwa hayo machache nafikiri nitakomea hapo.

Najib Balala: Salama Maleku? Mimi ninayo karatasi yangu ambayo nitapeana. Ninafikiri nimechagua mambo kidogo ili nizingumze pia, niwaelezee maana yake. Jina langu ni Najib Balala niliyekuwa mayor wa jiji la Mombasa, I will speak in English. I literally followed the red book that you gave to us three weeks ago as guidance of how to change the Constitution. I and my friends in this constituency came in a round table and discussed the issues and we are delivering this paper. Despite delivering it in other stations what we all discussed, I want to touch on a few things which I found to be very important.

Kenya needs a vision, a vision that will unite Kenyans. It has been stated that all Kenyans regardless of their racial instructions, religion of which are equal. But this has been more theoretical than practical hence the need for a preamble in our Constitution is necessary. Kenyans will only have a sense of nationhood, dignified and the right of equity when the Constitution guarantees this tenants to them.

One way of uniting Kenyans is by the promotion of the Kiswahili as a national language. A good example you have is Tanzania. Kenyans needs an ambition statement in their Constitution that can guide them to individual and collective goals. For example, Kenyans must be guaranteed that they will have elections every five years. Kenyans must... during which they will have Constitutional rights to either endorse sitting leaders, vote or replace their leaders and if they are non performing they will be removed.

Elections should be through a secret ballot. Kenyans must for example know a matter of their Constitutional rights, the day of the general election and the question of the executive power refusing to disclose the date a secret weapon should be scrapped.

Constitutional diplomacy; parliament must not be allowed to amend any part of the Constitution if they need to maintain 65% of the majority. Since the Constitution directly affect the people they should always have a say whenever it has to be amended. A mechanism must be put in place where people can be consulted at grassroots before parliament can endorse any amendments to the Constitution.

On the issue of citizenship, so long as one is born in Kenya and regardless of the nationality of his/her parents is entitled to become a Kenyan automatically. Kenyans should be allowed to hold dual citizenship because many of them do so in order to get a better educational facilities abroad or any other social economic benefit. Kenyans must not be made to carry national identity cards everywhere they go. This is a colonial sign which they vet the movement of people and today Kenyans we are in a free Kenya and we have a right to have the movement through our country. But be identified by a social security number because once again the process of obtaining IDs is not only cumbersome but to show them in front of a police or whoever is asking you is an avenue to corruption.

The structure of government and the system

Kenya should adopt a parliament system of government with a ceremonial president and the leader of the political party of the majority becomes the prime minister and is called upon to form the government. The president must be non partisan, he should not be a member of any political party if he want to contest and should be in charge of defense and foreign affairs with his main role being to receive signatories, appointing ambassadors and presiding over national functions. In case the preside is out of the country, incapacitated or dies, the speaker of the national assembly should be non partisan and will act as head of state during the transition period of 90 days. The position of the vice president should be totally scrapped.

The legislature: parliament should vet all jobs from post of deputy director upwards, allowances for MPs should be on a chain of attendance of parliament rather than of a flat rate which is grossly abused. This will also cause MPs to attend parliament to discuss important issues pertaining to the electorate. MPs should not be allowed to hold any other post if they are members of parliament.

The voting age of our population should be lowered to 16 years of age and there would be no need of declaring an identity card when you have already the birth security number. Those wishing to stand as MPs must attain at least at the age of 21. for presidency we can maintain it at 35.

The executive, the president must be a well educated man or woman but also married. He should be in office strictly for two year term and the term of office should also apply to MPs. MPs more than ten years should not be allowed to contest.

The provincial administration should be scrapped and the power devolved to the local authority.

Judiciary: I want to briefly just talk about the Kadhi's office. I think the Kadhi's office is entitled to respect like any other judiciary section of the government. Kadhi's should equally have academic qualifications like magistrates and judges and be adverse in the Sharia law. A panel of people who are interviewing the judges of magistrates of Kadhis should work closely and in agreement with the Muslim scholars who will make their appointment and should handle civil matters as any other magistrate. A Kadhis court should have impendent powers just like the court of appeal. The government should also encourage state royals and other organizations like Kituo cha Sheria in order to ensure that all Kenyans have access to court and have a right to legal representation.

Local government: mayors and council chairmen should be elected directly by the people and their term in office should be extended to five years from the current two year term. Councils should be autonomous and mayors be given the powers to appoint key officers in consultation with the council. Councilors should not be illiterate or semi illiterate to be mayors. Councilors should be well educated and be subjected to proficiency test and as that of similar to MPs. They should be subjected to moral and ethical qualifications. The electoral system in our country and the process, in case of defection all willing mergers, those affected should go back to the people to seek re- election. there is nothing like automatic merger and you cross the floor in parliament. cross the floor by the people and not through parliament. Out of the sitting MPs 10% of the seats should be reserved for nominations and those nominated should be of special interest groups and majority of those special interest groups should be the women, they should be highly represented in parliament as they don't have the facilities to be members of parliament. special teams should look into boundaries mainly for the sake of ending tribalism. You could see that our country is divided mainly to boundaries where we have varied tribes and culture, we want to respect all that but at the end of the day we want to become a united Kenya.

Finally, the issue of succession and transfer of power, the president should be in charge until he hands over power. There should be a proper forces of handing over power and the time be fixed. The presidential election should be declared publicly and the in coming president should take office two months after he has been declared he is the winner. The Chief Justice should swear in the president while the instrument of power should be handed over at the same time as the swearing ceremony. The former head of state must be guaranteed security, welfare but not immunity from prosecution. Thank you very much.

Com Salome: (Inaudible) Tuanzie na jina lako kwanza.

Com Pastor Ayonga: Mimi ni Commissioner Pastor Ayonga and I may be have two points clarified. You said Swahili should be a national language, and as we sit here today we are using both Kiswahili and English. What must we do then to make Swahili a national language as opposed to English.

My second point that I need clarification; you have said that provincial administration should be scrapped and the powers to be given to local authorities. As you very well know, local authorities are also having lots of problems. People keep on complaining about non services given, rates, money are disappearing and they are not running properly. Now if it is something that looks like jumping from a frying fan into the fire itself. Please clarify.

Com Salome: I also have a question for you. May be you could sit down and be able to write them down and then answer them all of them together. I would like you to share with us your thoughts on the lowering of the age of voting to 16 years. Properly it is in your document to us, if it is you don't have to answer it, I will read it. The other question I want to ask your thoughts on is that you said the president must be a married man or a married woman. We have other people like the catholic church which has people who are not married because of their religious believes, supposing one of those people would like to stand as a president, does he/she get limited because of that undertaking if we adopt it. And my third question is, you have said that we are divided on to ethnic groups and you would like to see this ones repented but at the end of the day you would like to see us as a united nation of Kenya. I would like you to share with us your thoughts on the methodology of how you think the Constitution could capture this in order to give us those two things. And last you have said that the in coming president should be sworn in after two months. Is there any special reason for this kind of time frame? Why two months, why not one month, why not three, what did you have in mind when you though of this what I would also call 60 days. Thank you very much.

Najib Balala: Thank you very much pastor and the lady Commissioner. I would come with the first question of Swahili and English. When I say Swahili is for a unifying factor, it does not mean the usage as an extra language for communication. In my paper there is English and Swahili but to unify Kenyans. you can get members of parliament in Kenyan parliament, they don't know Swahili. You get civil servants who are supposed to be the servants of the people, how do they sever the people in the rural areas when they don't know the language Swahili. So Swahili is a compulsory and should be widely used to unifying us as a people. The language of communication could be even a German language or a Russian language, it doesn't matter. But a

national unifying language not only in Kenya even in Africa is Swahili. So why don't we make an emphasize and we have a good example to our brothers and sisters in Tanzania and that is what I have put in my paper.

The second point is the provincial Commissioners administration. If you look at the provincial of Commissioners administration today, it is literally duplicating what the mayors and councils should be performing. One is elected by the people; one is imposed from the system. So their role is basically the same, if you talk about our councils being corrupt and everything because we don't have the legal structures in place, we are not jumping the gun from the frying pan to the fire, we are literally bringing proposals where we are going restructure the entire local government act where it would be to the service of the people So that is my proposal.

I totally agree maybe or how you have some doubts about the age of 16 of young boys and girls that may be they are not mature enough to decide. The issue is to be given the right to actually exercise what you think is right. At the age of 16 in today's world actually somebody knows a lot because of education and information and technology that has come to our people, I think the age of 16 somebody should be given the chance and the right to decide what part he want to participate in his life. That is a very crucial age being a teenage, to what to prepare yourself what is your future. If you mix at that age, then you have missed the future totally and I am taking out of experience on personal basis.

Yes, I propose that a president should be married. I believe a married person who can handle a home properly can handle a country but a married man who's home is broken or does not have any experience of dealing with a woman and a child and a son, then how do we expect him to lead a nation of different cultures and different sexes. I respect the religious people from the catholic church and in fairness I never thought of them. But at the same time we don't want somebody to be a religious nun and use his religion at the expense of the nation. When I say that because despite I might be a Muslim, I am a member of parliament of this area I am not a member of parliament for the Muslims, I am a member of parliament for all members of the constituency rather of my religion and that is why I want to make it very clear about.

The issues of boundaries, if you look at them carefully, it has been inherited from the colonial times and we are trying to play the same game of divide and rule. Including we have formed some districts or some constituency like Teso for the Teso tribe. Why should we have representative only from tribes? I think all this districts and provinces should be scrapped and re-written today as per today's era. The problem is that if I look at Nyanza area I just in my mind look at Luos. I want to look at Nyanza as Kenyans and Kisii Nyanza as Kenyans and Teso's as Kenyans and not as per your tribes. I think we are doing de service to this nation, if we want to build a uniting Kenyan Constitution. We want to build a Constitution that will last for a hundred years and not to address our problems for the elections in 2002 or to remain in power as a leader.

Finally, your question about a president will be given power after he has been declared two months. I think we want to be organized and not chaotic. At the moment by mistake I ma declared a winner for example as a president I have not even known

who will be my government and my ministers and my system to refine it be practical, I just wake up and go to the seat. I think that is very dangerous, we want a government that are being put in place as government that is organized and be given a chance to organize the people and that is why I propose that there should be a grace period of two months for that winning party, political party ion parliament and that individual who is going to be a ceremonial president to be well prepared into forming the government or to be a head of state. Thank you very much.

Com Salome: Thank you very much Balla, tafadhali jiandikishe kwa kitabu chetu ya kuwa ulikuwa mgeni wetu na umetuzungumzia.

Na sasa ningetaka kumuomba mzungumzaji wetu mwingine aje hapa. Sudi Faki.

Speaker: (inaudible)

Com Salome: Asante asana kwa maoni hayo. (inaudible)

Com Pastor Ayonga: Sasa mimi ni Pastor Zablon Ayonga, mzaliwa wa Kisii, nimesikia watu wakisema Kisii Nyanza, kule ndiko kwetu. Na mnataka zaidi ya hayo? Hiyo imetosha? Basi tuendeleo na mambo yaliyotuleta hapa na zaidi ya hayo tutaongea baadaye. Asante.

Sudi Hussein Faki: Salama Maleku? Kwa jina ninaitwa Sudi Hussein Faki, nimezaliwa Sipaki Kisiwani Mombasa, ni kijana wa kiaka thelatini na tano lakini kwa sasa ni mkaazi wa Kisauni sehemu inaywa barisheba. Kilichonifanya kufika mbele yuenu leo ndugu zangu ndipo tuelezane ukweli na uwazi, hakuna habari ya kufichana fichana hapa. Katiba tuitakayo sisi husani vijani tuliozaliwa baada ya uhuru 1963, Tumeona Katiba iliokuwepo ilikuwa ni Katiba ya kugadamizana, Katiba isiyokuwa na muelekeo mbele wala nyuma na tuna imani kwamba wale waliokaa Lancaster walikuwa wakiwa na uchi wa uongozi mbali hawana masilia ya umma kwa hivyo sisi vijana ambao leo ndio Tumeondokea na ninataka kuzungumza kwa ajili ya vijana wote walio hapa ni kwamba numbari one tunachokitaka sisi katika Katiba tuitakayo Kenya ni serikali ya jimbo. Serikali hii ya jimbo itakuja namna gani na ni kwa sababu gani mimi nimefikiria kwamba serikali ya jimbo ndio itakuwa suluhushu la matatizo yetu katika Kenya. Miaka thelethini na nane sasa Tumejaribu wa Kenya, ndoto ya kuwa Kenya iwe taifa moja lakini imekuwa ni urongo, waingereza wasema we have been living a lie for the past 38 years. Time has come for a permanent phase and the only permanent solution is to have a regional system of government for Kenyans by Kenyans and...

Com Salome: (inaudible)

Sudi Hussein Faki: Ningependelea kusimama ili muweze kuniona vizuri. Kwa hivyo ningependelea kwamba sisi kama vijana ikiwa mtanipa ruhusa yenu, Tumesema tunapendelea serikali ya jimbo ili iweze kulinda masilahi yetu sisi tuliozaliwa baada ya uhuru miaka thelathini na nane, jamuhuri ya Kenya Tumeishi kwa kudanganyana. Hapa tukizungumza ni kwamba Hususani

kilio chetu kikubwa katika nyacha tatu, kisiasa, kitamaduni, kielimu, politically, socially na economically we have a problem. Tukija kwenye kisiasa sisi kama vjana wengi ni kwamba Tumewekwa nje. Kwa hivyo pendekezo langu ni kwamba tukiwa na serikali ya jimbo matatizo yetu mengi yataweza kusikilizwa kikamilivi, kivi? Number moja tunasema kwamba viongozi wetu wote wawe wanachaguliwa na sisi watu wa sehemu ile ile tunayotoka. Mfano mzuri ni kwamba kama hapa kwetu Mombasa tunapendekeza kitu kimoja serikali ya jimbo iwakilishwe na watu waliozaliwa katika mkoa wetu wa Pwani, watu wenye sifa murwa katika jamii, watu wasiokuwa na mshikili wa tabia yoyote ile, watu wasiokuwa walevi, watu wasiokuwa wasinifu, watu wasiokuwa walevi. Serikali hii ya jimbo ni kwamba wale wote katika sehemu ile tunayowakilisha wapewe furusa ya kuweza kujieleza na kiongozi wetu awe ni mtu anayeweza kutawala kulingana na matakwa ya sisi wenyewe watu wa sehemu ile. Kiongozi huyu atakuwa na uwezo wa kujua mapato yanaotoka katika sehemu za utalii pwani, mapato yanayotokia bandari yetu ya kilindili, mapato yanaotokana na mazao ya fisa, mapato yanaotokana na korosho zetu pwani, zitaweza kwenda kivi. Na nikizungumzia hivi ni kwamba Tumejibadika taji la ukabila, la, twasema hata ule ndugu yetu aliye mkoa wa kati, kahawa yake, chai yake, pyrethrum yake yeye iweze kumsaidia kujenga sehemu ile. Fedha itakayo kusanywa na wale watu wa kusanya kodi katika sehemu ile isaidie asilimia mia kwa mia kusaikia katika mkaswala kama kujenga masipitali kuhakikisha kwamba watoto wetu wana masukuli bora, kuhakikisha kwamba wale pia wasiokuwa na kazi vijana kama sisi kila ijumaa tanaweza kwenda ofisi fulani kuchukuwa kama ikiwa ni Shilingi elfu moja kwa kila wiki maanake hayo tunaita kama un employment benefits. Serikali kulingana na ukusaji wa kodio inayo uwezo wa kuweza kuhudumia kila mlalahoi hapa. Lakini kwa sababu ya watu waizi, watu walioweka matumbo yao mbele lepo Tumefika katika hali ya iumasikini kama huu.

Nikizungumzia katika sehemu ya kisiasa maanake nimegawanya uzungumzi wangu sehemu tatu, nimesema kisiasa, kijamii na kiuchumi. Vitu hivi vitatu ndio vimetumaliza sisi na nikizungumzia experience kama kijana wa Pwani kwa hivyo wale ndugu zangu wanaotoka sehemu nyingine na mkoa wa Pwani wasije wakacukulia kwamba nimekuja hapa ku- perpetuate interest zetu sisi wa pwani, twataka Kenya yetu ishikamane kwa umoja na amani na utulivu. Utulivu huu hauwezi kupatikana tukiwa na central government iliyo tudanganya sisi miaka thelathini na nane. Kwa hivyo mapendekezo yangu kwa ufupi ni kama ifuatavyo. Serikali ya Kenya iwe ni serikali mfumo wa jimbo. Ipitishwe moja kwa moja katika Katiba yetu kwamba Kenya ni nchi inayoongozwa kwa mfumo wa serikali au utawala wa jimbo. Mashauri yoyote yale ya kuhusu masilahi ya Wananchi wa sehemu ile ya tokamane na wao wenyewe katika sehemu yao. Serikali kuu iwe pale kama kusikiliza tu, serikali kuu iwe imewachiwa maswala kama vile maswala ya nchi za kigeni, ushirikiano wetu sisi na mataifa mengine, pamoja na usalama wa nchi kwa jumla. Lakini maswala mengine yote madogo madogo kama vile maji, eleimu, usafiri zote zile ziachiwe serikali yenyewe ya jimbo iweze kufafanua. Kwa hivyo sisi kama watu wa Mombasa twaweza kuwa na regional capital city yetu ikawa hapa Mombasa na tukaweza kujua kwamba Kilifi imeleta nini, malindi imeleta nini, kwale imeleta nini, Tana River imeleta nini, Taita Taveta imeleta nini na wajumbe wote kutoka sehemu hizi sita ama saba wawe wamewakilishwa kikamilifu katika Baraza lile kuu ambalo litakuwa ndiko Kilindi Mombasa na waweze kugawa ule mgao wao kulingana na ile rasimali inaotoka sehemu kama ile.

Com Salome: Tafadhali malizia. Uko na neno moja utakaozungumzia?

Sudi Hussein Faki: Niko nao kwa ufupi.

Com Salome: Basi malizia.

Sudi Hussein Faki: Kwa noti zetu kusiwe na picha ya mtu pale mbele, sisi twafikiria kwamba serikali itufanyie hivi wale vile yote haya yapatikana kulingana na mpangilio wa pale mahali. Imani yagu ni kwamba sekali inayoongozwa kulingana na kuridhia na mila na desturi za watu wa pale itakwenda sambamba, leo mfano mzuri ni kwamba mimi Sudi Hussein Faki, unipeleke Kisumu kwenda kumuangalia Mark Onyango Odhiambo ushanipa kazi nyingi sana. Tumejaribu miaka thelathini na nane na ukweli wa mambo ni kwamba Tumejidanganya. Kwa hivyo ninapendekeza kwa Tume yetu iliyo hapa iwapokuwa sina mapendekezo haya kwa kimaandishi, lakini kwa ufupi ni kwamba serikali ya jimbo ndio suluhisho la mzozo wa Kenya hivi leo. Kama ilivyo kuwa uturuki wakati Sigman of Europe, the only solution for this the public of Kenya ni uwezekano wa kuwa na serikali ya jimbo.

Nikimalizia in conclusion ni kwamba, my personal vision as a young Kenyan, my destination personally is beyond the state house. What I want for our beloved country Kenya is that equal society where scorn men like you can be consulted economically, politically, socially, plus spiritually, that is the only way we can built a better Kenya. Thank you very much.

Com Salome: Kuna mtu mwenye swali kwa Bwana Faki? Asante sana bwana Faki, utajiandikisha kwa kitabu chetu. Sasa nitampa nafasi bwana Muguni.

J.M. Muguni: May I sit down? The Commissioners and ladies and gentlemen. Nilikuwa nimetengeneza document hapa, it contained 11 pages and it has got 33 items regarding the Constitution. I intended to go through it within 40 minutes, but if I have got 5 or 10 minutes I will mention some things in it briefly.

Com Salome: Just highlight the main issues because we are going to go through that document as a Commission.

J.M. Muguni: Much obliged. My full name is J.M. Muguni. Nasikia nilizaliwa kule Muranga but I have been in Mombasa since I started working. I practice law here. Honourable Commissioners, our current Constitution is very good although perhaps it is time to change and to review and amend it. The problem with our Constitution is that it provides appointments of officers and public officers for appointment by a single person who is the president. It is in that respect we say in page two about the president that the president should be ceremonial without powers of appointing senior officers whether in military or in public service of any other service and to cater for that there should be what we call employment Commission. Kuwe na employment Commissions we can have something like military Commission which will promote military officers who deserve such

promotions. We have judicial service Commission which should also be able to promote and appoint militaries in judicial service. We should have local government Commission which should be able to appoint and promote senior members of the local authority.

We recommend that Kenya should remain with a strong central government with very strong local authorities just the way it was in the independence Constitution. To strengthen such local authorities, the mayors and chairmen of county councils should not be elected by councilors. They should be elected in the general elections by the population by the voters of that local authority. We all know what happens, tunajua vile inafanyika wakati councilors wanataka kuchagua mayor. Tumeona kumekuwa na shida kubwa sana, wakati mwingine you cannot get even your councilor, ukimtafuta uwezi kumpata. So if he is elected by voters in that case we would know that we have got a public mayor or voters mayor.

On powers protecting the president from being prosecuted or civil proceedings, those should go. A president is a person like any other person and he is capable of causing damage to anybody and he should be respected but what should be done there, my recommendation is that there should be a body to do what we call preliminary investigations and recommend whether the president should be prosecuted or not and the same thing should go for the mayor, a mayor is citizen number one in a city and if anything is to be done like prosecution he should be treated with that respect, he should not be arrested along Makadara Road, he should be approached properly being number one residence of that .. so in short what I am saying there should be respect but prosecution should be there.

Com Salome: You have one and half minutes.

J.M. Muguni: regarding finances, Honourable Commissioners, our president whoever it will be should have very long pockets with very short hands. He should reduce the expenses of that office. It has been very expensive for Kenya in that office. Parliament, Honourable Commissioners, the provision that members of parliament can meet and increase or decrease which they never do their salaries should be done away with. There should be a body without any MPs in it which should be able to consider their remunerations, they should not be allowed to give themselves what they want. Electoral Commission as said about the public officers, members of the Commission should be appointed by a body and not the president. Constituencies, it is un fair Honourable Commissioners to have a constituency with ten thousand voters and another one with 100,000 voters and both of them to be said equal when they are voting, it should not be like that, that should be considered. Recommendation there is that if a constituency is very wide like rift valley and it has got only one MP as compared let say to central which has got so many voters and is very small, a sitting member can be compensated by traveling allowance which he can use to cover his constituency. There should be coalition government Honourable Commissioners where all agreeing parties can join together and form a government. As a previous speaker said, we should have a better preamble to the Constitution. A Constitution is a document where everyone should know what it is, anybody looking at the Constitution. A Constitution is a document where everyone should know what it is. Anybody looking at the Constitution today would just look at the head of it and keep it down.

There should be a provision that Kenya is a democratic republic and it believes in the doctrines of human rights as contained in the united nations chapter.

Finally on the office of the vice president, honorable Commissioners and members this office is very important, ni ofisi ya muhimu sana yaani president akiwa hayuko it is the vice president who should take care. The office of the vice president has been treated or mistreated for the past 20 years. We would recommend that every presidential candidate should have a running mate. Someone who would become the president if the president wins and that would be affected by the outcome of whatever happens to the president. The president should not also be nominated by any political party after he should have said that earlier on, he should be a president without any attachment to any party and it is only then after the elections he can appear to be president of all the people. And honorable Commissioners that should also go for the mayors and chairmen of our cities, they should not be members of any party, they should not have any constituency, they should be appointed, elected by the members during the voting and they should have powers to deal with the cities as executives.

Com Salome: (inaudible)

J.M. Muguni : Yes than you very much honourable Commissioner.

Com Wambua: If I got you said we should have a strong central government with strong local authorities, is that right? Now that seems to me to be incompatible because one of the complains which has been made against the present set up is that central government is having too much of authority and therefore we have been talking in terms of evolution and it would appear to me that it would be very difficult to have that kind of a set up where you constantly power in the center and at the same time you are concentrating power in the local authority. So I think you need to clarify what it exactly it means and how that can be achieved.

Com Salome: I also have a question for you. You have talked about the president being ceremonial. Umezungumzia kuwa ungetaka kiti cha president kwa ofisi yake iwe ni ceremonial. Where is the power, where do we keep the power? You have said that you will like the president to be a ceremonial, where will the executive power be; just following your talk maybe it is in your memorandum.

J.M. Muguni: If I may answer the first question first, a strong local government can created through finances. All the finances that comes from a local authority, if it is Mombasa city, should be injected or most of it should be injected in the jurisdiction of that local authority, only a percentage of it should go to the central government and in that respect the local authority would be able to control things like let's here KPA, all the resources there, the income should be controlled by Mombasa city council for the local authority and only a small percentage whatever would be agreed would be sent to Nairobi to cater for this ceremonial president and central government. If I can say in forms of percentage

Com Wambua: You talked of the sources.....(inaudible) so I don't know whether that would be a security to the...

J.M. Muguni: Honourable Commissioners what should be done is initially to find out which assets are national assets and those would be on the side of the central government and then it should be decided which assets belong to the regional or local authorities. They should be able to deal with that without any interference from the central government, they should be able to decide with the central government how much from those assets should be sent to Nairobi to cater for the national interest. and in that respect about decision making, all powers that are today exercised by the minister for local government should be exercised by the mayors and chairmen of such authorities.

now as of ceremonial president it is there in my document or memorandum that there should be a prime minister who should be able to appoint a cabinet. Thank you very much.

Com Salome: Kuna yule ana swali la ufafanusi kwa Bwana Muguni?

Speaker: Asante sana Commissioner. Nina swali, nimesikia ukisema raisi asiwe katika retirement na ni lazima mtu akipenda namna gani, Sheria imewekwa kwa muda fulani ndio achagulie aende katika Bunge. Mtu huyu tutakuwa tukimchagua vipi ikiwa raisi atatoka kwa chama cha makamu wake ama unamaanisha kuwa baada ya kuchaguliwainaudible.

J.M. Muguni : Honourable Commissioners that is very simple as I have said there should be a prime minister with his cabinet. Regarding the president, anybody who is qualified, the qualification should be set by the Constitution would be entitled as an individual without belonging to any party even if he is a politician he should, once he declares interest resign from the political party and offer himself for presidency.

Speaker: Not after elections?

J.M. Muguni: After he has decided to run, he should resign from the political party.

Com Salome: Asante sana. Tafadhali jilandikishe pale. Na sasa ningetaka mzime simu zenu za mkono. Because when we are recording we hear the mobile phones in the recording. (inaudible)

Hassan: Salama maleku. Maoni yangu mimi ninaotoa juu ya polisimaanake sasa watoto wetu wana shida hata ikiwa umesahai kitu kama saa mbili au saa tatu, ukimutuma mtoto, akitoka dukani anacho kile kitu ndani ya mkono polisi wetu wakimshika hajui maneno hayo. Ni mwenye kumsumbua uwe na pesa umpe amuwache muna ni mwenye kumuchukua kutoka polisi akikaa kule hiyo tena yaja leo kumuambia na toka dukani au na toka kijijini au natika mali popote. La itakuwa nu mambo ingine amezurura amemupata barabarani au ameshikwa na bangi au amepatiwa na maoni atakayeuliza na wewe raia uwezi kujitetea. Ndio maoni

yangu hayo.

Com Salome: Sasa katia orodha yangu nitamuita Hassan Hussein

Hassan Hussein: Salama maleku abduhahi wa baraka.

Mimi nazungumzia mwanzo kuhusu Kadhi. Jina langu naitwa Hassan Hussein natoka mtaa wa Guraya ni kijana wa mtaa wa Guraya pamoja na kaloleni. Sisi vijana wa Guraya tuna maoni yetu kuhusu Kadhi. Kadhi mwanzo twataka achaguliwe na wana vioni wetu na pia asipatikane na kaisfa yoyote, akipatikana na kasif ayoyote awe anaweza kuondolewa na kadhi wetu mkuu awe ana uwezo wa kushugulikia kesi zote za kidinai na za kijamii asiwe na kesi za talaka peke yake. Na nguvu ya kadhi iwe sawa na mahakama kuu, hivyo basi uamuzi wake uwe ni wa mwisho kabisa na hamna rufani. Nguvu za Kadhi zizidishwe na kupanulia. Kadhi mkuu awe ana uwezo wa kuingilia kati hukumu ya Muislamu itakayo tolewa na mahakama kuu.

Nitaingilia kwenye mitaa yetu sasa. Twataka wazee wa mitaa watambuliwe kuwa wana mamlaka makubwa, wao ndio watakao chagua mawakilishi wao ambao ni jumbe maana ya jumbe ni chifu, chifu ni jina la kikoloni hatulitaki tena. Twataka awe chifu aitwe jumbe. Wazee wa mtaa wawe wana uwezo wa nyumba ishirini ama zaidi na sharti wawe ni wazaliwa wa mtaa huo ama ni wazaliwa wa jijini na DO atakuwa akijulikana kama mkuu wa taraka, atachaguliwa na raia wa tarafa yake sharti kwanza awe ni mzaliwa wa tarafa hiyo hiyo. Na DC vile vile atachaguliwa na wilaya na watu wa wilaya yake na awe ni mzaliwa na PC vile vile awe ni mzaliwa wa mkoa wake pia. Raia na wazaliwa wa viongozi wa mitaa watakuwa na uwezo juu ya viongozi waliowachagua. Raia wake na uwezo wa kupinga maamuzi wa kiongozi wao iwapo wanaenda kinyume na maajili wa raia wake. Kiongozi huyo yuapo atajirekebisha raia watakuwa na uwezo wa kumuondoa mamlakani.

Bendera ya taifa iwapo itapadishwa ama kushikishwa basi pasiwepe na haja ya raia kusimama. Polisi waendeleo na shuguli zao kama kawaida kwa sababu sesturi yenyewe ni ya kikoloni na hata wakoloni wenyewe mambo hayo hayapo tena kwao. Raia wanapoandamana barabarani kupinga jambo fulani la muhimu kwa maisha yao, serikali inapaswa kuliunga mkono jambo hilo, mfano uchumi unapoporota na ulanguzi wa madawa ya kulevyia na uifisadi wa aina yeyote. Polisi wasiwe na aina yoyote ya silaha mbaya kama bunduki mbwa. Bali polisi wawe na silaha bakora, maji ya kupuliza ama mabomu ya machozi kupambana na wandaamanaji hao. Sharti kila mkoa uwe na Katiba yao. Katiba kuu iwe ya kufuatana na Koran takatifu.

Sasa naja kwa raisi; jambo la kwanza raisi akiwa Mkristo twataka kama ndugu zetu wa Tanzania makamu wake awe Muislamu ama kipindi kimoja raisi awe Muislamu kipindi kimoja awe ni Mkristo. Na raisi lazima awe na mke, anapoenda aende na mke wake kila mahali. Twataka raisi ikifika wakati wa uchaguzi atumie rasimali yake mwenyewe kwa uchaguzi wake. Na raisi razima awe na shahada ya dunia na kama ni Mkristo ama Muislamu awe na shahada ya dini yake. Na raisi twataka mwenye umri wa miaka thelathini na tano , mwisho miaka sitini, basi.

Sasa naingilia kuhusu Bunge, kidogo namalaza sasa hivi.

Kazi ya ubenge twataka iwe kama kazi ya afisi nyingine, kama siku za afisi nyingine masaa kama ya afisi nyingine. Saa mbili mpaka saa kumi na moja kama afisi nyingine. Twataka Mbunge ikiwa akichaguliwa wa mahali wa sehemu hiyo awe ni mkaazi wa sehemu, ni mzaliwa wa hapo mahali. Na Mbunge masomo yake lazima awe 'O' level minimum, awe hana kashifa yoyote. Tuwe tuna uwezo wa kumtoa ikiwa hafai na kabla ya kipindi chake kumalizika, Mbunge afuate maagizo ya Wananchi wake, asifuate maagizo ya chama chake. Ikiwa kuna mswada wowote Bungeni kwanza ichukuliwe fikira kutoka kwa Wananchi na katika wabunge wakutoeliwa twataka wabunge watoke kila mkoa, wabunge wakuteuliwa nadhani ni kumi na mbili, watoke kila mkoa, na watakapotoka kila mkoa iwe sharti nusu wa dini fulani na nusu wa wa Islamu. Na tarehe ya uchaguzi twataka ichulikane kabisa ndio hiyo tarehe na isibadilishwe kabisa. Tarehe ni hiyo hiyo moja miaka yote kila uchaguzi unapokuja iwe tarehe ni hiyo hiyo. Na wabunge wawe wana uwezo wa kumtoa raisi atakapopatikana na kashifa yoyote. Mkuu wa wilaya awe ndio anauwezo wa kumuandika mtu kazi na kumvuta mtu kazi wa wilaya yake. Hiyo cheo uondolewe nacho uraisi. Nadhani ni hiyo tu kama hamtaki niongee.

Com Salome: Asante sana. Ngoja maswali ya ufafanusi kutoka kwa wanza Tume.

Com Pastor Ayonga: Nimeona umesema DO awe ni mzaliwa wa tarafa hiyo, DC ni mzaliwa wa wilaya hiyo na PC ni mzaliwa wa mkoa huo. Hii inamaanisha sasa tunaenda kikabila badala ya hawa wote kuwa watu wa Kenya na wangukuwa wa pahali popote katika Kenya hii wakifanya kazi, kuna ubaya gani wa hawa watu kuzambazwa kama leo iko mkoa wa hapa, wakati mwingine yuko mkoa wa mashariki au yuko Nyanza. Tungefaidika naman gani kwa kufanya hawa watu lazima atoke kwa tarafa, lazima atoke kwa wilaya, lazima atoke kwa mkoa, tutafaidika namna gani?

Com Wambua: Umesema ungependelea president ama raisi akiwa Mkristo, naibu wake ama makamu wake awe ni Muislamu na hukutaja kama ni maoni yako pia, raisi akiwa Muislamu na makamu wake pia awe Mkristo hukusema kwa hivyo ufafanue hayo.

La pili ulisema ni lazima awe na mke, je akianza akiwa na mke na ampe talaka ataondoka kwa mamalaka ama afanyeje?

Com Salome: Bwana Hussein pia mimi nina maswali kwako. Tafadhali hiyo mlango ufungwe ili nijifundishe. Swali langu la kwanza ni juu ya wazee wa kijiji wenye umetueleza. Je hao wazee wawaona wakiwa wazee kina baba ama wazee kina baba na kina mama ama vipi? Wa kijiji au wenye watamteuwa jumbe. Halafu nina swali ingine, umesema kuwa mBunge akifanya kazi yake vilivyo na kuwaridisha wenye wamemuchagua wanaweza kumtoa tena Bunge. Mingetaka utueleze kwa maoni yako. Kuna mtu mwenye mobile yenye inapiga ndio yenye inakatiza hii mitambo. Ningetaka utueleze kwa maoni yako je, tungetumia mbinu zipi ili kumrudisha huyu jumbe.

Na swali langu la mwisho ni hili, umesema kuwa wale wajumbe wateule... bwana Hussein ni sikize mimi tafadhali. Umesema wale wajumbe wateule lazima nusu iwe

Speaker: (inaudible)

Com Salome: Basi tuendeleo hao wakijaribu kutatua? Hamsikii? Mimi hunisikii mini mwalimu, nimezoea kuzungumza hamsikii kabisa?

Haya nina swali la mwisho kwa mzungumzaji wa leo, amesema kuwa wale wa Jumbe wateule kumi na wawili wa kuenda Bunge lazima nusu wawe wa Islamu. Na sisi tuna dini karibu mia tatu hapa kwenye nchi yetu ama arobaine yenye zimesajiliwa. Kwa hivyo waislamu wakisema tunaka nusu, SDA waseme tunataka nusu, wakatholiki waseme tunataka nusu, Mungiki nao wawe hapo wataka nusu, basi tutafanya nini kwani hii Katiba ni ya kuwahusisha Kenya nzima. Tunatakiwa kufikiria vile tunavyotaka lakini pia vile wenzetu tunawahusisha. Kwa hivyo sasa ukiwapa wa Islamu nusu na Mungiki watake nusu, tutawafanya nini na wale wengine?

Hassan Hussein: Kwanza mimi nakujibu swali lako la nusu wa Islamu, nusu wa Kristo, wa Bunge wakuteuliwa. Mungiki, Pentecostal hizo nyingine nyingine hizo zote twahesabu ni wakiristo. Waislamu tuna mathenasharii, tuna wabohora pia tuna mikoa hiyo mnaosema mathehebu kama yenu nyinyi. Kwa hivyo sisi hatuhesabu thehebu, twahesabu umuhimu wa dini. Nyinyi mnaamini upande wenu na sisi tunaamini upande wetu, thehebu kando.

Na kuhusu swala la PC ama DC kutoka wilaya. Mwanzo umasikini, usorotaji wa uchumi wa miji unakuja kwa kuleta watu kutoka mikoa ya nje. Maanake ikiwa atakuja DC ni mtu wa nje hawezi kujua yale wale Wananchi wa pale wanaishi vipi ama wanakuwa vipi. Yeye kazi yake ni ofisini basi mpaka afuatwe yeye. Lakini mkileta DC mini kwenye hapa Mvita nitakuwa ninajua watu wangu wa Mvita, najua mitaa yangu yote, najua watu walifu, najua masikani za watu walifu, najua kila kitu dani nje ya mitaa yote.

Na kuhusu raisi kuoja nadhani ni jambo la muhimu, lazima mwanamume mwenye miaka, ashabariki mpaka kupitia makamu, lazima awe ana chaguwa. Sasa raisi ikiwa hana mke, akija kwenye mkoa wa pwani atatafuta wanawake. Lazima aende na mke wake na lazima awe ameo, apunguze uzinufu.

Kuhusu wa Jumbe, chifu kuwa wawe wakina nani, sio? Chifu wazee wa kijiji, wenye kumchagua jumbe, wazee wa kijini kuna mama wenye hekima na kuna wazee pia wenye hekima, waweza ukaona kwenye mitaa kuwa nyumba fulani wazee hawana hekima mama hana hekima kuliko ule mzee. Pale anaeza kuchagulia yule mama ili aweze kuwachagua wakubwa wao. Nadhani nimemaliza.

Com Salome: Sasa ningetaka kumuomba mzee Rashid Sulemani. Ame-cancel? Easo Owaki. Pole.

Easo Owaki: Kwa jina ninaitwa Stephen Owaki, nimetoka kwa Elimu Yetu Coalition that is a coalition of non governmental organization. Hiyo ni msanyiko wa zile NGOs zenye ziko coast province ambao zinahusika na campaign kwa kuona kuwa by

the year 2015 kutakuwa na elimu bure na ya lazima kwa kila Mkenya by that time. So it is an organization that actually has been campaigning for that, to achieve that goal by the year 2015. So currently we have been having some other civic educations and we have also been seeking views from the members of the public on how that goal can be easily achieved by the year 2015. so in pursuit of that nataka tuwe na an elaborate and broad based education system which is flexible, sensitive, responsive and above all tailors to the needs of the people in the cross section of the society, the whole protection of the society. So nimeleta memorandum yenye nitapeana na ili Commissioners waende through wapate maoni ya watu vile wanataka elimu iwe and I also have got my own personal views also to make to the Commission. I would like nominated seats, both in the civil authorities and legislative assembly, should be left to the civil society and not politician. That is all currencies and probably the future seats that would be available. This is because the civil society has always been very vital, has played a very vital role when it comes to pushing for changes in the country. The only setback in achieving their goals has always been, they have not been so much represented at the stage of policy making so it is high time they also get included particularly when it comes to policy making because as at now it is very hard actually to access a politician but it can be very easy for one to access a religious leader to present his or her views. So as a result of that there is that kind of a high need for them also to be represented, be it in parliament at the local authority level and all those other places also that there will be a need of nominated members and on top of that it is also intended to be an up all inclusive approach in providing leadership to the country because leadership is not only meant for the politician but each and every body in the country today is capable if given opportunity also to provide leadership to the required standards.

Halafu, second, in my view I would like the provincial administration to end at the district level and downwards so I am actually proposing to get rid of provincial Commissioners. This is intended to cut off unnecessary government cost in a rather unproductive areas. It is also meant to fight tribalism which is always projected from the provincial level with a lot of disasters and damage to the public so wale ma PC katika ile Katiba mpyia, ile Katiba yenye tunatarajia ku andiaka, kwa maombi yangu tungeimalizia kwa district level. This is also given to the fact that for the previous whatever years we have always had that kind of a blanket cover budget allocations which has not been covering each and every needy places and as a result of that we have ended up having those areas that are always called marginal whatever. So this are places actually which could be existing in a province that is endowed in a lot of resources by due to that kind of a blanket cover budgetary allocations they are not always so much at the focus so it is high time actually we need to include them also and actually concentrate our development projection right from the district level and downwards so that to make sure that it reaches each and every body and actually the most needy places.

Ya mwisho na ya tatu ni kuwa all future presidents should not be allowed to hold every day public rallies and Barazas, this is intended to reduce the level of political activities in the country which is in most cases have been a great hindrance and obstacle to economic development. There should be also no position of prime minister. President should be the head of government and state. On top of that also we intend to reduce unnecessary expenses by the president who has been very much expensive and costly to the economy and at the same time not productive to the future prosperity. The president for that matter should have

certain designated aids properly in a month or a week in which he would be allowed to address the nation and at the same time answer questions from the members of the public over issues of national importance. The president should also be compelled to attend parliamentary sessions both in his capacity as an MP and head of state. His views, ideas, opinion should be subjected to challenge in parliament and everywhere in the country. And for those few remarks I end my presentation to the Commission today.

Com Salome: Asante sana Bwana Owaki. Anayefuata huyo ni Joseph Njoya.

Joseph Njoya: Hamjambo nyote? Jina langu ni Joseph Njoya, I am retired municipal treasurer now managing my firm J. M. Njoya & Associates who are auditors. Hapa Mombassa nimekaa kutoka mwaka wa sitini na tano. Memorandum yangu ni ya kiingereza kwa hivyo I will speak in English.

The Constitution should have a preamble and should be written in English and Kiswahili. We should have a declaration that we believe in Human Rights as specified by the united nation. We should have a central government with a strong local authorities. In the event that the majority of citizen shall opt to go for Majimbo or federal system of government, the following curtain of provision should be provided:-

1. That all Kenyans shall be equal before the law wherever they shall decide to reside within the boundaries of Kenya.
2. That there shall be no discrimination in employment, business opportunities and the land ownership or it's elective position.
3. That a person going against this provision shall be committing a felony punishable in law.
4. That before the adoption of federal system of government there would be a referendum.
5. That the Constitution should prohibit the session, a minimum of five years should be provided to prepare for a federation that is in the event of the majority of our citizen who decide to go federal.

The position of the president, the president should be purely ceremonial and should have a prime minister. And the president should not belong to any political party. The president belong to us all and he should belong to us all therefore we should not have a president who subscribes to a particular party. There should be a position of a prime minister who would be appointed by the majority party in parliament. The swearing of the president should be specified and should be within a period of two months as applied in the United States. The expenses of the president should be subject to audit by the auditor general and it should not be allowed to be extravagant. The position of a vice president, in my view the person who comes second to the president should automatically be the vice president so that anybody who is number two to the president then he holds the position of vice president. Position of mayors and chairmen of local authorities, this should be elected by the people and not by councilors and should have a period of five years and a minimum education of secondary education. The Constitution to include Kiswahili and English if I say further.

The cabinet should be appointed by the prime minister and should be a maximum of 15 and two assistant ministers in every

ministry this to safe on public funds. Now the powers of the executive or the prime minister or the president, the appointment of the officers in the government or in the forces should be in the hands of appointed Commissions, appointed specifically to appoint people for those positions so that no single person is responsible for appointing all this position.

Parliament; the enumeration of parliament should also be fixed by a Commission. It is not proper for the parliamentarians themselves to fix their own enumerations, it is not proper. Nominated members should be for specific areas which are not provided for in parliament such as disabled or the youth and so on. Electoral Commission should be very independent and only answerable to parliament and should be appointed again by a Commission which will follow the specified qualifications. Vacation of a seat from National Assembly, at the moment a member of parliament cannot be removed unless he resigns, there should be a provision to remove a member of parliament if he goes out of ... for example if a member who was appointed or elected by a particular party, or practical purposes he has moved from that party and he has joined another party, there should be a provision that the electors can go to court and if the court is satisfied that he has all practical purposes he no longer subscribe to hi party, he be removed.

Constituencies; this should be as far as possible equal, it is not proper some, we have had cases where some members are elected by as low as 2000 voters where others are being elected by 100,000 voters, this is not proper so they should be made as equal as possible and where the sparsely populated areas, members should be given allowances to be able to cover a bigger area but equal population.

Processing of petitions after the elections; this should be there should be special clauses so that they are finished within a year. It is improper and it is futile for somebody to be removed at the end of the session of parliament after five years while he has served his parliament period. So it should be finished within a year. There should be provision for coalition government or government of national unity, this is serving very well elsewhere.

Financing of political parties; it is proper to finance political parties but only the ones which have enough support say at least a minimum of 250,000 members, this will remove the small ones or one member parties. The Kenyatta International conference center which was constructed by harambee by all Kenyans should go back to parliament and can assist to finance the parties.

Second Chamber; we used to have a senate at independence and I feel this will be necessary and every district we have a member like it was at independence and this chamber will also be able to vet registration from parliament.

Citizenship; we should allow dual citizenship, we have our young people for example in America and Europe who are applying for citizenship of those country so that mainly they get the facilities to educate their children....

Com Salome: You have one more minute. Do you have a memorandum?

Joseph Njoya : I have a memorandum. Now provincial administration like it has been said should go and we have Wazees and the police and those they can cater for provincial administration. Police is that they should be made free and they should be under local authority. Land should also be in the hands of local authorities and no single person like the Commission of land should be able to dish out land and grabbed land to be repossessed.

Now referendum should be provided for in the Constitution. National awards, there should be a Commission to decide who should get awards which are given at the end of every year. And our citizens abroad should be allowed to vote, they can vote at our embassies abroad.

The courts; we should have that the judges also should be appointed not by the prime minister or president, he should be appointed by a Commission and they should be brief and we should also have a supreme court in East Africa or in the East African State.

I think the others would be read in my memorandum. I think that is all.

Com Salome: Any of you Commissioners who has a question for him.

Com Pastor Ayonga: You have mentioned on the issue of citizenship, but you didn't tell us why dual citizenship, because when you want something there must be certain advantages and disadvantages. What has been the problem with our single citizenship and what are we going to gain if we adopt dual citizenship.

Com Salome: I also have a question for Mr. Njoya. You have talked about the position of president being ceremonial also and the prime minister who should be the head of government. Then you have gone on to tell us quite a lot about the president, about his swearing in time and all that. You have not told us very much about this head of government, this person of the head of government. If you had any thoughts on that we would like to share them. If not it is okay.

Joseph Njoya: Dual citizenship, Honourable Commissioners I have a son and a daughter in the united states. They would like to enjoy all the facilities provided there. Once they become citizens of the united states, they would get free education, medical and other benefits entitled to citizens in the united states. This children, their hearts and their minds are Kenya, they are always asking how things are going, they feel they belong to Kenya. This are temporarily facilities they seek when they are abroad but they would like to eventually to come back. If they are required to renounce their citizenship here we are denying them their wishes because they are proud to be Kenyans and they would like to remain Kenyans. So this dual citizenship, unless we are at war with this other country I see nothing wrong with it.

This other question of president and prime minister; we feel that we want to be proud of our president and we are always proud of our president but we belong to different parties and when the president goes round the country preaching about his party, some people feel it is not write because he belongs to us all and we are proud of him, we want to feel that he belongs to us and that is why we feel let the prime minister manage the government according to the law, the president when we have like now we have a visitor from China, he be received by the president, our ambassadors when they come back they can be received by him, he can sign their appointments and so on and so forth. Or he go and he go to match parts of the army and whatever. Or this things can continue with them and the prime minister would manage the day to day government.

Com Salome: Asante sana Bwana Njoya, tafadhali jilandikishe kule na utupe maandishi yako.

(Fill out the inaudible if you manage)

Kwa hivyo nataka kuwaomba kina mama mjiandikishe upia na muweze kuzungumza ili kutengeneze Katiba moja, tujadiliane pamoja na mambo yenu na ya Katiba yetu iwe ya kina mama pia. Na sasa nataka kumuita Sheikh Halif Mohammed.

Sheikh Halif Mohammed: Salama maleku. Jina langu Sheikh Halif Mohammed ni Muislamu, ninajivunia uislamu wangu, na ninaamini ya kwamba dini yangu Uislamu ni dini iliyekubaliwa na Mwenyezi Mungu katika sura ya pili ya kitabu cha Koran Mukariri na ninaamini kufuatia sura Taimurani, ayay ya kumi na tisa inayosema kila Muislamu ana haki na ana uhuru na ana wajibika kuifuata Koran na hadhithi za mutumwa Mohammed bila ya kuzuiliwa na mtu yoyote wala Muislamu kumulazimisha mtu yoyote. Vile vile hakuna haki ya dini ingineyo kulazimisha Muislamu kufuata kinyume na Uslamu wake. Mapendekezo yangu kufuatana na Katiba hii naanza kwa jina la Mwenyezi Mungu mwingi wa Rehema mwenye Korahani, Katiba hii ambapo kwamba tunaipendekeza iwe ni Katiba ya wananchi wa Kenya wenyewe isiwe kama Katiba ya kwanza iliyopitishwa na Bunge la Uingereza sio Bunge la Kenya.

Pili, Katiba hii isiweze kubadilishwa na Bunge bila wananchi wenyewe unapotakikana mabadiliko yoyote. Katiba hii pia ihifadhi ilinde na ijiheshimu mila na desturi za wananchi wote wa Kenya. Katiba hii ili iwe ni Katiba ni lazima isiende kinyume na Korahani Mukarimi na hadithi za MTume Mohammed.

Ni naanza sasa na kifungu cha kwanza. Tunapendekeza Katiba hii serikali itakayoundwa iwe ni serikali ya viama vingi, serikali yenye mfumo wa majimbo, utawala ambapo kwamba utapelekwa katika ngazi za watu wa jimbo wenyewe. Serikali hii iwe na vitu vitatu, iwe na Bunge, iwe na mahakama pia iwe na utawala. Katika upande wa Bunge Mbunge, Waziri au Raisi ni lazima atimize miaka kumi na nane, awe Mkenya aliyejandikisha. Bunge lilivyo hivi sasa linaitwa Bunge na Raisi. Raisi atakuwepo Bungeni kama Mbunge na Mbunge litakuwa na uwezo wa kujadili wizara zote za serikali kuuliza wanavyopeleka mambo na kuunda sheria ndogo isiyo kwenda kinyume na Katiba kuu. Katikaq Bunge raisi asiwe na uwezo wa Kupinga hoja yoyote iliyopitishwa na wa Bunge ila hoja ambayo kwamba inaleta madhara kwa nchi na kwa wananchi baada ya kutibitishwa madara yake, bila hivyo ni wa Bunge wapitishhe Raisi asiwe na kura ya veto.

Katika utawala, ofisi ya Raisi, Raisi mwenyewe awe na vyeo viwili, Raisi wa nchi na Amri Jeshi Mkuu wa majeshi kwa ajili ya

kuzuia wanajeshi kuleta madhara ya mara kwa mara ya mapinduzi na raisi mwenyewe kama alipotangulia lazima awe ana mke na akiwacha aoe mwingine kwa muda wa mwezi mmoja. Vile vile Raisi wa nchi, awe ambaye kwamba yeye hatakuwa ni juu ya sheria na Raisi asiwe na uwezo alipopewa na kifungu nambari kumi na nne na kama si kumi na nne, isiwababaishe lakini kuna kifungu kinacho mpa uwezo Raisi asamehe aliyeuwa, hilo lisipatikane. Pia Raisi wakati anapofanya siara yake kama kuja kufungua show aje yeye na waziri wa Kilimo, permanent secretary wa wizara ile, waliobakia waje kwa garama zao wenyewe. Raisi baada ya kuja na gharama zake mwenyewe pia Raisi iwezekane kushitakiwa kama mtu mwingine yoyote. Akiwa katika kiti na baada kuwa katika kiti kwani Katiba ya sasa yamlinda Raisi asishtakiwe shitaka la jinai wala shitaka la kijamii.

Mahakama; mahakama tunataka mahakama ijisimamie yenyewe. Chief Justice asichaguliwe na Raisi ile Tume ya Majaji ndio itachagua Chief Justice na msururu ulioko hivi sasa uendeleo na Mkuu wa sheria asipewe nafasi ya kuziingilia kesi ambazo kwamba zinafaa kusikilizwa mahakama ipewe uwezo wa kusikiliza na mahakama kikatiba ikatazwe kuchelewesha kesi na kuwadhimi wale ambapo kwamba hawajakukumiwa. Kuna watu wanakaa rumande bila ya kuhukumiwa na wakateseka na koti ikashindwa kuwalinda. Katiba ya sasa ilinde mambo kama haya, hukumu zote ziharakishwe na mahakama iende kisawa. Katika hii mahakama judiciary kuna mahakama ya Kadhi. Mahakama ya Kadhi, mahakama ya Kijeshi, mahakama ya nyumba ambazo kwamba zote ziko chini ya kifungu hiki cha mahakama, mahakama ya kadhi inatajikana iwe nguvu sawa na system ya secular inayoendelea hivi sasa tuanze kuwa appeals koti ya kadhi, high court ya kadhi na magistrate court ya kadhi. Katiba ya sasa inasema kuwe na makadhi wasiopungua watatu katika Kenya na haikuweka mpaka. Sisi twapendekeza, kila Wilaya kuwe na kadhi na kila Mkoa kuwe na senior kadhi na halafu Chief Kadhi awe na cheo sawa na Chief Justice. Kwa hivyo kila mkoa utakuwa na high court ya Kadhi na Kenya inaweza kuwa moja na ikawa na mahakama mbili na inatendeka kwa nchi kadhaa katika ulimwengu. Pia tunataka makadhi wasichaguliwe, hivi sasa sheria inasema Chief Justice na ma officer wengine wa high court wasiokuwa wa Islamu wanachagua makadhi. Tunapendekeza Katiba hii *Majili Sulahula Maa* kikao cha wasomi wa Kiislamu pamoja na vimaq via Kiislamu ndivyo vitapeleka majina kwa ile Tume ya uwajili majaji majina hayo wao wayapokee kutokamana na uchaguzi na uchunguzi uliofanywa na hawa maulama. Sio Tume ambaye kwamba inaendesha hivi sasa na ma Kadhi wote wawe wana shahada ya Sheria ya Kiislamu, wawe wamehitimu katika kazi hii na waruhusiwe kufanya seminar mara kwa mara za kuleta ujuzi na uongozi bora katika mahakama hii.

Nitengeza hapo hapo Wakfu, katika Act ya Wakufu iliyoko hivi sasa serikali imewahusisha wafanyi kazi wa serikali katika Wakfu na Wakfu ni mali ya waislamu kwa hivyo katika Wakfu hivi sasa mali ya waislamu kulingana na mkataba uliyowekwa baina ya Kenyatta, Shamte pamoja na governor Mkuu wa Uingereza ni kwamba na Katiba hii tunataka iheshimu mikataba, ni jukumu la Katiba kuheshimu mikataba. Mkataba uliyoifanya mwambao kuwa Kenya ulitiwa sahihi kwa ufafanusu na Kenyatta ni lazima mali ya Waislamu, shule zao, ardhi zao, nyumba zao, elimu yao hivi vitalindwa na serikali ilioko na dini itasimimiwa na serikali kusomesha dini gharama zitatoka katika mfuko wa serikali. kswa hivyo PC asiwe au mfanyi kazi wowote wa serikali, asiwe member katika board ya Wakfu, kazi ya Wakfu iwachiwe Waislamu wenyewe wauende board yao wenyewe.

Tunakuja katika utafa, uraia, uwananchi. Yoyote anayezaliwa Kenya, wazazi wake wawili wakiwa ni wakenya au mmoja huyo ni Mkenya, yoyote wazazi wake wawili wakiwa wa Kenya, akazaliwa nje huyo ni Mkenya na yoyote aliyeishi hapa mababu na mabab u asili yao, vitovu via ni via hapa huyo ni Mkenya.

Na itakuwaje kupatikane Kenya wa Kenya wasiweko. Ni kichekesho kilioko sasa kuweco Kiswahili, wa Swahili wasiweko.katika makabila arobani na mbili yaliyomo katika Kenya, ukisema wewe ni Mswahili, unaambiwa sema wewe ni Mwarabu awe Mbajuni. Katiba ya sasa iorodheshe wasi ielewe Kiswahili ni cha wa Swahili na wa Swahili wako.

Tunakuja katika mali ya taifa. Mikoko, bahari, port, utalii na mambo mengineyo ambayo kwamba ni vitu vilivyo wekwa na mwenyezi Mungu maji ya tamu, nguvu za maji zinazovuta umeme vitu kama hivi ni lazima vibakie katika utawala wa majimbo chini ya jimbo ambalo kwamba liko na mahali hii ni yawanaki wa pale, sio wenye kuja kila mahali kuna wenyewe. Mwenye haki ya rasimali katika jimbo ni wale asilia ya pale sio mtu aje miaka kumi, ishirini akifa azikwe hapa lakini mahali ya hapaaitaka, hilo lisiweco. Katiba ielewe wazi kwamba hiyo itakuwa ni haki za wenye jimbo wenyewe. Katika utawala wa majimbo, katika utawala wa majimbo, watawala wote watoke katika maeneo yale walioko wawe ni wazaliwa wa pale pale. Wazaliwa wa pale pale na jimbo liwe lithusika na mambo ya polisi, mambo ya manicipaa na wajiri wa kazi haya yote yatafanywa na jimbo, mashirika yatasimamiwa na serikali ya jimbo, mashirika yote, wafanyi wote wa serikali, polisi wote na kila jimbo likubaliwe liwe na Katiba yake bila ya kuingiliwa na serikali kuu kama serikali zinginezo duniani.

Vile vile tukija katika upande ambapo kwamba ni pesa, revenue yote, kodi zote zinazokusanywa pato la harbor, la borota, airport, mashirika, pesa ya utalii ibakie katika lile jimbo asilimia themanini. Ujunguz wa fedha za serikali, kuweco na kitengo maalum cha kupambana na ufisadi. Kitengo hichi kiwe na uwezo kila mwaka kukagua pesa na kuvuatiwa report za Bunge PIC na PSC na wawe na uwezo wa kuwashitaki wote wanaokunja mali ya serikali wawekwe chini ya kifungu cha robbery with violence. Hiyo ni pesa, haki za binadamu. Haki za binadamu ni haki ambazo kwamba mwanadamu afanye anayotaka kulingana na mafundisho yake kwa Muislamu, kumnyima, kumkatalia, kumuhukumu yeye kwa kitabu chake ushamnyima haki yake ya kinabinadamu.

Com Salome: Bwana Sheikh nataka kukuomba maliza malizia na dakika mbili zilizobaki.

Sheikh Halif Mohammed: Hizo ni haki za binadamu. Demokrasia ambayo kwamba sisi wa Islamu tunakubaliana nayo ni ile ambayo kwamba haiendi kinyume na mafundisho ya Korahani na hadithi za MTume Mohammed Swalaha Ali Wasalam. Hatutafuata Waislamu demokrasia ya urongo. Wanji wape hata kama ni majangili, no haki mpeni hata kama ni mmoja. Maanake demokrasia inasema majority win kwa hivyo hilo lisiweco la majority win bila ya kuwa na justice.

Kasha katika haki za binadamu ni lazima haki za binadamu ziende katika mifumo ya kisheria, si leo united nations inatambia inataka usawa kwa binadamu jinsiye na jinsiyo waingiliane, serikali ya Kenya kulingana na Katiba hii tunaitaka sasa isikubali

mambo ya kipumbavu ya kubali usawa wa jinsiya, wanawake kwa wanawake au wanaume kwa wanaume. Hilo lisipite katika Katiba ya Kenya. Vile vile katika haki za binadamu Waislamu wameruhusiwa kuoa wake wane, sio serikali iseme mme mmoja, mke mmoja. Wewe kama uwezi kafiri.

Vile vile nikikimalizia usiseme ninaongeza muda, conclusion ya Katiba hii ninayopendekeza kwa sababu Katiba ilioko hivi sasa ya Kenya haina kichwa, imeanza Kenya ni republic ndio maana mimi nmikatoa ile dibaji ya mwanzo na conclusion yangu Katiba hii isibague mtu kwa kabla, isibague mtu kimkoa, isibague mtu kwa dini, isibague mtu kwa rangi na iweke sawa watu wote mbele ya sharia. Na mfumo wa Katiba hii kama nilipowaambia tunataka mfumo ambao kwamba utaendeshwa katika msingi ya serikali za kimajimbo kwa sababu Kenya ishaanza majimbo kiharamu, sasa iwe majimbo kihalali.

Com Salome: Asante sana bwana Sheikh. Kuna swali kwa bwana sheikh.

Com Pastor Ayonga: Bwana Sheikh Mohammed. Umesema Katiba isibadilishwe na Bunge bali wananchi. Hukutuambia ingefanywa namna gani ili wananchi waweze kuhusishwa katika hii habari ya kubadilisha Katiba. Sasa kama wananchi wanaenda kuhusishwa ni nini kingefanywa au wananchi wangukuwa wakijua namna gani kila wakati kwamba hiki kingebadilishwa na tena wahusishwe mara moja ili Katiba hiyo ibadilishwe na ianze kufanya kazi? Hakusema.

Com Salome: Bwana Sheikh waweza kujibu hiyo swali na yule bwana mwingine ataniuwea radhi ataongoja mpaka nafasi yake na swali hilo unaweza kujaribu kulijibu.

Sheikh Halif Mohammed : Katika maoni yangu kama nilivyo sema ili kuulinda Katiba hii isifunjue kama Katiba ya Kenya, Katiba yenye umri wa miaka thelathini na nane imebadilishwa mara thelathini na mbili. Katiba ya Amerika ina umri wa miaka mia mbili na imebadilishwa mara, I am very sorry mwaweza kunisaidia you know the history. Hii ni kulinda Katiba isichezewe na wa Bunge panapo hitajika kuna jambo limeonekana ni nzito lataka kubadilishwa serikali itoe msaada irudi tena kwa wananchi ichukue tena maoni ya jura. Je kuna jambo hili tunataka libadilishwe litoe maelezo kamili serikali kasha wananchi waseme ndio ama sio, kwa hivyo wananchi.

Com Salome: Asante sana Bwana Sheikh. Sasa nitamuita Peterson Mureithi.

Peterson Mureithi: My names are Mureithi Peterson from Tharaka in Meru district but currently I am residing in Majengo. I am going to use English. Actually currently there is no time so I am just going to mention a few things I want to be amended. I was asking if it is possible the courts which currently there are a lot of many people who are there who have been there for the last five years and there is no time when they have been taken to the court for the final judgment. If a case is taken to the court it should take a maximum of maybe six months or maybe a time which should be fixed by the parliament for the finalization of that case, that is from the mentioning time to the judgment time, there should be fixed time to avoid those in custody from being tortured and maybe from being victimized for no reason and they have not yet been even proved guilty or not.

Secondly, I was asking if the government officials who are currently using government properties and the others to be stopped for their personal use. For government officials should not use government assets and property for personal use without government authority. Currently we are very much surprised to understand that even government officials are using government vehicles to go and take beer, to take their wives to weddings and other ceremonies when they are not on duty, this should be stopped immediately. Whether you are DO, you are DC, you are PC you should not take advantage of government properties to enjoy your rights, you should only use them for the government purposes.

The third point is that if you are a councilor, you are a civil servants you are an MP or maybe you are a president and maybe you owe somebody money in this case I mean if you own a bank or a business enterprise or any person and they claim that you owe them money, this thing should be investigated not only money, even personal things like even personal assets. ...

Com Salome: (Inaudible)

Peterson Mureithi: I will repeat my point number three, I was trying to say if anybody is a civil servant, a councilor or a member of parliament and he owes the other party for instance a bank or a business enterprise or a factory some money or property, this thing should be investigated within a minimum period which could be fixed by may be the parliament or even the government and if it is proved that he owes that money, this person even if he is an MP he cease to be an MP even if he is a president he should cease to be a president for this one is encouraging corruption. Currently it is very funny that our members of parliament almost everybody is owing banks and other things and other institutions a lot of money and this thing is happening in our daily news that so and so is owing this and this amount and yet this thing is not being investigated. How then can we stop corruption if this thing cannot be stopped?

Transfer of properties; it is very funny that people who engage themselves in cases often transfer their properties and then it is later proved that it is theirs, what I was saying is this, transfer of property such as building, vehicles etc should be made possible through court order. People who are found to be transferring properties to other people after they understand they are loosing cases and they are later declared bankrupt when in real sense they are millionaires leaving other innocent parties to suffer should cease.

The fifth point, no member of parliament, councilor or mayor should publicly declare that he shall vie for his or her post government and general election using another party ticket and go ahead working with that other party without his seat being declared vacant. No body should form a party whether registered or not while still in the other party. I will give an example, this is very sensitive and politics and democracy is being violated. An example is this, how can an American solders start working with Afghastan solders to drive away American solders in Afghastan whether he has orally declared it or not and yet he is an American. Is it possible?

The sixth point is this, it should be mandatory for government through finance minister to release his income and revenue and expenditure account each year through our local newspapers for the citizens to understand revenue allocations, loans granted, interest charged and the likes.

The government should not go ahead in getting loans from IMF and want International Monetary Fund without the approval of the parliament for this are the representatives of the people and if anything this institutions are charging a lot of interests which has been in fact ruining the government and also the citizens.

Because of gender equality I want to think that women should be given a chance also to do something and this one should be in form of maybe head of civil servants should be selected by a minimum number which should be fixed by the government. Currently in fact women are not very much represented and in fact they are the most people who are more even in as in comparison to men. In fact I can see women can do a good job because when we pick on an example, the PC for Eastern she is a woman and in fact she has played a very great role so I want to think that women should be represented well and if at all we are taking gender equality then we should not regulate others.

My second point to the last I was asking, in fact we fix the limit age for almost everybody who is working and even for them that are being elected. For instance we can say that the judges should retire at an age of 74 years and beyond we also say that no body should be elected as a member of parliament may be without an age of 21, no body should be elected to be a president without the age of 35, no body should be called a citizen of Kenya without 18 years. Then I don't know why should we not fix the limit or maybe the retirement age of a president, of an MP, of a councilor etc. I also think these people should also have the minimum retirement age. The last point I was asking those ministries which are not able to render services to citizens and yet these citizens have paid the taxes and the like should be privatized. For instance the local authority, in fact it is very funny that it is not able to take it's services to the citizens. This ministries should be privatized and maybe if possible individuals can learn it if the government has been defeated then I think we can have competent people who can learn it. In fact it is very funny currently that the local authority even in this city they cannot be able to man themselves and even I don't know whether the local minister is still within or he has gone abroad for further studies. Why is he not taking the necessary steps? I think if anybody has a question he can ask.

Com Salome: Kuna swali kwa Bwana Mureithi. Hamna. Okay, asante sana Bwana Mureithi ninakushukuru kwa maoni yako. Na sasa nataka kumuita Ahmed SaID.

Ahmed Said Asimali: Honourable Commissionners, ladies and gentlemen Salama Maleku. My name is Ahmed Said Asimali, I am here representing the disabled, I am the coordinator of Kenya Society of the Physically handicapped here in the Coast province. I will read mine in English. Well the history of our country is characterized by telling statistics of the marginalisation of persons with disabilities. Both young and old it has since been realized that disability is not synonymous with inability.

Nevertheless persons with disabilities continue to be kept away from center of things. This is the case with the rights of women and use, it is important for the reviewed Constitution to be sensitive to the rights of this particular group and conscious of the important contribution that they can, should and are making to national development. In their language or in the constituency language people should avoid expressions that in any way diminish persons with disabilities instead the society should strive to promote persons with disabilities rights and inclusion in the societies mainstream. The who political system should be geared to make sure that persons with disabilities are totally not discriminated against. Not just giving them a seat in parliament, people should fight the whole system and the people who fight should not just be the disabled. We should all fight for them, so we have a battle here for our disabled brothers and sisters, a battle that all of us have to wait because it is a battle that is failing in all of us. After all persons with disabilities do not need sympathy, all we need is recognition of our abilities and our equal opportunity to participate in this nations life. So my principles to the new review Constitution is one:-

The Constitution of Kenya should come up with a more defined preamble; the government or the new Constitution should enact proper legislation for the rights of the disabled. Proper representation should be put up for persons with disabilities both in parliament and in the local government. Re-introduction of an independent sources of revenue to regions, provision councils and power to alter regional boundaries to be vested in regions. The reviewed Constitution should come up with the re-introduction of the Senate and the House of Representation that is the Lower House and Upper House. There should be abolishing of excessive bails and fines, cruel and unusual punishments to the citizens by the police.

The Constitution or rather the government should introduce free and compulsory basic primary education for all. The new Constitution must also ensure that the language used is easy for the common mwananchi to understand, put in Braille for easy access to the blind. That is all thank you.

Com Salome: Asante sana Bwana Ahmed . Mimi nataka kukuuliza swali, wakati mtu anakuwa yeye ni mlemavu na pia ni mama ama pia ni mlemavu na pia ni kijana ama yeye ni mlemavu, ni mama na ni kijana yaaniungefikiria kwa maoni yako kwa hawa mama.

Ahmed Said Asimali: Sawa kwa sababu katika hii my memorandum is in a form of a draft so I expect to present a more tangible document to you tomorrow and Shibaa Academy.

Com Salome: Utaletewa kitabu ili ujiandikishe. Stabul Abdilah.

Stabul Abdilah : Wazee wangu na ndugu zangu salama maleku . kwanza shukurani kwa Commission hii iliyofika hapa. Pili shukurani sana kwa wenzangu wote waliongea hapa haswa ndugu yangu Sheikh Halifa ambaye ameguzia mambo ya kimsingi yanayohusu Waislamu na mimi ningependa kuendeleza zaidi kwa kuyafafanua kidogo na kutoa ushahidi unayohusika kwa kuamninika. Kwa jina mimi ninaitwa Stabuli Abdilah Nassir. Kwanza nitaanza na dini ya Islamu, ningependa kuomba

Commission ino ielewe kuwa kama Waislamu waumini dini yetu haitupi hiari ya kufuata jambo lolote likiwa limetoka kwa Mwenyezi Mungu na MTume wake. Kwa maana nyingine ningependa kuiomba Commission ino isisitize kama kipande cha Katiba na sheria kuwa kutungwe Katiba yoyote, kutungwe sharia zozote nchini Kenya zikihusiana na wengine lakini iwapo Katiba ino na sheria hizi zitapingana na Korahani tukufu na mwenendo na mafunzo ya MTume Mohammed, sisi Waislamu hatutakuwa na budi ila tuwe tutafuata Korahani na mafunzo ya MTume Mohammed . kwa lugha nyingizne ikiwa sheria au Katiba ya Kenya itapingana na sheria na Katiba ya Kiislamu sisi tutafuata ya dini, tutaweza kupuuza ya Kenya kwani tunaamini ni haki yetu. Hii ni upande mmooja.

Sasa tunakuja kwenye haki za wenyeji wa sehemu ino, ningependa zaidi kuwafafa nulia jambo ma Commissioner kwani kumetajwa mkataba baina ya Kenyatta na Shamte, mkataba uno ni wa tarehe tano October mwaka elfu moja mia tisa na sitini na tatu na nitawapa kopi wa mkataba wenyewe niko nao hapa. Nitawapa paia karatasi kuhusu mwakilishi wa Sultan ambao ako under the colonial office letter head alivyosema kuhusu wenyeji wa sehemu ino, nitawapa minutes za mkutano wa tatu wa Lancaster ambao ulikuwa umejadili na Kenyatta akakubali kuwa atalinda na atahifhadi haki za wenyeji halisi wa sehemu ino na nitawapa na memorandum ya waakilishi wa sehemu ino kwenye mkutano huo. Jambo la muhimu sana nikianza na uhuru wa kuabudu ambao ni sehemu ya kwanza ya mkataba huo. Umesisitiza kuwa institutions, tahasisi za Waislamu kwanza kutakuwa na uhuru wa dini na kwa Waislamu watakuwa na haki ya kusimamia ufundi na kuendesha tahasisi zao. Hili jambo kutoka Kenya ipate uhuru ni masitikiko yangu na ninahakika ya Waislamu wengi kuwa wame puuza na la kusikitisha zaidi yule aliye sign, Kenyatta alipuuza lakini na Raisi Moi alikuweco mkutanoni na yeye kutoka achukue chama cha uongozi hajajaribu kuhakikisha maneno haya yamezungumzwa na kutekelezwa.

Tatu, wajumbe wetu kwenye Bunge hawajasema lolote kuhusu mikataba ino aidha kwa kuwa hawajui au waogopa. Kwenye kifungu cha kwanza ni uhuru wa ibada, kifungu cha tano ni kuhusu haki za kumiliki ardhi yasiopaswa kulipa kodi. Free hold titles baada ya Kenya kupata uhuru wenye free hold titles walipuuzwa na wakatozwa kodi na serikali na hii ni kinyume cha mkataba uno baina ya Kenya na wenyeji halisi wa sehemu ino. Kwa maana ino tungependelea zaidi mkataba uno nyinyi ma Commissioners muutie maanani na muhakikishe:-

- (a) Kenya imetueleza kwa nini imepuuza.
- (b) Baada ya kuupuza afari ambayo imetupita wenyeji wa sehemu ino, Kenya itairekebisha na kutulipa vipi?
- (c) Waakikishe mkataba uno umetekelezwa kama ipasavyio.

Tunakuja kwenye Wakfu commssion. Kama alivyoeleza ndugu yangu Sheikh Halifah ino ni hazina ya Waislamu lakini kutokana na Wakfu Commissioners Act Chapter 109 inatoa rufusa ya kubuniwa, to establish an independent body ambayo ina watu wannane. Katika watu wanane hawa wote ni appointees wa serikali na wakichaguliwa wanaenda kwa PC yeyote wa Pwani, PC atawapeleka kwa Attorney General, Attorney General atawaidhinisha. Mjadala huu tunaupinga kwa sababu PC wa Pwani na Attorney General kisheria ya dini yetu hawaruhusiwi kusimamia pesa zetu.

Tunakuja kwenye appointment ya Chief Kadhi, natumaye ma Commissioner nyote mnajua kwamba Chief Kadhi nchini Kenya anachaguliwa na Judicial Service Commission. Kwa maana ino nitakuwa nafikiri si kukosea nikisema chief Kadhi ni:- (a) mfanyi kazi wa serikali (b) anawakilisha serikali kwenye jamii ya Waislamu kuhusu maswala ya dini ya Islamu na Waislamu wenyewe. Kinyume na sheria za dini ya Islamu, Chief Kadhi anatakikana awe ni msimamizi wa sheria na mamlaka ya dini ya Islamu awakilishe Waislamu kwenye serikali. Kwa maana ino ningepomba pia Tume ino isisitize kwenye Katiba kuwa Chief Kadhi iwe hatachaguliwa na serikali na yuapo atachaguliwa na serikali sisi tutakuwa hatumutambui.

Kuhusu ndugu yangu hapa ambaye amewakilisha disabled, ningependa kuisitiza Tume kama itilie maanani sana kuwasaidia walemavu wa aina tofauti, wawe ni wanawake au ni wananume, waweze kuwabunia na kuendeleza infrastructure yao kwa mfano mabasi ambao watakuwa wanapanda wao peke yao na vituo vingine vya huduma tofauti ambavyo vitakuwa ni vya wasio jiweza. Hili ndio ningependa kuisitiza kwa niaba ya walemavu.

Tukija kwenye issue ya Waswahili ambao Ni wenyeji halisi wa sehemu ino ya mwamba wa pwani, mimi mwenyewe wakati nilipokuwa nataka kuchukua kitambulisho nilipingana sana na ma clerk au makarani waliokuwa wakiandikisha kwa kutaka kunilazimisha niitwe Swahili Shirazi. Waswahili waheshimiwa hapa wako makabila kumi na mbili, makabila haya yako kwa tabaka kwa mfano kuna Wagunya, Wafaza, Wafafi, Wakatwa, Washaka, Wakilifi, Wamtwapa, Wamvita, Wakilindini, Wachangamwe, Watangana, na Wanjoni. Bali ya kuwa katika kabila Waswahili wako na clans kwa mfano kwa Wakilindini kuna Mwenyenguti wa Mwenyesaidi au Mwenyenguti wa Mwesangu, kuna Mwenyeshoka upande wa Wawakilifi, haya mambo tungependa katika Katiba ya Kenya yasisitize na wakati kukiletwa watu kuandikisha watu hapa kuhusu makabila sehemu hii wawe ni watu ambao wanauzoovu mzuriwa watu wa sehemu hii. Kusiletwe mtu ambaye ukimuambia mimi ni Mkilindini akuambia hakuna kitu kama hiyo. Jambo jingine ambalo pia ningependa kuisitiza Tume kuna sheria nafikiri mwajua ya kwamba mashirika yote ya serikali na yasio ya serikali yanapombuni au kufungua ofisi kwenye sehemu yoyote nchi ya Kenya ni sheria lazima asilimia themanini na tano ya wafanyi kazi kenye mashirika hayo yawe ni wenyeji wenyewe. Jambo la kusikitisha nchini Kenya sehemu zote zinatekeleza sheria hii isipokuwa sehemu ya Pwani.

Tukija kwa upande wa Kilindini Port, kufikia mwaka elfu moja tisa mia na sitini, kulingana na stationary paper number number 9 ya 1961, Kilindini Port kwa Kenya koloni na Uganda exports and imports ilikuwa inaingiza total ya million pound zaKiingereza mia moja na sabini na moja. Ni jambo la kushangaza sana kuwa pesa zinazolingia kupitia kilindini na mambo ya tourism hatujaonyeshwa hesabu zake zinavyotufaa sisi kiwango ya kwamba tuko na shida sana mpaka ya maji ya kunywa.

Health care dawa kwenye mahospitali yetu Pwani hakuna. Ardhi kwa wa pwani limefikia kiwango ya kuwa wanaishi kama ma-squatter licha ya kuwa iko historia ya watu kama Wahindi, Waarabu walikuweco hapa kabla ya watu wengi ambao sasa hivi wanajiita wananchi wa Kenya. Kwa mfano 1497 Mhindi anajiita Ahmed Madida anapeleka Vasco-Dagama Calcata. Huu mnazi unatoka Gujarat miaka elfu mbili na mia tano iliyopita. Mhindi huyu ambaye ameishi hapa kwa umri huo unawezaje kusema si Mkenya. Mwarabu ambaye yuko kutoka kuandikwe preference of the Iretrian Sea unaweza kusema si Mkenya

mpaka alae birth certificate ya nyanya yake na babu yake anapotaka birth certificate or ID, wakiti ambapo akija babu yake na nyanya yake hata Mwingereza aliyoleta birth certificate na ID alikuwa hajakuja kutawala.

Wazee wangu na ndugu zangu na maCommissioner mliokuja hapa nimekuja kuongea na nyinyi kwa ufupi kwa sababu dakika mnazotupa hazitutoshi lakini hata hivyo tutafuata sheria, Tumesema haya machache na mengi zaidi tutakwenda sehemu nyingine tutakuja kujieleza zaidi na kutoa ushahidi. Lakini ninasisitiza tena, nataka kwa isani zenu ikiwezekana mkataba uno mtutekelezee ardhi zetu zilizonyakuliwa tangu uhuru na hata ikiwezekana kabla ya uhuru zirudishwe kwa wenyeji. Mbali na hayo tunaomba kutoka leo wanaosimamia serikali wasipuuze tena sehemu ino kwa sababu kama tulikuwa Tumelala kama tunaomba kutoka leo wanaosimamia serikali wasipuuze tena sehemu ino kwa sababu kama tulikuwa Tumelala kama

Tatu, wajumbe wetu kwenye Bunge hawajasema lolote kuhusu mikataba ino aidha kwa kuwa hawajui au waogopa. Kwenye kifungu cha kwanza ni uhuru wa ibada, kifungu cha tano ni kuhusu haki za kumiliki ardhi yasiopaswa kulipa kodi. Free hold titles baada ya Kenya kupata uhuru wenye free hold titles walipuuzwa na wakatozwa kodi na serikali na hii ni kinyume cha mkataba uno baina ya Kenya na wenyeji halisi wa sehemu ino. Kwa maana ino tungependelea zaidi mkataba uno nyinyi ma Commissioners muutie maanani na muhakikishe:-

- (d) Kenya imetueleza kwa nini imepuuza.
- (e) Baada ya kuupuzwa afari ambayo imetupita wenyeji wa sehemu ino, Kenya itairekebisha na kutulipa vipi?
- (f) Waakikishe mkataba uno umetekelezwa kama ipasavyio.

Tunakuja kwenye Wakfu commssion. Kama alivyoeleza ndugu yangu Sheikh Halifah ino ni hazina ya Waislamu lakini kutokana na Wakfu Commissioners Act Chapter 109 inatoa ruhusa ya kubuniwa, to establish an independent body ambayo ina watu wannane. Katika watu wanane hawa wote ni appointees wa serikali na wakichaguliwa wanaenda kwa PC yeyote wa Pwani, PC atawapeleka kwa Attorney General, Attorney General atawaidhinisha. Mjadala huu tunaupinga kwa sababu PC wa Pwani na Attorney General kisheria ya dini yetu hawaruhusiwi kusimamia pesa zetu.

Tunakuja kwenye appointment ya Chief Kadhi, natumaye ma Commissioner nyote mnajua kwamba Chief Kadhi nchini Kenya anachaguliwa na Judicial Service Commission. Kwa maana ino nitakuwa nafikiri si kukosea nikisema chief Kadhi ni:- (a) mfanyi kazi wa serikali (b) anawakilisha serikali kwenye jamii ya Waislamu kuhusu maswala ya dini ya Islamu na Waislamu wenyewe. Kinyume na sheria za dini ya Islamu, Chief Kadhi anatakikana awe ni msimamizi wa sheria na mamlaka ya dini ya Islamu awakilishe Waislamu kwenye serikali. Kwa maana ino ningepomba pia Tume ino isisitize kwenye Katiba kuwa Chief Kadhi iwe hatachaguliwa na serikali na yuapo atachaguliwa na serikali sisi tutakuwa hatumutambui.

Kuhusu ndugu yangu hapa ambaye amewakilisha disabled, ningependa kuisitiza Tume kama itilie maanani sana kuwasaidia walemavu wa aina tofauti, wawe ni wanawake au ni wananume , waweze kuwabunia na kuendeleza infrastructure yao kwa mfano mabasi ambao watakuwa wanapanda wao peke yao na vituo vingine vya huduma tofauti ambavyo vitakuwa ni vya wasio

jiweza. Hili ndio ningependa kuisitiza kwa niaba ya walemavu.

Tukija kwenye issue ya Waswahili ambao Ni wenyeji halisi wa sehemu ino ya mwamba wa pwani, mimi mwenyewe wakati nilipokuwa nataka kuchukua kitambulisho nilipingana sana na ma clerk au makarani waliokuwa wakiandikisha kwa kutaka kunilazimisha niitwe Swahili Shirazi. Waswahili waheshimiwa hapa wako makabila kumi na mbili, makabila haya yako kwa tabaka kwa mfano kuna Wagunya, Wafaza, Wafafi, Wakatwa, Washaka, Wakilifi, Wamtwapa, Wamvita, Wakilindini, Wachangamwe, Watangana, na Wanjoni. Bali ya kuwa katika kabila Waswahili wako na clans kwa mfano kwa Wakilindini kuna Mwenyenguti wa Mwenyesaidi au Mwenyenguti wa Mwesangu, kuna Mwenyeshoka upande wa Wawakilifi, haya mambo tungependa katika Katiba ya Kenya yasisitize na wakati kukiletwa watu kuandikisha watu hapa kuhusu makabila sehemu hii wawe ni watu ambao wanauzoevu mzuriwa watu wa sehemu hii. Kusiletwe mtu ambaye ukimuambia mimi ni Mkilindini akuambia hakuna kitu kama hiyo. Jambo jingine ambalo pia ningependa kuisitiza Tume kuna sheria nafikiri mwajjua ya kwamba mashirika yote ya serikali na yasio ya serikali yanapombuni au kufungua ofisi kwenye sehemu yoyote nchi ya Kenya ni sheria lazima asilimia themanini na tano ya wafanyi kazi kenye mashirika hayo yawe ni wenyeji wenyewe. Jambo la kusikitisha nchini Kenya sehemu zote zinatekeleza sheria hii isipokuwa sehemu ya Pwani.

Tukija kwa upande wa Kilindini Port, kufikia mwaka elfu moja tisa mia na sitini, kulingana na stationary paper number number 9 ya 1961, Kilindini Port kwa Kenya koloni na Uganda exports and imports ilikuwa inaingiza total ya million pound zaKiingereza mia moja na sabini na moja. Ni jambo la kushangaza sana kuwa pesa zinazolingia kupitia kilindini na mambo ya tourism hatujaonyeshwa hesabu zake zinavyotufaa sisi kiwango ya kwamba tuko na shida sana mpaka ya maji ya kunywa.

Health care dawa kwenye mahospitali yetu Pwani hakuna. Ardhi kwa wa pwani limefikia kiwango ya kuwa wanaishi kama ma-squatter licha ya kuwa iko historia ya watu kama Wahindi, Waarabu walikuweco hapa kabla ya watu wengi ambao sasa hivi wanajiita wananchi wa Kenya. Kwa mfano 1497 Mhindi anajiita Ahmed Madida anapeleka Vasco-Dagama Calcata. Huu mnazi unatoka Gujarat miaka elfu mbili na mia tano iliyopita. Mhindi huyu ambaye ameishi hapa kwa umri huo unawezaje kusema si Mkenya. Mwarabu ambaye yuko kutoka kuandikwe preference of the Iretrian Sea unaweza kusema si Mkenya mpaka alaete birth certificate ya nyanya yake na babu yake anapotaka birth certificate or ID, wakiti ambapo akija babu yake na nyanya yake hata Mwingereza aliyoleta birth certificate na ID alikuwa hajakuja kutawala.

Wazee wangu na ndugu zangu na maCommissioner mliokuja hapa nimekuja kuongea na nyinyi kwa ufupi kwa sababu dakika mnazotupa hazitutoshi lakini hata hivyo tutafuata sheria, Tumesema haya machache na mengi zaidi tutakwenda sehemu nyingine tutakuja kujieleza zaidi na kutoa ushahidi. Lakini ninasisitiza tena, nataka kwa isani zenu ikiwezekana mkataba uno mtutekelezee ardhi zetu zilizonyakuliwa tangu uhuru na hata ikiwezekana kabla ya uhuru zirudishwe kwa wenyeji. Mbali na hayo tunaomba kutoka leo wanaosimamia serikali wasipuuzie tena sehemu ino kwa sababu kama tulikuwa Tumelala kama tunaomba kutoka leo wanaosimamia serikali wasipuuzie tena sehemu ino kwa sababu kama tulikuwa Tumelala kama tunapoambiwa tunaongoja maembe safari hii Tumeamka na maembe tutayakula hata yakiwa mabichi. Na kufikia hapo nashukuru asanteni sana nyote

madugu zangu na wazee wangu asanteni nyote.

Com Salome: Asante sana Bwana Stabul. Kuna swali kwa bwana Stabul. Margaret Mbaya.

Margaret Kasichana Mbaya: Habari zenu? Hapa nimekuja mna maoni yale yangu ambayo niko nayo. Majina yangu ninaitwa Margaret Kasichana Mbaya. Jambo la kwanza ambao nimeona nilete hapa ni kuhusu haki za kina mama, nimeandika kwa ufupi kwamba haki ya kina mama zitekelezwe. Mfano kama mama ameolewa upande wa kule kwa baba na mama alipozaliwa kama kuna uradhi wa watoto isiwe tu kwa watoto wa kiume bali wapewe hata wale watoto wa kike waliolewa kwa maboma mengine.

Ya pili ni kuhusu chokora, serikali ningeopmba hawa chokora badala wasumbue watu na wageni wetu wa watalii wanaotoka mbali kuja kutembelea nchi yetu watafutiwe mahali kama vile hizi miji zingine za watoto. Wajengewe mahali hata kama ni kando na wapatiwe vyakula na nguo na wasomeshwe. Haya ningependa kusistiza hii ingine ya ma polisi, mapolisi hata jana pale, yaani mtu atakayeshuka katika ile stage ya Njisi, Tayari unaambiwa kuja hapa mama ama kuja hapa mtoto ama baba, kwa ma baba na ma mama ni afadhali lakini kwa watoto hata wa skuli hiyo ndio tunasikitika sana kwa sababu hata akiwekwa pale inaonekana mtoto ameketishwa hana hata ndururu anatoka pengine kwa mama yake ama kwa nyanya ya ke kutembea tu akirudi kwa anakalishwa na hana la kusema na hana mobile ya kupiga nyumbani kwao na kwao hakuna mobile sasa ni mpaka aende kule kama ni Mapuva ama ni wapi. Halafu siku hiyo akipelekwa huko ama siku ya pili ama ameshikwa Ijumaa mpaka Monday aende kotini, akienda kotini mambo ni mapesa na watu hawana pesa. Unaambiwa elfu mbili na hiyo ya chakula mwenyewe pia hauna. Mimi kwa ufupi ni hapo hapo.

Com Salome : Asante sana Margret Mbaya. Kuna swali kwa mama Mbaya.

Speaker : (inaudible).

Com Salome: Asante sana kwa swali lako, hilo ni swali la mjadala.

Margaret Kasichana Mbaya: Haina haja ajibiwe? Asante sana.

Com Salome: Tafadhali Tumepe nafasi mama Maggie Gona, karibu.

Maggie Gona: Asante. Commissioners nyote nawasalimu na ninawaambia karibuni Pwani. Wapwani wezangu, mabibi na mabwana Salama maleku. Nataka kuhakikisha kwamba twashukuru kina mama wame-play a big part in raising the standard of Kenya kabla ya uhuru na baada ya uhuru. Kwa upande ya kimaendeleo nafikiri sisi tuko number one. Si kila mtu ananijua mimi

ni Maggie Gonna? Halafu nani anauliza tena. Mimi ni Maggie Gonna.

Lakini tukiangalia katika halumu ya kimaendeleo kwa jumla Kenya women have been marginalized. Yaani Tumerudishwa nyuma, hatuonekani popote na mambo kama hayo particularly kina mama wa Pwani kwa jumla.

Kwa upande wa gender issue ni kama nilivyosema na ninasistiza kwamba tuwe tutapewa nafasi ya kila upande kwa upande wa kiserikali, policy making institutions zote na hata kwa mfano kama kuna wengine kina mama waliochaguliwa. Nimeshasema mambo ya gender ya kwamba kina mama mpaka sasa kina mama Tumewekwa nyuma hasa kina mama wa Pwani. Nikisema hivi ninazungumza kwa upande wa policy making institutions na vetting ya institutions kama Parastatals bodies and so forth. Hapa Pwani Tumebarikiwa kwa kuwa tuna Parastatals nyinyi kama vile KTDA tulikuwa na vile vile na Kenya Cash nuts sasa ishakufa lakini hatujui itafufuka lini lakini Inshall kwa uwezo wa Mungu itafufuka. Hapo hakuna hata mwanamke mmoja hasa mwanamke wa Kipwani. Kwa hivyo kwa jumla Constitution ningependa kiwango hiki kikiwe ya kusema kabisa kusiwe na ubaguzi kati ya waume na wake, we are all human beings and we should be treated accordingly.

Kwa upande wa citizenship katika station thamanini na tisa mpaka tisaini na mbili and I quote, “for the Constitution this should be amended to remove the gender double standards that reduce women to second class citizen and privileges Kenya’s women citizen right over those Kenyan women”.

Kwa upande wa mambo ya sheria family law the provision or the affiliation Act should be re-introduced through the Constitution.

Kwa upande.. kuna shida gani. The new Constitution should provide and protect the transformation of Kenya society from being largely paralyzed and assist us economy and industrialise us.

Customary laws, sisi watu wa Pwani nafikiri tuna desturi zetu ambazo tunataka desturi hizo ifadhiwe ikiwa zinahusu dini yetu ya Kiislamu lazima zihifadhiwe kwa ajili ya Korahani inavyotwendesha. Tusiwe na mabadiliko yoyote na ikiwa kuna mabadiliko yoyote kwa mfano kama ni upande wa Muslim Law watu wanaohusika katika Muslimwao wawe wataanasishwa na ikiwa ni lazima kugeuzwa basi itakuwa ni haki yua wenyewe kwamba jambo hili ndilo litatekeleza.

Constitution vile vile ni lazima iwe amended to allow for independent candidates in civic, parliament and presidential elections. Nikisema hivi nikizungumza habari ya democracy eh! Mimi pengine niko KANU ma niko DP nasikia kila mahali, pengine nilikuwa nataka nisimame lakini kuna mwingine ambaye atasimama. Sasa kwa nini, iwe independent mtu mwingine apate nafasi mwenyewe, haya basi mume na nguvuzi.

The Constitution should also provide the right to access information, right to civic education and right of legal education.

Mambo ya lugha ambao tutaitumia katika Katiba yetu ni furaha yetu sisi kuona kabisa kwamba Katiba hiyo imeandikwa kinaganaga, tunajua kuna vile lawyers language. Wengi sisi sio ma lawyer wala hatuna haja ya kuwa lawyers kwa kuwa we are satisfied with what we are. Iandikwe katika lugha ambayo ordinary mwananchi ataelewa.

Kwa upande wa affirmative action mimi ningesea tu kabisa kwamba matakwa ya kina mama lazima yatimizwe. Kuna nafasi nyingi sana zimetokea lakini twanyimwa, twanyanyaswa hata katika parliament nominated members kuna special seats za kina mama. Leo utaona mwanamume ndio ametiwa just because he belongs to abcd. Hiyo ikiwa ni nafsi yetu kina mama na lazima itive katika Katiba wazi ionekane.

Kwa upande wa culture ni kama nilivyosema sisi wa Pwani tuko tofauti na wa Bara maana ikiwa kuna mtu wowote wa Bara hapa atanisamehe lakini ukweli lazima usemwe. Culture ya watu wa Pwani ni tofauti na ya wa Bara na culture hiyo ni lazima I we itaudumiwa vilivyo. Na nikisema culture hiyo ni kwamba hebu ni seme Commissioners kwamba hapa kwetu Pwani hakuna Mwarabu timamu. Utasikia huyu ni Mwarabu kumbe mama yake ni Mgiriamu, na mimi nasema wazi kabisa kwamba hata katika usalama sisi tulikuwa hatujui kuiba, hatujui kufanya hivi na hivi Tumefundishwa na hawa wa Bara lakini culture yetu nataka hiyo kitu iingizwe kwa Katiba, culture ya watu wa Pwani na tusibaguliwe kwa chochote. Mkate wa keki unakuja Kenya nzima ukitoka popote unapotoka keki hiyo hatutaki ibakie huko sisi pia we are part and parcel of this country and we should enjoy all privileges whatever it is.

Kidogo Kenya yetu Tumesahau walemavu, ningependa kabisa kwamba disability persons wale ambao hawajiwezi wafikiwi vilivyo na iwe imeandikwa katika Constitution yetu kinagaga tutawafanyia nini wapate haki zao.

Mambo ya Kadhi courts sipendi kuyasema sana maanake I am not qualified on that lakini ninaunga mkono maneno yaliyotolewa na bwana Halifa. Hayo nataka yaingizwe ndio kina mama pia tunasema lazima mambo ya Kadhi. Na hata hivyo you know we are on a changing society, ningefurahi vile vile hiyo kadhis court tuwe vile vile tusiwe na kina baba peke yake. Kina mama lazima wawe katika kadhis court maanake mimi ni rahisi kuzungumza shida zangu na mke mwezangu zaidi ya mwanamume. Mimi nitamuambia nini bwana Hamisi, lakini naweza kumuambia Rubeda Sumba maneno mazuri sana, ile shida yangu. Kwa hivyo katika hizi court ambazo ni lazima za kuhudumiwa tuone kuna women's desk. Na women's desk wasikuwe wakaa ah! Awe na power ya kusema ukweli na ataka nini kwa kina mama. Tumenyanyaswa sana na sitaki jambo hilo liendelee.

Mwisho Commissioners asanteni kwa kufika lakini mtu anataka kusema kabisa kwamba Pwani kwa jumla tuko imara kwa maendeleo yetu ijapokuwa tunalaumiwa ati kwamba twangija maembe, maembe ni yetu na tutakula leo na kesho. Watu waenze kufikiria maembe, tutaendelea kula maembe lakini tunataka humanity, ile human rights iwe itasimamishwa kabisa vizuri na tupate haki zetu kwa ajili ya Mungu mwenyewe alivyopanga. Asante kwa nafasi hiyo.

Com Salome: Asante sana mama Maggie Gonna. Kuna swali kwa mama Gonna. Sasa ningetaka kumpa hii nafasi kwa

mwenyekiti wa KANU mvita branch.

Simon Rojas: Makomishona mliokuja kwanza ninawaamukua hamjambo? Mimi ninayezungumza ninaitwa Simon Rojas Musech. Kwa ujuzi Mungu alinipa na kwa umri Mungu alionipa nataka niwaambie maneno ambayo....

Com Salome: Umejita mbua kwa majina?

Simon Rojas Musech: Ninaitwa Simon Rojas David Musech, Chairman wa Mvita wa KANU. Mimi nilikuwa ndio senator wa kwanza Mombassa hii, mimi nimeitumikia council ya Mombassa kwa miaka kumi lakini nataka kuzungumza ni kwa nini nilikuwa senator, watu wengi hawajui hayo, wengine wamezaliwa siku za juzi. Mambo ya senator ilikuja kwa sababu tulikuwa na Katiba ya nyumba mbili, tulikuwa na Upper House, Lower House, tulikuwa na Regular Assembly na local council.

Com Salome: Nataka kuwaomba msipige makelele ili tuwe kumpata.

Simon Rojas Musech: Narudi tena hapo hapo. Asili ya mimi kuwa senator 1963-1965 ni kwa sababu Katiba ya Kenya ilikuwa inaruhusu Kenya iendeshwe kimajimbo, na kimajimbo ilikuwa ni Upper House, Lower House, Regional Assembly na Local Councils. Watu wakipiga kura nne. Katiba hiyo Tumekwenda nayo lakini kwasababu wa Kenya wengine hawataki wenzao waende kisawasawa wakaibadilisha Katiba na ilibadilishwa si kwa sababu ilikuwa mbovu, ilibadilishwa kwa shabaa ya watu fulani maalum walikuwa na tamaa, wengine Mungu ashawajibu washakwenda mbele ya Mungu, wengine bado wangali wako hai, wengine ni sisi ambao tulipinga mpaka mwisho. Kwa nini Katiba ibadilishwe na ambapo inatufaa. Kwa hivyo mimi naona leo Kenya tena inarudia history, watu wanataka majimbo. Basi kwa sababu ya kutaka majimbo, makomishona tuelewane, hii sababu ya kutaka majimbo si sababu tu ya kutaka majimbo ni kwa sababu watu wamenyanyaswa Coast ikiwa number one, watu wa Pwani wamenyanyaswa na kila utawala. Utawala wa Mreno, utawala wa Mwarabu, utawala wa Mzungu, utawala wa Kenyatta na leo ni wa Moi. Kwa hivyo Katiba hii tikiimba majimbo hatuimbi kwa sababu ati ni sharti ya kuvaa, twataka majimbo haki zetu ziwepo hawa watambuliwe, kubaguana kuishe, kwa sababu leo Mombassa huwezi kuniambia huyu ni Mwarabu, mimi naweza kukataa. Kwa sababu pengine mamake pengine, ama nyanya yake alizaa na baba yangu. Kwa hivyo hapa Mombassa na Pwani nzima kwa jumla tuko tofauti sana na wa Kenya wenzetu kule. Wakenya wetu wahesabu president ni yule waziri wangu ni yule, Mbunge wangu ni yule, elimu yangu ni hapa, hakuna njia ingine inayompatia taabu. Sisi twahesabu ukiamka asubui kibarua nitapata wapi, leo nitakwenda kwa nani kwa taabu zilizoko. Kwa hivyo Katiba hii tafadhali, it is not a joke, this is very serious. Kwa sababu Kenya chini ya ki-Africa imekuwa pia na classifications. Huyu ni wa huyu, huyu ni wa yule tutaishi vipi. Kwa hivyo wakati tunakuja tunajua this is the last time, mimi nina experience ya kutosha, Katiba haishi leo na hakuna Mkenya aliye tayari.

Elections isifanywe kwa Katiba hii mbovu, twataka Katiba hii mnayotengeneza. Ikiwa waliikataa kwamba ni mbaya, kwa nini tufanye elections nusu nusu. Why, tupate klatiba ya sawa sawa na Katiba tafadhali msiharakishwe. By experience hata

mkamaliza mwezi wa March you need another 6 months to satisfy the Constitution of this country. Kwa hivyo msilale tu election, Oh nataka kumchagua ndugu yangu, nataka kumchagua shangazi, hapana, tulale Katiba iishe iliyo safi inayofaa Wananchi wa Kenya. Ma Commissioner hii karatasi yangu ina mambo kidogo hapa lakini nitawapa na hii ni ya tatu. Wimbo ni ule ule, sijabadilisha. Mlipokuja mara ya kwanza tukawapa, mkaja mara ya pili tukawapa leo twawapa ya tatu, ngoma ni kile ile dawa ni majimbo. Na majimbo yatiwe nguvu kwa sababu ikiwa hamjui kwa sababu katika Kenya there is a political fear among the community this is bringing about all this things. One:- classification of human beings, we are Africans but we are classifying ourselves. Kwa nini? Vile vile ukienda kuongea na Mwaamerika, hakuambi mimi ni mwa Afrika mimi natoka Nigeria. Aha! Akuambia ni mwa Merika. Sisi hapa Oh! Huyu ni mwarabu huyu ni Mbunya huyu, huyu ni Mbunya huyu, huyu ni Mtaita, huyu ni Mgiriama. Yajiani haya yote, ni Kwa sababu ya taabu zilizoko. Hii ndio ugonjwa ulioko. Kama mkiweza kutia humu ndani kwa Katiba hii mjui haki ya kila Mkenya, mjue haki ya kila mama. Hapa kumesemwa maneno mengi sana hapa, ijue haki wasiojiweza, ijue haki ya masikini. Marehemu Nyerere alisema nyinyi wa Tanzania mnapiga kelele hapa, watu wengine wako Kilimanjaro wengine wako Mbale, tutapatana lini, sidhani kabisa. Hii maanake watu wengine they are too high, they are too rich. When is the poor going to come up or will they stay like that. Hii gap ni kubwa sana, elimu yako ya bure haikusaidii kwa sababu family yako yote ni masikini, elimu yako haifai. Kwa hivyo ma- Commissioner mimi nimesema muundo wa serikali uwe na mfumo wa majimbo halafu ma/kamu wa raisi himo katika hiyo, sitaki kusoma yale yalioko chini ya hayo.

Halafu waziri Mkuu, halafu manaibu wa waziri wawili, halafu Baraza wa mawaziri na anayepaswa kuwa traia wa Kenya, hii imeshazungumzwa hapa, wale walizungumza ni kama walikuwa pamoja na mimi.

Vyama vya siasa, mpangilio wa uchaguzi, haki za aridhi na mali, na mwisho nifikayo. Kwa hivyo aliye na swali aniulize sina mengi karatasi nitapeleka pale.

Abdula Ali: Salama maleku. Jina langu ni Fadhili Abdulamani Ali na nimetoka katika kikundu cha Bidhaa Environment Group na nimekuja leo kutoa maoni yangu kidogo hapa.

Kwanza nimependa kutoa maoni kuhusu Katiba yetu tulionao hivi sasa. Shauri Katiba inayoendelea hivi sasa ni karibu vifungu vyote ni za kikoloni. Kwa hivyo tunaiomba Tume hii ichukulie sana mjadala huu kuitilia chini na hii Katiba ifutwe kabisa kikoloni. It means kwamba Katiba ambao iko iliotunga hii Sheria ambao ndio inatutawala hivi sasa. Kwa mfano Sheria ya chifu hiyo ni Sheria moja ya kikoloni, na Sheria ya msako hii kusaka mwananchi wa Kenya wakati yuko ndani ya nchi yake hiyo ni Sheria kubwa sana ya kikoloni. Maanake mkoloni aliweka Sheria ya msako kwa manufaa yake mwenyewe ili mwafirika asiweze kuwa na haki.

Tatu ni Sheria ya trespass, hakuna mtu yeyote anayekanyaga land ya Kenya kwamba yuko nje ya Kenya. Sasa wewe utakanyaga land ya Kenya halafu tena uambiwe tress pass, hii tayari ni ukoloni mambo leo. Sheria ya ardhi, kwa mfano Sheria ya aridhi ilitungwa 1915, wakati huo 1915 sheria hii ya ardhi ilikuwa imetungwa kwa niamba ya mkoloni ili mwa- Afrika asipate

haki ya kumiliki aridhi. Sasa kwa hiyo tunaona Sheria hii ya kifungu ishirini na nane ingebadilishwa, naona ingebadilishwa ikabidi apewe Mwafrika nguvu ya kuweza kutawala aridhi yake sawa sawa.

Sheria ya kuwa uhuru wa kwenu, kwa sababu saa hii wa Kenya tuna uhuru lakini uhuru wa kikweli hatuna. Unaona. Maanake Mkenya saa hizi bana kuna mambo mengi sana ambao tunazuiwa kwa ajili ya quality. Quality yako ikionekana wewe ni black basi hutaipata kihaki. Sasa kwa hiyo hiyo nafikiri ingekuwa mmoja yapo kilichotolewa na kuwa na uhuru ya kisawa sawa yaani kila mahali unapokwenda unafanyiwa kazi yako, kama ni kwa ofisi wapi wanakushugulikia kwa uhakika kama raia wa nchi.

Ingingine ni kuweza kuchangia maoni kwa Wananchi, unajua mpaka sasa hivi lkuna Wananchi wengi sana wana maoni mazuri ambao wanaweza kusaidia katika serikali, nyanja mbali mbali kama vile Mbungeni, mpaka kwenye Baraza ya Majiji. Kwa hivyo ilikuwa inabidi kwamba kama ingewezekana, ingekuwa raia pia wanaruhusiwa kutoa maoni yao katika mabaraza ama Bungeni. Especially hata kama ingekuwa wanatoka katika vikundi fulani ya Maendeleo kama ya kina mama au Youth Group ambao ingeweza kuchaguliwa at least hata representative wawili au mmoja ambao angeweza kukaa katika kikao either cha Baraza ama cha Bungeni naye ajadili kutokana na mawazo ya watu wao alikotoka community yao.

Ingingine ni elimu; Tumesoma sana katika vitabu vingi kwamba sera zetu au agenda zetu zilizokuwa za wakati wa kupigania uhuru, agenda yetu iliokuwa kwamba baada ya uhuru kunyakuwa elimu ikakuwa bure. Baada tu ya kunyakuwa uhuru ile elimu iwe bure lakini tunashangaa mpaka hivi sasa elimu imekuwa ghali sana mpaka kiwango masiki wa kawaida hawezi kumsomesha mtoto wake. Ijapokuwa tunalipa kodo haina mbali mbali zote ambazo zingeweza kuchangia kuwa na elimu ya bure katika nchi yetu. Kwa hivyo hiyo ni muhimu sana, ijadiliwe kwenye kikao irudishwe elimu ya bure kwa Wananchi.

Swala ingine ni kumiliki mali ya asili; nafikiri nchi yetu all over kila mahali kuna mali yake ya asili katika Kenya nzima unakuta kuna mali ya asili ambaye tunaweza kuitumia sisi wa Kenya kuinulia uchumi kwa sababu hivi sasa uchumi wetu umeanguaka kabisa. Sasa nafikiri kama kungekuwa na Katiba ambayo ingekuwa inamruhusu Mkenya kutumia mali ya asili yake ya nchi yake, kwa mfano kama vile madili. Uvuvi wa baharini maswala aina mbali mbali ambao katika mali asili inaweza kutuiniulia sisi uchumi. Mali ya asili zote zimekupatiwa tu na watu ful;ani na nusu zimekaa katika serikali. Saa zingine mali asili kama nchi zingine jirani mfano tunaona Tanzania, Wananchi wamepewa haki ya kuchimba madili yao, kufufulia uchumi wao maanake uchumi umesorota. Uchumi bado umesorota na mali asili ni yetu, kwa ninji Wananchi wasipewe vibali, mtu avue bure. Saa hii mtu mvuvi akienda kuvua anakamatwa tu anawekwa ndani na wakati anavua bahari ya Kenya. Sasa aende akavue wapi? Bahari ya Uganda au wapi?

Halafu jambo lingine amabla la weza kuwa la mwisho ni sera za majimbo. Sababu Tumeona tangu Kenya hii ipate uhuru, serikali kuu imeshidwa kutekeleza wajibu wake. Tumeona ubaguzi wa kimikoa miaka thelathini na nane. Kwa hivyo ninatoa maoni kwamba serikali itakayo kuja itilie maanani maswala ya majimbo. Wananchi Tumechoka na serikali ya katikati, twataka jimbo. Kila jimbo limiliki mali yake. Tunataka serikali itakaokuwa kila mkoa tutatumia rasilimali yake haswa. Si majimbo ni

swala la kufukuza mtu! Sote ni watu wa moja wa Kenya lakini swala la majimo ni zile kumiliki mali za pale. Kwa mfano tukiangalia kama Kisumu, Kisumu ni sehemu ambayo ina ziwa Victoria, ina ukulima kule wa pamba, kuna mambo mengi sana ambao yaweza kufanya ile nchi iendelee na mikoa mingineo yote. Lakini unakuta kulingana na serikali kuu, pesa yote inayokuja kutoka either nje ama pesa ambayo imepatikana ndani ya nchi inakimbilia tu sehemu moja halafu sehemu hiyo ndio inakuwa inanufaika na pesa za mikoa yote. Sasa unakuta mikoa mingine inaanguka. Lakini iwapo tutapewa mueleo mzuri, kila mkoa uweze kufanya miradi yake, it means kwamba hatutakuwa na ubaguzi wowote. Asanteni sana sina zaidi ya hapo.

Speaker: (anauliza swali) inaudible.

Abdula Ali: Okay mzee wangu nimeshukuru kwa hiyo swali ulioliza. Unajua wakati inapofikia kwamba tuchague polisi kuwapeleka Kiganjo wakafundishwe uwa ni sawa sawa umjechukua mtoto kumpeleka chuoni kumfudisha Buruani. Sasa ukimchukua mtoto wa chuoni aliyetimu halafu umpeleke kwenye hetima aseme hajui kusoma itakuwa jambo la kuchekesha. Sasa wakati polisi wanapopeleka kiganjo uwa wanapeleka kufunzwa mafunzo yana hitilamu, mafunzo ya kumuangalia mtu na kumjua huyu ni nani, au mafunzo ya kuangalia mtu njia navyofikiria. Sababu uwezi kufanya msako kila mtu wowote kaa nchini, wewe kaa chini hapo utakuwa husaki mwizi. Mwizi unaweza kumuona kwa vitendo au ukimuona kwa njia zake na vile anaringa ringa manyumba ana mipango fulani fulani unajua huyusi raia mwema. Lakini iwapo raia mwema anatembea kwa mfano kama hapa kwetu Mombasa tunapoonika ikifika Ijumaa na Jumamosi ni kama polisi wanajua ufisadi ni kuwashika watu mitaani na kuwatoa mapeni. Na mambo tushapeleka mpaka kwa Mkubwa anajua haya. Kwa hivyo wana ujuzi isipokuwa wanafanya kusudi.

Com Salome: Asante sana. Ninaombwa kupatia hii nafasi kwa ndugu zetu wenye ulemavu wenye wameingia lakini tayari hata hawajaweza kuketi waka... angaa wakapata kufikiria kama wangetaka kuzungumza ama laa. Kwa hivyo nitaanza nao leo alasiri na wakati huu nitampa bwana Seif Ali.

Seif Ali Mohammed: Mimi jina langu ni Seif Ali Mohammed natoka hapa Mombasa Kisauni na kwanza ninawashukuru ma-Commissioner wote na wanawake na Wanaume. Salama maleku?

Maoni yangu ya leo ni kwanza mfumo wa serikali mimi napendelea kwa maoni ya/ngu iwe mfumo wa majimbo kama ndugu zangu wengine waliota/ngulia. Hii ndio itakayo kuwa suluhisho kwa wa Kenya wote. Bila hiyo hakuna suluhisho, wakipenda wasipende. Ndugu zetu walioko hapa wa bara, wakipenda wasipende suluhisho la hii Kenya iwe mzuri na iwe Kenya moja ni iwe na serikali hizo za majimbo.

Ya pili, tunataka watoto wetu wote kuanzia primary level wafundishwe elimu ya kutambua haki zao na hii elimu wafundishwe mpaka wafikie huko university kuanzia hapo chini. Hatutaki mtoto mjinga katika Kenya asiyejua haki yake, iandikwe hiyo kwenye Katiba, kila mwanafunzi anayetoka Kenya, anayetoka Kenya mzaliwa apate hiyo mafunzo, atambue haki zake za

kikatiba zote kwa jumla.

Iwepo nafasi kwa kila jimbo, kila Mkenya apewe nafasi yake kutoka jimbo yake haki yake ya kwanza kabisa. Haki yake iwe ya msingi atapewa kila Mkenya pale alipo katika jimbo lake, elimu ya bure, maji ya bure, matibabu ya bure, apewe kila Mkenya pale alipo katika jimbo lake. Ingingine, haki ya msingi, apewe uhuru wa kujiamulia mambo yake, afanye vile yeye anaona ni sawa kwake na iwe sawa kwa wenzake.

Nyingine haki ya Mkenya, ikiwa anataka wadhifa wowote, ikiwa ni diwani, awe na elimu ya kiwango cha 'O' level au zaidi. awe ni mwana siasa wa kuzaliwa, sio wa kubadikwa, awe ni mchangamfu, aweze kuwaelewa watu wake na watu wake wamuelewe yeye ni nani. Na yeye awe anatoka pale pahali anaposimamia wadhifa wowote ule anautaka. Ikiwa ni udiwani ikiwa ni Mbunge, wadhifa ule awe amejitolea kusimamia pale mahali kwao alipozaliwa sio atoke mahali kwingine aende akasimamie watu ambao hawajui. Wadhifa huo inatakikana mtu awe na elimu. Kwa hivyo tunaomba ikiwa ni Mbunge awe na elimu ya degreefulani, awe na degree ama awe na diploma lakini awe na kiwango cha elimu ya kutosha kuwaudumia watu wake ipasavyo. Na yeye mwenyewe awe atakuwa ana wajibika katika kazi zake hizo zote. Ikiwa ni diwani, awajibike katika kazi zake zote, akiwa ni Mbunge, awajibike katika kazi zake hizo za ubunge. Akiwa ni raisi kadhalika awajibike katika kazi zake za uraisi na hatutaki kiongozi yoyote awe juu ya Sheria. Kila kiongozi awe chini ya Sheria, anayefanya kosa ahukumwiwe na mahakama kama Mkenya mwingine yoyote wa kawaida. Kuwe na haki kwa watu wote kusiwe na ubaguzi, huyu ni mwanamke, huyu ni mwanamme, wote wawe sawa kuhudumiwa. Katika ugawanyaji madaraka,. Madaraka yapewe kila Mkenya, ikiwezekana raisi atoke kila jimbo kwa muhula kwa kipindi, kipindi hiki cha miaka mitano raisi alitoka Rift Valley ni Mnadi, kipindi chengine atoke Nyanza, Mjalu kwa zamu. Ikiwa ni Muislamu safari nyingine awe Mkristo lakini atoke jimbo jingine. Kusiwe uraisi uko kwa kabila moja mfululizo. Raisi ana mamlaka makubwa juu ya watu wake ni lazima awe ni mu ana hekima kisha si mgonjwa awe ni mtu ana afya yake hana ugonjwa wowote mbaya. Awe pia ana bibi, hawezi kuwa raisi yeye mwenyewe ikiwa hajui watu wake atawachukua vipi, ataishi vipi na familia hajui, yeye akiwa raisi ni bachelor atawezaje kumuhudumia mwananchi wa kawaida na hajui shida ilioko nyumbani. Atajua ya mtu mwingine alioko kado ikiwa shida ya nyumbani kwake hataiweza ataweza kumuhudumia Mkenya alioko mbali hamjui kabisa hata hamjui jina, hajamuona hata siku moja. Kwa hivyo yunaomba Katiba hii isiwakubali wa raisi ati kwamba yeye akae ni bachelor. Umesikia kwenye magazeti kwamba hata huko Amerika wale Mapadiri na ma Pope wanawashika watoto wakiwafanya vibaya. Je kutakuwa kuna maana hapo, raisi akipatikana na kashifa ya aina yoyote hafai kuwa raisi na hii nataka itiwe kwenye Katiba. Akipatikana raisi amefanya kashfa ya aina yoyote Wananchi wamtote kwa maandamano. Hatutaki kungojea atolewe na Commissioner wala na wabunge Wananchi wamtote kwa maandamano, ipitishwe kwenye Katiba. Itengeneze Katiba nzuri itakayotufaa wa Kenya tutengeneze Katiba ya kuwafaa jamii moja wala watu wa kabla fulani peke yake. Twataka Katiba ya kutufaa sote wa Kenya. Naona mimi hayo ya metosha mengine tutawapatia ma Commissioner. Asanteni.

Com Salome: Karibu tena kwenye kikao chetu cha alasiri na wa kwanza kutuzungumzia alasiri hii atakuwa Mohammed Ali

waziri. Hajafika bado, basi nitamuita Hassan Abdalla. Pia hayupo. Basi tutampata Mohammed Namad.

Mohammed Naman Mohammed: Honourable Commissioners, respected elders in this community ladies and gentlemen my names are Mohammed Naman Mohammed. I am a resident of Bondeni. My views on the Constitutional review of Kenya Commission are as follows. We should have a president who should be above politics and tribalism. That he should be a national figure. Also the president must have his running mate while contesting for the seat. We should also have a prime minister who will be in charge of the parliament and also running of the government affairs and also he is questionable to the parliament and the government. The deputy prime minister, which take charge in absence of the prime minister. The prime minister and his deputy as presently in Kenya like the speaker and the deputy speaker the parliament should elect a prime minister and his deputy just the same way as we are electing the speaker and his deputy.

Introduction of chief minister in the provinces; there should be Chief Ministers appointed in the respective provinces or we might call them regions and also the MP for those regions they should have an assembly of the region and it should be headed by the Chief Minister of that region and they will sit on quarterly system that is every after three months. They will have no salary as they are ministers of the government, sorry they are elected MP in the central government so they will not be paid in the region. The salaries will be from the central government.

The president will elect the ministers, assistant ministers, head of civil service, CGS, Service Commander and also the parastatals heads. The council should be given more powers and monopoly so that they can run the affairs smoothly and also they must get the cut at least 20% from the income of the parastatals in those regions so that they can take charge of the head facilities in the municipals, roads and also education. As a Muslim the Kadhis or the Chief Kadhi should be given more powers and jurisdiction be expanded.

In human rights they should be an Act of Human Rights such as the brutality of the police force. They should be thought how to handle the public. Also the use of fire arms of the extreme force by the police force should be reduced.

Regarding citizenship, naturalization of citizen should not be allowed to hold high offices such as parliament or the presidency as in the present Act it is that some ministers in charge of citizenship can revoke anytime the citizenship. So if we allow naturalization of citizen to hold higher offices such as parliamentarians or president then we can wake up to see that one-day our president citizenship has been deciphered.

Also in human rights we should see that in health facilities the reasonable bills in hospital and also over crowding of patients in hospitals. And also the patients must know their rights in hospital as one day a certain fellow of mine went to the hospital with his wife and he was forced that the wife should be operated because she wanted to give a birth. After refusing she was chased away but by sheer luck his wife gave birth without operation so the patients must have their rights in hospitals. And also the

patient with this cause or infected with HIV should be given or must be given the drugs free of charge and that is all I thank you so much for giving me this opportunity.

Com Salome: Asante sana Bwana Mohammed. Kuna swali kwa bwana Mohammed.

Com Wambua: Let me address you in the language you spoke. You said that there should be prime ministers in the regions rather than in the provinces but you did not tell us how the chief ministers should be appointed or elected and what could be their functions so can you elaborate that. That is number one, number two is that you said that chiefs should have more powers and the jurisdiction extended, powers to do what, to be the president or to do what. If you must be specific let us have a specific proposals regarding specific issues. When you say power to give the Kadhi or power to do what, power to rule or power to appoint ministers so can we be more specific on the powers you want to be restored on the chief Kadhi. And then lastly I think you mentioned something to do with MPs in the regions being based in the central government. Looking at the pattern which you have suggested you seem like you want the regions to be independent in a way but yet you are saying the MPs in the regions should be paid salaries from the central government. So what is emerging is that we have cut the devolution of power, what structure, will clarify on the structure that you are talking about?

Mohammed Naman Mohammed: I have said regarding the ministers. The ministers will be appointed by the president and it is the same ministers who will be called chief ministers in their regions. This has been done in Botswana, I have stayed in Botswana for five years so I have seen this things practiced there.

The power of the Chief Kadhi, the Chief Kadhi now discuss marriages and divorce and inheritance so they should be given more accessible into criminal laws in wife beating in the Islamic. In wife beating all domestic affairs, they cant deal with violence for example if the husband is violent to the wife the only solution presently the chief Kadhi or the Kadhi can do is just to separate them.

Com Pastor Ayonga: You talked about the hospitals of congestion and the patients rights but I didn't get you say in order to eradicate this congestion there should be this and that to cater for that congestion and for the patients rights you didn't elaborate this rights, that right.

Mohammed Naman Mohammed: In my opinion is that an Act should be formed so that the patients can get their rights. So it is the professionals who can sit down and look into this matter.

Com Salome: Asante sana Bwana Mohammed. Sasa tumpate Miano Kihu.

Miano Kihu: My name is Miano Kihu I am hear on behave of members of the Common Wealth Association Kenya Chapter.

Our presentation is only matters to do with press freedom and to some extent freedom of expression. Ours is a Memorandum. To begin with as an introduction you will not that in our current Constitution we do not have any provision for press freedom because you will find that press freedom is not engaged in the Constitution. Despite the big role that the press play in development and democratization process, in Kenya we seem not to have or our government seem not to have appreciated it's contributions. The result is that the government usually refuse press particularly the independent media with a lot of suspicions rather than a partner in development. In order to really institutionalize the make in Kenya as an important pillar of democracy we have the following 13 points recommendation to make. First we are urging this honourable Commission to include a clause on press freedom in the new Constitution.

It is our suggestion that such a clause should be expressed enough to guarantee Kenyan satellite. Section 79 of the Constitution on freedom of expression as it is today does not properly cater for the freedom of expression. This particular section, that is section 29 talks about guaranteeing Kenyans their freedom of expression, it has very many negation and also it is subjected to very many other level scriptures which make the work of journalist communicators and the Kenya's public to be very difficult. Such Acts are the intercession of Public Security Act, National Security Act, Official Secret Act, Defamation Act, Impression of Privacy Act, Books and Newspapers Act, Public Order Act, Themes and Stage plays Act, Armed Forces Act among others. This literally leaves no guarantee for the enjoyment of freedom of expression or the press for most of them are exercised in a bacillary manner.

Our second point is on prior arresting and censorship. We have seen that in the world today press censorship has been described as the first instrument that is governing the government, which are deviating from the democratic ideal use. Therefore we are urging this Commission to abolish all forms of prior arresting and censorship that is unjustifiable speculated and implemented in a bacillary manner. You will find that currently as the law is the government officer who are empowered to censor the press or sealing for that matter they enjoy a lot of leeway and the powers of this officers are often exercised in a bacillary manner. More so we have found many cases of publication being banned, others impounded and at times even in session of different places have occurred whereby the different places there are disabled.

The provision of these officers to burn disabled printing places and to impound publication should be clearly provided for in law and should be derived in a judicial manner. In order to protect Kenyan freedom of information and the press we feel that the media arresting or censorship should meet the following three conditions.

First they must be prescribed by law and never applied at bacillary, as it is common toy.

Secondly we want such prior arresting and censorship to be legitimate and proportional to the aims being pursued. This is to avoid a situation whereby there is witch hunting or economic sabotage of a certain publishing firm which are regarded as being un establishment.

The third condition they must be demostably necessary in a democratic society. We are really concerned with the recent bill

which are pending for tabling in parliament prepared by the Attorney General and we feel this bill goes contrarily to the spirit of press freedom and democracy.

Our third point of the memorandum we are seeking shield laws for journalism. It is our suggestion..... interjection.

Thank you very much. So we are also seeking shield law for journalist. This is where by journalist should not be forced to disclose the source of information where information concerned is on public measure. We are also suggesting to this Commission to ensure that the current principle where by the government is totally protected against public scrutiny to be contacted so that the public rights scrutiny to the government is ensured. For this matter since the peripheral of information includes laws from government institution, we are suggesting that from now hence forth, the institution which are publicly funded including the parastatals must be obliged by the Constitution to publish their books of accounts.

Our fifth recommendation is protection of three seats even seats in error. Here we have to pin point the current statute on incitement, charges of incitement or publishing alarming statement etc. so we feel those against the sprit of this stage.

To go quickly over the points we are also suggesting for this Commission to provide for development of community Radio stations. As the situation currently is you will find that there are many communities which are living in the periphery of this country and they virtually lack any access to the media which happens to be concentrated in major towns. the example is like the Elmolos who live in Turkana, Bajunis, Maasais, Ediroi Communities, Dorobos etc. so we are suggesting that this Commission it sees the need of putting in place laws that will support development of radio stations.

We are also, on our other point is that we want the laws to allow live coverage of parliamentary proceedings.

Another point, we are thinking that the public funded Kenya Broadcasting Corporation is to be manned by a board which has been approved by the parliament. the directors in such boards should be professional people and people who are independent and able to ensure balance and meet public expectation of that corporation.

We are also thinking that the Communication Commission of Kenya be also independent.

Last but not least we seek this Commission to recommend consolidation of the Media Law, all the laws created to the media. Currently we have CASA Statutes which are about 17 different Statutes, we do not have a consolidated and harmonized media law to deal with the press and we would like also our Commission to recommend existence of self regulated media in this country. Thank you very much.

Com Wambua: (inaudible).

Miano Kihu: We prepared it as a chapter, Kenya Chapter.

Com Salome: Sasa ningetaka kumuita Getrude Mwalake,

Getrude Mwalake: Kwa jina ninaitwa Getrude Mwalake. Nashukuru sana kupata hii nafasi na kuja kusema kwa niaba yangu na majirani zangu mtaani. Langu ni hili, ningeomba hii Katiba ifundishwe kuanzia shuleni. Igawanywe kwa watoto kulingana na umri wao. Hii itatusaidia kuwa mtoto akisoma shuleni atajua haki zake mapema kwa sababu unaona kama sasa mtu kama mimi nimekaa hapa sijui Katiba ikoje, sijui ile cover yake ni red ama ni blue. Ikisha tengenezwa hii Katiba ipelekwe ma- bookshops watoto wafundishwe, group za kina mama wapewe ipelekwe mpaka makanisani na pahali watu wanapokutana. Isiwe ya siri ya kukutana kotini peke yake. Kwa hivyo hapa nazungumza sina hakika yoyote ama ni Katiba ama nini kwa sababu hatujawai kuona Katiba.

Ningependa kama mwanamke akiolewa na bwana ambaye si wa nchi hii yule bwana na wale watoto wafanywe wawe katika nchi hii. Kwa mfano mimi ninaolewa na bwana wa Kitanzania na mimi nimeishi hapa Kenya nimezaliwa hapa. Unasikia kuwa yule bwana si Mkenya ama wale watoto hawatasajiliwa kama wa Kenya. Kwa hivyo ningeomba kama vile ndugu zetu wavulana wakioa msichana wa Kizungu ama huyo msichana wa Kitanzania yule bibi anaambiwa yeye ni Mkenya. Lakini yule bwana yake, kama mimi bwana yangu hatadhaminiwa. Ningependekeza wa Bunge na ma-councilor na raisi awe na miaka ya uzeeni, ya ku-retire. Asiende mpaka miaka sabini, miaka sitini. Miaka iwe hamsini na tano, akitaka kugombania u-councilor ama u-bunge ama raisi aanzie miaka thelathini na tano mpaka hamsini na tano. Na hii miaka mitano ya kuwa Bunge ama kuwa councilor Tumeona kwetu haitufai., ningependelea miaka mitatu imetoshwa, amefanya Maendeleo hakufanya atolewe.

Tungependelea mama, hii ni kwa niaba ya kina mama sisi wa Kristo. Mama akifiwa na bwana yake.....(interjection) mama akifiwa na bwana yake basi uridhi husumbua, watu wa bwana hujitokeza na kusema wewe hukuwa bibi halali na Kisheria kwa Islamu hiyo hakuna lakini sisi wa Kristu tunapata taabu tukiambiwa hukuolewa kanisani. Na shida ya kutoolewa kanisani ni kutokana na wazazi wetu. Mzazi anadai mahari kama laki moja ambayo yule bwana hana na sasa nimekaa na huyo bwana kwa mfano nina watoto wa tano ama watoto wanne na amekufa. Hiyo mahari ya laki moja hakupewa sasa hapo fujo huanza mahari iende kwa watu wa bwana na mimi hubakishwa na watoto nikipata taabu. Mwisho hao watoto ndio wanachangia group ya chokora.

Sasa ningeomba mtuwekee miaka ya kukaa na mwanamme hata kama hajatoa chochote kwenu at least miaka sababa miaka kumi imekaa na huyo mtu ni kuonyesha nyinyi mlikuwa ni bibi na bwana. Ni uwezo tu hakuwa nao wa kukuoa.

Mali ya umma; tungependelea mali ya umma isiuzwe na serikali kwa sababu siku zijazo ningependelea kujengwe kitu kama university hapa Mombassa, kujengwe kama polytechnic kubwa kubwa lakini hadi sasa Tumeona mali imeuzwa, hatujui watoto wetu siku zijazo wataenda university Nairobi na sisi wengine hatujui vile tutawapeleka huko Nairobi kwa hizo universities. Kwa hivyo tungependelea ya serikali iangalie ile mali ya umma iliyo chukuliwa na Wananchi binafsi, inawatajirisha wao sisi tunapata taabu.

Chokora; hawa ni watoto majority ukiangalia ma chokora ni watoto wa Kikristo na hii ni kwa sababu Sheria ya kuwa msichana akipata mimba yule mtu aliyempatia yule msichana mimba alazimishwi ama Sheria haiko ya kusema ni lazima amuo. Kama kwa mfano msichan yule form two na amepata mimba na kijana wa form three, kwa nini wale wazazi wasipewe jukumu ya kukaa na yule mtoto kwa sababu kesho tutamtupa, atakuwa chokora. Nimemaliza.

Com Salome: (Inaudible)

Getrude Mwalake: Ni kama nilivyosema hapo mbeleni, Katiba hatujui na hatujaiona, shida inatokea pahali tunaenda tunashitakiana na huyo kijana mwisho unaambiwa hakuna pahali alikuoa kwa hivyo rudi. Sasa unashindwa angekuoa wapi na mahari ni kama hiyo uliambiwa laki moja na kijana mwenyewe hana hiyo laki moja.

Mali ya umma kama ni vile inakuwa ni lazima iuzwe basi ama isiuzwe, tuna wasi wasi ikiendelea kuuzwa kesho tutajenga waopi kama kitu kama stadium ijayo ama university. Sasa tunaomba serikali izuie na sijui ina shida gani kubwa kuwa mpaka hiyo mali inauzwa.

Speaker: (inaudible)

Getrude Mwalake : Kusema ukweli hatujui mali ya serikali wala majumba ya serikali. Kitu kinatufanya tunajua hiyo ni mwangaza kuwa labda ile chifu anakaa tunasikia ndio ya serikali. Kwa hivyo tunajua ni mali yetu kama watu wa nchi hapa. Na ardhi ni kama hivyo tunasikia pahali ile plot ilikuwa ilikuwa supposed iwe ya serikali.

Com Salome: Asante sana mama Getrude. Njoo pale ujiandikishe. Sasa tumpate mzungumzaji mwingine.

Abdullah Salim: Jina langu kaili ni Abdulla Salim. Salama maleku. Ninazungumzia kuhusu mambo ya shirigazi ya Kadhi, ndugu nzetu walifika walitangulia. Kuhusu chifu Kadhi na Kadhi mkuu tunataka awe na degree mbili. Awe na elimu ya Kiislamu na awe na elimu ya Kiingereza anaweza kusimamia koti zote.

Ya pili naomba serikali iweke committee ya kuchunguza kesi zile wakihukumu. Ya tatu naomba serikali kupiga marufuku vipindi ambavyo hazifai kuonyeshwa watoto wetu mazingara ya nje, si mazingara ya hapa kwetu. Kama hizi vipindi tunaonyeshwa katika matelevishoni zetu za KTN, KBC na hizi ma kampuni za binafsi. Inapoteza watoto na kuharibu kwa watoto wanakuwa hawana tabia njema na wazazi wao kwa sababu sisi wa Kenya kila Mkenya ana mila yake na desturi yake ya kiheshima. Mkubwa ana mheshimu mdogo na mdogo anamuheshimu mkubwa. Sisi Waislamu tuliambiwa na Mtumwa wetu.....msipandishe sauti juu ya mkubwa wako. Awe mke awe mme, wewe umezaliwa mkubwa wangu wa kike sina haki kutoa sauti kubwa kwa sababu ni mme, la, lazima uwaheshimu ndio desturi za kimila za kikwetu hapa Waislamu na mila

ingine ya Kikenya kila mmoja anajua mila zake na heshima zake na desturi yake.

Ya tatu, naomba serikali itiliwe mkazo Sheria yetu hizi za Koran tukufu ambaye ndio urasi wetu na kila kitu yetu iko katika kitabu chetu, Katiba hiyo ya mwenyezi Mungu hakuna Katiba ingine, sisi tunaamini hiyo salama maleku . sina maneno ingine, mwenye swali aulize.

Com Wambua: Umesema Chief Kadhi awe na degree mbili moja iwe ni ya Kiislamu ingine ya Kizungu. Degrees hizo ziwe za kisheria ama ziwe za dini maanake degree inaweza kuwa ni ya Sheria iwe ni ya Kizungu, iwe ni ya Kisheria.

Com Salome: Kama hauna jibu kwa sasa ni sawa maana ukipata hil jibu utatuandikia. Asante. Na sasa tupate Samuel Tsuma.

Samuel Tsuma : Nina shukurani sana bwana Commissioners wote mlio hapa nataka kutoa shukurani zangu ma- Commissioner wote mlio hapa, ma dungu wote, jina langu naitwa Samuel Jembe Tsuma na ni mmoja wao katika wazee waliohapa mjini na nimeonelea ya kwamba na mimi pia nitoe maoni yangu juu ya Constitution ya Kenya ambayo inatungwa.

Katika maoni yangu ni ya kwamba tungekuwa na originalism, yaan serikali ya majimbo kama vile wanavyo fanaya United States of America. Kila jimbo na governor wake na mambo yao lakini wana president mmoja ambaye huyu uchaguliwa na majimbo yote. Na vile vile hapa Kenya tungekuwa na president mmoja na majimbo yakawa ni yale manane ambayo majimbo haya yangukuwa na deputy president, yaani president wadogo ambao katika jimbo lile wangepikiria mambo yao ya kimaendeleo. Kwa mfano hivi sasa hapa Coast hakuna hata university moja, sisi kama Wananchi wengine lakini kila ile keki kubwa ikija hatujui inaenda wapi kwa hivyo sisi tunasalia kama third class citizens na hii inaudhi sana roho. Na hawa mawaziri ambao wangukuwa ma deputy president ambao wangukuwa katika majimbo pia vile vile wangepikiligwa kila baada ya miaka tano ikiwa wamefanya vizuri, ikiwa wamefanya vibaya basi wakati wake utakuwa huo huo maanake tutakuwa tushaona mazuri yake na mabaya yake.

Na katika majimbo haya yangukusanya mapato yao, mapato yao ingewawezesha kujenga hospitali nzuri, wakanjenga ma – universities ma nzuri ili watoto wetu wakatalii vizuri kwa kila section, wakawa kama wenzi wao katika dunia. Kwa hivyo hii ingewaletea watoto wetu pia madaraka ya kuandikwa kazi kutegemea qualifications zao. Si mtu kuchaguliwa tu kwa sababu yeye ni familia ya ABC, hiyo nisingelitumika kabisa.

Jambo lingine ni hawa madungu zetu ma chief wanachaguliwa na serikali. Utakuwa uko mahali uone mtu huyu ambaye ndio alikuwa humjui, hajui desturi zenu, hajui vile mnavyoishi, hata kile umuambialo yeye analiona kama ni upuzi, unachukuliwa kama kinyagu maanake. Kwa hivyo mambo kama hayo yangelikuwako, ma-chifu wangepikuliwa na Wananchi wenyewe kwa sababu Wananchi ndio wanawajua desturi zao, wengine pengine huwa ni walevi, wana tabia mbaya lakini ikiwa wamepita interview huko basi utamuona yualetwa hapo tu na kirauni eti ni chifu wako. Hayo nafikiri yangekoma.

Jambo lingine ni habari ya industries; tulikuwa na industry yetu hapa ya miwa hapa Ganzi pia tukawa tuna ile Dixco factory na Cashew nuts huko kilifi, hizi zote ziliuwawa makusudi ili watu waendeshe kiviao kwao, je sisi tutamwendea nani? Ikiwa twakamuliwa tu hatuna chochote tunachotaka, watu wetu wanaangaika kwa uhumi, uchumi umekuwa taabu kwa sababu hakuna factory yoyote ya kuweza kuwapatia riziki, kwa hivyo haya ndiyo yanaleta uchungu katika roho zetu ili kwamba serikali ikiwezekana ifikirie sana habari hii.

Pia ningeliomba tupatiwe national schools, walete waalimu wazuri namtu akipita hapo aende chuo kikuu mara moja, kwa hivyo sasa hatuna hata kimoja. Basi kwa hivyo sasa Tumetegemea kuomba omba kama mayatima. Je hali hii itaendelea nayo mpaka lini? Naomba ikiwezekana ifikiriwe sana jambo hili, lizingatiwe ili kwamba na sisi tujuie kama tuna mwelekeo fulani.

Hata pia kuna vile viti vya specialty elected members of parliament, huku Coast naona mambo tu yanapita hivi hivi, wako watu ambao wanatosha kabisa kukauliwa, watu wanaojua desturi za watu mashaka yao, lakini hawapewi hata nafasi moja. Kwa hivyo tunaomba ikiwezekana pia hili pia lifikiriwe.

La mwisho kabisa, tungekuwa na educational committee hapa Kenya Republic ambayo inge-oversee ile standard ya elimu na pia wale waalimu wanaofanya bidii katika skuli zao wakipitisha watoto wangepata nafasi ya promotion ili kwamba nao vile vile wakapata matund/a ya uhuru. Ni hayo tu, asante sana ma Commissioner na ndungu zangu wote.

Com Pastor Ayonga: Bwana Tsuma, umesema majimbo, tuwe na majimbo namna ile ya United States of America ambayo yanaongozwa na president na kila jimbo kuwa na president mdogo. Nadhani Amerika kila jimbo linakuwa na governor, halina president, president ni mmoja lakini katika majimbo kuna ma- governor. Je ulitaka kusema ma-governor au wewe umetaka katika maombi yako kwamba kiloa jimbo liwe na kiongozi anayeitwa peresident.

Samuel Tsuma: Tuseme katika maoni yangu kwa sasa angekuwa vice president ili wampe mawaidha au advise yule president Head of State. Baada ya akiwaona wenyewe kwamba(interjection) exactly, ndio hivyo tu.

Com Salome: Asante sana bwana Tsuma. Sasa ningetaka kuipa hii nafasi kwa Abdilai Mwinyi.

Abdilai Mwinyi: Kwa majina ninaitwa Abdilai Badi Mwinyi, chairman wa Majengo Umoja Youth. Ningependa kutoa mapendekezo yafuatayo ili kuwa na nafasi nzuri za uongozi katika serikali inayokuja tunataka Katiba ambayo utawala ya mikoa hasa ma chifu na manibu wao, ma DC na ma DO, na ma PC wote wachaguliwe na wanainchi. Wachaguliwe wapeleke vutambulisho viao vya kutibitisha kwamba wao wana ujuzi wa kufanya hiyo kazi kwa Tume ya uchaguzi halafu nafasi hizo zitangazwe kuwa wazi na kufuate utaratibu unaofuata hapo kwamba siku ya kwamba kufanywe uchaguzi ambao raia na wazee wa mitaa watachagua ma- assistant chiefs. Siku ya pili ma- sub-chiefs wataokuwa wamechaguliwa wachague ma-chief kupitia

delegate system. Halafu siku ya tatu ma – chief wataokuwa wamechaguliwa wachague ma DO. Siku ya nne ma DO wataokuwa wamechaguliwa wachague ma DC na siku ya tano ma DC wataokuwa wamechaguliwa wachague ma PC na wote watakao chaguliwa wawe ni waakazi wa eneo wanaofanyia kazi.

Mvumo wa kiserikali uwe mvumo wa majimbo na kuwe ku;mechaguliwa ma –governor ambao ndio wataokuwa wakuu wa majimbo na wawe pia ma governor hao ni wazaliwa wa maeneo hayo wanaotoka.

Kuwe na uhuru wa dini, mtu asibaguliwe katika kupewa huduma za kiserikali eti kwa sababu anatoka dini fulani. Hatua kali ichukuliwe mtu yoyote anaye toa huduma kibaghuzi.

Swala la ardhi; ili kupunguza tatizo la masquatter mtu yoyote anayetaka kununua ardhi na ardhi hiyo ina mtu anaishi hapo ndani ama kuna miti yake. Board inayotoa mashamba isikubali kumpatia huyo mmnunuzi ardhi mpaka kwanza aelewane na yule anaye kaa katika ardhi hiyo. Anapokubali ule anayekaa katika ardhi hiyo basi awe atauziwa na yule anayekaa katika ardhi ile ama kuna rasilimali zake hapo akikataa asilazimishwe.

Kuwe na utaratibu mzuri kuhusu huduma ya polisi. Polisi asikamate mtu yeyote pasi na warati. Pasi ina kujitambulisha kwa kutoa kitambulisho chake na awe amevaa uniform maalum za polisi na uniform hizo ziwe zinaonyesha wasiwasi nambari zake za polisi. Hii itaepusha tabia ambayo iko hivi sasa ya watu wanaoweza kuvamia watu na wakasingizia hao ni polisi wakachukua watu badala ya kuwapeleka kituo cha polisi wakaenda wakawapeleka pahali pasipojulikana wakawapoteza. Kwa hivyo tunataka polisi kwanza ajitambulishe yeye ni nani na atoe kitambulisho chake cha polisi na awe anatambulika kwa sababu amevaa uniform, nambari zake za polisi ziko wasi wasi zinabainika kwamba ni polisi fulani amekuja na nambari zake ni kadhaa.

Kuwe na taasisi maalum ya kutetea Wananchi wanyonge wasiokuwa na uwezo wa kutia mawakili hasa pale wanaposhikwa nyumbani kwao wamekaa ama usiku mtu akitoka kazini anashikwa na polisi halafu anazingiziwa kuwa amekamatwa akiwa mlevi na. Kukosa adabu. Iwekwe tahasisi maalum ya serikali iweze kutetea watu kama hawa.

Sheria yoyote ambayo itapitishwa na Bunge na ipate asilimia sitini na tano ya kura za wa Bunge, basi raisi hana budi lazima atie sahihi, hana hiari.

Councillor, Mbunge na Raisi aisyewatumikia watu wake ipasavyo Wananchi wawe na uwezo wa kumfuta kazi. watamfuta kwa kukusanya thuluthi moja ya idadi ya kura alizopata halafu apelike sahihi hizo kwa Tume ya uchaguzi halafu Tume hiyo itangaze kuwa nafasi hizo ni wazi na Wananchi wawe uhuru kuzipigania.

Serikali itilie mkazo maswala ya walemavu. Kila Kampuni na mashirika yote ya kiserikali yahakikishe asilimia kumi ya wafanyi kazi wake wamechukua wasiojiwezi, yaani walemavu. Kutengwe asilimia fulani ya mapato ya serikali kuwapa allowance kila

mwezi walemavu. Wananchi ambao hawana kazi wapewe allowance ya kuwasaidia maishani. Serikali ifutilie mbali usajili wa ardhi zote zilizoporwa na waporaji.

Swala la uraisi; raisi awe chini ya Sheria na asiwe juu ya Sheria. Uwezo wa kuvunja Bunge uwe wa Speaker, uwe ni uwezo wa Speaker wa Bunge. Muhula wa Bunge unapomalizika Speaker avunje Bunge kuwe na serikali ya mpito mpaka serikali nyingine itakapochaguliwa. Serikali ya Mpito itoe mamlaka kwa raisi mpya muda wa wiki mbili baada ya kuchaguliwa raisi wetu.

Mbunge awachuwe kazi yake ya kuwakilisha watu waliomchagua na asipewe kazi nyingine kama za waziri na kadhalika. Hiyo itasaidia wa Bunge kuwakilisha watu wao ipasavyo badala ya kuchaguliwa kwa waziri na aende akakae Bungeni awe ni mtu wa kunyamaza tu watu wake wanateseka huko. Kwa hivyo awe ni Mbunge anawakilisha watu wake.

Kazi ya waziri zipewe mtu yoyote ambaye elimu yake ni ya juu na zigawanywe mikoani kote pasipo na ubaguzi. Ma-bar yasiyengwe katika nchi mji na iwe mbali na sehemu za Ibadha kama vile msikiti na makanisa. Iwe ni hatia mtu kufungua bar katikati ya mji.

Uhuru wa kuabudu ni kwamba serikali itilie mkazo swala hilo na kuhakikisha uhuru huo kila mtu aukumiwe kulingana na Sheria za dini yake, awe Muislamu ama Mkristo. Asante.

Com Salome: Asante sana Abdilai. Kuna maswali?

Com Pastor Ayonga: Bwana Mwinyi.....(inaudible)

Com Wambua :(inaudible)

Abdilai Mwinyi: Kujibu kwangu ni kwamba kama tunavyojua swala la uongozi ni swala ambalo hilo lazima serikali ishugulikie sana. Hatuwezi kusema kama kuna uongozi mbaya katika vijiji ama katika ma-location na ma wilaya halafu serikali ishindwe njisi yataweka kiongozi kupitia njia gani. Ikiwa Wananchi wanalalamika kwamba hatutaki kuweka kiongozi ambayo hatumjui anatoka wapi, hajui shida zetu halafu badala kutatua tatizo hilo serikali iseme hatuna pesa kushugulikia shida yenu, hapo itakuwa iwezekani. Ni lazima ijulikane njia fulani itapatikana hata kama delegate system itachukua siku moja au mbili lakini matakwa ya Wananchi ni kwamba serikali iwe wale viongozi ambao watachaguliwa wawe ni watu ambao wanatoka maeneo yale wanatoka na hiyo delegate system tunaiona imefaulu si kwamba kwa sababu ya hii tu ni mpya imekuja, vyama vingi vya kisiasa vimetumia hiyo njama na ninafikiri ndio njia moja ambayo inagarimu pesa kidogo kuliko system zote.

Kuhusu swala la wadhifa; ni kwamba wale wataochaguliwa wote ni wale ambao watakuwa wana ujuzi wa kufanya ile kazi na

ndio maana itatangazwa nafasi za assistant chief, nafasi za ma DO zitatangazwa na vyeo mbali mbali. Sasa wale ambo wako interested kwanza kabla hawajarudisha kwa Wananchi kuchaguliwa wao wamepeleka form zao za maombi na qualification zao. Wakipitishwa huko na board ianhusikan na ma swala hayo sasa ndio watarudisha kwa Wananchi. Ikiwa ni mmoja hana mpizani tutasema hana mpizani, lakini ikiwa ana mpizani wata challenge huko mashidani. Lazima achaguliwe kupitia hizo kura.

Com Salome: Asante sana Bwana Mwinyi. Janet Wamahiga yuko? Haya sakafu ni yako.

Janet Wamahiga: Kwanza ningetaka kurudisha shukurani sana kwa Commissioner kuletwa hapa kwetu ili waweze kusikia mambo yetu na Wananchi wenzangu Hamjambo. Mimi ninaitwa Janet Wamahiga Mirobi, mimi ni chairlady wa KANU katika Thaironi Ward na nina wakilisha ggroup yangu ya Thaironi Women Group. Ya kwanza ningetaka kwamba kila yule anayetaka kusimamia uraisi atangaze utajiri wake. Pia awe na umri unaozidi miaka hamsini na kuendelea mbele. Madiwani nao wawe wamehitimu mpaka kidatu cha form four.

Ya pili wanawake wapewe madaka katika Bunge na pia katika ma ofisi za serikali. Ya tatu tunataka wanawake wapewe haki kama wanaumme kwa mfano Mzungu akioa msichana wa Kenya akifika huko anapewa uraia wa huko. Mimi nikiolewa hapo na Mzungu akija hapa ni shida awezi kupata uraia wa Kenya.

Mapolisi wetu wasiwe wakifutwa kazi na kama amepewa retire ajulikane ako mahali gani sababu uhalifu mwingi umepatikana kutokana na hawa waliowachizwa kazi.

Engine, wazazi lazima wapeleke watoto wao shule, watoto wapewe haki zao. Pia mtu yoyote atakaye patikana na mtoto chini ya umri wa miaka kumi na nane apelekwe kotini na kuhathibiwa vikali.

Kuhusu passport za Kenya imekuwa ni vigumu sana kwa mwananchi kupata passport ama ID ni shida sana kwa mwananchi wa Kenya kupata hizo vitu. Lazima mambo haya yaangaliwe vilivyo kutatua hizi shida za ma passport na ID.

Speaker: Asante Bi Chair. Mimi swali langu ni kuhusu nafasi za kazi za Mbunge. Msemaji amesema wa kina mama wapatiwe nafasi za Bunge sawa. Sasa sijui kama ni zile kazi kama za ukarani ama wa Bunge wawe sawa wake kwa waumme kwa sababu kama ni kazi za Ubunge basi ni raia mwenyewe mwenye kuchagua na kama ni ziwe sawa sasa sijui anataka iwe sawa ama wanachi waambiwe lazima wachague mwanamke ama iwe vipi. Pengine angetueleza zaidi ya hapo.

Janet Wamahiga: Kusema hivyo ni kwa sababu kuna viti ambazo huwa zimetengwa kwa nominated MPs kwa hivyo wakati zinatengwa pia wanawake wapewe.

Com Salome: (inaudible)

Evans Gachie: Hamjambo Nyote? Mimi ninaitwa Evans Gachie kutoka kwa shirika la Young Leaders Network, vijana viongozi, mtadawazi wa vijana viongozi. Kwanza nitaanza kuzungumzia kuhusu vijana. Ni wazi kwamba vijana Tumetengwa sana tangu tupewe uhuru katika hii nchi ya Kenya sawa sawa tu na vile wanawake wamekuwa wakitengwa na Tumeona serikali zote mbili tangu zichaguliwe hazina sera maalum kwa mambo ya vijana hasa tangu 1982 Tumeona mambo mengi ambayo yamekuwa yakifanyika kugandamiza vijana katika serikali ilioko. Kwa hivyo sasa sisi kama viongozi vijana ndipo tunasema katika Katiba itakayokuja tungependa I-provide member of parliament for the youth halafu pia tungeomba pia tuwe na member of parliament for women kuwe na Bunge wa wanawake anawakilisha wanawake, yeye hana eneo anawakilisha tu wanawake na pia kuwe na Mbunge mwingine pia anawakilisha walemavu na makudi mengine yoyote ya wenye kasoro ndogo ndogo.

Pia kwenye hiyo Katiba tungeliomba katika hizi Commission uwa zinakuwa formed kuwe na Commission hususani iko pale tu maalum kushugulikia mambo ya vijana labda ingetafutwa jina lakini sisi tungependa labda iitwe National Youth Commission. Mnajua wazi kwamba toka mtoto akiwa mdogo anavyokuwa, uwezi kumfanyia mambo sawa na mtu mzima. Vile vile tunavyofanya mambo ya watoto pia vijana wafanyiwe mambo kiujana. Hii Commission ije na National Youth Policy kwa sababu tunajua tangu tupewe uhuru miaka thelathini na saba nafikiri Kenya hatuna sera ya vijana, National Youth Policy hakuna mpaka saa hii ninavyozungumza. Nchi majirani zipo lakini hapa hatuna sera ya vijana, aibu gani. Sasa hii sera labda itahusisha mambo kama reproductive health, tunajua ugonjwa wa ukimwi unahadhiri sana vijana, tunajua umasikini unahadhiri sana vijana, machokora ni vijana, mimba unapata watu wakiwa vijana ni kwa sababu hatuna hii sera, kwa hivyo hii sera iwe inashugulikia reproductive health, mambo ya uwajiri, employment, mambo ya kama education, education ambayo ita-allow vijana wapate civil rights information na pia hiyo sera iwe na mambo ya technological training na iwe na sera pia ambayo inayoshughulikia mambo ya mchezo kwenye hiyo policy. Nishamaliza mambo ya vijana.

Nikiingia kwa mambo ya serikali kuu executive, kuna serikali mara tatu. Serikali kuu executive tungelipenda sisi rais president awe ni ceremonial. Awe kazi yake ni kuhudhuria tu mikutano na kufungua na kukaribisha wageni, asiwe anaongoza serikali lakini awe tu anaongoza nchi. Kuwe na Prime Minister ambaye huyo ndio atakayoongoza serikali na pia raisi tungependa asiwe anawakilisha eneo lolote katika Bunge. Tungeliomba pia permanent secretaries wawe wakiwa appointed by the Public Service Commission on the basis of merit, expertise's, experience character and qualification. Tungependa pia secretary to the cabinet awe appointed by the head of government au Prime Minister.

Haya kuna ofisi moja mabyo Kenya hakina, Tumesikia watu wakizungumzia vile polisi wanatunyanyasa, Tumesikia watu wakizungumzia kuhusu vile viongozi wa serikali wanatunyanyasa. Je, hawa viongozi wakitunyanyasa huhwa tunaenda wapi, hatuna mahali pa kukimbilia lakini tungekuwa na ofisi of ombudsman hapo ndio tubaweza pahali pa kukimbilia, ofisi of ombudsman ni office ambao uwekwa kushitaki viongozi wa serikali, police na wengine wote ambao watatunyanyasa sisi katika serikali kwa hivyo tungelipenda Katiba itoe ofisi of ombudsman na ziwe ziko allocated from the divisional levels kwenda juu hata kwa location. Tungeliomba parliament iwe na uwezo katika Katiba ya ku-pass vote of no confidence to the government, na kukiwa na vote of no confidence basi hiyo serikali inatajikana i-resign immediately.

Tungeliomba pia hiyo Katiba katika upande wa local government, nafikiri hiyo ishasemwa, local government iwe elected sitaki kuregelea.

Halafu ningelipenda hizi Commission ambazo nitazitaja hapa ziwe zinakuwa approved by the parliament kabla hazijakuwa appointed. Ya kwanza ni Electoral Commission, ya pili ni Attorney General awe akipitishwa na parliament kwanza kabla hajakuwa appointed na zile Commission zingine ndogo ndogo za inquiry. Ingingine ni Permanent Services Boards and Hard Rock Boards zile ziko passed through the parliament. wengine ni executive chairmen, chairman wa ma-board of directors, executive directors, managing directors, general managers of the parastatals, wengine ni Public Prosecutors or any other prosecutor, wengine ni ma-Controller and Auditor General. Na hawa ma- Controller na Auditor General wawe wakituma report zao directly to the parliament na copy moja iTume to the treasury.

Halafu pia kuna ingine governance and the members of board of governance wa Central Bank of Kenya and the board of governance of any other public operation. Wawe wakipitia through the parliament kabla hawajakuwa appointed. However Judicial Service Commission of Inquiry should be exempted. Kwa sababu gani? Mtu wowote ambayo yuko kwenye Judicial Service Commissioner huwa ni Judge na Judge aki-appoint-wa lazima awe approved by the parliament kwa hivyo hawa Judicial Commission of Inquiry wanaweza kuwa exempted kwa sababu ma-judge already uwa washakuwa approved by the parliament. halafu kuna hii post ya Police Commissioner, we don't need a Police Commissioner in Kenya. All the Police Service and all the Police Department should be localized in home areas. Mapolisi wawe wana recruit-iwa kutoka kwa ile mitaa ambao watafanya kazi. Kama ni village ni town au ni municipal kama ya Mombasa polisi wana- recruit-iwa hapa kwa sababu wanajui ile eneo vizuri wanafanya kazi hapa hapa. Hatutaki polisi ambao atatolewa Nandi kuja kufanya kazi hapa kwa sababu kitu cha kwanza hajui lugha yetu, kitu cha pili hajui hata hii masikani za hapa vizuri. So inakuwa raisi kwa ma- asikari ku- recruit -iwa kwa zile maeneo ili waanze ku-detect crime kwa uraisi na pia wataweza ku-prevent crime kwa uraisi kwa sababu wao wenyewe ni wakaaji wa pale.

Ya mwisho nitaongea kuhusu mambo ya ardhi. Kuhusu land ownership; land ownership na ma-transfer za land should not be touched by the central government kama vile inavyoendelea saa hizi. It should be left to the state legislation and the local authorities. Ma-disputes, hizi muvurugano ya mashamba ziwe zinahusishwa na serikali yenyewe na Local Authorities na court of Law. Halafu president should not have powers on the land matters kwa sababu kwa saa hizi president ndio ana-appoint land Commissioner. Na. Kama president ana-appoint land Commissioner ni rahisi hata yeiye mwenyewe pia kuiba shamba na hatuwezi kumfanya chochote.

La mwisho kabisa ni kwamba all the public land, hii land yote ya serikali iwe inasimamiwa na land boards na court of law so that kukiwa na shida yoyote kama mambo ya land titles, boundary disputes and transfers ziwe zinafanywa na hizi boards na court of law na kuwe na mamlaka maalum ipatiwe kwa local authorities kama ni municipal waweze ku-deal na mambo ya land

huku chini. Hii yote itazuia masikini, tunakuwa masikini kwa sababu mambo yanafanywa na authority za huko juu na hizi local authorities huku chini hazina uwezo. Asanteni sana.

Com Pastor Ayonga: Kwa Polisi umesema kama hiyo force ingetolewa ni lipi lingewekwa kwa badala yake maoni yako ni lipi lingewekwa kwa badala yako kwa maana kazi ya polisi ni muhimu kwa vyovyote.

Com Salome: Hata mimi nina swali kwako(inaudible) kwani wanajua masikani kwa hayo na vile wataweza kuwakumbusha vilivyo wenye karibu Sheria(inaudible).

Evans Gachie : Asante sana. Swali la kwanza hatuitaji police Commissioners hapa Kenya kwa sababu police Commissioner kitu cha kwanza ana appoint-wa na raisi na mimi nimesema tungependa tuwe na polisi ambao watatoka mitaani ambao watafanya kazi kwa vile maeneo ambazo wanaelewa vizuri. Sasa mimi ninge-propose badala ya polisi Commissioner kwa sababu tutakuwa na hawa mapolisi watakuwa wame-recruit-wa mitaani kwanda juu police Commissioner iondolewe na instead tuwe na inspector general.

Halafu kwa swali la pili ni kweli kwamba saa nyingine tunafanya kazi katika maeneo sisi tunajulikana kuna mtoto wa shangazi, mtoto wa mjomba sasa kuna ile kwamba mtoto wa shangazi hatashikwa. Lakini tujue nafikiri hatufanyi kazi na mapendeleo. Otherwise tukiangalia hivyo ni kwamba hakuna mahali tutakuja fanya kazi. kitu ni kwamba kutakuwa na code of ethics na pia kuna professional code of ethics katika kila kazi na uwa kuna Sheria ina-deal na polisi, ninafikiri saa hii ni Chapter 84 of the Laws of Kenya. Kama hiyo Chapter inaweza ku-capture mambo ambayo yatamuwezesha polisi kufanya kazi kwa eneo la kwao basi hiyo chapter ya police Act irekebishwe pia kado na Katiba iweze ku handle huyu polisi ambaye anafanya kazi katika maeneo yao. Asante.

Com Wambua: (inaudible)

Evans Gachie : Asante sana. Nimezungumzia kuhusu Sheria ya polisi na nikasema kubadilisha jina hiyo ndio kitu ya kwanza kwa sababu kubadilisha jina itamaanisha kwamba pia majukumu yake pia yatabadilishwa kidogo. Tuseme police Commissioner basi ikibadilishwajina ni kwamba zile kazi police Commissioner alikuwa akifanya zita remain vile vile au zitaondolewa zote. Ni kwamba we are going to adopt, tutachukua vitu ambazo zitafaa na huu mfumo mpya halafu sisi wenyewe tutakuja na mfumo wetu vile tunavyopenda vijana wetu waandikwe kazi na vile ningependa tufanye nao kazi. kwa hivyo hii ni jambo ambalo mimi peke yangu hapa nilipo mimi singependa kuchangia peke yangu. Kwa hivyo wakati itawekwa kwenye Katiba basi sisi Wananchi tena tupewe nafasi ya kuchangia pia kwa ile Sheria ambayo ni ya police Act.

Com Salome: (inaudible).

Immanuel Gitau: Me I am Immanuel Kangethe. Ningeuliza swali moja, nawezaongea na lugha ya ki lugha yangu au niongee na lugha ya Kiswahili.

Com Salome: Unataka kuongea nna lugha gani?

Immanuel Gitau: Ninataka kuongea na kikuyu.

Com Salome: Okay, endelea na hiyo lugha maana kila mtu ana uhuru wa kuzungumza kwa lugha yoyote ile.

Immanuel Gitau: (*In Kikuyu*)

Translator: I am requesting that parliament should have a representative of disabled because if you look critically at the current parliament you find that there is no representative for disabled as per now. Kama nilivyosema ni kwamba kitu ya kwanza ningependa kuzungumzia kuhusu walemavu. Tukiangalia vizuri katika Bunge letu la hivi sasa ni kwamba hakuna walemavu ambao wanawakilisha walemavu katika Bunge. Kwa hivyo ningelipenda walemavu tuakilishwe Bungeni ili tuweze kuongea au kujadiliana kuhusu walemavu wenzetu.

Jambo la pili , ukiangalia katika huduma za kusafiri utakuta kwamba sisi walemavu huwa au katika vyoo vya umma sisi walemavu huwa hatushugulikiwi kwa kutolewa zile vifaa ambazo za weza kutusaidia sisi kuweza kushiriki katika hizi huduma za vyoo na usafiri wa umma. Kwa hivyo jambo kama hili lingeingaliwa ili sisi walemavu tuweze kushugulikiwa kikamilifu. Asanteni.

Com Salome: Asante sana Immanuel. Sasa ningetaka kumuita Omondi Kenneth.

Omondi Kenneth: Asante. Kwa jina ninaitwa Omondi Kenneth. Jambo la kwanza nataka kuchangia kuhusu walemavu. Ningependa Katiba iwekwe walemavu wasomeshwe kwa lazima

Omondi Kenneth: Jambo la kwanza nataka kuchangia kuhusu walemavu, ningependa katiba iwekwe walemavu wasomeshwe kwa lazima. Wapewe education, wapewe elimu ya kilazima mpaka ile ningependa education yao ifike form four.

Halafu kuhusu jambo la kikazi, wapewe uhuru wa kufanya kazi yoyote tu, sio eti walemavu wawachiwe tu washone viatu na nguo. Isitoshe wakitoka pale krudi huku pia wanapata kama serikali yenyewe wamemwaga mitumba nyingi, wewe ulifundishwa kushona viatu, hutashona viatu tena, ulifundishwa kushona viatu mpya, utakuja kupiga viraka. Sasa tunepende tutengewe kazi maalumu hasa tukitoka pale Cool Heart unakuja kupewa kazi.

Halafu jambo ingine ile ningependa kuongea ni juu ya mobility, zile viombo vya kutembea wasiwe wanaweka ile Kwa saa hii

ni ghali sana, kwa saa hii wanaonda kazi, sasa tungependa serikali watilie maanani maanake hizo vitu ni muhimu sana kwa walemavu.

Jambo lingine, katika haki ya walemavu, zamani tungekuwa tunapata zile free education na free training na wakati huu mlemavu kama mimi nikiwa nataka training mpaka nilipe pesa kiwango, hakuna institute yete ambaye mpaka ulipe. Sasa tungependa waweke tafisisi, serikali waweke tafisisi ambayo watakuwa wanachunguza ni kweli ile haki ambao walemavu wote wanasoma ama wengine wamewachwa kwa sababu tukisema walemavu wasome wengine watawachwa wengine watakuwa wanasoma.

Halafu tungependa sasa, kuna wazazi wengine wanatabia ya kuweka watoto walemavu dani ya nyumba wanaficha watoto wao, halafu shida ikitokea, akiwa mkubwa anamwacha nje. Sasa hakupewa education, hana kitu ya kufanya sasa inakuwa shida ikiwa ameshakuwa mkubwa. Sasa tungependa mzazi wowote ambaye yeye mtoto wake ni mlemavu anaweka ndani ya nyumba apelekwe kotini ajibu mashtaka gani kwa sababu anaweka huyo mtoto. Itakuwa wakati ambao mtu atakuwa mkubwa na ikiwa hajasoma atafanya nini?

halafu sasa jambo lingine pia ambao ningependa kuchangia ni katika kapuni nyingi haswa hakuna walemavu wanafanya kazi. Sasa tungependa kapuni ipewe kiwango fulani ya wafanyikazi walemavu. Na ni hayo tu ndio ningetoa.

Com Salome: Asante sana Bwana Omondi. Majina yako kamili ni nani?

Kenneth Omondi: Omondi Kenneth.

Com Salome: Asante sana bwana Kenneth. Sasa tumpate Paul Kitimbi.

Paul Kitimbi: Mimi ninaitwa Kitumbi Paul. Sasa points ambazo niko nazo ya kwanza ni sehemu ya basic rights. Hii ningependa wafanyi kazi wote wawe wana haki ya kuwakilishwa na trade union. Nikisema wafanyi kazi wote nina maanisha pia polisi, unitary forces, wako na problems ambao zinawahusu kikazi ambao wangukuwa na trade union wangeweza kusaidika kama wafanyi kazi wengine.

Nikija upande wa land property rights, ultimate ownership of land, should be an individual, not community, government ama tribe maanake ardhi uwa ni mali na hatuwezi kupima mali ya tribe ama community, tunapima mali ya binadamu mtu mmoja tu. Kusiwe na kipimo cha ardhi; hiyo ina maanisha there should be no sealing on land ownership.

None citizens should not own land.

A Kenyan citizen has a right to own land anywhere within the Kenyan boundaries. Government should encourage this by

resettling landless people irrespective of their origin to different areas of the republic kuliko kama mimi ni Mbaluyia ninawe resettled Ubaluyani. Iwe sehemu yoyote ambayo government ina-allocate land, inakusanya wale watu ambao hawana ardhi iwe ni Kisumu, Somali, wawe resettled in those areas. Hiyo ita encourage watu waelewe ya kuwa nchi haina mupaka.

I then go to cultural ethics and regional diversity; the Constitution should provide protection from the discriminatory aspects of culture.

Kuwe na two national languages, English number one and then Kiswahili.

The Constitution should recognize indigenous languages but not promote them. Pesa za umma sizitumiwe to promote indigenous languages maanake ukizaliwa katika kabila ya... kama wazazi wako wana kabila watakufunza kabila yako.

Management of natural resources. All parastatals employees should have uniform scales unlike today. All parastatal boards should have uniform scales of payment unlike today where some parastatal their scales are very much higher than those of other parastatals and yet those employees they are public servants and whatever they are doing they are building the nation. It is very hard to understand why a messenger in Central Bank earns more than a graduate teacher, very hard to understand. Yangu ni hayo.

Com Salome: Asante sana Bwana Kitimbi.

Paul Kitimbi: Nilitoa maoni Tononoka lakini hizi sehemu ambao nimeguza leo they were not included, nimeongeza.

Com Salome: Sasa nimuite Abdalla Moi.

Abdalla Ali: Waheshimiwa mliokuwaq hapa mabibi na ma bwana na Tume ya kuandaa marekebisho ya katiba hamjambo. Nia na mathumuni ya mimi kusimama hapa ama kuzungumza mbale yenu, naona mengi yamezungumzwa kuhusiana na polisi lakini mimi ninazungumzia zaidi na nina iomba. Mimi ninaitwa Abdalla Ali Moi as a Mombassa comedian, asa a founder comedian. I am a commentator of this Tume ambayo tunaendelea nayo.

Ninazungumzia juu ya vijana kwani watu wote wamezungumzia kuhusu mishahara, kuhusu kazi lakini si vijana wa leo na maisha ya baadaye. Ningeomba Tume hii ya marekebisho ya katiba itilie maanani kuhusiana na vijana. Ninalia wivu sana mimi kama mkaazi wa hapa Mombasa, definitely as a founder comedian, street comedian na mpaka nikaweza kufika jina na I can imitate about 30 language, naweza ku-imitate. Ni kwamba wakaazi wa mkoa wa Pwani they are challenging lakini naomba Tume ya marekebisho hii ya katiba itilie maanani kuhusu vijana kwani utakuta upande wa uvutaji bangi Mombasa, Vipuli sijui wapi wote from Mombasa. Yote inatokana ni kwamba when you are looking for this Girl Guide wa Bora scouts they are well smart. If you

are looking for this Kojia community they are well smart, but if you are looking for our Mombasa six Arab Scout wakuta mwingine amevaa chapali, mwingine vilemba vimekwenda juu, mwingine amevaa suruali ya cowbow. Vijana wale wale they are best swimmers, vijana wale wale wengine wamesomea mambo ya first aid, leo dani ya Makadara ninatumai hamjawai kufika na Mungu atajalia nitawaalika mimi mwenyewe rasimi mje mutembee kwenye Fan Fair Except Stadium ikiwa kuna mechi, utakuta ambulance na first aid iko pale. Lakini ikiwa kuna sherehe zingine ambazo ni muhimu basi uwezi kukuta ambulance iko pale, uwezi kukuta scout girl guide ako pale na leo ikiwa vijana wale hawakutupiwa vijizi because if anything kesho watapata kazi navy, watapata kazi kwenye serikali na mahali penginepo. Ningeomba Tume hii itilie maanani na izungumzie swala la vijana kwani katika mkoa huu wa pwani ni mziki wanasorota. Natumai wageni wetu wa heshima kutoka mlipokuja last time Tononoka si kuja nilisikiza lakini this time nikajitolea rasimi kufanya public address na mwenyewe nije nizungumza.

Mumeona namna machokora, ikiwa hatutakuwa na mahali kiwanja tunapewa hall we train them kutakuja mambo ya swimming, navy watatusaidia, katiba itatusaidia mpya ambao itakaotungwa na tutaweza kuwafukuza watoto hawa baadaye some of them they will be simulitonic, watakuwa na sehemu mbali mbali. Leo ukificha uhuru na kazi, gari za serikali hazipungui hamsini ziko pale. Tuna wafungwa ambao they are in prison those who can make those cars na zitafanya kazi. Kwa hivyo naomba Tume hii ituwezeshe sisi vijana.

Mimi ni mmoja ambaye pia ningependa kuzungumzia jambo la pili. Upande wa wizara wa utamaduni, Tumewekwa nyuma sana, hatuna human rights. Katika Kenya leo maoni yangu ninayatoa mbele ya kamati hii ambayo iko hapa kusikiliza maoni yetu. Mimi kama Abdalla Ali ambaye ndio mwanzilishi katika Mombasa mchezo wa kuigiza, sauti na kufanya mengi. Leo Redycluss wanafanya na cassettes zinazwa kila mahali. We don't have human rights, Kenya hatuna. Leo nitachukua cassette ni muazime huyu, huyu atakwenda atamwazima yule ata- record-iwa hapa. Chukua hii ya Mtanzania, they are coming soon, wacha wakushike na hii cassette you won't believe it, you will pay the fine na watakushitaki vile iunavyotaka. Ningeomba sisi wasanii, Kenya hatutambuliwi.

Mr. Coast where is he, Mzee Mombassa, leo mzee Mombassa na taalibu sister. Nyumba ya kuangaliwa ambapo wa Kenya wako, Waislamu wako, communities ziko ambazo ningeomba Tume hii iweze kuwasaidia wasanii kama sisi. Natumai mliposikia Abdalla Moi mliona nitakuja na Benzi, mkimuangalia hata baiskeli hana, yote ni kutokana na haki za wasanii wa Kenya. Tembea barabarani utakuta kasheshe ni msanii, magazeti kutoka Tanzania ya wale wanasanii.

Promoters, maunivu yameimba siku za kuimba jana na juzi ndio utaona cassette yake inapita hapa. Kwa hivyo naomba kamati hii itilie mkazo kuhusiana kwanza kuhusu hao vijana tuunde kamati. Mimi I am ready to be a leader na nitawaita wengine tuongozane ili vijana hawa, and I am 100% tembea na gari utakuta wasimama mimi mwenyewe nawaita waiting for the bus which has not come. Waangalia huku na huku wafikiria wangoja basi mpaka saa kumi na mbili. So njia ya kuondosha ugonjwa ule when we keep them busy everyday. Kuna wale ambao Tumeshidwa na vilema walioko Likoni. Wanaweza kuimba a national anthem na kila kitu na si kwamba viombo hivi Kenya girl guide scout haina, they have lakini Kisauni constituency ward

hii imetupwa kabisa. Nazungumza kwa niaba ya vijana wote wa Kenya kwamba ukithibitisha na definitely kuna wale ambao pia first aid kuna wengine ambao wana elimu zao lakini ukiwaangalia suruuri zina tundu kwa barasani. Salamaleku mdosi, kutoka asubui mpaka saa kumi salama maleku. Kwa hayo machache sina mengi ya kusema na kesho tutakapokuwa pamoja nitazungumza mengine ambayo ningeomba Tume hii ambayo imekuja hapa kutusikiliza sisi itilie maanani haswa kuhusu sisi wasanii. Tutatoa cassette kwa ajili ya kutekesha kesho nitategwa mimi naona hapa. Kwa hayo machache asante.

Com Salome: Asante sana Abdalla Moi. Ambaye anafuata ni Abdalla Baghazala.

Abdalla Baghazala: Jina langu ni Abdalla Baghazala very simple and very romantic. Lengo langu la kuja hapa ni kutoa maoni yangu kwa Tume hii juu ya vijana ambao wametajwa mara nyingi, youths. Mpaka sasa na katiba hii tunayo hapa hakuna pahali popote inaposema vijana wale ambao walioleta sifa katika Kenya kwa njia ya michezo ya aina yoyote watazamwe, wajulikane na wapatiwe nisani katika nchi.

Waalimu waliotengeneza vijana wakawa wanaki vizuri uleta sifa ndani ya nchi. Wale waalimu wao vile vile watabuni kali. Nina kuhakikishia maanake mimi nimesafiri nchi nyingi, vijana wetu wengine wanajinyima harafu duniani kwa michezo kuliko mawaziri wetu wengine dani ya Kenya na wameleta sifa nyingi sana. Sitaki kutaja majina maalum, tizama riadhaa utaona katika riadha ambao mimi sikuja kama mwana chama wa mkoa wa Pwani ambao mimi ni mmoja wapo lakini mapoja kutoa maoni yangu wanajulikana zaidi ya wajumbe wetu Kenya. Mimi nimekwenda nao kama kimeneja, watu hawakujui. Wasema Kenya iko wapi, mmoja wamuambia iko West Indies lakini hawa vijana wetu wanaleta sifa kubwa. Tulikwenda Greece tukaulizwa inatoka wapi tukasema tunatoka Kenya siku hizo, Oh! Kenyatta Keino. Kenyatta na Keino, unajua wanajulikana wa quality, Kipchoge Keino na Kenyatta. Kwa hivyo mimi ninaomba very seriously Ministry of Sports should be amalgamated with the Ministry of Tourism kwa sababu vijana hawa timuzi wetu za leta sifa kubwa sana wakicheza, wakikimbia inje ya nchi yetu na tukiendelea hivi hivi bila mipango maalum unakuta nchi inaongeza uchumi ambao shida yetu kubwa ya Kenya leo ni uchumi. Hata jana World Bank inasema bado hatujarekebisha mambo, hatujui ni mambo gani tutarekebisha tena. Njia moja ni kuleta watalii na tunaweza kuleta watalii tukileta the Ministry of Sports na Ministry of Tourism pamoja, uenda mipango yetu yakuta nchi yetu inje itajulikana sifa zaidi kuwa watu wasione kuwa Kenya ati mambo ni mabaya, mambo si mabaya hivyo tunavyofikiria. Kuna nchi nyingi ni mbaya kweli kuliko kiti. Hilo ndio onyo la kwanza, maoni yangu ya kwanza ya kufikiria youth na kuwa amalgamated.

La pili ningeomba ingawa limetajwa lakini mimi ninataka kusisitiza tu lisemwe zaidi kwa sababu kila jambo likisemwa huyu na huyu na huyu na huyu Makomishona mtasema hapa hakuna jambo. Kuchaguliwa kwa ma mayor katika Kenya; kuchaguliwa na ma- councilors peke yake ndio shida kubwa tunayo leo katika Kenya habari ya mayor kwa sababu ni kidogo na watu kidogo kila siku unaweza kuzungumza lakini wacha wananchi wamjue yule, wachague mayor kama vile wanavyochagua councilor. Isiwe mambo ya ward, ward yako kule inakotoka haitoshi lakini iwe ni mji nzima inamchagua mayor. Sababu(inaudible) huyo mayor haitakuwa kwa councilor. Sasa yeye anasikiza councilors maanake ndio waliomchagua lakini kama wananchi wamemchagua inakuwa lazima sasa asikie wananchi. Wananchi hawana njia yoyote ya

kumuambia mayor Tumekuchagua sisi labda ward yake ndio itamuambia sisi Tumekuchagua kuwa wewe ni councilor. Na wale ma Chairmen walioko ndani ya council vile vile wale wachaguliwe na wananchi wa mji huo. Mayor wa mji awe atoka katika mji ule ule, anazijua shida za watu, anawajua watu wenyewe, anawajua historia yao, ndio atajua na atafanya kazi yake kwa uzuri. Kwa hayo machache ninawashukuru kwa kunipa nafasi hii na nakoma kama kuna maswali yooyte, comments niko tayari kujibu.

Com Salome: Asante sana Bwana Abdalla. Kuna swali kwa Abdalla.

Com Wambua: Umesema kuwa mayors wawe wanakuwa elected lakini sio na ma councilors na mayors na Chairman wawe wanatumikia watu wote kwa ile mji. Kwa hivyo ningependelea kujua kama ni maoni yako kwamba mayor na Chairman wasiwe na ward ambao wanasimamia. Kama wanataka kuchaguliwa kama ma chairmen ama mayor asiwe na ward Fulani. Wachaguliwe na watu wasimame kitu cha mayor wachaguliwe na watu wote ama kwanza atasimama kama councilor halafu achaguliwe kama mayor. Ungependelea namna gani kwa maoni yako kuhusu hiyo jambo.

Abdalah Baghazala: Lengo Kubwa ya kurekebisha katiba, lengo kubwa ni kurahisisha mambo yasiwe magumu zaidi. Kwanza kwa mambo ya fedha, hatutaki duplication na taabu. Mwanzo lazima upate, uwezi kuwa mayor kabla ujawa councilor, uwe councilor watu wako wakuchagua wa mtaani lakini si wale ma councilors wengine wa kuchagua wewe uwe mayor. Uwe councilor kisha Councillor ma Chairmen na mayors wachaguliwe na ule mji. Kama ni Kilifi, kama ni Mombasa iwe ni Mombasa na may the best man win. Nimejaribu kukjibu.

Com Salome: (inaudible).

Abdalah Baghazala: Nakubaliana na yeye lakini modalities zao tuachie Electoral Commission wafanyi. Kuna Commission kama nyinyi ambayo inachunguza mambo ya uchaguzi. Mimi ninasema wachaguliwe na Wananchi. Sasa vipi watakoachaguliwa ni vipi sasa hizo ni modalities, technicalities zenu nyinyi na Electoral Commission watasaidia. Nchi nyingine wanafanya hivyo, sisi hatutakuwa wa kwanza katika ulimwengu, wa mayors kuchaguliwa na watu maanake ukisema hivyo, nimekwenda Scandinavia nimeona mayors wanachaguliwa na Wananchi na ma mayors wote ndio Chairmen kwa parastatals, zile strategic parastatals ndio ma mayor.

Com Salome: (inaudible).

Japhet Muinga: Kwa majina yangu ninaitwa Japhet Muinga na nimzaliwa wa hapa mji huu. Kwanza ningeanza na uchaguzi wa raisi ama uchaguzi wa wa Bunge wetu, ya kwamba kungekuwa na siku mbili tofauti, siku ya kwanza tuchague wa Bunge wote halafu baadaye ndio sasa kuje kuwe na uchaguzi wa raisi.

Pili ni kwamba huyu rais awe sasa abaweza kuchagua Prime Minister na hizi parastatals zote, wale the heads of parastatals

wawe wanachaguliwa na committee za Bunge na ingekuwa ni hivi. Ya kwamba ikiwa ni parastatal kwa mfano kama KPA, nafasi itolewe itangazwe ya kwamba kunatakiwa Chairman wa KPA. Watu wajitokeze kwa majina halafu ku-formiwe special committee ya parliament ambayo ita interview hawa watu ambao wangechaguliwa. Halafu wale watatu ambao wangechaguliwa ndio sasa wapelekwe kama ni Bunge ama ni kwa raisi waweze kuwa appointed mmoja lakini raisi asiwe na mmalaka maalum ya ku-appoint mtu, kwa mfano kama vile inavyotendeka habari za saa saba unasikia mtu amechaguliwa na ameondolewa muda fulani.

Nikirudia hapo nyuma, huu ni wakati ambapo tungejivunia ama tungekula matunda ya elimu yetu ambayo Tumejifundisha kwa muda huu miaka thelaqhini. Kwanza kungekuwa na viwango maalum, rais wa nchi awe ni mtu aliyesoma na awe na kiwango kama ni cha professor, yaani ninamaanisha ya kwamba kuna watu ambao wamesomea political science na nina amini ya kwamba watu kama hao ni watu ambao wakipewa nafasi katika nchi wanaweza kuiongoza vilivyo maanake n hiyo ndio area ambayo walikuwa wakosomea. Kwa hivyo kuwe ni watu ambao ni wajuzi wamesomea upande huo kwa mfano kama professor na hawa wa Bunge ambao dani yake kutapatikana ministers wawe ni watu wa degree minimum, wawe na degree moja. Hivyo unaweza kupata kama ni minister wa education ni mtu ambaye ni professional katika education amesomea education kwa kiwango kile cha degree level kama ni minister wa health ni health ni mtu ambaye ni dakitari amesomea eneo hilo lakini tusichukue dakitari halafu tunamuweka awe minister wa cooperative development.

Hiyo ni makosa ma kubwa tunachanganya. tunachukua watu ambao wamesomea eneo lile na anawekwa mahali pale. Halafu appointment of ministers inakuwa ni kwamba hizi ministries kwanza wale viongozi wa ministries wanakuwa ni watu wanaochaguliwa kama vile nilivyo sema kwa hizo parastatals. Watu wanachaguliwa na committee ya Bunge ku head hiyo ministry yote, yaani yule tunamuita permanent secretary awe pia naye anachaguliwa kutokana na committee ya Bunge. Halafu yule anakuwa ndio chairman wa permanent secretary. Minister anachaguliwa na raisi lakini sasa huyo minister na permanent secretary ndio ambao sasa wanaendesha hiyo ministry na ikiwa kuna swali lolote kuhusiana na ministry hiyo basi inakuwa ni raisi kuuliza yule mtu ambaye amechaguliwa na Bunge na kufutwa ni rahisi kufutwa na Bunge. Hiyo ni kuonyesha kwamba mamlaka ya raisi, kuchagua permanent secretary pasiweko. Mambo mengi sana yawachiwe bunge ama ningesema kwamba Bunge lipewe mamlaka zaidi kuliko raisi maanake raisi ni mtu mmoja. He can easily be manipulated, hatuwezi kusema mimi ndio nilimchagua mimi ni rais mimi nitakuwa more genius than any other Kenyan. I can always be manipulated here within or even outside the country. Naweza kuwa na outside forces, they may be other super powers wakanilazimisha mimi kama mtu mmoja kugeuza manno ya nchi yetu lakini ikiwa Bunge letu ndio lenye mamlaka zaidi kuliko raisi inakuwa sio rahisi kumliki mambo yote maanake ile ni Baraza la wazee na ikiwa kuna jambo lolote ambalo linahusu serikali inabidi kwamba lile lipitishwe na Baraza la wazee. Wawe ni presentatives wametoka area fulani fulani za nchi walioheshimiwa kwa hivyo wana haki kusikizwa katika maoni.

Jambo lingine ni kwamba hawa wa Bunge wawe na ofisi maalum ambazo Wananchi wanazitambua kwamba hii ni ofisi ya Mbunge wao. Kama hivi sasa unafanya kubahatisha hujui ofisi ya Mbunge wenu iko wapi na hata ukiwa na maoni ujui uende

wapi. Kuwe na ofisi maalum, institutions ambazo zimejengwa kwa mfano kama hii Chandaria Hall ama hii area tujue hapa ndio ofisi ya Mbunge wa Mvita na haijalishi kama ni wa chama gani. So long as wewe ni Mbunge wa Mvita atakuwa na right ku-assume hii ofisi na akiondolewa kuwa Mbunge wa Mvita ana-vacate office na hapa kunakuwa na hall kama hivi ambapo kuna siku maalum Wananchi wenyewe wanaweza kuja wakajadiliana juu ya mswada ya nchi ama juu ya jambo fulani maanake Sheria nchi inanza kutokana na Wananchi wenyewe. Tunapokaa hapa na kujadiliana juu ya msaada fulani wa eneo letu hapa tukiwa na councilor wa eneo hili ama wazee wa mtaa huu hapo ni rahisi kuandika ule mswada ama memorandum tukampatia Mbunge wetu kwa kusema sisi kama wakaazi wa Mombasa Tumekaa na tukasema kwamba jambo hili twataka wewe ndio ukalijadilie Bungeni. Kwa hivyo hili ni jambo ambapo Mbunge wetu akiwa kule Mbungeni na sisi tutakuwa tuna radio tunasikiza, tuna TV tunaangalia maanake ni kitu Tumemutuma na hatakuwa yeye mwenyewe ametuma maneno yake.

Lakini vile ilivyo unakuta kwamba un less Mbunge yeye mwenyewe awe novative utamsikia kimbelebele kule Bungeni. Wa Bunge wengine yeye ameenda kule lakini hana mjadala unaweza kusikia Mbunge amekaa kule miaka kumi na tano miaka ishirini hajaletaa mswada hata mmoja lakini wakati wa kura ndio unamuona yuko active kwa hivyo kila constituency iwe na office ya Mbunge wake ambayo itakuwa inaweza kutambulikana.

Nikirudia kwa upande wa wafanyi kazi, wafanyi kazi tunabaguliwa sana kwa upande wa taxation, utakuta kwamba wengine wanakuwa over taxed than others. Kuna watu wengine hata hawa-tax-wi kabisa, wanaishi tu humu humu. Halafu hii tax nayo kwa wale ile group ya watu ambao wana tax-iwa nayo wamenyanyaswa. Utakuta kwamba mfanyi kazi wa serikali kama minister ama mfanyi kazi wa serikali tuseme, mshahara yake waweza kuwa 30,000 shillings na ana post kubwa sana kule serikalini lakini mshahara wake waweza kuwa elfu thalathini. Sasa hii Sheria ilioko ni kwamba wana tax mshahara ile inaitwa salary, wana-cut salary. Lakini kuna hizi zinaitwa fringe benefits ama allowances, haya mambo mengine haya tax-wi mtu anapewa kamili, kama nyumba anapewa kamili, kama ni gari anapewa kamili, mafuta vitu hivi vingine kama ni kusomeshewa watoto atasomeshewa kamili. Sasa utakuta mtu wa serikali saa hii salary ni kidogo kama elfu ishirini. Ikifika taxation kama ni 20% ina tax-wa ile ile 20% of of the 20,000 ambayo inakuwa ni elfu nne. Lakini mtu yule yule na fringe benefits anapewa elfu sabini ama anapewa elfu themanini. Sasa unakuta kwamba huyu mtu wa serikali, uwezi ku-imagine mtu wa serikali ambaye anapata pesa kidogo kiasi hicho na mtu mwingine wa kazi ya kapuni ya kawaida ambaye anapata the same amount. Ni kwanini huyu anakuwa na pesa ntingi ama anakuwa na mali nyingi kwa muda kidogo kuliko huyu mwingine, ni kwa sababu ya zile fringe benefits. Sasa sisi wafanyi kazi wa kawaida tunapewa mshahara mkubwa lakini sasa sometimes little allowances or no allowances at all ama fringe benefits. Sasa ikija ikifikia taxation we become the sufferers, we earn less than hao wengine. Kuna areas zingine kuna group za watu wengine ambao hawa tax-wi kabisa. Kwa mfano kama farmers, watu wenye nyumba za kukodisha kama hizi za elfu mbili na below, watu wenye Matatu. Ninatajia tu lakini kuna watu wengine nasema kwamba hawa tax-wi kabisa kwa hivyo taxation imekuwa iko juu sana.

Halafu nikija upande wa kwa mfano kama madereva,. Unakuta kwamba dereva ana-cause accident na dereva huyu huyu anaruhusiwa kuendesha gari tena. Dereva mmoja naweza ku-cause accident mara tano mara sita. Ingekuwa kwamba dereva

aki-cause accident kama amaeuwa anyimwe hiyo licence kabisa, asiruhusiwe kuendesha gari tena. Kama ni public vehicle ameenda amependua na wamekufa watu kama sitini huyo akatazwe. Ikiwa ni dereva ambaye ameumiza watu, lakini drivers from time to time wapewe nafasi tena warudi tena for re-checking wa- test-we tena waone kama anaweza kuendesha gari ama la. Halafu nikija kwa upande wa kama hiyo area kwa mfano kalma farmers ningependa kwamba hii agricultural institutes ziwe open to everybody, sisiwe kama ni watu ambao wamemaliza skuli, ama watu ambao labda wamekosa kazi, wametafuta kazi wamekosa ndio wanaenda huko halafu wanakuwa extension farmers. Halafu wakiwa extension farmers wanakuwa dis-interested they don go. In this case ingekuwa ni kwamba vyioo vya agricultural view open to every body na kila mtu akienmda akisoma pale tayari anaenda shambani ana-purchase, serikali ita-save mshahara ya kuandika extension farmers na pili farmers wetu watakuwa professionally trained. Saa hii farmers wetu wanabahatisha bahatisha, lakini tunataka profession farmers.

Com Salome: Asante sana Bwana Muinga. Kuna swali kwa bwana Muinga?

Com Pastor Ayonga: Nilisikia ukisema kwamba mara nyingi awe amesoma na (inaudible)

Com Wambua: (inaudible)

Japhet Muinga: Asanteni. Kwa ajili ya swali la kwanza mimi ninaamini ya kwamba kuna wasomi wengi ambao wako nje ya nchi yetu haswa zaidi ma professor amabo wangukuwa hapa nchini wangukuwa encouraged wanaweza kuendesha mambo vilivyo. Lakini wameangalia hii situation wakaona badala ya kungangana ni heri wakatafute kazi nje. Pili ni kwamba ikiwa kama mimi kwa mfano nimesoma vilivyo kwa upande wa administration na professor ni mtu ambaye hata nimesoma na nime-practice or hata pamoja na kwamba kuna ile akili ya kuzaliwa lakini hili ni jambao ambalo nimelosomea na nimehitimu katika upande huo. If I was a successful manager and specially up to that level it means that I can run the country well. Kuliko kama mtu ambaye labda hakuwa amesomea area hiyo.

Kujibu swali la pili ni kwamba hawa wa Bunge isiwe kwamba watu wanachaguliwa kutokana na ile the winning party peke yake. Ikiwa kwenye winning party amekosekana mtu wa daraja lile, basi lazima tuwe tayari kutupa macho katika the opposition party pia napo tuangalie. I am sure out of hao wote haiwezekana, itakuwa very little chances kwamba tutakosa mtu ambaye anaweza kushikilia ile position kabla hatujaangalia any other alternative and especially ikiwa the permanent secretaries ni watu ambao walikuwa na kiwango kile, huyu minister is only a chairman to the board unaona. A chairman kazi yake ni just to conduct a meeting lakini here we have got a permanent secretary who is a secretary to that ministry. I am sure that ministry can run very well.

Com Salome: Asante sana Bwana Muinga, jandikishe pale. Anaye fuata huyo ni Muniri Masudi.

Muniri Masudi: Jina langu ni Muniri Masudi. Ma- Commissioner wa Tuem hii mabibi na ma-bwana salama maleku? Yangu yatakuwa mafupi kwa sababu nilikuwa sikupanga kuja kuzungumza leo lakini nimeona nafasi ilioko nitumie nafasi hiyo. Jambo la kwanza, ningependa kuzungumzia Katiba yenyewe kile kitabu chenyewe kilivyo. Ukitazama katika Katiba yetu ya Kenya ni kama iko naked tupu. Nimewai kupata bahati ya kuona Katiba moja, Katiba ya Uganda ambayo ina kitu kama preamble au maelezo ya kueleza nini watu wa nchi ile wanataka katika Katiba yao. Kwa ufupi lengo la ile Katiba ni nini? Kwa hivyo ikiwa tunaita Katiba ni Sheria ya mama, sasa kuna mama wa ile Sheria ya mama yale malengo ama maono ya watu, vision yao wanataka Katiba yao iwafanyie nini, iwapeleke wapi. Ina maana kwamba ikiwa Katiba yenyewe kutakuwa na kifungu chochote ambacho hakikutosheleza matakwa ya wananchi⁹ wenyewe basi ile Katiba yenyewe itakuwa ina upungufu na wakati wowote itakapojulikana mbeleni, inatakiwa irekebishwe ili iambatane na matakwa ya Wananchi wenyewe.

Jambo loa pili kuhusu Katiba ningependa kwamba mpango huu uliopo wa marekebisho ya Katiba usimalizike baada ya hii shuguli yenu. Iwe ni kitu continuous kwa sababu ukitazama ndugu zetu wa Uganda ambao nafikiri Katiba yao ni mara kumi, utanisamehe ikiwa nimekosea, ni mara kumi bora kuliko Katiba yetu ya leo. Katiba yao ya pili walio ibadilisha baada ya ile walio irithi wakati wa ukoloni ninaiona ni mara kumi bora kuliko yetu lakini muda wa miaka mitano baada ya kuitengeneza hiyo Katiba nzuri, tayari wameshaona matatizo ndani ya Katiba hiyo na wanataka hivi sasa wanaifanyia marekebisho tena. Kwa hivyo tungeomba katika Katiba hii itakayotengenezwa sasa, iingizwe ndani yake kifungu kwamba itakuwa ni continuous process, utengenezaji wa Katiba. Vipi itafanyika namna hiyo ni nyinyi mtaangalia na wajuzi wengine.

Jambo lingine ambalo ningependa kusema kuhusu Katiba ni maoni ya Wananchi ambayo yatapokelewa sasa. Ikiwa Katiba hii kweli itakuwa, basi maoni hayo hayafai kupingwa na ma-agent ya Wananchi wenyewe. Nikisema ma-agent ninamaanisha wa Bunge wetu. Kwa heshima ninachukulia kwamba wa Bunge ni ma- agent ya Wananchi wanakwenda kuwaaki⁸lisha. Ikiwa leo Wananchi wenyewe wamesema, sidhani kwamba agent ataweza kusema kinyume na wenyewe walivyo sema kwa hivyo tanaomba kwa heshioma Bunge likubali kwamba maoni yatakaopitishwa na Wananchi wa Kenya wao watakuwa ni kuwapigia rubber stamp peke yake. Ikiwa watakuwa wameona tatizo lolote, kuna upungufu wowote, basi wairudishe kwa Wananchi wenyewe, wawaambie kwamba Tumeona kuna upungufu fulani na Wananchi wenyewe waamue wangependa kurekebisha jambo hilo namna gani. Sio wao kama ma- agent wa Wananchi kwenda kubadilisha na wakaleta kitu kingine ambacho wananchi wenyewe hawakufikiria.

Sasa napenda kuzungumzia kuhusu chama cha KOTU. Chama cha KOTU kinawakilisha wafanyaji kazi, na wafanyaji kazi ndio utu wa mgongo wa uchumi. Bila wafanyaji kazi hatuwezi kuwa na uchumi na wala hakuwezi kuwa na nchi yoyote. Kuna matatizo kwamba wafanyaji kazi haki zao zinapuuzwa kwa sababu ya chama kama cha koti bila umbrella organization uwa kimekuwa cubed ama kimekamatwa ama kinatawaliwa na nguvu nyingine ambayo ni nje ya wale Wananchi. Tungependa basi mwenyekiti ama secretary wa general wa KOTU awe ni automatic member of parliament katika Bunge lolote lile ili asiwe na hamu ya kutaka, secretary general asiwe na hamu ya kutaka Ubunge, akaenda kuomba vyama vikamfadhili kumsaidia kupata Ubunge kisha akawauza Wananchi wote wafanyaji kazi ndani ya siasa ya vyama vile.

Kwa nukta hiyo hiyo, ningepeda pia wale wa Bunge wanaitwa nominated member of parliament. hawa wanakula mishahara mikubwa sana pesa za Wananchi na hii Wananchi wenyewe wameshachagua watu wao waakilishi wao. Haifai nominated seats ziwe zinapewa zawadi ya vyama wamutumikie mtu ambaye wanaempenda. Zile lazima ziwe for specific purpose, ikiwa ni public interest, iwe ni public interest, sio interest ya chama au ya mkuu wa nchi au mkuu wa dollar. Kwa hivyo kuangaliwe namna nyingine ya kutumika hivi viti za member of parliament sio wanaganyiwa nyinyi mko watu hamsini mtapata viti fulani, angalieni girlfriend wako, angalia bwana wako, angalia hivi, nafikiri hiyo nikuharibu mali ya Wananchi kwa sababu watu wale hawalipwi na vile vyama wananlipwa na pesa ya Wananchi. Ikiwa watapewa nominated member of parliament kama civic society apewe kwa mfano ndugu yangu alivyosema kumekosekana dakitari, apewe ni doctor au kunakosekana architecture apewe Law Society of Kenya chairman wake apewe zile nominated. Utaona kwamba hii ni pesa nyingi ambazo wanakula na Wananchi wengi wanajitolea kazi kwa mfano PTAs katika maskuli wanafanya wakati Mwingi sana lakini hakuna mtu anayewalipa committee members katika PTA. Dani ya Bunge wanalipwa sijui ni laki nne wengine anasema ni laki sita, na yeye ni nominated member of parliament na haendi katika Bunge mpaka business ya Bunge inasimama kwa sababu hakuna forum. Sasa ile zawadi walipewa Ilikuwa ni ya kazi gani. Kwa hivyo jambo hilo lisiwachiwe wa Bunge kuamua. Liingizwe katika Katiba zili wa Bunge wasiende kulibadilisha tena.

Naomba kuzungumzia kuhusu chama kinachoitwa kwa kingereza NASADA (National Agency of Campaign Against Drug ABUSE). Nafikiri chama hiki kinaoongozwa na ndugu Joseph Kaguthi. Hatujui ni kutokana na shirikizo kutoka serikali za nje au mashirika ya nje iliyo ilazimisha serikali ya Kenya ikaamua kuanzisha hii NASADA, hatujui lakini Kenya ilikuwa inapotea katika mambo ya madawa ya kulevyia na ni business kubwa sana na ni wazi watu wenye kufanya biashara hizi wanajulikana, ni watu wana connection na watu wakubwa. Siku moja tukasikia katika KBC kutoka state House kumeanzishwa NASADA. Ina maana kwamba kesho KBC ile ile inaweza kutangaza kwamba Joseph Kaguthi rudi zako nyumbani. Hatukujua alipewa Kaguthi labda ako kabla fulani inataka kurudishwa karibu nasi, hii ni kisiasa au ni vipi, au ni kweli inataka kushugulikiwa tatizo la madawa ya kulevyia. Ikiwa ni hivyo basi tunasema hivi, NASADA ingizwe katika Katiba kama ilivyo Attorney General office and tenure of office ama audit and controller general ama office nyingine. NASADA iwe pale na Mbunge ama Bunge ama mawazsiri ama raisi hawezi kumungoa. Na tungependekeza kwamba Joseph Kaguthi ikiwa hatawekwa yeye anafaa katika hiyo kazi. Tunasitikiza kwamba Kaguthi anatembea Kenya nzima akiulizwa unaweza kufanya nini kuhusu madawa anasema mimi ziwezi kazi yangu ni kuambia watu basi wachni wacheni kwa sababu amepewa huku jukumu la kufanya pesa nyingi wakati mwingi lakini hakupewa authority au nguvu, uwezo wa kuzuia kwa sababu anajua wenye kufanya na binu wanazo fanya zinajulikana lakini anashidwa kwa sababu amepewa na amepokonywa.

Naomba kuzungumzia kuhusu judiciary idara ya mahakama. Nafikiri wa Kenya wengi wanakubali kwamba mahakama zetu zimeshindwa na kazi kwa heshima na nafikiri niko na protection nisije nikatoka hapa kesho nikatafutiwa huko nikaenda nikatupiliwa mbali sijui wapi. Kuna kesi katika mahakama ziko miaka tisa na ma judge wamepandishiwa mishahara na hawa wanasumbua watu mtu unaweza kupelekana na mwenzio kotini mpaka mtu akafariki kesi hazijamalizika na kesi wanazozitaka

siku mbili. Juzi mayor wetu wa Mombasa ameshikwa leo ametegwa kotini. Mimi nina kesi bibi yangu alishikwa miaka saba mpaka leo haijasikizwa. Mahakama zenyewe ukifika pale hatutambui tuko Kenya ama tuko London kwa sababu Sheria zilioko katika mahakama ni Sheria ambazo mwamnachi wa Kenya hazielewi. Mahakama ambayo ingefaa iwe inafanyika London ndio iko hapa Kenya Mombasa. Kwa nini tuhukumiwe na Sheria za mwiingereza. Sheria zenyewe ni mbovu hazitufai, judge anaweza kuamua huyu mtu ameiba watu wote wamemuona ameiba wazi wazi na akiasema huyu akuna kesi aliyehitimu au wakili wake amekosa kuleta karatasi fulani kwa hivyo huyu kule kuiba kwake kwote kumekuwa si kuiba tena. Kwa hivyo sheuria ni mbovu wenye kuzipeleka ni wabovu, nafikiri ma judge wenyewe wamewai kusema moja Kwach kwamba kuna corruption akaihtwa mbio akanyamazishwa azizungumze lugha hiyo. Kuna corruption, sheri a zenyewe zinazotumika pale hazitufai nafikiri ingekuwa bora. Pmahakama zetu za kienyeji zipewe priority kwanza ambaye hataki kuhukumiwa kwa Sheria zetu za kienyeji ndio achague kwenda katika mahakama zao za wazungu.

Jambo la mwisho ambalo ningependa kuzungumza ni kuhusu ukabila. Bwana mwenyekiti wa kamati hii, tunamsikia kiongozi wa jamuhuri yetu kwa heshima kabisa akizungumza Kenya hakuna ukabila, mimi sitaki ukabila lakini mambo practically yanaofanyika on the ground ni ya ukabila mtupu wazi wazi. Sasa twaomba Katiba hii iangalie binu kuondosha huu kwamba hakuna ukabila na ukabila twauona upo. Nyinyi kama experts mukae na wengine mtafute vipi tutatutua tatizo hili. Mimi ningependa kwamba tukubali kwamba ukabila uko na tu-institutionalize kisha tugawanyiane kulingana na yale makabila nafikiri tutakuwa pale, tutaweza kufanyana haki kuliko kusema hakuna ukabila. Ukiingia ofisi ya moja kuanzia juu mpaka mwisho watu hamsini wote ni kabila moja na wengine watakwenda wapi. Hatukatai, tunataka tuchanganyike kabisa, mix. Kenya yote ni ya wa Kenya wote na kuna nafasi kila mtu apate, lakini mwingine akisha kuingia pale juu basi hakuungiimwingine kule. Ni shemeji yake, ni dada yake, mjomba wake, nani wake, ni makosa. Kwa hivyo tungesema hivi tukubali kwamba ukabila upo na kila mtu ana kabila yake kisha tukae chini tupangiane. Halafu tukitaka kuondoa ukabila yale makabila yenyewe yaweke waakilishi wao wazungumze tutaondoa vipi ukabila. Watakapo kubaliana tutaondisha, kabila hatujakubaliana tuukubali upo na uwekwe katika Katiba na mambo yote yaende kulingana na quarter ili kila mtu apate ile keki inayoitwa Kenya. kwa hayo machache ninatoa shukrani sana kwa kamati hii. Sikuwa nimejitayarisha lakini nikaona nafasi iko nikachukua nafasi hiyo pengine kesho tutakuwa na watu wengi zaidi.

Com Salome: Asante sana Muniri Masudi. Kuna swali kwa Bwana Muniri.

Speaker: (inaudible)

Muniri Masudi: Ma-Commissioners kwa ruhusa yenu alivyo sema ndugu Abdalla kwanza kwamba the Constitution itarudishwa kwetu inaweza kuwa kweli lakini baada ya hapo mwisho wake itarudi parliament kwa adoption nafikiri. Sasa ni wakati ule ambapo wale jamaa zetu waheshimiwa wanaweza kui-doctor wakaifanya wanavyotaka ndio ikapita sisi twasema wakati ule ndio wasiiguze tena. Hivi sasa wao kama Wananchi wa Kenya pia waweza ku-contribute kama mwingine lakini wakati ule wakati wote Tumekubaliana ndio hivyo. Ikienda pale kwao katikak parliament wasiwe na kuibadilisha tena, ni hiyo

nilikuwa nazungumza.

Kuhusu makabila watu ambao hawajui labda kabila gani, kwanza tutakuwa na zile main tribes kisha halafu wale watu hawajui basi watachukuliwa the nearest tribe ama vingine ama wale experts wataonyesha ni namna gani. Lakini wale ambao wanajulikana wazi na hatufanyi kwa sababu tuna-bias against tribes, no. Tuna respect kwa sababu ni kitu cha Mungu ndio alipanga namna hiyo, lakini nataka tuwe na justice na fairness. Tunatafuta viti tutapata justice na fairness kwa sababu miaka thelathini na saba tangu tupate independence hatujaona kumefanyika fairness. Tumeona watu wakisema hakuna ukabila kama wanavyosema Amerika, huku kwetu hatujaweza kuchukulia nationalism kama ilivyo kule. So kabla hatujafikia pale tuende kwa zile binu zetu za ki-Africa, na hatujafikia kile kiwango chao so wale ambao hawajajua took kabla gani nafikiri pengine wale experts wanaweza kusema hawa wataingia katika one side of unknown tribe. Asante.

Com Salome: Asante sana Muniri. Na sasa Tumefika mwisho wa kikomo cha siku yetu ya leo cha kikao hiki. Ningetaka kumuuliza mtu yoyote aliye na maadishi ama na maandiko hata kama hajazungumza, tafadhali apelike pale, utajisajiri na kuonyesha kuwa umetupatia maoni yako kwa maandishi. Ningetaka pia kuwajulisha pia Tume nzima ya mageuzi ya Katiba ya kuokoa wa Pwani kwa hivyo mumeona sisi tuko hapa, wengine wako kwenye vikao vya Bunge, vya mkoa huu na tuko kama siku saba hivi.

Mwisho ningetaka kuwashukuru nyote wakaaza wa kikao cha Mvita cha Bunge na ningetaka kuwajulisha kuwa tuko kwenye kikao hiki cha Bunge tena kesho, na kuwaalika tena, ikiwa kuna wale watapata nafasi ya kuja, waje tukutane kesho. Kina mama nimesikia mumesema mumejitayarisha kwa kikao cha kesho kwa hivyo ninaagalia, natarajia kukutana na nyinyi Quebaa Primary school.

Nataka tena kutoa shukrani kwa kufika mapema na kuweza kututafisiria, wenye wametusaikia na mitambo hii ya kupasia sauti ni kazi mingi na watu wengi, coordinator wetu wa hapa Mombassa wote wawili tunawashukuru sana na wafanyi kazi wetu wa kutoka Nairobi kwa matayarisho haya na washukuru na mwisho ninawashukuru wana Tume wenzangu.. Asanteni sana na Mungu awabariki.

Ningetaka kumuomba mtu mmoja atufungie kwa maombi. Kuna mtu anangetaka kutuomba. Uliinua mkono ungetaka kutuomba tafadhali.

Speaker: (Prayer Inaudible).

Meeting ended at 4.30 p.m.

&&&&&&&&&&&&&