

CONSTITUTION OF KENYA REVIEW COMMISSION

(CKRC)

VERBATIM REPORT OF

CONSTITUENCY PUBLIC HEARINGS,

KITUI CENTRAL CONSTITUENCY, HELD AT

MULTI-PURPOSE HALL KITUI TOWN

MAY 13TH, 2002

CONSTITUENCY PUBLIC HEARING, KITUI CENTRAL CONSTITUENCY, HELD AT MULTIPORPOSE HALL , SATURDAY MAY 03, 2002

Present:

1. Com. Riungu Raiji
2. Com. Alice Yano
3. Com. Mosonik Arap Korir

Secretarial Staff in attendance:

- | | | |
|--------------------|---|-------------------|
| 1. Irungu Ndirangu | - | Programme officer |
| 2. Patric Kiptoo | - | Rapporter |
| 3. Mary Babu | - | Verbatim Reporter |

Meeting was called to order at 8.30 a.m,

Prayers: Wakati ambapo tunapoanza kikao hiki twaomba baraka za mbingu, tunaomba uwe na kila mmoja wetu na uongozi wetu uonekane. Hii inchi yetu tunaiweka mikononi mwako na tunaomba amani , tunaomba kustawi, tunaomba na rehema zako.

Katika jina la yesu kristu mwokozi twaomba.

Com. Raiji: Ahsante sana. Tungetaka kuwakaribisha nyinyi nyote katika kikao cha tume ya kurekebisha Katiba. Pamoja nami tuko na ma-commissioners. Commissioner Alice Yano, tuko na Commissioner Dr. Mosonik Arap Korir. Jina langu mimi ni Commissioner Riunga Raiji. Tuko pia na ma officer kutoka makao makuu ya tume, tuko na programme office bwana Ndirangu, tuko na bila shaka mnamjua coordinator wa commission katika district ya Kitui Elizabeth Mumba. Pamoja nao tuko na Mrs Baabu, tuko na Kiptoo, na hao ndio wanatusaidia ku-record mambo ambayo mtatoa hapa. We also want to recognise, we have our D.O here Mr. Muthaura, we have the British High Commissioner, Mr. Clite and we want to welcome all of you.

Kwanza kabisa kabla hatujaanza tungetaka kumwambia taratibu itafuatwa. Wale wote wangetaka kutoa maoni tayari wamejiandikisha na wataendelea kujiandikisha. Wale wa kwanza ndio watatoa kabla ya wengine. Kila mtu yuko uhuru kutumia lugha yoyote ambayo angetaka. Lugha zetu ni Kiswahili na Kiingereza, lakini kama ungetaka kutumia Kikamba au lugha nyingine tutamsaidia kwa kutafsiri. Yule ambaye ako na memorandum atapatiwa dakika tano. Hatutaki watu wasome memorandum yote, tunataka atupatie tu summary au highlight. Wale wangetoa maoni binafsi tunawaptia muda usiozidi dakika kumi. Tunamuuliza wakati maoni inatolewa tafadhali tusikize, mtu asikize yale yanatolewa hatutaki watu wawe wakipiga kelele, kwa sababu tungetaka kila mtu apatiwe nafasi. Tungetaka kumwambia nyinyi nyote mko huru kutoa maoni yeyote kuhusu jambo lolote la kikatiba. It is a free session. Tungetaka kuwajulisha kwamba kila mtu yuko huru kuingia na kutoka, kwa sababu hiki ni kikao ambacho kila mtu tungetaka awe huru kutoa maoni yake.

Sasa wakati wa kutoa maoni wale watatoa maoni watatoka kutoka upande huyo. Baada ya kutoa maoni utaenda ku-register kwa wale ma-officer wetu hapo. Lile lengine ni kwamba; ukitoa memorandum, pia utatuachia hiyo memorandum nua utaregister. Tungetaka kumwambia kama uko na memorandum na hutaki kuzungumza, uko uhuru kuleta memorandum wakati wowote, tutaichukua. Itaangaliwa na itakuwa record ya commission na itakuwa registered. Kwa hivyo tungenema ahsante sana wale waliokuja. Wale wasio sikia, kama mkiwaona, kuna ambaye munamujua ili tutafute interpreter? Kama kunaye mtatuambia halafu tutatafuta interpreter wa deaf people.

Okey, wa kwanza kutoa maoni atakuwa ni Bwana Fredric Mwendwa. Fredric Mwendwa? Ungetaka kutoa maoni? Uko na memorandum? Karibu, utatwambia jina lako ili tuchukue katika recorder halafu utatoa. Uko na dakika tano za kutoa memorandum, kutupatia tu highlights.

Fredric Mwendwa: The commissioners, Director of Kitui Central, and my fellow citizens. How are you? On behalf of the youth, with whom we have been meeting, my names are Fredric Mwendwa Alimo. We have discussed the basic rights of children. I will read what I have. Children rights should be handed to the people, Political rights which are already in the current constitution and be categorized in the public's mind that children are most the vulnerable segment of society, and also the most important for the future. The rights should give the freedom from hunger, abduction, any form of violence, any un-orthodox employment, any form of exploitation. This formal agreement of Constitution should give our children rights to a free and compulsory primary education.

Number two, free and frequent health care. Three, equal treatment. Four, freedom of thought and expression. Five, leisure and art. This is the ability and skills production. Also the constitution should give the provisional rights of participation and protection.

Government participation to the children's rights; this should be under the Constitution protect children from all forms of abuse; exposure to drugs, phonographies, neglect and exploitation by parents or guardians and provide prevention and treatment programmes.

Number two, the Government should maintain high quality institutions for the care and protection of children who cannot be cared for in the family. The government should protect children from economic exploitation and work that endangers the child's health and education.

We have participation in governance. For the excellence of maximum participation the constitution should create a ministry which will deal with departments of women, persons with disabilities, youth, minority groups and the elderly.

As pertains youths, there should be a young representative elected in the ministry for covering of the youth facing problems, and development proceedings. This ministry dealing with departments should enhance, and the development committees treated under these necessary branches, that is: National Development Committee, sub-branched to District Development Committees, still sub-branched to location development committee and youth development groups as well as women groups elderly etc.

The elected young person that is the youth representative, should hold a seat in the Parliament for Parliamentary proceedings. Government should support the ministry by creating recreational facilities like social halls and libraries, within the location levels, which will also create jobs vacancies to the jobless youth. The ministry should enhance an income generating project youth activities gains, peer groups counselling, drug abuse and outbreak of epidemics counselling like AIDS and HIV.

Youth to public sectors and private sectors, Government should encourage the creation of jobs by strictly changing one man's job system. The person employed by the public sectors should strictly be re-trenched when found owning a firm in private sector.

Defence and National security: the Constitution to state that everyone is entitled to equal protection of the law without discrimination on any grounds, and especially against violence and threat. The constitution should highlight that everyone has the right to liberty and security of the person. Everyone has the right, is entitled without any discrimination to equal protection of the law. No one should be subjected to arbitrary arrest, detention or exile. All persons deprived of their liberty have the right not to suffer torture or cruel, inhuman or degrading treatment. Everyone has the freedom of movement, everyone has the freedom

of expression and peaceful assembly. Special attention should be given to the protection of human rights of members of potentially vulnerable groups such as children, women the elderly and members of minority groups. Thank you for your hearing.

Com. Raiji: Just a minute. In case any commissioner wants to seek clarification.

Com. Mosonik: Mr Chairman, Mr. Fredric Mwendwa said, he represents the youth organization and that they deliberated on these recommendations. Which organization is that and how did you conduct your meetings.

Fredric: We had been meeting here. We met on 5th and on 26th of April here in Multi-purpose.

Com. Raiji: Do you have a specific name for the youth organization or you just met as ordinary youth?

Fredric: No, we met here then youth were asked to walk out to present their issues in union.

Com. Raiji: Okay, thank you very much. You can present your memorandum for registration. The next one is David Musembi Mutia. Karibu Mzee.

Musembi Mutia: Macommissioner, balozi wa uingereza, na wageni, na wananchi wenzangu, hamjambo? Maoni ambayo ninatoa hapa ni ya wakaazi wa village ya Menzini, sub-location ya Kitungati, Kizazi location.

1. Katiba ya Kenya iwe na utangulizi. Katiba ya Kenya iandikwe kwa lugha zote za Kenya na lugha rahisi kuweleweka.
2. Mashamba: Title deed itolewe bure.
3. Kubandilisha majina ya title deed iwe bure.
4. Wabunge wawe wakifanya kazi siku tano kwa wiki.
5. Wabunge lazima wahudhurie Bunge bila kukosa.
6. Wabunge kama hawafanyi kazi sawa sawa, wafutwe na wananchi.
7. Kuvunja Bunge; wabunge waendeleo kuwa wabunge hadi mbunge mpya atakapoapishwa.
8. Uteuzi wa judge, udhibitishwe na bunge.
9. Kubandilisha Katiba, wananchi ni lazima waulizwe maoni yao.
10. Hukumu ya kifo iondolewe kuwe na kifungo cha maisha, na mfungwa aruhusiwe kuonekana bila masharti.
11. Uajiri wa kazi usiwe na ubaguzi kwa wake na waume.
12. Rasilmali iwe ya ushirika kati ya mume na mke walioitafuta hiyo mali pamoja.
13. Ugawaji wa pesa za Serikali, zigawiwe kwa usawa.
14. Ma-chief wawe wakiajiriwa na wananchi. Kumi na tano, "Atui", yaani wale wazee wa mtaa, wawe wa kulipwa.
15. Hospitali, matibabu yawe ya bure.

16. Masomo yawe ya bure.
17. Rais asiwe mbunge. Yaani, asigombee ubunge, agombee u-rai.
18. Kuwe na waziri mkuu atakaye wateuwa ma-waziri. Mawaziri wadhibitishwe, baada ya mawaziri kuchaguliwa, wadhibitishwe na bunge.
19. Pombe ya kienyeji iruhusiwe.

Thank you. Nimemaliza. Mimi mwandishi, David Musembi Mutia.

Com. Raiji: Ngoja kidogo mzee tuone kama ma commissioner wangetaka kufafanuliwa jambo lolote. Ahsante sana mzee unaweza kupeleka memorandum hapo iandikishwe. Mwingine ni Boniface Nyanyaya Mbuvi. Boniface Karibu, na useme jina lako.

Boniface Nyanyaya Mbuvi: Kwa majina naitwa Boniface Nyanyaya Mbuvi. Na ninaleta maoni yangu, binafsi. Mtaniuia radhi nitatumia Kiingereza. Before I give my proposal, I put forward some remarks.

First, it is important to produce copies of the would be Constitution in all vernaculars rather vernacular languages in Kenya. Such copies be made available or issued to any citizen attaining the age of 16 years, and this is to suggest that maturity age be dropped from 18 years by two.

Second, this new Constitution must also be taught as compulsory subject in the primary and secondary education within the syllabus of education. And now fellow participants to these historical event my proposals are the new constitution must have a preamble developed from the current Wimbo wa Taifa or National Anthem, and the same songs to remain intact.

Two, that immediately after the preamble, the definition and the procedure of how to acquire citizenship must follow with:-

- (a) Those born to a kenya parent regardless of gender becoming an automatic citizen.
- (b) Provision for naturalized citizen
- (c) By registration
- (d) Through marriage.

Three, that the new Constitution must contain an expanded and concrete fundamental rights and freedoms of the individual to include cultural and economic rights, besides those envisaged in the current Constitution, except the practices and traditions which are primitive and out dated, namely and not limited to the following:-

- (a) Wife inheritance
- (b) AGM or Female Genital Mutilation
- (c) Cohabitation
- (d) Polygamy

- (e) Woman to woman, or man to man marriage
- (f) Arms observation
- (g) Dowry paying for that belittles women into properties of men.

Four, that death penalty should be abolished in the new Constitution. That investigations must be conducted before an arrest can be made in the Constitution. That no suspect in the new Constitution will be arrested before before served with forms of warrant for signing and that one may promise to present himself or herself to the station or accompany the officers after signing the forms, where a copy is left behind with the family members and a members accompanies the suspect to the destination that cannot before adequate information and arrangements involving the family.

Seven, that in the new constitution, no person should spend more than 24 hours in police custody before being taken to a court of law and that thereafter all witnesses must give their testimonies within the next day of seven two hours.

Eight, that there be courts of law working everyday during the day time and in all the seven days of the week.

Nine, that the new Constitution must create a Supreme Court headed by Chief Justice; and below it, a Court of Appeal in every province; and in every district, there be a High Court; and down below in every division, there be a Magistrate's Court.

Proposal number ten, that no fine or punishment may be prescribed in the villages by people unqualified in law and outside a court of law.

Eleven, that the new Constitution should provide inmates with; each a cubicle with a bed and all beddings, and served food be of good quality and quantity. That in the new Constitution, visiting relatives should view and talk to their dear ones, from either side of a glass wall separating the rooms, and talk to one another with the help of telephone receivers.

That if one is acquitted by a law court of an offence, earlier convicted wrongs, the Government in the new Constitution must compensate the victim for hours spent in custody, remand or jail or by reason of having exposed the victim to shame and public podium arbitrary. That those sentenced in the new Constitution should earn a quarter of the minimum wage accorded to servants by their employers. That the inmates should provide the government with cheap labour for local and international purposes. That every non-schooling citizen above the age of 16 years must be pensionable in the new constitution, both before employed and on retiring.

Seventeen, that in the new Constitution the primray and secondary education, should be the responsibility of the Government without involving the parents financially. That every citizen should be entitled to health services without the ambiguous cost sharing invention and no private centres should be provided for in the new constitution.

Nineteen, no civil servant in the new constitution should operate any business.

Twenty, that the new constitution must ensure that the farmer is protected from misuse by market terms and conditions.

There should be three to four political parties funded by the government based on their strength in parliament.

Twenty one, that the local authorities in town created by the new constitution should not tax a building but instead should only license an operating business in accordance with its production.

Twenty two, that the ridiculous cap 265 of the Local Government of the current constitution must be abolished and demand any place in the current constitution.

Twenty three, the new constitution should have nothing to do with gender, wealth, education, creed and hence provided one has attained the required 16 years and the needed knowledge can work in any capacity in a public office. Thus the new constituting should provide for the independent candidates for civics, its parliament or presidential. Twenty five, that Kenya should remain with unitary government but with autonomous local authorities.

Twenty six, that the Presidential system should remain intact and be provided for in the new Constitution. That a Presidential system candidate in the new Constitution should have two running mates a male and a female from different religions as of Christianity and Islamic way of life, who becomes automatic Vice President once the Presidential candidate is elected. Twenty eight, if a candidate is in the exercise of general election, within the new Constitution, is rejected by the electorate, such a person must not be nominated.

Proposal number twenty nine, that a nominated councillor should not hold any post in the council and nominated Parliamentarian not to be appointed as a minister in the new Constitution. Thirty, age or level of education must not be used to infringe the rights of some Kenyans to contest in the elections of the civic leaders, Parliamentarians or Presidency.

Thirty one, the person of the presidency must not have powers to vet of parliament rogue it or dissolve at will. The parliament must have its own calendar and time table with working days becoming four hours per week; instead of the current three days, and the length per sitting in terms of time, be expanded. Thirty two, that the President should not be a Parliamentarian in any constituency.

Thirty three, that ministers should be knowledgeable people appointed from outside Parliament by the President, but vetted by the Parliament. Thirty four, that every Kenyan should have his or her record kept by the government right at birth, through school

life and that any person of questionable reputation should not hold public office.

Thirty five, that the new Constitution must do away with the draconian and provincial administrative relics of colonialism, and in its place install local authorities manned by elected officials. Thirty six, that the districts created illegally after independence should be abolished. Thirty seven, that some municipalities which are almost villages in terms of development should be reversed into county councils. A municipality should have at least adequate electricity, clean and sufficient water, reliable infrastructure with a good drainage system and well equipped social amenities.

Thirty eight, that chairmen and mayors should not be councillors. But councillors in all electorates to be given powers of impeachment. Thirty nine, that the new constitution must give Kenyans power to recall their councillor, parliamentarian and president, if they lose confidence in him or her even before the electoral term expires.

Forty, that customary laws should be harmonized and native beers allowed and licensed and the new Constitution to improve and promote the security of consumers. Forty one, that corporal punishment be abolished.

Forty three, that the appointment of ambassadors, judges, magistrates and signing of treaties, should not be done by the President but a special commission be established by Parliament. Forty four, that a representative of the people should collect the views of each of his or her constituents on a prevailing bill or motion, before voting or discussing or taking part in its proceedings.

And now the last proposal I give this very morning, that the Electoral Commission of Kenya in the new Constitution, should be free from political influence, and be established by a neutral body, whose inclusivity compasses the multi-sectoral divide of the people of Kenya. Immediately, that Electoral Commission of Kenya should draw new electoral boundaries. Fellow Kenyans, that is all I had for now. Thanks a lot for listening.

Com. Raiji: Just hold on for any clarification from commissioners. Commissioner Alice Yano?

Com. Yano: Yes Mr. Mbuve, you said that the unified system of Government should be retained, but we have autonomous local authorities. Did you ever think about what the local authorities should be doing? Or what the unified Government should be doing? Will there, may be in, terms of power sharing, what will happen? Can you enlighten us on that?

Mr. Mbuve: Thank you. I think and I'll be forgiven for thinking very loud. I am not a lawyer but I was addressing that problem, where by the local authorities- where we have our elected councillors cannot deliver goods and services to their people, because of certain clauses. For instance they will have to decide but wait for an approval from the minister. So I know you are good at that. You will put that one in order.

Com. Raiji: Don't worry because where we seek clarification, if you haven't thought of the issue, just tell us you have not thought about that but we just want clarifications so that when we start debating the issues, at least we make sure that we understand the purpose of your submission.

Com. Mosonic: Thank you very much for your very detailed memorandum. Please have it registered there. The next person will be James Muinde. Karibu.

James Muinde: Mr. Chairman, members of the commission, the British High commissioner in our midst here, because of the limited period when I got notice that there was going to be a meeting here today, you people coming this way, it was over the weekend and therefore I had to hand write whatever brief notes I wanted to mention. Are you hearing me?

Interjection: Yes

Mr. Muinde: Thank you very much. Instead of reading the preamble here, you will read it when you get back to Nairobi. I am not representing anybody. I am senior citizen of this country. I have seen three Governments. I started with the colonial Government, that was followed by the late Jomo Kenyattas Government and now we have the Nyayo Era led by President Moi. Therefore, I have got experiences of all these government, and I know where we have gone wrong. Whatever successes we have made, I have them in my mind. Therefore I am going to confine myself to the type of Government we would like to have in this country.

Type of government: democratically elected Government by way of one man one vote. We detest any form of autocratic Government that abides in suppression of citizens.

Multi-partism must be perpetuated as a means of checks and balances against bad Governance by a party in power, because experience has taught us that Governments could be catastrophic.

Leadership: we should in my view have the following leadership, mainly voted in by the electorate in free and fair elections.

President: in the past we have been experiencing problems within the power. A president who is above the law, that is he could not be sued or prosecuted if he committed crime or crimes of grave nature. We now need a ceremonial President who does not act as a dictator. He should be sued or prosecuted if he ever commits offence of any nature just like any other person. He should contest for the position through out the republic, of course he should have this campaign along with his running mate, Vice President. After obtaining the required number of percentage or votes then he occupy the position with all our blessings.

The Vice President: he should be voted in by the entire electorate within the public just like the president. He would cover

duties of the President in the latter's absence.

Prime Minister: my suggestion is that there should be a Prime Minister's post, and the Prime Minister should be appointed by the by the President to run and manage the country affairs through the Cabinet Ministers. Two assistants Prime Minister: There should be appointed two assistant Prime Ministers or Deputy Prime Ministers. The two should be appointed by the President.

Cabinet Ministers: there should be appointed a number of Ministers from the elected members of Parliament of the party forming the Government. The appointment should be carried out or would be the responsibility of the Prime Minister. Their number should not exceed eighteen, Kenya is a poor and begging country. It is a young country, and through corruption we have seen what has been happening. We cannot entertain the luxury of having thirty ministers, some of whom have shared ministries.

Members of Parliament: at least the number of Parliament members should be reduced to 180 plus twenty nominated members to make total of 200.

Three arms of the Government: there are three arms of the government namely the executive, judicial and parliament which should remain in place.

Executive: this is the branch of the government or the central government that executes decisions and recommendations enacted by the parliament at its various sessions of the assembly. It runs the government affairs on a daily basis. It should not therefore interfere with the duties assigned to the other bodies namely the judicial and the parliament. The executive shall have its own public service commission to inspect the Civil Service.

Number two, judicial. This is the branch of government that caters for and executes judgment against those who have contravened the laws of the country. It is important that their work should be executed without any interference by or from the executives, as it is the case at the moment.

Parliament: this is a law making body of the country and should be encouraged to make good judgement in their approaches. The laws passed by parliament must be respected by all. This is also should have its own commission who should also conduct appointment a speaker and the deputy speaker. These are to be elected or to be voted in or elected by members of the assembly.

Development: up to the present moment, developments have been conducted on one sided basis in that some of the areas of the public have been forsaken, if not abandoned by the country's leadership.

Ethnicity has played a major role in that respect. These practices must stop if we are to have a united Kenya. If these projects we have them perpetuated by some of our leaders here. The tendency would resolve in a revolution which have developed most of our African Countries.

Nepotism: should be utterly discouraged. Corruption or corrupt leadership must be eliminated from our society wherever it exists within the society. It is one of the cancers that is eating our country. It should start from the leadership.

In case of development: areas such as agriculture, education, health, road maintenance must be extended to all areas of the republic. Once these have been accomplished, peace and tranquility will be our daily chorus. In closing, therefore, I thank members of our commission for accepting to come her all the way from Nairobi, so as and listen to our other side of the Kenyan story. Thank you very much and may God bless you. Thank you very much Mr. Chairman.

Com. Musonic: Thank you very much, you can present your memorandum for registration. The next person is a student Kavini Mwanza. We would ask our presenters to please try to confine yourself within the allocated time of not more than ten mutes because we see the people who want to give views are now many. Kavin, Mwanza? Karibu.

Kavini Mwanza: My name is Kavini Mwanza from Kwaekoronio Primary School in Kyangui Zone, Central Division. I am in standard seven. The following are the pupils, views on the constitution review of Kenya.

One, the Government should do rural electrification in all districts.

Two, the Government should pay and educate all orphans to reduce the increasing number of street children.

Three, school children should not be employed, and the Government should punish those who employ school children.

Four, all rapists should be castrated instead of being taken to the court. Thank you.

Com. Musonic: Thank you very much young lady. Have you finished? Ahsante. If you can present your memorandum there, so that we can register you as one of our presenters. There is another student Mbai Kamwili. Mbai? Karibu kijana.

Mbai Kamwili: The organizing committee, ladies and gentlemen, how are you? On behalf of Kwaekoronio Primary school is Mbai Kamwili ready to present the pupils views on Constitution Review of Kenya. View number one, the government should provide free education.

View number two, the government should provide free treatment and at least build one health center in every sublocation.

View number three, civil servants should not be allowed to own private hospitals. View number four, the government should pay for the school cooks and watchmen. View number five, the government should provide desks and books for all schools.

View number six, the government should employ more teachers to reduce under-staffing. Thank you

Com. Musonic: Thank you very much. Can you get your memorandum registered. The next one is Mr. Mwema Chili? Karibu.

Francis Musyoka Katana: We have an organization called Faida International. Faida is Family Advancement in Development Affairs. Both of us are the directors of the organization. I will start reading our memorandum. We the directors of Faida, we propose that in the next Constitution, there be a Preamble. My name is Francis Musyoka Katana.

Nwasalimu nyinyi nyote wananchi, hamjamboni? I am sorry nitasoma kwa Kiingereza na mutanisamehe. We have proposed that in the next Constitution, we have a Preamble, where by the Constitution can specify the vision that we want to have for our country.

The next proposal is that the Executive powers of the President to be reduced. We proposed that the next Constitution creates the position of a Prime Minister. We want the next President not to enjoy the massive powers which the past President and their current President have enjoyed in their appointment e.g disolving Parliament and things like that.

We also propose that the next President is retirement age to be fixed at 65 years. We also proposed that the next President should be a degree holder at least in public administration.

We also propose that Kenya should have a parliamentary system of Government whereby all the powers will be entrenched in parliament. They will have the powers to employ judges, ambassadors and permanent secretaries and the rest.

The fifth proposal, is the Constitution to limit the number of ministries to thirteen, and that I may expound. The current Government spends a lot of money in some ministries, which are duplicates. They can be consolidated to form a few ministries which can run the country effectively.

The sixth point, is that local authorities to be empowered to do administrative work. The seventh one is chiefs to be elected by people.

Land: the Constitution to have a ceiling on the acreage to be given to individuals if it is free land. At least a hundred acres each.

Education: we propose the next constitution to provide for free education, primary education. In fact from nursery school to standard eight or whichever will be the standard primary education.

Professionals to head ministries: we propose in the next Constitution, that professionals should head ministries, not people who are not relevant or qualified to head ministries. For example you find a military man who knows nothing about medical going to

head a medicine ministry.

The next proposal is that the Electoral Commission to be independent from executive interference. The other one is normal nomination for councilors and MPs. Number twelve, rights of citizens to be followed especially when citizens are arbitrarily arrested by the police.

The next Constitution is to provide that the government does not interfere with the operations of Non-Governmental organizations or the civil society. The next proposal is that the constitution to protect the rights of the children, the disabled, and the aged-in that they provide free education, medical provision. The last proposal is that the Constitution to find subsidies to agricultural implements and that's all. Thank you for listening.

Com. Mosonik: Thank you very much. Please register your memorandum. The next presenter will be Stanlus Kirui Mutinda on behalf of a self help group. Stanlus Kirui?

Stanlus Mutinda: Ladies and Gentlemen, good morning. My names are Stanlus Kirui Mutinda and I am presenting views on behalf of two self help groups namely Makutano Professional Club and Vinya wa Mucii Self Help Group.

One, security: we are very much concerned about the security situation in our country, and we are aware that it is the responsibility of the Government to protect its citizens. This breakdown in law and order is partly caused by elected leaders who make war like statements in public. To contain such careless talkers, therefore, we propose that there should stiff penalties for offences that are clearly intended to disturb peace.

Two, political parties: the number of political parties in the country should be limited to four maximum. Too many political parties dilute the meaning of opposition. Further more a limited of four political parties will provide sufficient competition in the political arena.

Three, the legislative or future Presidential, ministerial and civic candidates presenting themselves for election should have attained an 'O' level of education. The current system where by illiterate person hold high office creates further ground for victimization of educated juniors by their seniors. It also beats knowledge as educated persons remain idle. The same conditions should also apply to appointment to government operations.

3.2, in as far as possible all ministers should be professionally qualified to run the ministries to which they are appointed. Kenya has an abundance of qualified personnel even in the present Government it is however their deployment to various ministries that should be improved. It is even recommended that these conditions should also be applied to the appointment of parastatal heads.

3.3, the Constitution should outline clearly the procedure of appointment and dismissal of ministers. We are particularly concerned about the seemingly casual manner in which ministers are dismissed normally over the lunch time news. This is an embarrassment of public figures and has serious consequences for their families.

3.4, retirement age for legislators and top civil servants should be clearly stated and adhered to. We are particularly concerned that the Government can retrench young Kenyans, while some of its parastatal heads are over seventy years old. In this way, young retirees in the country goes to waste and really this does not help in poverty eradication.

3.5, within the ministries themselves, there is too much duplication of responsibilities and this leads to a waste of resources and therefore, we are proposing that the President should not be above the law as this is subject to abuse.

4.2, the President should not have the power to appoint top judicial officers, we propose that they be appointed by the Public Service Commission which could then submit them to Parliament for approval. Also, in cases where Chief Executives and Ministers have clearly violated the law, they should re-sign immediately and if they don't, we propose that there should be a process of impeachment whereby then they should face the law afterwards.

I won't be repeating what has already been said here now, because we discussed a lot, and since I am going to submit this to you, I think I should just go ahead with a few more points.

We propose also that judicial officers have to be held accountable for their actions and in particular, we are concerned about the so called disappearance of files which is a normal practice in this country, and which is leading to a lot of problems for our citizens. We see also that many Kenyans are illiterate and ignorant of the law and many times they suffer for crimes which they are not aware actually and therefore, we propose that there should be a system to educate Kenyans on their own law of which many are not aware.

We recommend also an overhaul of the prosecution system, because we cannot understand for instance, how one can rape a child and get off lightly with only two years; while you can steal chicken and go to jail for five years. That we cannot understand and we think it is not fair.

On basic rights, we propose that education should be protected as a basic right, and that there should be free education up to form four standard at least. That also the current 8-4-4 system of education should be scrapped as it is too expensive, burdensome and produces half-baked graduates.

We propose also that the whole remuneration system within the government should be overhauled. It is incredible that for

Government employees who have the same educational and professional standards, there are such huge gaps in the way they are being paid.

We also propose that there should be free health for all, and that the current cost sharing system should be scrapped as it does not function.

We also propose that Kenyans should have a right to be represented by trade unions, and they should have the right to strike in cases where agreements have been reached with their employers and the employers have clearly not adhered to such agreements. In the health sector, we propose also that there should be a large contributor health scheme specially for the old people. We are also concerned about the right of pensioners in this country and we propose that they should be paid their benefits as soon as they retire and at least not longer than one month after retirement.

On the management of Natural Resources, we propose that there should be an equitable distribution of natural resources in particular we are concerned about planning at the district level only to find later that such plans are not being put into practice as there are no resources available for implementation.

Finally, on environment and natural resources, we propose that all forests, water catchment and rivers should be protected by the constitution. Such areas should not be allocated to anybody. This particularly the case for water catchments and natural forests. Thank you very much.

Com. Mosonik: You propose that the political parties should be limited to four, but in your words which four, and what will be the criteria for identifying those particular ones?

Kirui: We did not go that far, we only thought that we should not have twenty, thirty political parties because that it does not make sense actually.

Com. Raiji: Thank you very much and please register your memorandum. The next group is Chuvi Nzau Mulamo.

Chuvi Nzau Mulamo: Jina yangu ni Chuvi Nzau. Dc, Commissioners, ladies and Gentlemen, hamjamboni? Nitawaomba munisamehe kwa sababu nitazungumza kwa lugha ya Kikamba. Nitazungumza on behalf kwa shule ambayo (inaudible)

Com. Yano: You are welcome, but if you could do it in Kiswahili because I sense you understand, it would be faster. But we have the facility for interpretation kama ungetaka. Coordinator? Tuko na mzee mmoja hapo. Karibu

Chuvi Nzau: Nitazungumza Kyangwithia West, Mbusyani sub-location, Utui ni Mbooni. Kuna shule ambayo inaitwa Kimbo

SFF ambayo ni shule wa wakulima. Views zile walitoa: Muntu wonthe wa nthi yaitu ya Kenya ni wailite kwithiwa asumbikitwe ni miao kana e wungu wa miao.

Translator: all Kenyans citizens should be below the law

Chuvi Nzao: namba ili, miao ila ikuswiwa ni yailite kusuvia muntu wonthe wa nthi yaitu ya Kenya. E muthwii e nya kana kana, kana e mukuu.

Translator: The law should protect all irrespective of the status, irrespective of their age.

Chuvi Nzao: katiba ni yaile kututenthya na maudu a usalama, uduma wa afya, elimu, kiwii, mawia na ngalikoni ya kyauya

Translator: The Constitution should provide for security, health services, education, water, the places where we live, and food.

Chuvi Nzao: muntu ula ekwenda kuungama na kiviva kya Rais niwailite kwithiwa na maundu aa. E Kenya citizen, ana miaka miongo itatu na itano kana yiulu na ethiwa ena miaka ikumi na itano athukumite ta acting Minister, e graduate kana ena degree. Na akithiwa ni family man, ena andu make. Na ai-control-liwa ni Bible.

Translator: The potential President of the country should be a Kenyan citizen 35 years and above, having served on acting capacity as a Minister, a graduate, a family man, and somebody who is controlled by the bible.

Chuvi Nzao: Rais ni wailwe ni kuvitithwa ni andu ma nthi yaitu.

Translator: The President should be elected by all the citizens. The President, an MP or a Councillor before he is proclaimed, he should have attained more than 75% of the vote or more.

Chuvi Nzao: Rais, Mu-mbunge, Councillor atangaswa ishindi niwailite kwithiwa na ushindi wa 75% ya ukuni wa kula.

Translator: The President, the M.P, the Councillor before he is proclaimed should have attained more the 75% votes ro more.

Chuvi Nzau: Youth ni yailitwe ni kuteethesya mawiani nthini wa nthi yaitu ya Kenya.

Translator: The youth should be helped to get employment.

Chuve Nzau: Mayor, Councillor nimalwe ni kwithiwa me asomu kuvikia form four.

Translator: The Mayor and for that matter any Councillor should have education to at least form four level.

Chuvi Nzau: Mayor ni wailitwe kusakuwa ni rais

Translator: The Mayor should be directly elected by the people.

Chuvi Nzau: Rais ndailite ku-nominate Mumbunge, niwailitwe ni kuvitithya ni andu

Translator: The President should not nominate any MP instead this should be done by the people.

Chuvi Nzau: Ofisi wa P.C. niwailitwe kwanangwa, D.C. withie ithi imwe directly to Permanent Secretary.

Translator: The office of the PC should be abolished so that the transition along that line should be from the DC to the Permanent Secretary.

Chuvi Nzau: Thoowa wa syindu sya nthi yaitu ya Kenya nisyailitwe nikwithiwa syina food price control.

Translator: There should harmonization of the prices of the commodities we produce in the country.

Chuvi nzau: masyitwa ma andu ala masukulu isyu naa Mary Nzau, Tabitha David, Brigid Makau, Kyuvi Nzau, Nzau Melika, Kavithe Mutia, Mutethya Muthwii, Kavinya, Kalungu, Kavinya Nzau, Nthambi Mwanzia, Peninah kalungu, Lydia Ndeke, Seth

Mumangi, Kavutha Mbthi, Nyamai Muteti, Rose. Isu nisyo syana sya sukulu. Asateni kwa kunusikiza.

Translator: He has just given out a list of the names of those who participated in preparing this memorandum.

Com. Riunga Raiji: Just a minute, ngoja kidogo.

Com. Yano: Ndio Bwana Nzao, umeongea kuhusu Rais ati awe na familia. Ikiwepo pengine watu wa Kenya wamependekeza kuchagua Rais yule tunaita Priest kikanisa, tutafanyia yeye nini? Halafu, la pili, umesema pia awe mtu mwenye anaamini maneno ya biblia. Tunajua kuwa Kenya tuko na religions nyingi sana. Tuko na Waislamu, tuko na wale wa utamanduni na pia wa-kristo, hapo tatuipendekeza namna gani? Waweza kufafanua.

Nzau: (inaudible)Huwezi kusimamia watu. Family ndio kwanzia unaanza unajua kusimamia watu, ukienda mbele unatusimamia kama unavyo simamia nyumbani kwako. Lakini ukiwa huna watu, huwezi. Huwezi kusimamia watu wengine kwa sababu unajifunza kutoka kwa nyumba yako, kwa sababu hapo ndipo unaanza kusimamia. Ikiwa huna family huwezi kujua kusimamia watu.

Com. Mosonik: Na hao wa kanisa ambao watu wangetaka kusimama na kwa kanisa yao hawaruhusiwi kuwa na family?

Nzau: Yaani hiyo Katiba itamkataza kwa sababu hana mke. Na mtu wa bibilia si anaqualify hapa chini?

Com. Mosonik: Hawa wengine Waislamu, Wahindi na hawa wa makanisa ya kitamunduni, ulisema ni hao wanao amini bibilia?

Nzau: Na hao Waislamu si wanaamini biblia yao.

Interjection: People laughing

Com. Mosonik: Ukasema instead kusiwe na nominated Mps ama President asi-nominate MPs. Na raia ama wanainchi wanominate, watafanya hivyo namna gani raiya?

Nzau: Unajua raia wata-nominate mbunge, na wakienda kule sababu amekuwa nominated unajua saa nyingine Rais ana nominate, watu wanapigiwa Kura, na wakimaliza, ana-nominate mtu ambaye hakupigiwa kura. Tanataka Wabunge wawe wanachaguliwa na watu na wakifika huko sasa ndio atapewa kile kiti ambacho kinachukuliwa na nominated members.

Com. Raiji: Ahsante sana Mzee. Sasa tuko na, peleka karatasi huko, Ruth Waiyua Kimwele? Tunafurahi kwamba ndugu yetu commissioner Wambua amefika, kwa hivyo sasa ma-commissioner wote wa kikao chetu cha leo wote wako hapa.

Com. Raiji: Endelea mama na utuambie jina lako.

Ruth Waiyua Kimwele: Jina langu naitwa Ruth Waiyua Kimwele, na nimetumwa na Tungutu Women Group na haya walisema nije kusema hapa. Number one, naeleza kwa lugha ya kikamba, kwa hivyo ninataka mtu wa kutafsiri.

Translator: The president should be below and not above the law. The President being the leader of the people should also not engage in business.

The Provincial Commissioners, the District Commissioners, the District Officers as well as the minister should be elected.

Education from Primary to University should be free. Health services should be provided free of charge just as it was before. All Kenyans should have access to water in their homes.

Anybody, and for that matter even boys who impregnate a girl should take responsibility over the child's education until the child completes education. Village elders should be elected and they should be paid for their services. Medical doctors who are serving in public hospitals should not operate private clinics and hospitals. All married women should be registered jointly as joint owners of whatever property they have. All sons and daughters should be responsible for the upkeep of their parents and should they fail to do so they should be taken to court. Thank you for listening to me.

Com. Rajji: Ahsante mama. Yule mwingine ni Bwana Peter Mwania Muli, who is representing Civil Servants. Sorry, kuna swali kidogo mama.

Com. Wambua: Ruth wasya kana President ndailite kwithiwa aikuna business, wasya ithiwa niwambie business atanalika siasani nasakuwa eikana nasyo ata?

Ruth Wayua Kimwele: niasya maundu aa makasenzya ni Katiba, kikalo kii twikalile umunthi, na nikii kiendea naikalywa.

Com. Wambua: niendaa ututheesya ata ala malikaa siasani malika va mambie viasala. Ethia mundu already niwambie viasara wienda ekana nayo ata?

Ruth Wayua Kimwele: maundu aa onthe twookoa kusevya kila mundu ena sivitali wake nitwaneena ndailite kwithiwa ena wo emuandikie nayo kikali kii twekala nikyo kiusevya miao ino.

Translator: The commissioner was asking Ruth, in case the President owned some business even before he went into politics and then he got elected while he was still a business man how would they propose that this be treated Ruth suggests that the new Constitution provides, that somebody should not operate any business if they are holding such an office.

Com. Wambua: Peter Mwania Muli? Karibu

Peter Mwania Muli: Ahsante. Kwa jina ninaitwa Peter Mwania Muli. Naongea kwa niaba ya kikundi kimoja cha

wafanyikazi wa serikali wanoendelea sasa, walioketi pamoja na wakapendekeza, wakafanya mapendekezo tarehe tatu mwezi wa tano. Ninaanza.

Maongezi mengi yatakuwa yanahusu wafanyikazi. Katiba iangalie kwamba ulaji rushwa umekomeshwa katika nchi hii kwa kuwalipa wafanyikazi mishahara mizuri. Tunapendekeza mishahara wa chini kwa asiye na ujuzi kuwa shilingi elfu ishirini, na ule wa aliye na ujuzi kuwa shilingi hamsini elfu.

Two, Katiba iangalie kwamba miaka ya kustaafu imeongezeka hadi miaka sitini kwani mtu anaweza kusoma miaka mingi na kisha kuanza kutafuta kazi miaka mingine, hivi kwamba akija kupata kazi atakuwa amekaribia kustaafu na hatakuwa na uwezo wa kuelimisha wanawe. Tunapendekeza Katiba iangalie kwamba pension, malipo ya uzeeni, inachunguzwa mara kwa mara pamoja na mishahara, na murithi apewe uwezo wa kuendelea kulipwa hadi kufa kwake.

Four, Katiba iangalie kwamba kunakuwa na kazi, job opportunities ili wanaomaliza shule wanaajiriwa.

Five, Katiba ilinde matumizi mabaya ya pesa za uma. Kwa mfano kuwe hakuna kuhamia chama kingine unapochaguliwa ili kusiwe na uchaguzi mdogo.

Six, Katiba ihakikishe kuna elimu kwa wote kwa kupatiana elimu ya bure kutoka darasa la kwanzahadi kidato cha ine.

Seven, Katiba ihakikishe kuwa uwezo wa Rais umepunguzwa kwa mfano asiwe juu ya sheria, should not be above the law. Asiwe ndiye anayeteua baadhi ya watu muhimu serikalini kama vile watu katika judiciary, mabalozi, utawala wa mikoa etc.

Eight, Katiba iangalie kwamba wananchi wote wamepatiwa haki za kimsingi na Serikali kama vile: afya, maji safi, makaazi, usalama, chakula na elimu. Pia hali ya kugawana gharama iondolewe mbali kabisa, na Serikali itekeleze wajibu huo pekee.

Nine, wabunge wasiwe na uwezo wa kujiongezea pesa lakini kuwe na tume moja ya kuchunguza mishahara ya watu wote wakiwemo.

Ten, Katiba iangalie kwamba wakati wa uchaguzi Bunge linapovunjwa, kuna tume inayosimamia shughuli za Serikali. That is, referee asiwe mmoja wa wachezaji.

Eleven, Serikali iwe ya ambapo kila chama kinahusishwa serikalini kwa masilahi wa wananchi.

Twelve, Katiba ihakikishe hali ya wabunge an madiwani kuteuliwa haiko kabisa. Watu wanaotumikia wananchi kutoka mashinani wawe wa kuchaguliwa na wananchi ili wawatumikie ipasavyo.

Thirteen, Katiba ya nchi, iandikwe kwa lugha mbili, Kiswahili na Kingereza na kila mwananchi awe na uwezo wa kupata nakala akipenda.

Fourteen, wananchi wahusishwe kikamilifu katika kutengeneza au kubandilisha sehemu yoyote ya Katiba kwa kwanza, kufanya kura ya maoni na hatimaye kupelekwa Bungeni, na kuungwa mkono na wabunge.

Fifteen, Katiba ipatie Bunge haki ya kuendelea na mjadala muhimu Bungeni lakini sio kuairisha walio wengi wakitaka.

Tunapendekeza kuwe na mahakama ya Katiba. Seventeen, wakati wa uchaguzi, kura ziwe zinahesabiwa papo hapo katika kituo na matokeo yawekwe sign na kila agent na musmamizi mkuu, na kila agent apewe nakala.

Eighteen, Katiba iangalie kila kabila linadumisha utamduni wake. Tamaduni hizo zinaweza kufanyiwa marekebisho machache ili zile zimepitwa na wakati zitupiliwe bali.

Nineteen, chama chochote cha kutetea wafanyikazi na kiwe ni member katika chama cha ulimwengu, kiwe na uwezo wa kukata rufani katika chama cha dunia kinapohisi kimeonewa na muajiri katika kutatua maswala ya wafanyakazi.

Ishirini, Katiba ilinde wafanyikazi wanao staafu kwa kuhakikisha wamelipwa marupurupu yao mara moja na kuanza kupokea pesa zao za kila mwezi kwa muda uzio pita mizei miwili baada ya kung'atuka.

Ishirini na moja, Katiba ipatiane muda maalum wa mfanyikazi kupandishwa cheo iwe automatic, kwa mfano, miaka mitatu.

Twenty two, Katiba ihakikishe ya kwamba mtu yeyote anaye chaguliwa ama niwakuchaguliwa atangaze mali yake kwanza pia wafanyi kazi wengine wa serikali wa veyo vya juu wafanye vivyo hivyo.

Ishirini na tatu, tunapendekeza Katiba itenge nafasi katika bunge ya wawakilishi wa vyama vya wafanyikazi ili kujibu maswali yanayohusiana na wafanyikazi. Kwa mfano, kuwe na mtu wa COTU, KNUT ama vyama vingine vya wakilishi.

Twenty four, tunapendekeza Bunge liwe na calendar yashughuli zake. Shughuli zote za Bunge ziwe mikononi mwa wabunge. Kwa mfano, kufungua na kufunga kwa Bunge kuwekwe kwenye mamlaka ya wabunge lakini sio mtu mmoja. Ahsanteni.

Com. Wambua: Ahsante. Hakuna maswali? Peana memorandum. Mwingine atakuwa ni Bwana Fredric K. Wangai, kutoka kanisa la SDA.

Fredric K. Wangai: My name is Fredric K. Wangai from the Seventh Day Adventist Church. We sat down in our church

here and we prepared the memorandum which I am going to represent.

First of all we believe in religious liberty. The church believes in religious liberty. Religious liberty includes the human right; to have or to adopt the religion of one's choice, to change religious belief according to conscience to manifest one's religion individually or communally with fellow believers in worship, observance, practice, witness and teachings. Therefore, it is our believe that the Kenya government should not pass laws which aids one religion or aid all religions or prefer one religion, over another. Neither can force or influence a person to to remain or go away from church against his will, or force him to profess belief or disbelief in any religion. No person should be punished; for entertaining or professing religious belief or disbelief: for church attendance or non attendance. No tax in any amount, large or small, should be levied to support any religious activities or institutions whatever they may be called, or whatever form they may adopt to teach or practice religion. In this case, it is our belief of separation of two institutions the church and the state. We believe that both institutions are established by God's will and should remain and operate separately. In view of this, we members of the Seventh Day Adventist Church have been denied the freedom of worship in present constitution.

Number one, that the Sabbath day of worship which is Saturday is not recognized as a public holiday by the state. Number two, our children are forced to attend classes on Saturday against their belief. Number three, public examinations are set to be done on Saturdays. Number four, games for schools are set to be performed on Saturday in public institutions against their faith. Number five, our children are forced to adopt work programs on Saturdays in Public institutions against their faith. Six, functions like graduations, prize giving days, parents days, harambees etc are held on Saturdays, against our faith, thus we are denied the right to participate. The next one, minority rights are ignored when the state sets elections or by-elections on Saturday thus denying our people their Constitutional right to vote.

The next one is the denial of work opportunities both in public and private sectors to members of the Seventh Day Adventist Church, who are forced to work on Saturday against their faith. And the last one, those members of the Seventh Day Adventist Church who are in the civil service and private sector, or in the department of defence are denied their right of worship when they are forced to work on Saturday. And in conclusion, in view of what we have said earlier in this memorandum, we want to point out that in the new Constitution, a provision should be made to grant all wananchi complete freedom of worship by setting Saturday to be a Public Holiday by law among other legally recognized days of worship. Thank you.

Com. Mosonik: Just one question. Mr. Wangai you said that everybody should be given the right to exercise his belief and disbelief if I got you right. And I think in this regard, it will help us if we can understand what your description of religion is, because you know of late we had a lot of religions which have weird belief and disbelief including what has come up today in devil worship. Are you also agitating for that kind of freedom to worship in that manner?

Mr. Wangai: Thank you. When it comes the question that this does not mean the devil worship. I am not talking of cults or

other break away groups, I am talking someone who may decide to remain a non believer in any religion. That is what I call disbelief.

Com. Wambua: Thank you very much. We shall hear from Mr. Jacob Msango Mulima from NPK party I suppose. Jacob Msango Mulima?

Jacob Msango: My name is Jacob Msango Mulima. I represent a political party that is NPK in my sublocation, and these are our views on different issues in our Constitution. One, Constitution supremacy, the constitution should only be changed by the people through (a) referendum (b) Legislature

All presidential appointees should be vetted by Parliament. The people should be permitted to re-call their Mp if he shows complete disinterest in the job. Nomination of MPs to Parliament should be abolished. The constitution should permit a coalition government. The President should not be permitted to dissolve Parliament.

Number three, the Executive: moral and ethical qualification should be set for anyone aspiring to be the President of Kenya. The tenure of Presidency should be fixed to a maximum of two terms of five years each. Parliament should be empowered to impeach the President if they violate the Constitution. The Provincial Administration should be abolished.

Number four, electoral process: to be declared the winner in Presidential, Parliamentary or civic elections, one must have over fifty per cent of all the votes cast. The twenty five per cent rule of five provinces for one to be declared a winner in presidential election should be abolished. Defectors who fail to win a nomination in one party should not be barred from contesting in other parties.

Number five, basic rights health and primary education should be considered as basic rights in our Constitution.

Number six, that is trade: the new constitution should require that the Government interferes for the purpose of stabilizing the prices of commodities in order to protect its citizens from exploitation.

Number seven, citizenship: all persons born in Kenya should be automatic citizens. Any person who has at least one parent being a Kenyan, is an automatic citizen. Discrimination, the new constitution should ensure that nobody is discriminated against on the basis of gender, disability, social standing or tribe. In this regard, all traditional brews should be legalized.

Land: Every Kenyan has a right to own land. The Constitution should ensure this by putting a ceiling on the maximum amount of land one should own.

Ten, and the last one the Attorney General: The Attorney General should be barred from taking over private prosecution either to continue or discontinue them. Thank you.

Com. Mosonik: Just a small one on the ceiling of land. Do you have any proposal regarding the size of land?

Mr. Msango: I do not have a maximum amount of acres to be owned.

Com: Wambua: Thank you. The next presenter will be Mwende Ronald Wambua from Ikathe Women Group. Mwende, Karibu mama. The interpreter could he come forward.

Mwende Ronald Wambua: Kwa majina mini naitwa Mwende Ronald Wambua. Nimetumwa na akina mama wa Ikathe Women Group. Na maoni yao yako hapa. Yameandikwa kwa lugha ya Kikamba.

Mwende Wambua: ithubye iveti sya utui wa Ikathe location wa maliku nitwoona kana maundu aa nimilwe ni kwithiwa Katibani ka Kenya.

Translator: The women of this village called Ikathe Location in Maluku have these views to present for inclusion in the Constitution of Kenya.

Mwende Wambua: ithubye mitwoona kana Katiba ya Kenya yaile yu kualyulya ni andu kwa nzia ya kukuna kula indi ti Mbunge.

Translator: It is our view that the Constitution of Kenya should only be amended by the people and not by parliament.

Mwende Wambua: Mbunge ni yaile ni kukunikilwa kana kuvitukithwa kana kulea kwitikila andu oonthe ala musumbi wanenge wia.

Translator: The Parliament should vet all the Presidential appointees.

Mwende Wambua: namba imwe Mbunge maalumu ni waile kuvetangwa.

Translator: The nominated MP should be abolished.

Mwende Wambua: Musumbi ndailwe ni kuvunzua Mbunge.

Translator: The President should not dissolve parliament.

Mwende Wambua: Musumbi aile nikuthukuma ivindi ili sya miaka itano kila kimwe na indi ayathukia ungi.

Translator: The President should only serve two terms of five years each and then make ways for somebody else.

Mwende Wambua: Ma-chief na anini moo mailwe ni uvetwa.

Translator: The offices of the chief and the assistant chief should be abolished.

Mwende Wambua: mundu atangaswa musindi wa kivila kya Musumbi, kana kya Umbunge, kana kya ukanzala. Niwaile nikukwata yiulu wa nusu ya kula ila syakunwa munduni.

Translator: Anybody who should be declared the winner either in the presidential election or in the parliamentary election, should gain more than fifty per cent of the votes cast.

Mwende Wambua: Mundu aemwa ni kusinnda, nikusindwa kuungama na tikiti ya kyama fulani ndailwe ni ukilanyia na kumantha tikiti ya kyama kingi ni kana aungame nakyo.

Translator: Anybody who fails to get nomination in one party should not go over to another party seeking the same.

Mwende Wambua: Aka onthe maile kwiananwa na aume.

Translator: There should be equality between men and women.

Mwende Wambua: Onthe ni andu

Translator: All are human beings.

Mwende Wambua: Mundu muka neiyiae mali ila yatiwa ni muume

Translator: The wife should be an automatic inheritor of whatever is left by the husband.

Mwende Wambua: Eitu maile ni kwaiwa mali ya asyai moo nundu ni umwe wa syana ila sya aume.

Translator: Girls should also get inheritance just as the sons.

Mwende Wambua: Nitwoona kana Katiba yaitu ni yaile kutunenga uiti wa mana, kisomo kya sukulu sya primaru kwithiwa sya mana. Na liu tunengwe mana ila twina nzaa.

Translator: The Constitution should provide for free primary education, free health services, and food especially during famine.

Mwende Wambua: silikali ni yaile kuungamia mathowa ma liu.

Translator: The Government should establish price control of whatever produce we have.

Mwende Wambua: Andu ni maile kwithiwa na uthasyo wa kunywa uki wa kaluvu.

Interjection: (People laughing)

Mwende Wambua: Thank you.

Translator: People should be free to take the alcoholic drink of their choice. Thank you.

Com. Raiji: Ahsante sana mama. Sijui kama ma-commissioners wako na maswali. Okay. Ahsante mama. Mwingine sasa ni Mutioni Mumu Mutua. Nafikiri atataka interpretation. Wakati una- interpretate tafadhali utumie hiki chombo kwa sababu tuna record.

Mutiu Mumu Mutua: Kwisila kwa Kamishena ala me vaa onthe, ula wakwa nguneena va nyie ndiandike Memorandum, nienda ula ukuandika I Kikamba ambandikie Kikamba kiseo.

Translator: The Commissioners because, I have not been able to present a written memorandum, I would request that you please record properly my oral presentation.

Mutiu Mumu Mutua: Nineenea ala matie wia mundu athukumite miaka miongo itano na itano akathumua.

Translator: I am speaking on behalf of those who retired at 55 years.

Mutiu Mumu Mutua: Mundu usu ni wathinie muno akyuka kumina miaka isu.

Translator: Before retiring, they endured a lot of hardship.

Mutiu Mumu Mutua: na indi andu asu mayoneeka ta andu selikalini

Translator: Unfortunately, these people do not have high regard before the Government.

Mutiu Mumu Mutua: Kwou nitukwenda andu asu mongelwe musaala.

Translator: We would wish that their pensions were increased.

Mutiu Mumu Mutua: na yila athukumi ala angi me wiani makyongelwa namo makyongelewa.

Translator: And they be considered along with others when there are salary increments.

Mutiu Mumu Mutua: vau nivikaa vau.

Mutiu Mumu Mutua: Niuka ala andu metawa “Atui” kuu nthi

Translator: I am now coming back to the village elders.

Mutiu Mumu Mutua: Andu asu nimatataa kuthukuma wia munene kati ka location muvaka sub-location.

Translator: They do what we regard as important work in the location and in the village.

Mutiu Mumu Mutua: Na indi matalawa o vathei

Translator: Yet they are not regarded.

Mutiu Mumu Mutua: Kwou nitukulya Katiba vatonyeka andu asu maivye musaala.

Translator: We would wish that the Consitution provides that they be remunerated.

Mutiu Mumu Mutua: kwou twakwa twianaa uu, nisasya ni muvea kwoondua wa umbithukiisya.

Translator: Thank you for listening.

Com. Raiji: Sasa ni wakati wa kualika kikundi cha akina mama kinachoitwa Ndieleteleka Women Group. Nimesema sawa sawa? Kama wako tayari tafadhali injeni akina mama.

Ndieleteleka Women Group: Sasa group iko mbele yenu ni Ndieleteleka .

Short play:-

Speaker: Askari, karibia, sasa nataka umuelezee Bwana Chief akusanye baraza yake, aambie watu wake kesho ni siku ya kuchukua kura.

Askari: Bwana Chief, umeambiwa, ukusanye watu wako uwaambie kesho ni siku ya kupiga kura

Chief: Hamjambo wananchi, hamjambo tena. Sasa ni siku ya kuch kuchukua kura. Si nyinyi mmesoma Katiba vizuri tena. Msidanganywe tena. Mchukue watu muwapeleke mbele. Mnajua nyinyi ni ma dot. Coms mumesoma, msidanyanwe na mtu, sasa amkeni muende mkachukue kura.

- Unataka nini? Unaitwa Nani? Kutoka Wapi?

- Kutoka hapa Kutui Central.

Mwingine, unaitwa nani? (Zanze) Unatoka wapi? (Kitui Central). Na wewe unaitwa nani?

Muka umwe: Naitwa muka Umwe.

..... Kutoka Wap?

Muka Umwe: Hapa town tu

..... Na wewe? Mama unaitwa nani?

Makanda: Naitwa Makanda wa Kitheri

..... Unatoka wapi?

Makanda Hapa Kitui Central

.... Na wewe?

Chondo: Naitwa Chondo WaMbogothe

- Unatoka wapi?

Chondo: Hapa Kitui Central

- Na wewe unaitwa nani?

Hadija: Naitwa Hadija

- Unatoka Wapi?

Hadija Hapa town

- Sasa askari nenda umuelezee bwana chief aambie watu wake siku ya kupiga kura

Askari: Bwana chief nimetumwa. Nimeambiwa kesho ni siku ya kisiasa uwambie watu wako, ndio waende.

Bw. Chief: Hamjambo wananchi?

Wananchi: Hatujambo

Bw. Chief: Bona mnaitikia ni kama hamna furaha. Ni shida gani , mvua imenysha, hamna njaa, hamtakula ile chakula ya yellow tena . Sasa ni shida gani?

Wananchi: Hatuna shida

Bw. Chief: Sasa baada ya hiyo miaka yote mmekaa, sasa kesho nitaanza kuona watu tena, wakija kuwadanganya na kuna wengine wataongea ukweli, wakitaka zile kura zenu. Muwe macho sana na mjue hao watu wataongea nini. Hata msikubali kupatiwa pesa. Kwa sababu ukipatiwa pesa ni kama kuuza ile kura yako, na ukiuza kura, ni kama vile unaweza kuchukua huu mwili wako upeleke sokoni ukauze. Unaweza kuuza mwili yako?

Wananchi: Hapana

Chief: Sasa muwe macho sana. Msinunuliwe kura zenu, kwa sababu leo ata wanunuaji kura atakuwa mwizi na nyinyi mtakuwa sijui ni watu wale wanauana. Sijui ni nini. Msikubali kuuza kura zenu. Sasa ngonjeeni sasa muanze juona watu wakija kuwaitisha kura zenu.

- Habari Zenu wananchi?

Wananchi: nzuri

- Nataka kura kwenu akina mama. Mtanipa kura kweli?

Wananchi: Tutakupatia

- Mimi mkinipa kura zote, mtakayo nitawafanyia, lakini mimi sina mengi wacha niwaachie kitu kidogo tu. Nataka kwenda zangu.

- Na wewe waitwaje?

Katoboki: Mimi naitwa Katobaki wa kibeca. Mwataka zingine?

Wananchi: Eee tunakaka tuongezee

- Haiya pesa ziko, pesa sio shinda.

- Na wewe mama mbona unonekana hukupata kitu

Mama: Haya ni sawa Ahsante Huyu ndiye tutaptia kura

Eh huyo ndiye tutanpigia kura.

- Habari Zenu Wananchi?

Wananchi: Mzuri

- Sasa nini inawakula. Naona mkijikuna kuna huku, ni nini ? Ni nini mnaficha sasa?

- Si nimekuja kuwaomba wale wasichana wenu

Wananchi: Wasichana Wetu?

- Eh kura Zenu. Kura

Wananchi: Oh ..Oh...

... Nataka mnipatie kura ndio muniwezeshe kufika kule mbele, niende at least mkaongee. Unajua watu wengine wanakuja wanandanganya at nitakutengenezea njia, nitafanya nini na wengine watawapatia pesa. Sasa ni wakati wa katiba, katiba haitaki mtu apatiwe pesa, inataka ile haki yako na usidanganywe na mtu sasa, nataka munitume niende kule bungeni tukawasiliane na wao watu mambo ya njia, mambo ya mortuary, si unaona hii mortuary yetu Kitui.

Ni mbaya sana. Utatungenezea

- Nitangeneza hiyo mortuary

- Na dawa ziache kuibwa

- Na nitengeneze sewage hii, maji mabaya, ndio malaria at least ipungue

- Sasa mnajua hayo mambo yatafanyika kwa nini? Mkunipatia kura zenu, ndio mtanipatia ticket ya kwenda kule, ndio niwatengenezee. Munipatie kura zenu. Msidanyanganywe na pesa. Mukidanganywa na pesa hamtakuwa watu wazuri

Wananchi: Hiyo pesa tukipatiwa tutachukua lakini kura ni kwako

Hata kuchukua pesa sio vizuri juu huyo mtu umepatia pesa, mukienda kwake kesho kumpelekea shida zenu, atawaambia mmemalizana amenunua kura zenu, mmngonjee tena. Kwa hivyo musikubali pesa, ndio wangalie ile inakuka vile tutafanya. Kesho mtaenda kunipigia kura,

- Ni sawa sawa

- Tutaonana tu. Nitajua ni sawa.

- Ni sawa

- Hatukupatii kitu hiyo pesa
- (Haya ni siku ya kupiga kura)
- Si unajua tuna kifunguo
- Na kwangu ni kwa simba tu zanze
- Mimi nataka kwa Zanze
- Unataka kwa Zanze?
- Eeh!
- Ni hapo, ni hapa.
- Nataka kwa ufunguo
- Ni hapa
- Wacha tu wanalie
- Unajua nyinyi ni wengi saa zingine munaiba kura za watu.
- Kifunguo ako na elfu tano
- Simba naye yuko na elfu mbili
- Na hii imeharibika ni ya nani?
- Hakuna moja imeharibika
- Hakuna siwezi nikaiba
- Hamjanichagua lakini mtakuja lia. Mtalia tu
- Hizo ni zako wewe
- Sasa watu wangu munaona vile tulisema, sasa mimi nitawarundishia shukrani. Sasa mtaenda kwangu mkale ng'ombe lala
mtakacho pesa hizi
- Ati kwako?
- Eh.. kwangu mimi? Na wewe unaenda wapi? Mimi nmepigiwa simu naenda Nairobi na wewe ni ni nani?
- Na wewe umeanza
- Ninashida kidogo huko, lakini mtyakula kile mtakacho. Shikeni pesa. Mtakula kile mtakacho. Shida ni nini, na pesa
ziko. Shinda ni nini?
- How are you?
- Fire
- Nataka kuona mkubwa
- Hayuko
- Kwani hayuko na gari yake ameacha pale inje?
- Aliingia gari ingine na akaenda
- Ameenda wapi?
- Sijui
- Atarundi Lini?

- Sijui
- Kesho nitamuon
- Haya
- Habari yako
- Mzuri
- Umepotelea wapi wewe
- Ingia, ingia sasa

Interjection: People laughing

- Sikupotea
- Sasa sema
- Nataka kitu kindogo, tunataka kukuona wewe.
- Lakini tutakutana
- Tutakutana wapi?
- Wajua nakutaka si uko mzuri, na wewe kweli. Usiniambie
- Nakutaka, sasa unataka kiasi cha pesa gani?
- Kama elfu mbili
- Ah.. nitakupa ishirini
- Ah.. sitaki pes nyingi
- Nitakupa ishirini
- Haya tukutane Park Side,
- Sawa
- Nataka kumuona mkubwa
- Wataka kumuona mkubwa?
- Ingia
- Habari yako?
- Mzuri
- Mimi nina shinda kubwa
- Shida gani?
- Shinda yangu mtoto wangu amaenguka kwenye mti akaumia. Na sasa yuko kule hospitali na mimi sina uwezo.
- Kwanza bwana yangu alikufa
- Kwa hivyo?
- Hata kitu kidogo huwezi kunizaidia kitu?
- Wewe unajua kura zenu niliwanunulia cash. Sasa usinisumbue, askaari to huyu mtu nje.
- Toka toka

Interjection: People laughing

- Ilikuwa hivo hivo tu. Nilijua
- Sasa habari yako mama?
- Karibu, karibu, pumzika
- Shida gani?
- Nimepatwa na shida tu kidogo
- Shida Gani?
- Mmechaguli mtu wa kuleta maendeleo
- Sasa, sio mimi nilikuwa ninamchagua peke yangu
- Ni nini mbaya?
- Shida ile imenishika, kuna mtoto wangu alishikwa na askari
- Akashikiwa nini tena?
- Akwekelewa ile bangi kwa mfuko
- Kuwekelewa bangi kuna shida gani?
- Sasa na amewekelewa ikasemekana na hiyo ni yake, na hiyo haikuwa yake
- Sasa na unataka nini?
- Sasa mimi nataka tu, tuko na karambee kule, tunachanga pesa, amelipishwa elfu kumi
- Elfu kumi akaitishwa na nani?
- Na askari
- Kwani kesi Imeisha?
- Ah ah
- Sasa wewe haujui haki yako na mtoto wako.
- Wewe haujasoma katiba?
- Nimesoma
- Na ni nini mbaya? Hizo elfu kumi utapeleka wapi?
- Si nitawapelekea tu?
- Uwapelekee Askari?
- Wewe haujui haki yako
- Wewe ndiye unaongeza sasa ile mambo tunamaliza wewe unaopelekeana na wewe uaongeza hiyo maneno. Tumesema hakuna cha kutoa hongo. Sasa utasimama na haki yako. Na siji hizo pesa ni za nini? Harambee ni ya lini? Ni ya leo tu. Hata ingawa mmeniangusha nitakuja kuwazaidia. Nitaenda nitoe huyo mtoto wako.
- Katoboki ukienda hnakwambia amenunua kura yako na sasa mmesaidiana na tumemalizana.
- Nakuuliza? Kwani hamkukaa chini mkawa pamoja na mkasema mtu mkipeleka kule na atakayewazaidia mtamaliza kiwango Fulani akikataa kuwasaidia muandike barua?
- Tumeandika na tukasema akimaliza hiyo miaka mbili na hajatufanyia chochote kile tulikubaliana naye, mimi nitaenda nichukue huyo kijana wako, na mimi niwakute mkiwa ready. Hata mimi sasa ni raiya kama nyinyi. Tutakuka tuende

tuone speaker tupatiwe hiyo katiba, tuchague mtu mwingine. Sasa sitaki kuchaguliwa.

- sawa sawa wacha nikachukue mtoto wenu twende.
- Haya
- Habari yako bwana speaker
- Mzuri sana
- Sasa tumekuja kukuona. Kuna candidate wetu tumeteka hapa anaitwa katoboki na hasaidii mtu. Wale anasaidia ni girl friends zake, wake zake na nyumba yake. Na hakutumwa na nyumba yake. Ni sisi zote tumemtuma. Tumekuja hapa na watu kutoka Kitui Central, tunataka utuitie yeye, twende nyumbani tuchague mtu mwingine
- Sasa hamumtaki tena?
- Hatumataki Tena
- Wananchi watakuja wakuelezee tu
- Njoja hapo nije nikuitie yeye
- Hallo. Bwana Katobuki yuko?
- Hebu kuja kwa ofisi yangu haraka sana
- Karibu
- Habari yako?
- Eh... sasa, watu wako wametoka nyumbani
- Wakitoka wapi tena? Wajua huku? Wameletwa na nani?
- Wanasema wanakutaka
- Wanitaka? Wamefikishwa huku na nini?
- Wanasema walikupigia kura na unawafanyia mambo mabaya.
- Watu wa ukambani? Wakafika huku siamini?
- Ngoja kwanza, nikwitie wao
- “kujeni”
- Kujeni twende. Tusimuache]
- Habari Zenu?
- Hatutaki salamu zako. Wewe mbaya, wewe umefanya vibaya sana. Sasa mimi naenda nyumbani kula magunda.
- Miaka yako imekwisha
- Mtu si husamehewa ata akikosa?
- Tumemaliza

Interjection: People clapping laughing

Com: Raiji: Thank you akina mama kwa hayo maoni yenu. Ingawa mmeleta kwa njia ambayo hatuwezi kusau. Kwa hivyo sasa mwingine ni Titus Mwendwa. FK Farmers Field School. Karibu

Titus Mwendwa: Ahsante sana kwa Commissioner na wananchi watukufu. Nitatoa maoni yangu kwa mambo ya FK

Farmers Field School.

FK farmers field school is a registered community based organization. It is engaged in modern farming and of course other related activities. Imeandikwa kwa Kiswahili

Moja, ni oni ambalo lilitolewa na members of FK Farmers Field School. Mayor na wenyeviti wa mabaraza, wachaguliwe moja kwa moja na wananchi. Jambo la kwanza.

Pili, elimu ya chini zaidi kwa Madiwani iwe niya kidato cha nne , that is form four, Divison three or D, that is the minimum qualification.

Tatu, wananchi wawe na haki kwa kumrejsha nyumbani diwani wao ama mbunge ikiwa haitekelezi kazi yake vilivyo. Kama tumeona tu wakati mfupi uliopita kutoka kwa Ndioteleka.

Ya nne kura zinahitaji kuhesabiwa katika vituo vya kupigiwa kura. That is polling stations. Ziwe zikibebwa zikipelekwa pahali zinapelekwa ziwe tayari zimehesabiwa na pengine zimedhibitishwa na wote mashahindi watakaokuwa pale.

Ya tano, tuwe na uchaguzi wa baraza siku tofauti na wabunge na pia Rais. Hiyo ni kumaanisha ya kwamba, tukipige kura ya councillors leo, tupige kura za wabunge siku nyingine, na pengine tupigie kura za u-Rais siku nyingine, si siku mmoja kama vile tunafanya.

Ya sita, wananchi wapewe elimu ya lazima na bila malipo. That is to say, compulsory and free education. Serikali isiwe na uwezo wowote ule wakutoa ardhi ya mtu binafsi kilazima kwa lengo lolote. Yaani serikali isitumie nguvu kwa kuchukua mali yako na hasa ardhi. Ma-chief wachaguliwe moja kwa moja na wananchi. Na hiyo walisema is to make the chief more accountable to the people.

Ya tisa, wanaume, na wanawake, wawe na uwezo sawa wa kumiliki ardhi. Equal access to land for both men and women. Ya kumi, na ya mwisho ni katika wabunge kumi na mbili maalum hawa wananchi wa FK walipendekeza kumi ya..

Com. Raiji: Mwingine, jandikishe huku tafadhali. Mwingine, Mutia Makuria Mutuga kutoka KANU Party. Bwana Mutia Makuria Mutunga? Labda ametoka. Omar Ali Chambat?i Karibu Mzee.

Omar Ali Chambati: Honourable commissioners, the British High commissioner, ladies and gentlemen. Here are our proposals by Muslims of Kitui town for the Constituion Review Commission compiled and confirmed by me Omar Ali Chambati, secretary to the group.

We propose, a President without executive powers and a strong Parliament, that will select a Prime Minister to head the Government. The President shall be elected directly by the people. He should not be a Member of Parliament, he shall be over 45 years old, married and a man of integrity. He should declare his wealth when announcing his candidature. He can be a President for only two terms of five years each. I am skipping the duties.

We go to the Prime Minister. The Parliament shall elect the Prime Minister from the party with majority, and in case there will be no outright majority winner, then there shall be a provision for formation of a coalition Government or a government of National Alliance.

There shall be no nominated MPs and if the system continues, those who will be defeated in the general election shall not be considered for such nominations. The people shall have the right of re-calling their MPs through a vote of no confidence.

The Judiciary, we should have a Supreme Court, a Court of Appeal, High Courts and Magistrate courts. Chief Kadhi's appointment shall be done through a panel of Muslim Ulamaa from recognized Islamic Institutions and his name shall be forwarded to the judicial commission and then to Parliament. The applicants for this post must be lawyers with a degree or diploma in Islamic sharia. Chief Kadhi's appointment shall be done through the same panel. Any town in the republic with the population of over 5,000 muslims shall be eligible to have a kadhi. There shall be an Islamic Court of Appeal consisting of the Chief Kadhi and two Senior Kadhis. All matters related to Islamic marriages and divorces succession and Islamic trust, shall be dealt with by Islamic Kadhis only. The Constitution must ensure all people have access to the courts and the poor be provided with legal aid by state appointed lawyers.

Individual fundamental rights; in accordance with Islamic Sharia the wife automatically enters 'Eda' the minute her husband ceases to live. The wife is required to seclude herself from the public for a period of four months and ten days. Any working Muslim shall be entitled to paid and compassionate leave immediately after entering the state 'Eda' whether working in public or private sector.

Friday is a Muslim holiday like Sunday is to Christians. The Constitution must provide for muslims on this day to work from 8.00 to 11.00 am only. Both Iddul Fitri and Hajji be declared Public Holidays. The constitution should accept and recognize the office of (inaudible) and be solely responsible for Muslims' welfare. The Constitution shall accept and recognize Muslim culture and traditions. The Constitution shall accept and recognize Islamic educational qualifications. The constitution shall accept and recognize the Holy Koran as a sole authority towards muslim's ways of life. Place of worship in prison: Christians go to churches on Sundays but Muslims must pray five times a day throughout their lives. The constitution shall provide a place for worship for Muslim prisoners in all Kenyan prisons with facilities such as water for ablution and imams to lead the prayers.

Banking Act: the Constitution shall provide for the establishment of Islamic interest free (riba) banking System, since Muslims are not allowed to receive or pay interest on loans. The present constitution turns Kenya into a police state. A police becomes an apprehender, prosecutor and a judge, all in one, because they have the authority to detain any suspect for fourteen days, which contravenes the law that says any suspect is presumed innocent until found guilty by a court of law. A policeman can , ransack and leave your home in shambles at will, regardless of the law which says that: a policeman must obtain a search warrant duly signed and authorized by a magistrate of law or court.

The present Constitution vests massive powers in the president and the land commissioner, on the issuance of land. A President can give a piece of land to any person anywhere in the republic. These powers must be removed and (inaudible). The issuance of land be vested on the districts local land boards, who will be able to set aside land for public utility, as well as individual ownership.

The board shall issue land title deeds and forward this to the land commissioner for approval. They must be transparent. Prior to the expansion of Kitui township borders the Muslims of this town owned all land surrounding the town. During the expansion, the council confiscated these pieces of shambas without consulting and negotiating settlement with the owners. Muslims of Kitui propose that the issue be re-visited, that the land confiscated be valued and the owners receive compensation or alternatively, be given an alternative piece of land. The DLB shall be transparent and especially when setting aside land and residential plots, to avoid councillors grabbing some of these plots to later sell them to unsuccessful applicants.

Natural resources: the present Constitution stipulates that any mineral found in any piece of land is Government property. This clause must be replaced by the one which gives ownership of the minerals to individuals who own the land provided they have obtained a license to possess the same.

Parastatal heads: Kitui as a district has its own headquarters headed by a District Commissioner like any other district in the republic of Kenya.

In regard to the KPLC and telephone (inaudible) Kitui is subjected to decisions of the KPLC in made the Thika district headquarters, and telephone in Machakos District headquarters. These must cease forthwith, Kitui must provide these services locally by having a KPLC and telephone service offices elevated to cater for Kitui people.

Basic rights: citizenship Muslims are marginalised on the question of citizenship. Therefore all obstacles created on this issue must be removed. Muslims must also have easy access to personal identification certificates as well as birth certificates.

Education: IRE-Islamic Religious Education must be taught by Muslim teachers in all schools from primary to secondary school.

Constitution shall provide adequate provision for fundamental rights.

Income tax: all religious books and education texts shall be duty free. The cut which is brought on tax to the rich Muslims shall, be (inaudible) tax relief when assessing income tax.

Foreign policies: we propose that the Parliament be involved directly in all decision regarding relationships between Kenya and foreign countries, where such relations have direct impact on the lives of the people of Kenya.

Lastly, legal commissions findings should be revealed, because civil servants are allowed to own private business. Thank you very much.

Com. Raiji: Ahsante sana Bwana Ali, tafadhali tupatie memorandum. Mwingine ni Jordan Mulwa Kinga'u ambaye anawakirisha wazee wa vijiji Mzee Jordan Mulwa King'au yuko? Inaonekana hayuko. Peter Mzungu Ngalaka? Karibu Mzee. That is Mr. Peter Mzungu Ngalaka?

Peter Nzungu Ngalaka: Yangu ni barua yangu yenyewe ya mambo ya watoto. Vile watoto wanavyo watendea wakina baba zao na akina mama zao. Nimeandika barua hii na commissioners wakipata kuangalia vizuri watatengeneza kitu ambacho ni permanent maana hii ni Katiba tunatengeneza. Tunataka tutengeneza kitu cha permanent kwa wote kwa hao wananchi. Kwa hivyo nawaomba mpate kusikiza jinsi nimeandika.

The Constitution of Kenya Review Commission with complaints against my sons; I humbly tender my complains against my sons to you for your advice. Their names and addresses are as follows: Augustine Mueni Nzungu

Interjection: People talking and laughing

Com. Raiji: Tafadhali tumpatie Mzee nafas. Tulisema hiki kikao ni huru, kila mtu yuko huru kutoa maoni yake yote.

Mr. Nzungu: Augustine Mueni Nzungu, John Kimeu Nzungu Box 70654 Nairobi. Joseph Nzungu Box 6513 Nairobi, Francis Nzungu Box 45894, Nairobi. Sylvester Mwaka Nzungu Box 84 Kitui.

That after they completed their schooling which I paid fees for them, and got good jobs, I had high hopes that they would help me and my wife their mother as they settled in their jobs. They have been for more than five years at their jobs now, yet they have not been keen to assist us as their parents as they should.

That the situation pertaining in our community recognises that a son is supposed to support his parent once he gains

employment. That it is a good thing to do that for various reasons. I wrote to you to seek your advice on what to do with my sons so that they can support us as their parents. After we have brought them up, educated them, and made them, get good jobs, they should give us money for treatment when we are sick.

That they have a moral as well as a social duty to help us as long as we live, and that it is far for their own benefit and the benefit of their children as well. Kindly reflect on this matter and then let me know from you. Yours faithfully

Peter Nzungu Ngalaka. That is all I had.

Com. Raiji: Ahsante Mzee. First of all I thank you for bringing up the issue. Our work here is to take all these recommendations you have raised an important issue on whether or not children have the right to support their parents and what remedy if there is any available to the parents who are neglected but for the time being we think that some of these issues you could probably solve with your chief and the village elders as a family matter, you can try to do that. Ahsante but lets have your memorandum. You can please present it there.

At this juncture ladies and gentlemen if we can have your attention. As you know we had an important visitor who came just to see how we are doing His Highness the British Commissioner to Kenya Mr. Edward Clite. He is very impressed by the views that you are presenting and he has asked me on your behalf to let him leave, to depart for Nairobi on other duties. Mr. High Commissioner you are free to leave and thank you ver much for being with us since morning. Thank you. (clapping)

Com. Raiji: The next presenter, tunamuita Bwana James Mutie Wambua. Karibu.

James Mutie Wambua: Kwa majina naitwa James Mutie Wambua na haya ni maoni yangu nimeandika mwenyewe. All local beers or locally brewed beers be sold for those who need to drink. All administration officers from assistant chiefs, chiefs DO and DCs should be elected by wananchi. At the chief's office there should be no cell for over twenty four hours a day. Title deeds be free. Soko huru be abolished and let the Government have boards, and buy things from wananchi, and have one price for all.

Counting votes should be at polling station, and the authority to be there for the agent to record, and the ballot papers should be blank.

All hospitals should avoid cost sharing for wananchi. On education, from nursery to standard eight, it should be free. All (inaudible) within Kitui District should be removed. Anybody impregnating school girl or unmarried woman, let that guy help that kid from the eighteenth year or have a jail trial. Yaonekana nimefika hapo.

Com. Raiji: Ahsante sana. The next one is Bwana Musia Kaviu Kitabi. Bwana Kitabi. Karibu.

Kaviu Kitabi: niumya ndeto ino kwa nzia ya Kikamba

Translator: His presentation is in Kikamba.

Kaviu Kitavi: Mbee ningutungia ngai muvea ni kwithiwa katika Kamishina ino ila ni nzeo muno vya Kenya

Translator: I praise God because of being allowed to present my views in the Consitution.

Kaviu: Mawoni makwa ala ngwenda kwikia nthini wa Katiba ino ya kuvindua kwa nthino yaitu ya Kenya. Rais wa kenya no muvaka ithiwe umwe katika Jamhuri ino ya Kenya.

Translator: The President of Kenya must be one in the republic. The President should form a government of national unity.

Kaviu: na nomuvaka Rais akiunda selikali aunde na syama syonthe sya uvinzani kana sya party

Translator: The President should form a government of national unity.

Kaviu: kyama kimwe ti kiseo kiunde silikali nundu kikekia on aandu angi mataanyvya makitwa maku-niminate na mainyuvya ta mawakili na nimaleilwe kwoo.

Translator: It is not healthy to use only one party because there will be a tendency of getting even very incompetent people. It is necessary to have all leaders elected.

Kaviu: No muvaka silikali yaitu ya Kenya yiongosetwe ni katiba ithiwe mundu wonthe ula ukuwakilisha nthi akilishe mundu ula munyuve.

Translator: it is necessary to have all leaders elected.

Kaviu: President aangamiwe ni Katiba kikamilivu kama mwananchi wa kawaida.

Translator: The President should not be above the law but should also be subject to the Constitution.

Kaviu: President ndailite ithiwe aangamie mashirika monthe, mali on the na kila kindu kyonthe kikithiwa ki yiulu wake na niwe above law. Twianda aangamiwe ni miao.

Translator: The President should not have his hand in every activity in the land and he should be under the law.

Kaviu: silikali ni ithiwe na mseto na ithiwe na waziri mkuu na syama syonthe sya Kenya.

Translator: The Government should be a coalition, and it should be inclusive, having all the parties taking part.

Kaviu: Mundu wonthe amina kungea na nitumuandikite na kuthukuma, amina kungea e vata wa kwova miaka ikumi, ithiwe ni President. Mundu wonthe kingei ovyo miaka ikumi na aikunwa ivoko ikuni na ili na akiva mali.

Translator: It is suggested that anybody who is convicted of stealing be he a President or any elected member, he should be first of all be dismissed from whatever he is doing. He should be convicted jailed, and receive twelve strokes of the cane.

Kaviu: Ni kenda atie mali yaitu.

Translator: so that he may have respect for public property.

Kaviu: Attorney General achaguliwe ni Bunge.

Translator: The Attorney General should be an appointee of Parliament.

Kaviu: Mundu wonthe ula wi (inaudible) no muvaka ethiwe musindi ula wina kula mbingi niwo utonya kwithiwa musindi na

niwe atonya kithiwa ena kivila.

Translator: The one who is declared elected should have the majority of votes

Kaviu: Kuma Councillors, Parliament na Rais.

Translator: and this applies to the councillor, to the MP, and to the President.

Kaviu: Chief no muvaka asakuliwe – chief location asakuliwe ni raia kwa miaka itano.

Translator: The locational chief should also be elected by the people he leads.

Kaviu: na “Mutui” akinengwa ngua na kiivua musaala.

Translator: and the village elder should be both renunarated and be issued with uniform.

Kaviu: e musakue ni wananchi

Translator: He should also be elected by the people he leads and serves.

Kaviu: Mayor niona alitwe ni usakuwa no ma-councillors mo ene

Translator: He is also floating the view that the mayor should just be elected by the councillors, **Kaviu:** na nomuvaka na elimu ya kuambia muvaka form four.

Translator: and he should have a minimum of form four education that one would be seen fit. Thank you.

Kaviu: Asante sana.

Com. Raiji: Mzee ngoja kidogo. Commissioner yuko na swali.

Com. Wambua: Mzee Kitavi, wasya kana mundu amina ungea ailite kuvutwa, ayovwa na aikunwa ivoko ikumi na ili, nayo mali ila unangei ithiwa enayo iyikwa ata?

Translator: The Commissioner is asking that anybody who is convicted of stealing should be jailed and receives strokes and dismissed, but then what happens to the property he had stolen?

Mr Kitabi: mali ila unangei no muvaka itungwe kinanduni kila yai akingea

Translator: Whatever he has stolen should be returned to wherever it was stolen.

Com. Raiji: Ahsante Mzee. Mwingine ni Bwana Mutonga Kasau kutoka Kiyavua Self Help group. Bwana Mutonga Kisau yuko? Mko wawili?

Translator Reading: Wameniomba ni wasomee. Wameandika kwa Kiswahili.

Report kutoka katika kata ndogo ya Ngiluni katika kata Busiani Kisasi. Mambo ya kuajiriwa yarudishwe katika upande wa labour kama ilivyokuwa zamani; kuliko kuajiri watu ndani ya ofisi. Wazee ya nchi hii yetu wa Kenya wakifikisha miaka sabini wawe wakipewa usaidizi na Serikali. Kusema hivyo ni kumaanisha wawe wakipewa Pesa kidigo za kuwasaidia maana watakuwa hawana uwezo mwingine wa kujipatia usaidizi.

Kisomo hapa nchini Kenya kiwe cha bure kutoka nursery, standard one, hadi university. Hospitali hapa nchini Kenya ziwe za bure maana wananchi wengi, hasa robo tatu ya wananchi wa Kenya, ni maskini.

Katika upande wa kazi; inatakikana hapa Kenya, mtu mmoja awe na kazi moja sio kuwa na kazi zaidi ya moja, maana mambo hayo ndiyo yameleta upungufu wa kazi hapa Kenya.

Rais wa nchi hii yetu ya Kenya asiwe juu ya sheria au kuwa na mamlaka mengi. Ofisi ya PC huwa haina manufaa yoyote kwa wananchi, maana ofisi hiyo hupata fedha nyingi lakini huwa hazifaidishi wananchi. Huwa zinanufaisha PC na utawala wake.

Mtu akikamatwa na polisi na akipelekwa katika police station hadi mahakamani, na akipatikana hana makosa, basi yule polisi aliyemshika au kumkamata na wenzake wana wajibu wa kushtakiwa, maana huwa kwanza wamempiga huyo mtu njiani hadi kutuo cha polisi. Mwishowe, wamulipe yule mtu ridhaa kwa kumuharibia sifa zake pamoja na wakati wake.

Kwa upande wa ardhi, Serikali iwe na ardhi yake. County councils ziwe na ardhi yao, naye mwananchi awe na ardhi yake. Mbunge akichaguliwa na wananchi na akienda Bungeni na asifanye juhudi yoyote kwa wananchi kwa kiasi cha miaka miwili: basi wananchi waliomchaguwa wataungana kama mia sita na kwenda waulize Serikali imfutilie mbali halafu waje wamchaguwe mbunge mwingine ambaye atashugulika na masilahi yao.

Viti vyote vile vikubwa Serikalini viwe vikipeanwa na wabunge lakini sio mtu binafsi kutoa uajiri huyo. Mwenyekiti Mutua Nzomo, katibu Mwanze Kulungya na kamati ya Ngiluni, kamati ambayo imesamiwa na Mutonga Kasao.

Com. Raiji: Ngoja kidogo Mzee.

Com. Wambua: nimukulya kwa Kikamba na muinzungia mwasya silikali ithiwe na ardhi na wananchi methiwe na yoo na councils sithiwe na syoo. Ndyisi kana nimuisilite ula undu syailite kuaanwa ni ula undu syianitwe oyu kana nisyailite kuaanwa ingi ni nzia myau twitumia ni kenda withie ni twamanya ila sya silikali na sya council na sya andu. Nimwinaniwe ni ula undu uyu siilwe.

Translator: The commissioner is asking on this issue where the proposal should be that Central Government should have its own plots, the County councils and the local authority theirs, and the wananchi should also have theirs. About the current set up how would you suggest that it should be done?

Mr. Kasau: eka ngusungie we ngwie atii, kwi nthi ila ya silikali yiisaa nyamu na kwi nthi ila ya county council yathitwe na kwi nthi yaitu tuimaa, ndi vathukatwe uu.

Translator: He has answered, that there is what is Government land e.g of National Parks and reserves, then there are lands and plots that are identified with the local authority, and then we also have our farm land.

Com. Wambua: niendaa kuukulya kana nimwianiwe ni ula undu syianitwe oyu undu syiilye kana ve kindu kingi mukwendaa kikwe.

Mr. Kasau: tiisyisi, tuisyisi undu vaanitwe. Nundu no tuaniwe twi miundani yaitu.

Translator: The commissioner was asking whether the current set up is satisfactory, whether it is a satisfactory arrangement, that some are saying they are okay others are saying they are not satisfied.

Com. Wambua: Okey kila mtu atapata nafasi ya kutoa maoni yake vile tunaweza kuzirekebisha. Ahsanteni wazee kwa hayo maoni yenu. Sasa tunaweza kujiandikisha huko. Na tunamuita Bwana Joseph Musili Kamuti. Yuko? Karibu.

Joseph Musiko Kamutu: Mimi mwenyewe nitaongea kwa lugha ya Kiswahili hata ikiwa nilikuwa nimeandika kwa lugha ya Kikamba. Katiba tuko nayo sasa inafaa iandikwe kwa lugha arubaini na mbili. Kila mwananchi wa Kenya aelewe ni kitu gani kinampasa akifanya makosa. Ajue anafanya makosa gani, ndiyo irahisishwe mambo katika mahakama.

Katiba ile ya kwanza ingesomeshwa kwa wananchi ndio tujue ile tunaweza, ndiposa tunaweza kuongea kwa Katiba yenye iko sasa. Lakini hayo yalichelewa kwa hivyo tutaendelea sasa na ile tunaunda.

Kuna mila za kila ukoo katika Kenya: kama vile, tunasema unapeana mtoto mahali ameolewa, na watu wanakuja kwako kukusalimia: lakini hapo inakuwa ni vita wakati unatoa kinywaji kidogo kwa wale wageni, inasemkana umefanya makosa. Kwa hivyo hiyo irekebishwe, mila ya kienyeji ya Wakenya iwe ikendelea.

Kumekuwa na sheria inayopitishwa katika Bunge na wale watu wanaopitisha kusema sitini na tano, hiyo Bunge sasa isiruhusiwe kupitisha hiyo. Sasa hiyo irundishwe kwa ma-commissioner ndio wakuwe wakipitisha kila kitu katika Bunge.

Mkenya ambaye akiwa ni mwanamke au mwanaume, amezaliwa hapa Kenya, anafaa kuwa Mkenya asili wa kupatiwa kitambulisho cha Kenya. Ikiwa Mkenya ameenda nje na ameo huko, bibi yake anaweza kukubaliwa hapa Kenya kuwa Mkenya na watoto wake pia.

Wafanyakazi ambao ni retirees, wale ambao walikuwa wanafanya kazi na wanaenda retire huyu mtu anakaa kwa muda mrefu sana bila kupata kiinua mgongo. Lakini sasa tunahimiza serikali ama sheria ikuwe huyu mtu anaweza kupatiwa tu pesa zake kabla hajaodoka kwenda nyumbani, alipwe malipo yake. Pia ikiwa huyo mtu ni pensionable akuwe akipatiwa mashahara wa three quarter ya mashahara ambao wakati alitoka kazi alikuwa akichukuwa. Apatiwe three quarter kila mwezi ya huyo mashahara. Wakati wa kifo chake bibi yake anaweza kukubaliwa kuchukua ile nusu kwa miaka kama kumi hivi, na Serikali kama inawezekana, na pia huyo akiondoka iangaliwe katika hiyo boma mtoto ambaye anafaa kuongoza wale wengine, naye alipwe kwa miaka kumi na nane. Hiyo mashahara utawafaidi wale wengine wadogo. Nitavuka zingine kwa sababu zimesemwa tusiharibu wakati.

Nimekuja upande wa vinywaji sasa. Vinywaji mmejua hapa Kenya vimekuwa na uharibifu mkubwa sana, like, pombe, nini,

lakini ningefaa nionele kwamba sheria inayotengenezwa sasa pasiwe karobo, pasiwe nini ikiwa ni kupigwa pombe marufuku ipigwe marufuku yote. Ikiwa muhusiwa iruhusiwe kiasi ambacho kinaweza kuwa kwa kila location, kutoka location kwenda kwa town kubwa. Na bei ya pombe ipandishwe zaidi, chupa moja ikuwe shilingi mia moja. Hata karobo ifike hasmsini ndio watu wafanye kazi vizuri.

Interjection: People laughing.

Mr Kamuti: Katika primary school kuna waalimu ambao wanaajiriwa na wazazi. Sasa hawa wazazi wanajenga shule, wanaandika waalimu, wanafanya kila kitu, tunaona hizi vitu zote ziondolewe ili Government ishikilie upande moja na wazazi washikirie ule mwingine wa kujenga shule. Hii ya waalimu itolewe kabisa. Nimefika hapo.

Com. Rotich: Ni na swali, ulisema kwamba Mkenya akioa Ng'ambo bibi yake na watoto wawe wananchi wa kenya. Ulisema bibi ama hata mwanamke akiolewa bwana yake awe raia wa Kenya.

Mr. Kamuti: Nimesema ni bwana akioa ng'ambo aje na bibi yake hapa, huyu bibi yake anaweza kukubaliwa kuwa Mkenya kwa sababu ameolewa na Mkenya.

Com. Rotich: Na msichana Mkenya akiolewa na mtu wa ng'ambo? Huyu bwana anaweza kuwa raia wa Kenya ama hapana?

Mr. Kamuti: Si atakuwa raia wa nchi ile ameolewa (laughter). Hawaezi kuwa raia wa Kenya!

Com. Wambua: Ahsante Mzee kwa hayo maoni. Bwana Kamuti ahsante. Jiandikishe huko. Bwana David Malombe? Inaonekana ni Women Group. David Malombe:

David Malombe: My name is David Kaviu Malombe. I come from Manyenyoni sublocation. We had a meeting in the sublocation and all the groups evident, women, young is people groups, were present as well as disabled people. So I am representing the whole sublocation.

Constitutional supremacy: we recommend that we retain the current procedure of allowing Parliament to ammend the Constitution by using 65%.

We recommend also that there should be some parts of the Constitution which the Parliament should not ammend without asking the people. Those parts of the constitution which the parliament should not do without asking permission are as follows:

Asking the people to amend the Constitution so that Kenya could be a federal state of another state, that is one thing. The second thing is the currency if at all the Kenya Government should decide to use a common currency, there should be a referendum on this particular issue, because our money is heavier than that of the other territories. The public should be involved in these transactions through referendums. Referendums should be carried out by the Electoral Commission.

Citizens: children born out of forty two tribes of Kenya should be considered as automatic citizens. Expatriates-people who would like to become citizens should reside in the country for at least five years, before they submit their application, as the applications are considered on merit. Children born of one Kenyan parent regardless of the gender should be automatic citizens.

Com. Wambua: Ahsante sana. Nafikiri tutachukuwa mtu mmoja kabla hatujaenda break kidogo ha lunch. Naye anaitwa ni David Nyamae yuko? Karibu.

David Nyamae: The commissioners and my fellow participants I am representing a group called Wikwatu Farmers Field School, Bushiani sub-location, Kyangulia West: and these are our proposals.

Parliament powers to amend Constitution: should be limited to some parts, and major parts in the Constitution should be beyond the amendment power of parliament. This should involve the public. Now the public should be involved through the referendum in amending the Constitution.

Citizenship: all Kenyans by birth should be regarded as automatic citizens of Kenya. Children born of Kenyans citizens regardless of the gender should be entitled to automatic citizenship. The child born of one Kenyan parent regardless of the parent's gender should be entitled to automatic citizenship.

Structures and systems of Government: we should retain the unitary system of Government. Two, we should adopt the parliamentary system of government whereby the Prime Minister is appointed from the majority party in parliament.

There is need for provincial administration in which the lowest officers should be the village elder, who should be paid by the Government.

The President's powers should be limited and he should be under the law. Government hospitals, doctors, and clinical officers and other staff, should not own clinics or pharmacies that is the doctors and others employed by the Government.

Suspects should not be tortured or get any punishment till they are proved guilty by the court of law. There should be no nepotism or tribalism as it is noticed in the present Constitution, for the present it is practised in the present government.

There should be compulsory and free education from nursery school up to form four level

The president should be thirty five years of age and above with at least one degree from a recognised university.

The procedures for land transfers should be simplified men and women should have equal access to land. Unmarried daughters should inherit their father's property including land.

Anyone mis-using public funds should be taken to court regardless his or her status.

The Constitution should guarantee the right to trade union representation.

The Constitution should ensure all people have access to the court, by providing Government lawyers to those who cannot afford to hire lawyers. That's all we had.

Com. Wambua: Ahsante sana Bwana Nyamae na kwa sasa nafikiri tutaenda break kidogo. Tutakuwa hapa saa nane na Kabla hatujatoka ningetaka kuwatangazia kwamba mtu akiwa yuko na memorandum na akiona labda hatangoja anaweza kutupatia, na itatiwa manaani kama angeisoma hapa. Tena akina mama, tungetaka mtujulishe wakati tunarundi hapa saa nane, kama mungetaka kikao chenu maalum, tunaweza kufanya mipango, kwa sababu mahali pengine tunaona akina mama hawako uhuru sana kuzungumza wakati watoto na wazee wanasikiza jadilianeni mtatwambia tukirundi. Kama mngetaka, tutawapatia nafasi halafu, tusikize maoni yenu mkiwa tofauti na wengine. Ahsateni tuonane saa nane.

Com. Mosonik: Tataendelea na listi wale wako nje tafadhali muuingie tutafuata pale tuliacha na tutaanza na Bwana Sammy Kioko kutoka Ford Kenya, Sammy Kioko? Karibu.

Sammy Kioko: My names are Sammy Kioko Muleki. I represent Ford Kenya Kitui branch and these are our proposals. The President should not be the Commander in Chief of the Armed Forces. Instead there should be a Minister of defence in charge of the armed forces. The Parliament should have the power to all issues concerning defence and national security.

All political parties should be financed from the public funds. The Constitution should state clearly the functions of political parties, so that the ruling party should not take the Government as part of the party whereby civil servants are seen in political party meetings.

All appointments of high officers should be done by Parliament and not the head of state those appointed should be answerable to Parliament. Presidents should not contest Parliamentary elections after 70 years of age. The President should have ethics

and moral qualification i.e be of good conduct, have a family, should not have criminal records, and should declare his or her wealth.

The voters should have the right to recall their MP if they are not contented with his or her services. There should be no nomination of Members of Parliament because these nominees will service their masters but not the electorate. Also this is a waste of public funds. The Constitution should have the date of dissolving the Parliament and the general election date. The President should not be above the law. He/she should be prosecuted on committing an offence. The President should not have the power of hiring and firing. After elections, the President should relinquish the MP's post, to pave way for a new MP who will be available to the constituents, because the President has a tight schedule.

The provincial administration should be abolished, and if it remains, the chiefs, assistant chiefs, should be elected by the people, in order for them to be servants and not masters of the people.

Civil servants: should be taken to court if they do not deliver good services to the people. The speaker to the national assembly should be in charge of executive powers during Presidential elections. After the Parliament is dissolved the outgoing President should hand over power to the Speaker who, will in return hand over to the incoming President. After the President leaves office, he/she should not be granted security or immunity from legal process. He should go home like any other MP or public civil servant. This will enable them to be good conduct when in office.

There should be no cost sharing in hospitals because all medicine is bought by public funds which is contributed by all Kenyans. So to cost share means double contribution. There should be free education from nursery school to standard eight. The Government should not promise the electorate things which it cannot fulfill. For example water for all by the year two thousand, education for all and so on. If it does this it should be taken to court when it fails.

There should be a pension scheme whereby every working Kenyan contributes to provide life pension to senior-citizen those who are over 65, even if they are not contributors themselves. Thank you.

Com Mosonik: There is just one clarification please. Hold on. Severaly, I heard about the president having a family and I think you should be very clear what the family means. When you say the President should have a family, what you mean? I think you need to be very clear.

Mr. Kioko: Lazima awe na bibi, awe na mtoto, awe na watoto wake: kama ni mwanamke awe na mumewe na watoto.

Com. Mosonik: I have asked this question before in the process of serving as a President, and he happens to divorce legally, are you saying or are you suggesting that he should relinquish his position, or is there some kind of an interval period where he

must now be asked to re-marry if he must re-marry, before he becomes a president?

Mr. Kioko: Kama alikuwa na bibi na ameshindwa kuwa na bibi, hawezi kuongoza watu. Aende nyumbani akae huko mtu mwingine aingie. (laughter)

Com. Mosonik: Ahsante. Register yourself there. Atafuatwa na Joseph Muthoka. Muthoka yuko? Ni wewe? Sasa ni Joseph tukonaye huyu wa Box 675 Kitui. Haya ni wewe.

Joseph Muthoka: Ahsante Mr. Chairman. Haya ni maoni yangu natoa mimi mwenyewe, naitwa Joseph Muthoka. Kitu cha kwanza ningetaka commissioners wajue ni ya kwamba katika Kenya kuna watu wengi wako nyumbani ambao hawana kazi. Tukiangalia wako wafanyikazi kama wajumbe na judges wako na pesa nyingi sana. Kama inaweza ku-reduce-wa iwe kidogo, mshahara uwe mdogo, ndio hao wengine wako nyumbani wapate kuandikwa, itakuwa vizuri hivyo.

Rais wa Kenya awe na degree. Ya pili, Mr. Chairman, ni ya msako wa polisi kuitisha watu kitambulisho na wewe unajua ni mwananchi wa kawaida na umetumwa hapo dukani na baba yako ama mtu wako na ukifika hapo unaambiwa jitambulisha wewe ndiye nani. Katiba inaweza kuangalia hiyo sheria iondolewe.

Ya tatu, niyakuwa Serikari iangalie katika watoto wale wanaenda skuli kuanzia standard one mpaka form four, iwe ni ya bure.

Ya nne Mr. Chairman, tukiangalia upande wa hospitali, tauche kutoa pesa zile tunaitishwa huko za kununua dawa, za kununua card: maanake ako mwananchi wa kawaida ambaye hana ndururu nyumbani na anakufa zaidi, kwa sababu hawezi kununua zile dawa anaambiwa pale. Hiyo nayo iangaliwe.

Ya tano, iangalie katika wafanyi biashara, iwe na control kutoka kwa Serikali. Iwe wanaangaliwa, vitu vile wanauza viwe na control kwa Serikali manake wanongeza inakuwa mwanachi anaweza kumia hana ile pesa zinaongezewa. Anaweza kuenda dukani anakuta sabuni inauzwa shilingi tano kesho anakuta ni shilingi ishirini. Yangu ni hayo Mr. Chairman. Ahsante sana.

Com. Mosonik: This price control unazungumzia, ni ya kila bidhaa ama ni bidhaa fulani? Iwe ya kila bidhaa hata kama ni shati, kiatu; ama ni bidhaa fulani?

Mr. Muthoka: Hasa yangu ile nasema ni bidhaa kama hizi vitu vya kukula viwe na price control.

Com. Mosonik: Okey ahsante . Stephen G. Sieberi? Karibu

Stephen Sieberi: Ahsante sana Bwana Chairman, Commissioners and the audience Kwa majina naitwa Stephen G. Sieberi

na tuko na maoni ambayo ni ya wazee wa mitaa, hawa wazee wa vijiji, na yalimeandikwa kwa kizungu nitasoma vile yalivyo

Ya kwanza, kwamba the elders are the basis of the administrative structure in the Government but are not taken care by law, in that they are not paid. They have no civil service ID cards, and they have no uniforms. They are the eyes of the Government in the village, and the most effective in implementing development policies. The elders being servants of the wananchi should be chosen by the wananchi of that village. It is our view that they be furnished with the above, that is be paid, be given ID cards the civil service ID cards and uniforms.

Two, in the new Constitution, the elders should be given also security and more power, especially in crimes in the village. They should be given power to arrest or be able to order the Aps in the chiefs camps if need arises. The elders, should also be given the necessary training as far as their work is concerned.

Three, the Government should take care of the prices of items in the market, as it used to be sometime back. Also the government should make sure that all wananchi have the following services with or without money. Number one food, two shelter, clothing and medical care, education is the basic education; all this is by the taxes that are collected from wananchi.

Four, the new Constitution be made available in all languages of Kenya, and be sold in the bookshops for any Kenyan in need.

Five, any ammendment or change should be made by the wananchi who made it.

Six, part one of it are basic rights: the police should always arrest with a warrant and in the event that a crime is committed on the spot the suspect should be presented to the court within 24 hours. Part two of it, that is the roles of arresting investigating and prosecuting; should be given to three different people who are independent. Part three, in need of lawyer and one cannot afford the one, Government should be able to provide one for any mwananchi. Part four, in the death sentence, it is our view that one should be given life imprisonment rather than hanging.

Seven, in the new Constitution, the preamble should be there describing the writers and to whom its being written to.

Eight, in the new Constitution, children under eighteen years should be employed if she/he is not in school or never went school. Because in the present Constitution, nobody is allowed to employ a child under eighteen years: and if one is caught doing so, he is to be accused. This law does not say if this child never went to school, or she is not in school where she is supposed to go.

Last, land usage: it is our view that in Kenya we have enough land. Kenya being a country that is independent, we depend mostly in items that we manufacture from our shambas or farms. You get in our country presently, if I have money, I can be allowed to purchase a large acreage of land that I do not cultivate or I do not use. You get that there is somebody who can be

given this land, cultivate it and, make use of it, hence bringng profit to our country. So it is our view that in the present Constitution that is going to be made, give provision that, if possible some percentage of land is given, or a maximum of land is given to a person to own it. I think your honour that is all I have.

Com. Mosonik: I just wanted to ask you the proposing a land ceiling do you have any acrage you would suggest?

Mr. Seibeli: Your honour we did not go to a maximum acrarage.

Com. Mosonik: Thank you very much. The next will be councillor Kilului who is presenting views on behalf of councillors. Councillor Kilului yuko? And then atafuatwa na Musyoka Matuku and Peter Malilu. Labda kama councillor hayuko tutaenda kwa Bwana Musyoka Matuku.

Musyoka Matuku: My presentation is on behalf of Kitungati sublocation. Three different groups, youths, some group called Meko, and another called Signs.

One, they said transfer of title deeds should be done for free.

Two, there should be communication to the masses concerning their MPs Parliamentary attendance and participation. This could be one of the basis for recalling and consequent sacking of non performing MPs by the electorate.

Three, the parliamentary calender should be established. Mps should end their ter when the newly elected MPs are sworn in.

Four, the Attorney General should be nominated by the president but vetted and endorsed by Parliament.

Five, the new Constitution should be available in all Kenyan languages.

Six, if there is need for ammending or changing the Constitution, views from Kenyans should be sought, if need be a referundum should be conducted.

Seven,the death penalty should be replaced by life imprisonment.

Eight, employment to private or public sector should be based on merit not sex.

Nine, land should be owned between a man and his wife jointly. In the event of a second wife, it is the duty of the husband and the newly acquired wife to acquire property their own independent property no second division should be done on the existing land or property.

Ten, village elders should be put on the public payroll.

Eleven, the President should not be above the law. There should be an impeachment clause in the new Constitution, so that the president can be accountable to the public.

Twelve, a Prime Minister should be there so that he can be the head of Government, and answerable to Parliament at all times.

Thirteen, clans they should be given more power.

Fourteen, an unmarried lady is the one who is entitled to inheriting from their parents.

Fifteen, chiefs and sub-chiefs should be appointed through direct consultation with the people, if need be, through election.

Sixteen, female genital mutilation or female circumcision: should be left to willing victims willing circumcisor kind of arrangement.

The Constitution should ban forced circumcision.

National wealth should be distributed equally to all the districts, and reports to this effect communicated through the public media. Returns for the expenditure or activities conducted should be communicated similarly, as indicated to us what district got what, and what they used it for.

Eighteen, cost sharing should be abolished as it amounts to double taxation. Goods are bought with the tax payers money, so asking them to cost share, is asking them to pay twice for the same thing. Thank you.

Com. Mosonik: The issue of the clans you said what would you like of the clans? On clans, I wanted to know, exactly, what their functions should be.

Mr. Musyoka: They should be given more power. Especially in cases of arbitration where like a man has two wives, and the property is supposed to be divided upon his death: knowing who is supposed to get what share of land in the event that the father has died and there are sons and daughters and the sons feel the daughters should not get a share. Those are things that should be handled by the clan.

Com. Raiji: Thank you very much the next is Bwana Peter Malilu to be followed by councillor Masai Mwale. You are Mr. Peter Malilu? Karibu.

Peter Malilu: Mbee wa kuneneena undu wa vaa mbee ningwenda utungia Ngai muvea nikwithiwa Tume ii inokie kumanya thina wa andu maitu ala me vaa central.

Translator: Before I proceed I would like to thank Parliament and the initiators of this kind of exercise.

Peter Malilu: Undu umwe nguneena thina wi vaa nikwithiwa twi vaa ithye nitwathiwe itina numo andu ala tumite vaa kuma Kitui kuthi ivika Kibwezi.

Translator: People from this area, especially between Kitui and Kibwezi are left out in a lot of things.

Peter Malilu: kitumi kwi andu ma kwitu mekwo na anene na me matuku maingi matesi kindu kitawa barabara wikitwe lami na mathisi lami ni kyau. Uu ni undu asu maitu mayaisa kuwona.

Translator: Communication, and especially along tarmac roads, it is just a story to most of us.

Peter Malilu: ningutungia muvea Tume ethiwa uu nukatonya kwithiwa Katiba kaa katonya kumanya thina wa kila mundu onethia nde metho, ona ithiwa nde kindu. Niwaile kwianana na ula wi kindu.

Translator: We are urging the new Constitution, it should provide for equal distribution of whatever resources, including communication.

Peter Malilu: Katiba kala kanai mbee nindonya uakungia muvea nithiwa nikanonie andu akuu matamba kusoma na matasoma na kau niki nesa. Ethywa ni vatonya kwongeleka muno aka makamanya kusoma na andu angi aima makamanya sukoma kwithiwa ni useo munene kati wa Katiba.

Translator: We appreciate that there was provision in the Constitution that is being amended, in that, it recognized the need for people to be literate in many things including women literacy.

Peter Malilu: ngisyoka nitungie Ngai muvea nikwithiwa uthiwa maundu amwe nimatonya kuthela ma syana syitu ila syanangingite kunywa uki na kunywa vangi nokisa kwithia syie na usuvio. Vau vethiwa Katiba kaa katonya kwikia mwiao utonya ukiwa ni syana isu. Twithiwa twokila andu ma Kenya.

Translator: We would also urge that the new Constitution should look after the areas that encourage waywardness in our youths.

Peter Malilu: Niasya ve muneeni uneenie na nuneenie nesa muno nindonya umuunga moko ona kuvika kukwa kwakwa ula waisye mundu ona wiva ula ukangea kana ula ukavena mundu kindu niwale kwovwa miaka mingi ni kana kila mundu ungi wonthe wise kwithia niwakia.

Translator: I was particularly impressed by one the who proposed that whoever is caught stealing should be imprisoned, dismissed and disciplined, so that others may shy off from such practices.

Peter Malilu: Kitumi sikali yaitu ila inaumie vaa niyatethasya wia mwingi ithye ene tivuana ene nikwithiwa musikali ndai atonya kuungama akewa nuvutitye ona ithiwa ene nuvungu na kwoondu wa uu, uu umunthi nitukwenda wise kwithia vaingwa musukali utonya uneena uvungu nthini wamundu mana, no muvaka aneene itumi. Na akwatwa ni itumi isu aile usikatiwa.

Translator: It used to be, previously, that no vice could be associated with the askaris, the policemen, and the like, because they were forbidden by the law and the nature of their duty to be associated with certain unbecoming practices; that is no longer the case.

Peter Malilu: kuminia kwakwa niasya vai kindu kithuku ta kana kanini kala twikwetye ka mwaka uya ukite kanywa uki, na kaunywa vangi, na kiusoma, na yiundu – kaile kwikiwa mwiao mumu ni kana twone syana syitu sya utethya wia ivindani yii tui.

Translator: It is sad that our youth have gone into things like drinking taking bang and other drugs, and that way they are not

promising to be productive. We would like to see a law that limits the use of these so that people may become productive even in youth.

Peter Malilu: niasya kuneena kwa mwisho na kwa kumina kwakwa no atii, ethiwa uki – mbaa uki na beer ni uki ona ungi ukwitwa wa nthi ingi ukuka kunyuwa ni kana mundu eika ati, kwaile kwikiwa mwiao mumu ni kana tukaviadika – andu aa me vaa methinwa ni thina usu wa muthemba usu, ni kana wise kwithia ni twathua. Twina mitokaa, na vate uu tiitonya kwona undu useo kunywa uki na kunywa syindu isu nthuku.

Translator: We would urge and really insist that there should be a very strong law forbidding the use of drugs, the use of alcoholic drinks, and anything else that tends to put people down. In development wise, that is all.

Com. Raiji: Ahsante Mzee. Councillor Masai Mwale? Yuko? Karibu.

Boniface Mbuvi: Na wakilisha huyu Masai Mwale, ameniachia nisome memorandum yake tafadhali mukiniruhusu.

Com. Raiji: Ni sawa. You can remind as of your name I know you presented in the morning. We give you five minutes to summarise and you reduce them.

Boniface Mbuvi: Ni maoni ya diwani Masai Mwale wa location ya Kisasi: Jina langu ni Boniface Mbuvi Mutisya. Mwale anapendekeza hivi: Katiba itakayo andikwa iwe ni Katiba inayojumuisha Wakenya wote; bila kubagua katika ajira, kisomo au hata kibiashara na maswala mengineo. Katiba hiyo mpya pia iwe niyakugawa milki na mali ya nchi kwa Wakenya wote, lakini sio kama ifanyavyo ile iliyoko mamlakani. Yenyewe inatumikia sana mikoa miwili ambayo tayari imetoa watu wa urais. Katiba mpya iwe imeandikwa kabla ya uchaguzi mkuu ili kwanza tume ya uchaguzi iundwe iliyo huru, nayo pale pale mwanzo ichore mipaka mpya na yenye usawa wa maeneo ya udiwani na ubunge. Mgombea urais awe pia mgombea ubunge. Pia kwa hiyo Katiba mpya, mgombea urais, awe na mwandamanaji atakaye kuwa makamu wake pale wakipita uchaguzi, ama running mate.

Mkulima alindwe dhidi ya tukio za sokoni anapotaka mbegu na mbolea ama anapouza mazao.

Diwani maalumu au mbunge maalum asiweze kufutwa kazi na chama kilichomteua, sababu chama kinaweza kukiuka mipango ya uongozi, na pale diwani au mbunge maalum akaanza uasi. Katika kugawa mali ya ndoa, kamati iundwe, yenye wanachma kutoka pande zote mbili za jamii ile ya mwanamke na ile ya mwanaume. Kama wanatengana, maana wakati mwingi mama huanza kudharau baba baada ya malezi. Kila Mkenya awe na haki ya kufanya kazi katika ofisi yoyote ile bila ubaguzi eti ni mwanamke au hivi na vile.

Pombe ya kitamaduni iwe huru kama zile za kisasa, na Serikali itoe leseni ifanyiavyo biashara zingigezo. Pia, hiyo Katiba mpya ihakikishe Serikali isisitishie kodi ya ardhi au mjengo wa mtu binafsi, walakini iitishie leseni tu ya biashara inayofanyiwa mahali pale.

Idara ya sorovea pia ihimizwe pia na hiyo Kati, mpya itoe title deeds kwa wenye ardhi na kwa shilingi mia moja tu. Mamlaka ya mkuu wa sheria kuingilia kesi zinazojulikana kama private prosecution, yaondolewe mara moja.

La mwisho, Bunge irejeshewe kuwa yenye vikao viwili ama bicameral Parliament. Katika kubadili sheria au kuunda nyingine, asilima sabini na tano ya kila kikao iunge mkono, na pia kura ya maoni ya wananchi isiwe seventy five percent. Ahsanteni sana.

Com. Mosonik: Ahsante sana peleka hiyo memorandum ya councillor Mwale. Mwingine ni Rodgers Mwilu. Sammy Wambua? Kama hayuko John M. Iladi? Okey atafuatwa na Mwendwa Mulei.

John Iladi: Commissioners, ladies and gentlemen, my name is John Iladi. I come from Nyambani location; and I am going to present views on behalf of the following groups all in Nyambani location Nyika group, Malaani group, Katelia group, Wangu group and Store group. We dealt and addressed issues from this book. We addressed these issues and wrote them in a memorandum but the memorandum, is so big and so detailed that I can not read it right here as I would take a long time. I am just going to highlight some of them. Throughout we have tried to address issues from the following topics:-

One, the preamble; two direct principals of state policy; three, Constitutional supremacy; four, citizenship; five, defence and national supremacy; six, political parties; seven structure and systems of government; eight, legislature; nine, executive; ten, judiciary; eleven, local government, twelve, electoral system and process; thirteen, basic rights; fourteen, the rights of vulnerable (inaudible) fifteen, land and property rights; sixteen, management and use of national resources; seventeen, environment and natural resources.

However, I am going to orally read the views from the following topics:- These topics are structure and systems of government we said we should not retain the Presidential system of government, that is where the president is the head of government as well as head of state instead we should adopt a Parliamentary system, whereby we shall have a President but this President should not be a politician, he should be elected by Parliament. The leader of the Government, that is the Prime Minister, to be elected by the people from the ruling party.

Three, we should adopt a hybrid system, in which executive authority is shared between the President and the Prime Minister. Power to be shared as follows. President, that is the head of state (Head of government) he should be the head of state, Commander in Chief of the Armed Forces. He should appoint Chief Justice, Judges, public service commissioners, judicial service commission, and all constitutional officers; but all these are subject to the approval or to the vetting of Parliament. The Prime Minister's executive duty should be the following; he shall be the head of government he shall appoint the ministers, assistant ministers, but again they will be ratified by Parliament. We have said we should retain the unitary system otherwise if we look around and see the way our economy is we cannot afford to go federal.

The local government, that is the local authority, should be independent from the minister of local government. What I mean is that, the minister for local Government should not be given the powers to dissolve any council whatsoever.

Then I come to legislature. It shall vet the appointment of chief justice, judges of High Courts and Court of Appeal, Attorney general, controller and Auditor General, and members of the electoral commission, permanent Secretaries and all other Constitutional offices.

The function of the Parliament shall be expanded and have powers to control all matters pertaining Parliament. In other words, Parliament should be totally independent from the Executive, but there should be set mechanisms to enhance checks and balances. Being an MP should be a full time occupation. Age for MPs and the President should remain the way it is. In other words, for President it should be thirty five years and over, for the MP it should be twenty one years and above. Language: there should be no need for language test. why? Academically, a Parliamentarian should be a form four leaver, a President should be a graduate. We should introduce moral and ethical qualification for Parliamentary candidates.

People should only recall the Mp after the first term to avoid many byelections which are going to be very expensive. For our poor country, MPs should act on instructions from their constituents but not from any other quoters.

Salaries for MPs should be determined by a special selected committee, composed of members outside the Parliament, and in consultation with the Parliamentary Service Commission.

We should also do away with the nominated MPs instead replace them with specially appointed members from the following groups:- One, marginalised groups; two, minorities.

Number twelve, because women make up about sixty two percent of the population and considering the small number of women in politics, the solution should be to reserve a number of Parliamentary seats for women. I propose twenty five percent of the seats be reserved for them.

Rules to govern the conduct of a Parliamentarian in a multiparty state. Voting should be in secret ballot. Political parties should stop imposing decision on the MPs. The ruling party or parties should stop bias against members from other political parties. Fair and equal treatment to all members by the Executive or by the Government. Coalition Government should be permitted by the Constitution. We should also change to a system that demands multipartism representation at both levels of Government.

There should be two chambers in the Parliament. That is another way of reverting back to the independence Constitution that we had. We had Senate, that is the Upper House, and the house of represantives, or the Lower House. In other words we

propose that we come back to them. The Senate: how should be the senators be elected? Each member per district. The Lower House shall be elected from the two hundred and ten constituencies we have in Kenya. We also said the head of the Executive, if he commits an offence, that is tantamount to abusing his office, by either misappropriation of public funds and many others. Such evils should suffer an impeachment.

The other one is, the President should return the power to vet all legislation passed by Parliament. If the legislation interferes with the fundamental rights and freedom of citizens, or if there was manipulation, or undue influence e.g corruption, in passing the law or the bill, or if the law is not in line with the Constitution.

Parliament should not have power to vet the presidents vet, because this is weakening the checks on balances that are supposed to be put in place. The President, that is the head of state, not the head of government, should be given power to dissolve parliament if: one, people have lost confidence with the Government. Two, the head of the Government suffers impeachment vote of no confidence. Three, when coalition in the ruling party break. Four, when an independent Electoral Commission declares election as not free and fair.

About the elections: we said we should stagger the election for Parliament, and do it the way its done in the USA: but instead of two years, it should be two and half years. Why? Because we have the life of (inaudible) Kenya is five years per sitting.

Executive: the Constitution should specify qualifications for Presidential candidates. That is the Executive President if he is going to remain, they should remain the way they are, but academic qualification should be a graduate that the Presidential candidate should have a degree. Also moral and ethical qualification should be included: In addition, the coalition President should not be an MP. Let the Presidential tenure remain the same, that is two, five year terms.

Functions of the President, that is the head of state not Government, should be defined. He should be the head of the state and commander in chief of the armed forces, and shall appoint all Constitutional posts including Chief Justice and other judges, but they shall be vetted by Parliament. Actually I have got so many if and cover all the topics, I will take almost a whole year. So I and say thank you. However, I am going to hand to you this memo which is very detailed. Thank you very much.

Com. Raiji: Ahsante sana. Thank you very much for that very detailed and focused memorandum. Please present it to us we shall study it in detail, and take your prepositions aboard. Mwendu Mulei? Karibu. Atafuatwa na Ngalia Ngweke.

Ngalia Ngweke: Nitungia Ngai muvea na nginengane mawoni makwa muvangoni wa Katiba. Kw isitwa nitawa Lydia Ngalia Ngweke, kuma location wa Mbitini, division ya Kyuluni vaa Kitui. Na woni wakwa no ta uu.

Translator: I thank God because of this opportunity. I am Julia Ngalia Ngwekwe from Bitini.

Ngalia Ngweke: Woni wakwa wa mbee ni kwasya kana kwambia vala ve ma-chief, assistant chief, Mutui andu asu ni masakuawe ni andu na kula.

Translator: A proposal that the chiefs, the assistant chiefs, and the village elder should all be subjected to elections by the people and they should be remunerated.

Ngalia Ngweke: numba ili, ethiwa ni Councillor, ukwithiwa nutonya kungamia andu nomuvaka withie ni vethiwa Katiba kana noethiwe asomete akamina form four, nutonya kwithia mundu usu e mui kuongosa andu.

Translator: Councillors should be educated upto form four.

Ngalia Ngweke: mali ya musyi wa mutumia na kivetu, no muvaka mali ya musyi kuma mali yonthe itheka syithiwe syi ungu w mutumia na kivetu makwatanie vandu vamwe.

Translator: All property in the family should be jointly registered under the husband and wife.

Ngalia Ngweke: muvango wa kisomo kya syana nitukulya kana nitonya kwithiwa kisomo kya syana kitonya kusomwa mana kuma kilasi kya mbee kumina kilasi nyanya kumina kilasi kya form four fees uolangwe.

Translator: Proposal: all the education primary should be free and secondary there should be a reduction in the fees paid.

Ngalia Ngweke: unyuvani wa aka wa maendeleo, ethiwa mundu ni kiongozi wa maendeleo, niwaile kunyuvaya na kula na kunengwa musaala ta andu ala angi muveani wa aka.

Translator: A proposal that those who are in the maendeleo also should be elected, and they should receive a salary. After school there should be provision for job opportunities.

Ngalia Ngweke: kusyisya muvangoni katiba nisy somie na syie na mawia ukai kwithia ni sya kwata wia syiolange ungya.

Ngalia Ngweke: asanta nivika vau.

Translator: Thank you.

Com. Raiji: Ahsante mama na kama hatujaenda mbele kwa ajili ya wale walemavu ningeuliza kama kuna watu disabled, hata kama hawako kwa list tutawaandika wajitolee. Find out if she is ready we can give her the opportunity now.

Elizabeth Mutinda: (deaf)

Interpreter: I am deaf and I come from Kitui School. I am here to present some few views on several topics. The deaf in Kenya have been learning, they are very poor, their performance has been very bad in exams, in national academic exams as opposed to practical national exams. The deaf have been performing very poorly in these exams since around nineteen sixties when the education for deaf started in Kenya and now I want to state this:-

Exams: she feels the Government should help the deaf in matters when it comes to education. The national exams should be modified to meet the needs of the deaf people. The exams should be modified so that the deaf can do better. She feels there should be free education for all the pupils in Kenya, deaf students included. She feels that the Government should help deaf students proceed to other countries, or should offer Government sponsored scholarships to countries, where the deaf have performed very well in academic affairs.

She also feels that there should be teaching for their language which is sign language in all schools for the deaf, as opposed now. In the schools for the deaf, sign language is not taught and it is the only medium of instruction which is used by the teacher, although it is not taught alongside the other subjects. She feels that the Government should educate or give to all students quality education or good education, to meet the challenges of life today.

She feels that there should be identification cards issued to all the deaf people in Kenya so that whenever they come into contact with may be the police or even the other people, they are able to produce something to show that they are deaf, and may be get the assistance. Whenever they come the across police, and then the police talk to them and they do not answer; there is that problem that the police may feel they are adamant and may be the may get punishment which they do not deserve. So they feel there should be ID cards which they can produce at any place as an introductory document, to show that they are deaf. May be they may have problems and may be their communication system may be different, and then they will be handled in an easier way.

She also feels that there should be interpreters in public places or public gatherings where the deaf may be there or they may have something to talk about, for example: in courts, police cells and even in public gatherings. So whenever they are there, there should be somebody to give their views and also to tell them what is happening around. They also feel that in this commission, there should be that an interpreter ready whenever there is a deaf person. The Commission should also find out if there is a deaf person in their midst, so that may be they can also find out how to get on with what is happening around. That is all I had, thank you.(clapping)

Com. Wambua: I want to seek some clarification from her. She said that exams should be modified to meet the needs of the deaf. What specific proposal does she have or what problems are there which need to be addressed specifically?

Interpreter: She says that one of the subjects like Kiswahili, they have a problem. Also the terms which are used in our curriculum today, the Government has not been able upto now to enrich sign language, so that those who are handling them can reach them easily there is that problem so she feels that a subject like Kiswahili and the Government should do something about the language, because what the exam is all about most of it is the language, which is a problem. The understanding of what is written, not what is being asked. May be if what is being asked was made simpler, they could answer: but because of the nature of the language, the language is the problem not the subject content or what is being asked.

Com. Raiji: We want to thank her very much and tell her that the Commission as a policy normally carries with it a panelist who is a sign language interpreter but for some logistical reasons we were not able to come with one today, but we normally carry a sign language interpreter with us. Thank you very much. Joseph H. Muthoka? Atafuatwa na Musembe Nzuko.

Joseph Muthoka: Honourable Commissioners, ladies and gentlemen, good afternoon? I am representing the business

community from Mbitini location, Central Kitui Constituency. Our recommendations are that, the President of the republic of Kenya should be elected directly by the public and the criteria should be a degree holder.

Trade: our recommendations are that the trade people who go to inspect weights and measures, this should be done freely without any levies. This should be conducted like an auditing because they are on duty.

Unemployment to youth: the Government should come with a strategy that they should finance the training in polytechnics and other high institutes of learning, so that these young men could be self employed in future.

Local authority: our recommendations are that the local authority should come up with the standard way of licensing. What I mean is that you find ladies who sell tomatoes and whatever, once they pay for a license and they go in the next market, still they are charged about fifty shillings. So we think that there should be a standard, once you pay for a license, that serves all until the end of the year.

The office of the President: our recommendations are that the office of the chief should be scrapped completely, and then the assistant chief should be handling matters, because the chief does virtually nothing. The assistant chiefs are the ones who employ the headmen, and those headmen the salaries that goes to chiefs should go to the headmen.

MPs: we recommend that there should be an independent body which decides the allowances salaries because these are the law makers, and if they are left to decide on their salaries, definitely they have to pay themselves higher as the case is now.

Education: when we talk about free education we mean the basic education primary every child should have free education from standard one up to eight. What we mean by free: that there is no building fund, sports fee, so we mean free and free education.

The armed forces: we recommend that in Kenya budget, a provision should be set whereby there is an allocation: where when our soldiers are not in war, they can be busy repairing our roads like Ukambani, North Eastern where tarmac is history.

Councillors: we recommend that the criteria for the councillor should be a form four and their salaries should be looked into, so that they can manage the council budget. If they are all paid, you will find out that there is a bit of whatever. The election of the Chairman and the councillor should be direct by the public. Thank you very much.

Com. Raiji: Ahsante. The next is Musembi Muzoko, Bwana Musembi yuko? Kama hauko tutaenda kwa bwana Ngala Nduda.

Ngala Nduda: The commissioners and the audience, my names are Ngala Nduda and my suggestions are: (I have put them in topics) the citizenship: I have said that we Kenyans should identify ourselves with the ID card, a passport, and driving license. In cases where the passport is a difficult thing to get in Kenya, it should be made possible for us to get a passport for every Kenyan who needs to have one. The ID cards should be brought back all the way to the chiefs so that we can be receiving them at the chiefs office instead of crowding at the district level.

The political parties: I have thought that we should have three at least being the highest number, and this will create oneness in our country because at present the political parties are in ethnic groups. They are grouping themselves in to tribes. If we have two or three the maximum three then will have unity in them. These parties should be financed by the Government because they will be minimal, and this should be controlled by a formed institution so that they are accountable to it.

Executive: the provincial administration is doing a duplication of work, and I think, my suggestion is that we eliminate the Chiefs and go straight from the assistant chief to the DO.

Local Government: the level of education of councillors should be form four and above. This will give as efficient work when they are meeting and planning for a local Government institution.

Basic rights: the Constitution should provide free health care, that is treatment ,in our hospitals; and the cost sharing should stop. Most of us are dying of simple diseases, where we can not afford to pay the bills.

Free education: this should start away from nursery to standard eight, and go back to where all the facilities in most cases in olden days were being provided by the Government.

Security; the Government should provide security to its citizens. I am saying this because if you go along the road, even in our day to day life, the policemen are seen as enemies to the civilians. This has created a gap between the policemen and the citizens. So I think, to avoid today's scenario the Government should take a route on how these things will be handled.

Land and property rights: I want to talk about title deeds where my father had land, he died, and I have to go back and get the title deed to be transferred to me, and then this is transfered to my sons. There is a discrepancy in that, area that, so much is being done and so much money is being demanded. I will wish that this thing is done freely so that when my father dies, I will just present the title deed to the lands office for adjudication with my brothers or sisters and, then it is done freely, that we are given each his piece.

Clan association: the clans' association those who are registered with Attorney General's chamber should be given the mandate of demarcating the land that we have and disputes. The should be good abitratons amongst their people whom they are maning.

Some things which are done by the clans after, they go to court these people are never used as reference, and they are handled contrary to what the clan association did, while they are the people who know most what was happening in those areas.

I have put something else, not under any topic, but am calling it general. The Presidential powers should be limited to his office. The nomination and appointment should be done by an appointed group, and then brought to Parliament for approval.

The constitution should be taught all levels of education, so that our children as they leave primary or secondary or any other institution, they know what is happening in their country and what they are supposed to do as Kenyan citizens.

Employment: in Kenya you will find that there are so many children who do not have employment but we have people who have more than three jobs. Some are appointed while they retired, and we have a graduate who has nothing. I feel that every person should get one job, not one person on having so many, while others do not have anything. I beg to stop at that. Thank you.

Com. Raiji: Thank you very much. Do we have any person who is disabled or representing disabled organization? Sasa tunaendelea na Bwana John Munyasia kutoka kwa Bwana Munyasia tutaenda kwa Bwana Daniel N. Muthisya.

Mr. John Munyasia: Thank you the commissioners and the audience my presentation is a memorandum by Rema Fellowship Church International Eastern Province churches.

One, is the basic needs: first is the food. We request that there be storage facilities to wananchi provided by the Government in case there is bumper harvest in any area, so that it may cater for times of drought and famine. On the issue of health, we suggest that there be free medical care for all citizens. On the issue of education, we propose that there be free basic education, and there be assistance of poor parents in case of higher learning. In this case the Government or the Constitution provide a machinery to ensure that the funds for benefiting the poor parents do not benefit rich ones. The funds can be given by the education loans board in the case of higher learning.

Two, rights and freedom: (a) women; the women need to be given equal basic human rights with men. They need to be equally or almost equally represented in decision making with men. A strict law should be established against women's abuse like rape, physical beating etc.

Religion, we need a law to abolish traditional oath giving which adversely affects religious beliefs. For instance in Ukambani we have the oath taking, we call 'Ngata', which has been adversely affecting religious belief. The religion that does not uphold human rights and human values, must be abolished. Child the right of protection to life to children must be paramount. This

means making law against some groups which make sacrifice of children, must be done.

Education to the society about children's health care must be established as a constitutional practice. Recreation centres for children would be an excellent care for future generations. A strict law against child labour and child abuse should be established.

Worship should be strictly limited to worship that upholds sanctity of life. Worship involving human sacrifice must never be allowed to thrive in our society. With thorough scrutiny, we suggest that they be registered more churches, having a thorough knowledge that already we only have six churches registered in Kenya, and all other church organisations have been registered under Act of societies. These six registered churches have a foreign origin; so we need to register churches with African origin under African initiative.

Com. Raiji: Just a minute. Akina mama musinde nitawapatia nafasi baada ya huyu mzee kumaliza na tafadhali mungonje kidogo nitamuita.

Three, federalism ama federal kind of Government; according to us, this is not an appropriate system of Government in Kenya, because we need as Kenya, something that will give us a sense of patriotism and reduce ethnic animosity that has been there. Customary law: such law may be adopted where human values and rights are highly regarded.

Four, powers of the President: appointment of these must be abolished, that is the appointment of commissioners, the parastatal heads, the vice chancellors, the auditor general, appointment the PCs and DCs. The powers of the President should be transferred to the Parliament, that is we need a Parliamentary kind of Government.

Prosecution of the president: the president must be prosecuted for crimes committed while in office, because in a democratic nation nobody must be above the law.

Qualities of a presidential candidate: agewise, the lower limit of a President should go down to twenty one years, because leadership depends on one's gifting talent, and which dictates ones charisma no matter the age. This then means we do not need an upper limit as long as the leader has the charisma.

Five, electoral system: the Vice-President should be the running mate of the elected President.

Creating a new constituency should follow geographical boundaries which must be set in consideration of population density.

General election: must have dates set to allow fair play and exploitation of full potential of every group in mobilisation for the election, to achieve true democracy through the elected Government.

Six, land rights and natural resources: safe-guarding natural resources, particularly resource land and mines. They should be placed under Government and be exploited only for the benefit of the citizens. The locals must get a greater share of benefit than the rest of the citizens.

Indigenous trees: some of them have medical and economic value. For instance Kambas are wood curvers and they have trees which they use for this business. Particularly they have a tree they call 'mvingo' in vernacular language. It is amazing that this tree has got extinct. We therefore request that in the coming Constitution we are going to have the Government establish a law, that is going to introduce tree nurseries across the particular areas growing indigenous trees, and supply these trees to the locals, so that they may be able to revive their industry. We think this will reduce poverty in particular areas. The same case applies to the..

Interjection: If you can please try to wind up your time is about to be over.

Mr. Munyasia: Okey. Thank you. The same applies to the camphor tree which is almost becoming extinct in our nation, ama in the places where it is grown. Thank you very much that is the end.

Com. Raiji: Ahsante sana. Sasa tutapatia nafasi akina mama. Niliambiwa kuna hawa Mlango Women group. Janet Alimo yuko?

Janet Alimo: Mimi naongea juu ya Mlango women representatives, na wamesema tuongee kwa lugha ile wanaelewa kwa sababu ni mama wazee. Jina langu ni Janet Kavinya Alimo.

Janet Alimo: iveti nisyonie Musumbi alite kusakuwa ni andu naakithia ate na utonyi munene ethiwe e wungu wa miao ni kana withie andu nimatonya kumunya ivinda yila wamakosea. Ethywa ni weeka nai na ndekwendeesya no aumue kana akasikatiwa, ndakithiwe e yiuku wa miao.

Translator: The mothers propose that the president should first and foremost not be above the law but under it and his powers should be limited.

Janet Alimo: nimonie ngya nisyonyi syiukwa muno nundu wa uiti wina mbesa syi yiulu kwa ou masivitali mailite Katiba ila ikuseuvya iseuvye kana sivitali nisyailie kwithiwa sya mana, ntheu na syina kiwu na itanda mbianiu na mwaki. ni kana withie sivitali isu ni syatheswa na syaiita andu mana.

Translator: They propose that there should be free medical care or health services, and this in view of the fact that the poor are dying at a greater rate than those who have. The hospitals should also have full facilities so that lighting, water and all

amenities are available.

Janet Alimo: oundu kwailye tene kisomo kya primary kitungiwe oundu kyailye wise kwithia ni kya mana syana ni sya soma. Nikwia syana nithinisa nadu misyi nikwaiwa ni mbesa ila ikwitwya. Na kisomo kithiwe ni kyaiwa kiwango kya kusomethwa ni alimu me aive nesa ni kana syana syieke kululutikwa ni tution, tution ni itumisya syana mbingi syasya kisomo kya primary na mailu molangwe ni kwithia selikali yina syana mbingiile ite nzomu na vena thina munene ila syana itana soma.

Translator: They propose that education should be free so that everybody is able to afford these levies. They also propose that teachers should be paid better so that they do not go asking money for tuition and the like, and this extra coaching.

Janet Alimo: Undu ula ungi monie ni wa Ambunge masakuwe na mainengwa uthei wa kuthuma ivaloni syoo ta kwa ngelenwo ve Mumbunge waindei sivitali ithia itanda itevo na athoa na sya vingwa kwou ithiwa emuthasye kuthuma kivaloni kila wasakuiwa.

Translator: Once elected, the MP should be accorded the freedom to exercise whatever leadership, and whatever services they are willing to give. They are citing an example of an MP who went to a hospital, and realising that there were not enough beds, the MP went ahead and bought beds, but they were not accepted just on account of where that MP came from.

Janet Alimo: Undu ula ingu nitukwaona mandakitali nimekie sivitali na iwango syi yiulu sya mbesa kwou nitwoka sivitali yailite kwithia ya mana na mandakitali ala maandikitwe ni silikali mekanengwe uthei wa kwikia ilinic syoo ni kwithia ndawa syiute nundu wa ilinic isu syoo.

Translator: They feel that there should be no provision for those doctors serving in public hospitals to operate private clinics and hospitals, because they have a feeling that some of the drugs that are not available in the hospitals, are actually finding their way to these clinic and private hospitals.

Janet Alimo: kuma kwa ma-chief na atui na muvea usu wa kuendea na ma-D.O nitukwona nimailite kusakuwa otherwise kindu kyu kithele vya kya ma-chief. Nikwithiwa ninathinisa andu muno na mivaka na ila syindu ingi mailite kwithia menenea u uwo. Kwoou nitukwenda ma-chief masakuawe ni andu na mutui akivya nundu niwe wi vakuvi na andu. Na mutui aivya vekiwe mapolisi vakuvi – ituo sya polisi ni kana wise kwithia wathinania na mutui nutonya kuthi straight kwa polisi. Na kindu kilakingi mapolisi maeke kuinda andu, mundu akwatwa aeke kuindwa vya ukithia nimakua masaa manini mundu akwatwa nutonya kutwawa kotini ni kana akauma o mituki.

Translator: First, they feel that the office rather the provincial administration should be abolished, but if this is not possible, they feel that the chiefs and all those people in that line should be elected, so that they may be more accountable to the people. They also feel that the police should also not abuse their powers in detaining people and keeping them before presenting them in courts of law for long, long periods.

Janet Alimo: ovu nitukwona andu angi meukwatwa ni polisi maivuwa, maivikwa ku ukithia mundu asyoka musyi e kana kamwe nde syaa kangi nikuvuwa ku kwingi muno. Kwou matheengesye vakuvi na mainengwa mwiao utewakuvua andu kutumbula andu.

Interjection: People laughing.

Translator: They feel that the powers and the way they deal with the suspects should be limited by law, so that people are not maimed during arrest: because some of them have been rendered impotent just on account of being arrested by the police. If somebody happens to have only one child when they go back they do not continue with that family life.

Interjection: People laughing

Janet Alimo: Undu ula ungu ni mbesa sya survey. Survey nithiiwe yi yiulu muno ukithia watwaa complain yaku ya muvaka kyau. Uitwa mbesa ukethia kava kuekena nakyo kithi. Kwou iveti nikwona muvea uu utheeswe kana withiwe wa mana watwaa ripoti yaku ya kitheka withie ve andu special makuka kuuneneea kitheka kyu kyaku unengwe. Kwou nimekuvithya mbesa syi yiuli muno.

Translator: The mothers feel that the charges with regard to transfer of land and whatever other transactions there are in that office, have become so high that a lot of people can't afford them. As a result even when they have legal and legitimate claims, they just let them go because they just cannot afford pursuing them so they feel that whatever charges are there, should either be scrapped and done away with or else be reduced to manageable levels.

Janet Alimo: na kila kingi ni silikali isisye malelu, mavikywe kwa kila kundu wa nthi muno nikwithia andu angi mawaa mekuwa na miongo, na ukithia maitonya kuvikywa vala mailite kwa mituki mekwia nziani, kwou onethiwa syikwikiwa lami syonthe syikiwe lami ila nenange na ila nini syinzwe ni matinga siwe kwithia andu nimatonya kuvikiwa ni uiti wi vakuvi.

Translator: They feel that the quality of our roads should be maintained so that even if they are not tarmaced they should be passable, so that the communication is rendered easier for everybody. A lot of people are dying on the way to hospital because they cannot just get there fast enough. In some areas there are no roads, and they should receive roads.

Janet Alimo: mali ya mundu na muka nomonie niyailite kuandikithwa muume na muka ula wakwata kiveti, nundu aume aingi makwata mali yaingivanga nimekwola musyi, kwou mali isu ya mundu na muka yandikithiwe muume na muka na syana ila syi vu syake. Mundu ungi ongeleka withie ndakwata kaindo.

Translator: They urge that family properties and resources should be jointly registered between the husband and the wife, because if those properties increase, there is also that temptation by the man to increase on the number of wives; but there would be some control if it was jointly registered between the wife and the husband. Then, the husband would not have that free hand.

Janet Alimo: andu ula ungi ni kiwu. Kenya tiyo ngya muno andu mothina ni kiwu muno wiana uu, silikali yaile ukunikila usu itwe ta mwiao. Silikali yaile ukunikila mwananchi wa kawaida avikiwe ni kiwu kitheu kya kunywa ni kana wise kwithia andu maumasya uthwii mwingi kiwuni. Kiwu ni uthwii. Na yila twavikiwa ni kiwu vakuvi, kuwaa muno kwikanya maundu maingi twikanasya nundu wa kwaa kiwu tuyiikanya.

Translator: They believe Kenya is not very rich but it is rich enough to afford clean water to every family. This would prevent a lot of water-borne diseases besides ensuring continued of good clean water.

Janet Alimo: Undu ula ungi ni aume nimesiae usyaa na syana sya andu muno, kwou mwiao wikiwe mundu ume ula ukusyaithya kana ka mundu kana o kana ka nza wise kwithia ke ivu. Ikiwe mwiao asuvie kana kuvika akasomethye.

Interjection: People clapping and laughing.

Translator: Now to curb the tendency for men to be moving around loosely there should be a law restricting men so that they just remain at home. In the event of their producing children outside their homes they should also be made to maintain those children.

Janet Alimo: Nitukwenda polisi yongelangwe mbesa yieke ungea kana kwitya hongo hovyho hovyho.

Laughter.

Translator: They propose that the police should be paid better, so that this may discourage the corrupt practises that are now rampant.

Janet Alimo: Undu ula ungi ni mbesa sya ndiwa itheengeswe vakuvi kwa chief wise kwithia ndiwa syatiwa syi kuatia mbesa na mbesa ingi syitewe vu vakuvi.

Translator: They propose that the money that is normally paid through trustees through the DC and the like should be brought nearer to the people, because widows and those others in need of that service are finding it difficult to go where they are told to go, especially where the money is so far away from home.

Janet Alimo: Iveti ni sya tunga muvea nikwithia andu ala manekalile nthi manoona Katiba niyaile kuetwa kwa mwene oke kuseuvya ni kwithia ila ingi twinamisi na twimisi. No tukwenda Katiba isu ya seuvya ithiwe itonya kuetwe vakuvi kwa mundu ni kana atonye kumanya kana views syake nisyekiwe nthini.

Translator: The women appreciate their being given a chance to get involved in the ammendment of the Constitution, and they hope this will be the practise in all other matters.

Janet Alimo: nitwatunga muvea muno ni kithiwa n akilungu kyu kise kay keneenan'ya.

Translator: Thank you very much.

Interjection: People clapping.

Com. Raiji: Ahsante sana mama kwa hayo maoni yenu. Tungali tuko upande wa akina mama. Naomi Mwilu? Huyo mama yuko? Haya mama Naomi Karibu.

Naomi Mwilu: Vaa ningutumia mawoni kuma Ngangani Group. Isitwa yakwa nitawa Naomi wa Mwilu kuma Ngangani.

Translator: The women group from Ngangane express that they have many problems.

Naomi Mwilu: Nakoma na andu ma Ngangani, undu wa mbeee nimanambie niniandike kana mo nithiitwe na mathina maingi. Kwisila nambani syoo sya itheka syoo sya itheka syoo kwau manambie kana meenda namba isu sya itheka syoo inenganawe mana.

Translator: These problems are especially about their plots. They feel that the numbers and the transfer should be done free of charge.

Naomi Mwilu: vate mbesa mekwitwa nundu itheka mbingi nisyamiwe ni kwosewa namba isu nundu wa mbesa mbingi ila metaswaa.

Translator: They feel that the charges that are asked before you collect the title deed are so high, that a lot of people cannot afford them. As a result, the title deeds are just lying in the land offices.

Naomi Mwilu: Kila kingi nimanaisye kana meenda sivitali isyiswe muno, nundu mathi sivitali ila sya general mundu esi eitwa mana meiwa vau sivitali isu kana vai ndawa mundu akiwa nathi akauwe ndawa chemists.

Translator: They go to the general hospitals expecting free treatment but then after the prescription, they are referred to a chemist shop so that they go and buy drugs, and these they can't afford.

Naomi Mwilu: na nimanaisya kana nithiitwe na mathina maingi kwisila sukuluni syoo nundu wa thina wa mavuku ma syana makusoma.

Translator: They have also experienced problems over the education of their children because they are not being supplied with free textbooks.

Naomi Mwilu: Kwao manaisye maetewe mavuku sukulu withie vai musyai ikwiwa nathoowe ivuku ya kusoma ya kana.

Translator: They advocate for free education and a free supply of textbooks.

Naomi Mwilu: Ninakomanie na iveti ila nguu itatonya kwithika undu ona umwe na vamwe na iveti ila ite a muume na nimanambie kana mo nimethiwa na thina kila ivinda oonthe nakwa uu manaisye kana meenda matethaswe kila ivinda yonthe ni silikali nundu amwe mena na syana syi sukulu na maie na vinya na nimekwenda syana isu isome muno.

Translator: The widows and the aged amongst their women feel that their problems may be met and solved, if there would be a kind of social security.

Naomi Mwilu: na ala akuu muno namo manaisye kana monaa utethyo ila kwooka nzaa. Niwo manengawe mbemba kwau nimekwenda utethyo ivinda yoonthe matethyo ni silikali.

Translator: The very old only receive assistance through famine relief when this comes along, but they feel that they need assistance which is on going, which is not just seasonal. Thank you very much.

Com. Raiji: Yule mama mwingine ni Martha Kiema. Yuko. Karibu mama. Nimemwambia musiondoke tutamaliza na akina mama kwanza, halafu tutabaki na wazee. Kesho tuko hapa, kwa hivyo musife moyo. Kesho tutakuwa na kikao hapa hapa.

Martha Kiema: kwe isitwa nitawa Martha Kiema, Chairlady wa maendeleo ya wanawake Kisasi location. Mbee ningutunga muvea kwa Ngai nundu ula unonie aka kuthewe ni kusovya Katiba o yila kanasovaswa tutesi kasovewe va ni muvea.

Translator: They are grateful in that God has enabled an opportunity which they thought was very far, because in times past, an opportunity like this one of being involved in the amendment of a Constitution was very far removed especially from the women.

Martha Kiema: nineena uvoo wa aka nasye niwa maendeleo. Mundu muka mutwae niwaile kuthama maundu ma musyo usu tamutwae ate kwiwa niwa kuka.

Translator: The wife should fully participate in the affairs of the home where she is married , i.e in that family.

Martha Kiema: Mwiitu asyiwa mwana ni munduume onethiwa ni mutumia onethiwa ni kivisi, niwale kueewa kana kanu kuvika myaka ikumi na nyanya.

Translator: If a girl or an unmarried woman receives a child by a man, be he an old man or a young one, that man should take charge and responsibility over that child until the child is eighteen years.

Martha Kiema: Mundu muka mutwae na aisyya syana na muume na aikwa na muume aitwaa kiveti kingi kiveti kyu kyathinia syana isu sya mutiwa usu watia ni kyaile kwovya miaka muonza.

Translator: They advocate that should a woman die and then the husband re-marries: that second wife or the new wife should either look after the children, and if she fails to look after them, and instead continues persecuting them she should be jailed for seven years.

Martha Kiema: Mundu muka mali yake na muume nimaile kuandikiwa imwe itheka, syindu ila ingi, munduume usu atwaa kiveti kingi anena na mali ya kiveti kila kikuu na syana sya kyo kiveti kyu kingi kya keli na muume nimaile ithi umantha kitheka kyoo na mali yoo, mamanthe mali ta kyu kingi.

Translator: All property in the family should be jointly registered under the husband and the wife. Should the husband think of getting a second wife the husband and that second wife should go and start collecting and amersing their own property apart from the property which this other wife made.

Martha Kiema: syana sya ndiwa nundu nikwithiiwe na uwau, kwithiwa na ndiwa mbingi syana isu sya ndiwa nisyaiile usoma kisomo kya mana kuma kilasi kya mbee kuvika kya nyanya.

Translator: The children should be receiving free education at least up to standard eight.

Martha Kiema: syana sya eitu nisyaiile kuaiwa itheka ta syana ila ingi ile itendwae.

Translator: Unmarried girls and women should also receive inheritance from their father just like the sons.

Martha Kiema: bursary ila inenganawe kuu masukulu niyaile itheeswa kwa ma-chief manengane eno nimo mesi andu ala mena syana syiuthina.

Translator: Bursary awards should involve chiefs because they are nearer the people and they should have better knowledge of those who deserve.

Martha Kiema: Mundu muka atia muume na syana nimatwaana nimasyaa na niwatia muume na syana mundu muka usu niwaile utwawa kotini nundu mathina methiwe misyi mbingi ni mundu muka kutia munduume na syana nake muunduume ndena otonyi wa kua syana isu ta mundu muka nundu syana syiawa no inyaake.

Translator: They propose that any wife who deserts their marital home and leaves her husband with the children, should be made to go back; because it has been felt and realised that men are not very competent in looking after children.

Martha Kiema: nimuvea nivikaa vau.

Translator: Thank you very much.

Com Raiji: Ahsante sana mama. Sasa mama mwingine, Damaris Syombua? Ndioteleka Self help women group. Ni wale walikuwa hapa? Okey. Mary Mwanza? Karibu mama.

Mary Mwanza: nyie nitawa Mary mwanza kuna division ya Central, Kyangwithia East. Maoni makwa ma Katiba mbee ningutunga muvea muno nundu wa kikalo kii, na kisuanio kila kinasuaniwe ni ala mankietie kuu kivikia wananchi kuu nthi, nundu andu nimethiitwe na mathina maingi ma Katiba. Na nunugikiithia kana otondu kuneeniwe Ambunge, Councillors, Machief oonthe nitukwenda masakuawe ni wananchi.

Translator: She is proposing that the MPs, the councillors, the chiefs, and all these leaders should be elected.

Mary Mwanza: Na nikana methiwe nimomanya mathina maitu nitukwenda ithiwa maituanisya mavata maitu undu kwailite. Nitutonya withie twina power ya kumalie ivinda yonthe onethia maiminite miaka itano.

Translator: That way they will be more accountable to the people, and in the event of their not performing satisfactorily, we would recall them even before the five years are over.

Mary Mwanza: Andu asu twasakua mevu Mbunge nitukwenda methiwe andu mena imani na wananchi. Ni kana withie syindu ila meuvitukithya vu nimesi nitonya wananchi kuu nthi makivanga mivango ila mekuvanga, withie nimeusyisya masilai ma wananchi. Mavikiwa nisyo makeethia meanie.

Translator: Once elected, they should all the time enjoy the confidence of those who elected them, and therefore, they should be coming back to the people to know from them what their needs would be, and then they address themselves to those needs.

Mary Mwanza: onakwa ningwasya aka nimekilite ivinda yiasa meavinyie ni Katiba kala ka kithio, indi yu nitukwenda aka methiwe maananitwe kiwango kimwe na aume.

Translator: It is true that for along long time women have been under trodden by traditions and whatever other arrangements that have been there. Today I am grateful because women are being given their rightful place being given that status of equality with men.

Mary Mwanza: ethiwa ni ofisi methiwe mena ngwatanio imwe na kila mindu ena right yake kati ka urithi wa musyi woo.

Translator: With regard to inheritance, I am glad because women are now being recognised, and there being accorded the chance to also inherit along with the others.

Mary Mwanza: na ethiwa munduume inawalea kivetu nitwisi andu nimaemanawa ni vaa na vaa makosa ma ngaluko ii ona ngaliko ila ingi. Nimaile kuaanwa mali yoo, mundu muka ukeethia ena mali yake na munduume yake.

Translator: Should there be some disagreement, such as would cause the parting of ways between the man and the wife, they should also have that property they have divided equally, so that the man takes his share and the wife also takes her share.

Mary Mwanza: Thina ula ungi ni wa vaa Kenya mwingi ni sukulu na niyo tukwasya sukulu niyaile kwithiwa ya mana kuma

kilasi kya nursery kuvikia kya 8. Asyai mena thina mwingi wa fees na myako. Kindi kyu kirekebishwe.

Translator: They also urge that education should be free because the burden of the cost of education is so high, that a lot of people cannot afford it, this should be looked into.

Mary Mwanza: kila kingi ni sivitali. Sivitali andu aingi ona amwe makwiiia o vu omaendee kuandiwa, mandikiwe vai ndawa, andi nimekwitwa hongo twinayo na mundu akikwia o vu etanga tanga. Kwou nitukwenda sivitali ithiwe ya mana ya vala tene undu twaendaa kuitwa mana.

Translator: They propose that they should receive free medical services, because cases have been known where people just die, even as they are being attended to by the doctor, because of lack of money with which to buy the necessary drugs. So they urge what used to be the norm in the past should now be practised; that they get free medical services.

Mary Mwanzia: kila kingi ni syana mbingi sya aka nisyangiwa sukulu na aume na kwanangiwa makitwawa matanamina miaka. Na angi makisyaiwa syana otondu kwaneenwa mundu asyaa kana niwaile kua miaka isu ikumi na nyanya na kusomethya kuvika kilasi kya nyanya.

Translator: Just because a lot of girls' education is cut short by men they feel very strongly that any man who impregnates girls and such like, should take full responsibilities over the child until the child is eighteen years. Whoever would be responsible for cutting short the education of a girl, should face the full consequences of the law, and if need be they should be fined, and if need be jailed because of the loss they caused.

Mary Mwanzia: onethiwa kana kaina syaa na nikamina kwaniwiwa sukulu katilaniwa kataminiwa sukulu mundu usu niwaile ukuiwa hatua kali ona niwaile kuiva ithe vaini nundu ithe numiniwa kwaniwa mali mbingi akisomethya kana kau na kailea kufaulu kumina nundu wa --

Translator: The law regarding murder and any killing of human beings should be given greater force, because the life seems to be taken so lightly, and yet it should be taken so seriously. Whoever is convicted of murder and such like should face the full force of the law, and the full consequences.

Mary Mwanzia: Kila kingi kwenda – mwiao ula ukwenda kwikiwa mkazo ni wa oani. Andu aingi metindia kuawa Kenya mowawa ta tusuni na ukithia mundu niwowa mundu na maundu makyangiwa ou ou ikithia mundu usu ndakesa kumanyika ula wamuwaie na mundu usu niwalekwa o mana ate na ukumu. Yu kwou ala mukuandika Katiba ka kuwaana nimekie mkazo kana andu nimaeka kuwawa muno mana, withie nimanengwa usililo wina vinya ni kana maeke kuwaa andu mana.

Translator: We are praying to God so that the exercise we are now on should not be rendered useless and ineffective; because we could make a very good Constitution, but if it is not followed, then it would be useless.

Mary Mwanza: kila kingi no kuvoya Ngai anenge andu ala tukusakua thayu museo ni kana methiwe makiaisia Katiba, Katiba nitukuandika indi makalea kukatia twi undu twika indi nutukwenda maatie Katiba ku, mena imani ya andu moo ala maungamie kuu nthi ni kina withie nitwaendea nesa. Ngai namatethye manisye Katiba kau uu nguvoya. Tuvoye muno andu ala angi.

Translator: We are praying to God to give those who will be implementing the Constitution to have the will to do so for the benefit of the country, otherwise it is just wasted time, wasted effort.

Mary Mwanza: ninamina.

Com. Raiji: ngoja kidogo.

Com. Mosonik: Mama ukasema kwamba muuaji aadhimiwiwe kulingana na sheria. Ningetaka tafadhali utueleze hii hukumu ya kifo iendelee kutekelezwa ama vipi?

Translator: wasya mwiao uu wa oani usyiswe muno. Tayari ve mwiao wasyaa mundu oana nake owawe. Wenda mwiao usu uendee kana ve undu ungi uweta?

Mary Mwanza: nasya ii yu vala mwiao ute na vinya wakuwaa andu no nangendo ala tuneenea nundu kesi ya muwaani nitonya kwanangwa uo hovyoyote utemanya undu yaanangwa. Kyu nikyo nguneenea wise kwithia ala me mbee nimekusyisya kesi ikatuwa na nzia ila yailete.

Translator: She is suggesting that because of corrupt practices, murderers could even be set free; but the law should be given the force required so that people are not just let off like that.

Com. Raiji: Just one thing. I wanted to inform her that the policy of the Government for the girl child that if a girl gets pregnant and goes out of school, the girl has the right to come back to school after she has delivered. May be you can inform her, it is appoint of information.

Translator: endaa kuulilikanya kana oyu ve mwiao kana ithiwa mwiiitu niwakua ivu ataminite sukulu amina kusyaa nutonya osyoka. Ndisi kana niwiisi uu?

Com. Raiji: Ahsante sana mama. Jiandikishe huko. Esther Ndidi Mwendwa. Karibu.

Esther Ndidi Mwendwa: Jina langu ni hilo mmesikika Esther Ndidi Mwendwa. Nimetoka sub location ya Mulutu, Ndumoni Kitui central. Nimeandika hii mimi mwenyewe kutoa maoni yangu. Na nimeandika kwa lugha ya Kiingereza. Katika maoni yangu nimepanga mpangilio wa mambo manane.

Ya kwanza ni protection of freedom of assembly and association. Ya pili, the Attorney General. Ya tatu, ni land issues. Ya nne ni ministry of education. Ya tano, ni Kanu. Ya sita, ni opposition leaders. Ya saba, ni ministry of information and broadcasting; na ya nane ni national review commission. Nitasoma na Kiingereza.

I felt this protection of freedom of assembly and association is a human right, because except with a person's own concept, no person should be hindered in the enjoyment of his freedom of assembly and association. That is to say, any person has the right to assemble free and associate with other persons, and in particular: to form or belong to any political party, or trade unions, or community organisation for the protection of his or her interests. That is reasonably required in the interest of

defence, public safety, public order, public morality or public health. That imposes the restrictions upon public officers, members of a disciplined force, or persons in the service of a local government authority.

The multipartism has brought practises that differ with provincial administration, and the human rights are not considered I feel to that the powers of the provincial administration should be reduced, to reconcile it with the practise of multipartism. I noted that this had made it possible for some parties to be discriminated against. I recommend that an independent panel be created with the responsibility of appointing senior civil servants, in order of merit and gender issues, and then forward them over to the Parliament for further scrutiny. Such appointments include: the twelve nominated MPs, judges of the High Court, ambassadors, heads of Government institutions, and the Permanent Secretaries. This will avoid having rejected men in the cabinet, and non professionals heading institutions. Also the salaries of every person should be reviewed to fit in with the day to day requirements.

Women rights: in Kenya women have a percentage of fifty two in the population. They should be offered an equal share with the men in these sections: the cabinet, the judges, the DCs and the PCs.

What women require most is food, water, health care, education, shelter and ownership because they are very poor. They also want good leaders in the Government and accountability and transparence to be observed in the offices. They need structure of Government leadership to be like this:- The President should be ceremonial. Then there should be a Prime Minister, two Deputy Prime Ministers and the Cabinet Ministers. The Attorney General: I feel that the Attorney General a the Chief Government adviser on legal matters, should discourage and even refuse to be manipulated in his decisions by politicians. Why? Because the office of the Attorney General has not prosecuted some who had brought down Government parastatals. Thus the judiciary, the legislature and, the Executive should act independently without induced influence from the Executive.

I also felt that the sentences meted out in courts of law, in some instances, are not propotionate to the crime committed. For example the rapists and those who loot large sums of public funds.

Number three, is the land issues: after thirty nine years of independence, I note with deep concern that there are persons who do not have title deeds to their land. As a result, they cannot use the land to get loans and cannot plant perennial crops like coffee, tea, pineapples and etc. Recommendation; is that the ministry reponsible should speed up the issuing of the title deeds to all these persons. The Government should protect land from greedy individuals and groups who grab it and convert it to their personal use. Let the government investigate this and if found to be true, it should stop forthwith because it may present problems of major proportions in the very near future.

Number four, the ministry of education: this being the ministry that determines the future of our children, in terms of education, it can do more in ensuring that children are able to face the challenges of their future roles and leadership of this country, and more

so during this century. I recommend therefore, the major policy decision should be made by professionals and experts: and not politicians. The sanitation of drinking water and pit latrines of the institutions where our children learn should be looked upon to limit communicable diseases. The quota system of admitting students to secondary school or universities and such other institutions should be abolished; and the students selected strictly on performance and the 8-4-4 system of education be reviewed.

Number five, Kanu: I recommend that Kanu should fully embrace the reality of multipartism, initiate dialogue with the opposition parties, and come to terms with the fact that multipartism is here to stay and it is the only way of the future.

Opposition leaders; I observed with deep concern that opposition leaders have let their supporters down by fighting among themselves, and failing to unite and form a united opposition. This has brought about confusion, disillusionment, and general apathy thus laying the ground work for those people who are not deeply committed to the ideals of democracy.

Com. Raiji: Shall you please be quiet. We are recording.

Esther Ndingi: To get in and destroy them through propaganda, and most presently the new culture of defection. I recommend to them to avoid the temptations of engaging in authoritarian tendencies and practises.

Number seven, ministry of information and broadcasting: this ministry should not be used as a mouth piece of any propaganda by any political party. The ministry is funded by tax payers from all parties. It should serve the interests of all Kenyans regardless of their party affiliations. The ministry should see that all parties have the rights under law to exist.

Number eight, the national Review committee: I recommend this the commission has done a forward March step to enhance this come together to discuss the Kenya we want. The Government as at present cannot go on smoothly without peoples' consultation and thus no future for our nation. Let it have a thorough follow up: after achieving the goal of the Constitution, let every person in Kenya have the Constitution to read and understand it better. Thank you.

Com. Mosonik: I would like to ask you, you are saying that the opposition parties have failed to unite and have disappointed everybody, but I thought they were opposition parties? Na tukiwa tunawachagua ama tunaingia kwa viama hivi, tunaingia ikiwa kwamba ni vyama tofauti, tofauti. Je kuna sheria mahali ambayo inasema kwamba vyama vyote vya upinzani viungane viwe chama kimoja? Nauliza tu kwa ajili tunasema we are very disappointed with opposition, as if there was a rule somewhere that says they must unite, but they were registered as different parties? Can you enlighten us on that?

Esther: Vile walisema wanaunda opposition, na wakiendelea wakasema wanaita national convention. Hiyo ilimaanisha kwetu kama waunda opposition moja.

Com. Mosonik: Okey Ahsante sana. Sasa yule mama mwingine, the next lady Fatuma Fakali yuko au ameondoka: tutawafikia wote, councillor Mary Ndubu? Ametoka, Jane Mwangangi? Mumbi Nguthu? Syokalumbio women Group. Nafikiri ni nyinyi akina mama kunaye angetaka kupewa nafasi atoe maoni yake? Unaona wazee sasa tuliwaweka sana mpaka akina mama wakaondoka kutufanyia kazi. Yuko mama angetaka kutoa maoni? Haya tutarundi kwa wazee. Kwanza kabisa tutaanza na Joseph Siengo aki-represent Kitui County council.

Joseph Siengo: Honourable Commissioners, ladies and gentlemen I wish to take this opportunity, to present on behalf of Kitui county council the following views. I will start with the system of the government. We should have a Government where we have the President as the head of state, the Prime Minister as the head of Government. In other words what we are saying here, is that we have the hybrid kind of Government.

The next one is decentralisation and devolution of powers and responsibilities: we should have a central Government with an autonomous local Government system, as the basis of decentralisation. There should be established a District Council in every district. This is in place of the present county council. All we are saying is that the District Council should have more powers than the council we have today which is called the county council.

The District Council should be headed by a chairman, who should be elected by the inhabitants of the district council through a secret ballot.

To be eligible for election as chairman of the council, he should have the following:- He should have thirty five years of age and above.

The standard of education, be that of ordinary level that is form four and above, a local resident of the district, a person of high integrity. There should be a code of conduct of all civic leaders and officers of the local Government. There should be established a National Local Government assembly, to oversee the operations and formulate policy guidelines for the local Government. The National Local Government should be composed of all the Districts Council chairman. There should be established a Local Government Service Commission which shall have the power to appoint local Government officers.

For one to qualify for elections as a councillor he should have an acceptable level of education. Here we do not want to specify the standard but we said the standard, that will come should be acceptable in the current Kenya. Nomination of councillors should be limited to special interest groups. Presently, the nomination is by the parties. All we are saying is that it should be scrapped, instead we should have nomination based on special interest. No person should be a chairman for more than two five years term. That is the chairman should have a limit of ten years in service of the district council.

The council should only be dissolved after expiry of the five years term. We are saying that the minister for Local Government should not have the powers to dissolve, or anybody else: to dissolve the council mid-stream before the five years term is over.

Then we looked at the benefit sharing between the council and activities which take place within the council. We looked at the National parks. A lady had a lot about the National park and sharing of the benefits from National Parks. We are adding to that, and saying the residents should be offered an opportunity through the council to enjoy benefits from the National Parks. This is to compensate the loss of the land to conservation. In view of this, the Government should contribute a portion of the revenue accruing from the Game Parks to the local Government where the game is situated. Our view here was that, like our council-we have Tasvao East National Park which is taking quite a sum of our land, and we are saying because they do a lot of few development on the adjacent villagers, we are saying because this belongs to Kitui, this money should be channeled through the council, so that everybody within Kitui District can benefit from the natural resource.

Mining and other natural resources: There should be a memorandum of understanding between anybody intending to use any of the natural resources and local government, signed where the natural resources is straightened. I think that was talked by the lady who talked about the natural resources.

At that, commissioners we came to the end of our submission today to you. Although we had submitted to Algal, which we think possibly this had been submitted to you by that nobody, that is the local authority association, and if it has not, we hope it will be submitted. We had a lengthy submission to that association. Thank you very much.

Com. Mosonik: Just a minute there is clarification requested. My request councillor Siengo is, tell us about these district councils. Do you have any idea about their boundaries?

Mr. Siengo: Our suggestion is that the district council should have the same boundaries as the county councils we have today.

Com. Yano: Okey ahsante sana. The next is Daniel M. Mutisya ambaye atafuatwa na James M. Kadhumbi.

Daniel Muniu Mutisya: Thank you very much Honourable Commissioners my colleagues, hamjambo? My name is Daniel Muniu Mutisya. I go one by one. Column one, I start with citizenship: anybody born in Kenya or married in Kenya from any other country, no matter whether German, Australia or where: should obtain citizenship automatically. ID cards should remain or passports and birth certificates as evidence.

Defence and national security: military and other forces to be established in the Constitution. Let the President be the commander of armed forces. Let us indicate in the new Constitution that the Government of Kenya shall have constitutionally, a minister for defence, and he must be either a nominated MP or elected MP but must be general.

The political parties: should be financed at least the popular parties, or those parties whose leaders are national leaders, at least two parties from each province; because they are very many, but at least we take two parties from each province.

Registration of the parties: they can register as many as they can because Bwana commissioners, if we say that two parties to be compulsory, or three compulsory, then the executive will take interest or will get chance to disqualify some political parties which are very popular in this country.

Structure of the Government: they should adopt a hybrid system of Government, in which the powers are shared by the President and the Prime Minister. The president must garner at least fifty, one percent to be declared the winner.

Local authority: to be given more power. The mayors and the chairman and the councillors to have full responsibility of the implementation of expenditure, but not to be controlled by the minister who is at Nairobi, and does not know our problems. Those officers should have at least five year terms the clerk to the council shall be the AIE holder, and it must be written in the Constitution to manage their finances. Otherwise if the AIE holder shall not be clerk to council, then there will be corruption in the council.

The succession and transfer of the power: this one I have put stars on it Mr. commissioner, it must be shown clearly in the Constitution that during the election, let us have a caretaker government which includes the following: the National Speaker of National Assembly, chief justice, official of the opposition party, or his deputy, or any Mp who is a leader of opposition party but he is not a contesting presidential candidate, and any retired ex-general, and is an Mp or whatever. The reason is to have enough time to prepare for handing over of the administration.

The President elect to resume office after one week. In case of war, the President can declare emergency within forty-eight hours, later he or she can summon the Speaker of National Assembly to call up the Parliament for approval. Parliament should not have limits to control its own procedure through standing orders. At present nobody speaks for them. The Parliament should be part time, due to sitting allowance of MPs. Let it be part time work.

Voting age, eighteen years and above. Parliamentary candidates thirty five years and above. President fifty years and above. All candidates must have O'level, no language test, no moral and ethical qualifications.

Civil servants: corruption, when we talk about corruption in the civil service, we should know what is the source? Commissioners, I would say, that Ndegwa's commission should be abolished, which empowered civil servants including the President and others, to engage in business while they are civil servant. I would ask you, your honourable Commission, to indicate that any civil servant who is serving the republic of Kenya, and he has the business, it is better to dissolve the business

otherwise to remain in one office.

Office of the Vice President and the office of the Assistant Minister: infact commissioners you have seen in the past where the office of the Vice President has been abused. He is not anybody much to the present Constitution. The above mentioned office should be abolished and instead let us have a Deputy President, and instead of Assistant Ministers to have Deputy Minister in which one can act when the other is not there. A President can fall sick, instead the Deputy President can take over and manage the administration.

Provincial Administration: as you know commissioners, chiefs are very close to the people and they are local. So this post be an elective post to form chief councils in Kitui District for example, and later this Chief council to elect the District Administrator, and later, after the one who is elected as the District Administrator, to be also sent to Embu provincial headquarters to meet with others to elect one provincial secretary, who shall be the boss of the province. That will mean we have abolished the provincial administration.

Constitutional appointee: all Constitutional appointees should be elected by President but must be approved

Com. Yano: Your time is almost over, I believe now you are winding up. What we said was that if you have a memorandum, you are not reading all of them You are just giving us the highlight halafu unatupatia. We have a file there and we are going to analyse them.

Daniel: there is another one, very important, which I wanted to make, can you give me two minutes?

Com. Mosonik: One and half.

Daniel: Thank you very much. Constitutional appointees, should be elected by the President but must be approved by Parliament. Parliament must have the highest power in the land. Customary law; in Ukambani we were mentally tortured by banning traditional beers, so let it be written in the Constitution that traditioanl beer is free. (laughter)

Constitutional ammendments: Parliament should not ammend the Constitution unless they have 90% of the sitting MPs.

Land issues must be looked at, especially those houses which have been condemned by the Government within the government quarters. Those should be locked out by this Constitution.

Judiciary: the Kadhi Court should remain, in addition to customary law so we also want to have customary law to look at the civil cases such as divorces, family land, marrying two wives/people.

Education: we should have free education from standard one upto form four. Qualifications of the president: must be fifty years and above, must be married with children. He must have been in Parliament for not less than seven years, must have an education of O'level and above. Nominated councillor and Mp. The nominated councillor and Mp shall be

Com.Yano: I am sorry I am trying to reach as many people as possible because I have a long list remaining. But if you give us the memorandum, we will read it. A commissioner wanted a clarification before you go away.

Com. Mosonik: I wanted clarification on one or two points. You talked of political parties being financed, and parties two from each province. I do not know what you mean by two from each province, because the current law which we are following states that all the political parties are registered centrally in Nairobi under one act. So may be you could clarify what do you mean political parties from a province?

Daniel Muriu: Well, I will clarify. You know we have very many political parties, of which all are registered in Nairobi, but the leaders you can see (for example if it is central province) you see they are about four registered parties. If you go to eastern you get about three or more and so forth, that is the reason why I said that the one which looks more popular than the others can be given, they get the opportunity, but not more than two from each province. You see what has been there e.g DP there are all from Saba Saba Asili they are all from central. Then we have the NPK from Kitui and Labour Party from Kitui and so forth. So that is why I say that at least two from each province.

Interjection: People clapping

Com.Mosonik: Second clarification please. There is a point which did not come out very clearly to me at least. You said Parliament should be part time in terms of work and not part time in sitting allowance. I really did not understand.

Daniel: Well I mean this, if we give more time of working, they also need a lot of sitting allowance. So I meant that at this time they should continue as they are working, because if we give more working days and they are given sitting allowance, then they will get a lot of money.

Com. Raiji: For those very interesting suggestions, we shall study them thoroughly and take them on board. James M. Kathumbi? Karibu.

James M. Kathumbi: Nitawa James Musee Kathumbi, kuma kuya kisione kya Katulani. Niasya nisakuitwe ni Akamba ngalikoni ya Chairman wa Akamba Kitui kyonthe na nineena maundu ma Akamba – Mbai syonthe. Meenda kwasya kana --

Translator: I am a representative of clans in Kitui.

James Kathumbi: meenda kwasya kana ithye akamba ma kuu Kitui musungu ayuka ethiie twina atongoi maitu ala meethiawa vo ma akamba.

Translator: When the British came, they found that we had already established a leadership.

James Kathumbi: na yila twai vo twi akamba itwanengae mutongo umwe utongosya atongoesye mbai ila ingi.

Translator: And there was always a recognised leader of all the others.

James Kathumbi: na kuma vau ona musungu ooka niwatunengie ndai ithey ta akamba tunenge mbai ndaia – ninengaa mbai ndia na nitukwenda kwasya kana ithye akamba yu nitukwenda tunengwe ndaia nundu wa Kamusina ino ivai ithi usevvyia iseovye ndaia ya akamba.

Translator: The leadership then was accorded recognition by the colonial rulers and it is our hope that the Constitution that is now under review will also accord that kind of leadership recognition.

James Kathumbi: na kitumi kya kuneena uu ni vo kii. Nundu ithye akamba twasakua mundu ula otonyete undu. Twasakua mundu ula utonyete undu niwe twasakua mbaitu akamba. Wthiwa ni mundu na nutonyete undu e munini e mukuu niwe twasakuaa.

Translator: This leadership was given over to whomever in recognition that he could head.

Kathumbi: na akamba aingi muno nimanaisye kana nimekwenda masakue mundu ula utonya kitumi ethiwa mundu nusome akavika form six nitunoonie niwailite kuthi mbungeni, nundu niwisi kisungu.

Translator: We have suggested that anybody who has attained A'level of education is capable of leading because they would be competent in English.

Kathumbi: Undu ula ungi Kamusina ino ninekie nesa kwasya kana ithiwa na syindu ili, Kisungu na Kiswahili, na ithye akamba aingi muno nimesi Kiswahili. Kwou ithye nitukeasya kana kwa county council ethiwa mundu nusomete na akavika kilasi kya muonza niwalite kusakuwa.

Translator: There is that provision that one should be competent in either Kiswahili or English, we feel that everybody who is educated up to standard seven can manage Kiswahili, and therefore those people wanting to be elected as councillors should just have that consideration. Standard seven education is enough to qualify them.

Kathumbi: na kitumi nundu akithiwa ma-councillors maitu maitunensya Kisungu, matuneenasya Kikamba na Kiswahili. Na nisyu lugha yoitu na nitwaile usakua nundu na otonyi wake na ala mekwasya menda andu ma form foru nimeukia andu ala - akamba ala asili. Nimo mokia.

Interjection: (laughter)

Translator: Because normally our councillors would address us in Kikamba, we feel that those who would insist on electing only those who have attained form four education, they are just afraid of the lesser educated people because of their powers in leadership.

Kathumbi: na ithye twiasya kana Katiba nivindue na tukyosa twandikiwe uvoou usu twaneena wa kwasya kana mundu avika

standard 8 niwailite kusakwa kwa county council. Na ethiwa ni wa form six niwailite kuthi Mbungeni nundu niwisi Kisungu. Ku kuneenawa Kisungu, nakwo kuu kikambani tuneena kikamba kiingi ni Kiswahili, na nimutwiikite nesa kutotavya Kiswahili. Mutuvindue Kiswahili withie nikyo lugha ingi. Kwou ithye twiasya akamba ma Kitui, twiasya mundu kuma kilasi kya one mbaka seven niwailite kwa --. Undu ungi tukwenda kuneena, twenda kwasya kana ithye tusakua mundu na ujuzi wake na mundu ona e musomu no kethiwa ate mutongoi, natuitonya kiwa no muvaka tunyive mundu wa form six kwa Councillor atatonya nikwithiwa nimusomu. Twienda mundu ula mwoona ta mweetwa ni mundu mumanye niwe monie akamba e museo.

Translator: Leadership may not necessarily come with education because somebody can be born as a leader even without education so we feel that anybody who has gone to school from standard one to standard seven or standard eight is capable of delivering, and therefore we urge that councillors should be considered at that level of education.

Kathambi: Undu ula ungi kwenda kuweta nienda kwasya aka akamba ithye tunaisye tuseviswe muvango wa kwa lands. Nutuumiswe muno kuya miundani tuithi kwosa Title deed. Nituumiie nundu iveti mbingi muno aamume makwa nombaka kikasite muume, na mbai yivo ila twevitaa nayo tene. Chairman wa mbai ukuthia nutonya kumanya kana kivati ni ya vana ni kay musyi usu na nikyailite unengwa Title deed yivo. Na mbai yivo ndyamba ikekana nundu mbai niyo isuvia misyi one tene na tene. Kwou twikulasya Kamisina ino kana nikuvindua itheka isyoke kwa mabai withie mabai niyo ikusyisya itheka sya mbai yoo. Nundu mundu niwisi mbai yake na niwisi nyumba ila yake na ndamba ukengana na tiwe iweka. Kwou nikulasya kana nikutonyeka tukanegwa mwanya usu wa itheka ikauma kuuya ofisi ikasyoka mbaini tukaeka kuumia.

Translator: They are asking that the issue of title deeds or land certificates be removed from the land office and back to the clan. They feel it can be more conveniently handled there.

Kathambi: na undu ungi naitu nitukwenda ithiwa ni mwiitu na nutue vau na ndaatwawa naitu ki mbai tukiaa itheka tukimuai nundu ni mwana wa musyi usu.

Translator: They also feel that if this land issue is taken back to the clan they would also consider the unmarried daughter for inheritance amongst the sons.

Kathambi: undu ula ungi Kamisina ino itusiesye ni ngalikoni ya uthye kitheo kitu Akamba. Mukamba akikuana kuu kwitu niuwa kathasya niuwa kikuu akyuwa uki na aithi nawo. Nayu kuu kwiamba kuuwa kaluki ona kanini na ithiwa nitukwenda kuthiwa ithyonthe twithiwe twi kindu kimwe beer nivingwi kana tuinguwe uki.

Translator: Traditional beer has always be there as part of our culture and tradition and it is our feeling that if there is going to be any bann it should affect both the bottled beer and the traditional beer, otherwise if one is licensed then the other should also be licensed and allowed.

Kathambi: undu ula ungi ngwongela niasya Kamusina ina niyeewa nundu mo meenda ii uu mwi vau inywonthe kila mundu e mbai yake, kwou muthi mutusuvie. Kutusuvia na ata? Nikeithiwa wise kwithiwa nitwanegwe ndaia mbai ni silikali ikisa kwithia mundu akyumbana na mbai yake nde kwitwa valua ni chief nundu nitwesumbikie. Na tuyamba kumbana tuwete maundu ma silikali mathuku, twithiawa twendesya maundu ma mbai, kwou mabi inengwe ndaia wise kwithia mundu atwika nukumbana na mbai yake akita ukutwaa ripoti ndananengane mbesa, nitunenganae mbesa na nituumitwe ni mbesa isu muno o muvaka unengane silingi maana eli na withi kumbana na mbai yaku. Kwou ithye nitukwenda mwiao usu uvetwe wa kwitwa silingi maama eli.

Translator: We would request that in the leadership, that the clan is accorded recognition and so that we are not harassed by the provincial administration, in that each time we want to meet we have to pay two hundred shillings. We would ask that this two hundred shillings be removed and that we be allowed free association as a clan.

Kathumbi: Kwou nivika vau nundu ni muvea muno ninisi nimuuthi kutwika nesa. Asanda.

Translator: Thank you very much.

Com. Wambua: Niukulya na Kikamba silingi ino maana eli siivawa ni sya - siivawaki miao kana ni mbesa syitawa mundu nundu ni chief. Tutavye syuuma ata? Munsu aiva nunengawa siliti.

Translator: A question by the commissioner with regard to this two hundred shillings. Is it receipted? To whom does it go? The chairman of the clan says the money is not receipted?

Kathumbi: ndanengawe kindu akiata kwiwa nuu

Interjection: People laughing

Com. Mosonik: Nani anachukua pesa?

Kathumbi: syosawa ni chief kana sub-chief vala watwaa ripoti – ii niwikia muvukoni muno.

Com. Wambua: Ahsante sana Mzee Kathumbi. Next we have Musyoka mweke yuko? Duncan Kivote? Councillor Bakari Baraka

Councillor Bakari Baraka: Ahsante commissioners ma bibi na mabwana. Hamjambo? Yangu ni kurundisha shukrani. Councillor Bakari Baraka Kitui Municipal Council, mapendekezo yangu ni tuwe na president ambaye anachaguliwa na kura kutoka eneo la ujumbe. Tuna na kugawanywa kwa uwezo, tuwe na prime minister. President awe anapita kwa asilimia fifty one za kura zote ambazo sinapigwa katika jamhuri .

Jambo kuhusu mahakama: mahakama zipatiwe uhuru. Chief Justice achaguliwe na commission ambayo itakuwa appointed na Bunge. Kuwe naright, Chief Justice awe anafanya kazi ya registrar kwa High Court. Awe anaweza kuzuru katika jamhuri la Kenya kuangalia mahakama zinavyo endelea.

Tatu, ni somo la uraia, civic education. Lianzishwe kutoka darasa la kwanza mpaka form fours. Kusudi kama sasa commission imepata kazi nyingi wametumia pesa nyingi kuzunguka katika jamhuri la Kenya kusomesha somo la uraia. Mapendekezo yangi ningependa lianze kutoka darasa la kwanza mpaka form four. Kusudi mwananchi anapozaliwa Kenya awe anajua haki zake.

Kitu cha nne ni usalama: tunataka uzidishwe kwa sababu hata rasilmali nyingi ambayo sasa hatuipati kupitia kwa wageni na

wanabiashara. Wengi wanapoteza maisha yao na mali yao, sasa inakuwa nchi ya Kenya ama districts fulani katika Kenya, watu hawawezi kupeleka rasilmali zao sababu ya maafa.

Ningeuliza commissioners, Katiba ambayo tunaifikiria sasa, katika uchoraji wa ramani katika jamhuri ya Kenya, asilimia tisaini ya pesa za Serikali ya Kenya, Sinakwenda kwa uchoraji wa ramani. Sababu tunachukua watu wa contract kuchora ramani ilhali tuna wachoraji wazuri katika university zetu sita. Wawe zile ramani za Serikali ambazo zinatumia millions and millions of shillings, wapatiwe katika university. Sababu tuna wanafunzi wanasomea uchoraji. Iwe wanasoma na kufanya, kusudi hata yule mwanafunzi akitoka katika skuli akikuta ile project pale, aseme hata hii ni moja mimi nilichangia.

Commissioners kitu kikingine ni juu ya ardhi. Maafa mengi yanatoka sababu ya ardhi. Maskini yeyote ambaye ana ardhi aliwachiwa au alinunua kwa bahati mbaya wale ambao wana nafasi Serikalini au matajiri, wanachukuwa ardhi: watu wengine wanataambika. Sasa tungeuliza itafutwe njia maalum za kutatua mambo yanayohusu ardhi. Ukitazama miaka mitatu nyuma, tulikuwa na maafa katika Rift valley, halafu yakaja yakaingia tena Mombasa-Coast province. Yanaingia katika Central province, yanaingia Eastern province. Tungeuliza itafutwe, ni njia gani, na sheria zifuatwe sana, na hii ofisi ya commissioner of lands isipatiwe uwezo, kwa sababu hauwezi kupewa uwezo wa kutoa title deeds, unapewa uwezo wa kufanya mahakama, sababu ikiwa wanahukumu mpaka high court.

Sasa lazima tutafute kipengele kingine, commissioner of lands waondolewe kidogo. Kwa sababu wakikataa kuondolewa, mwananchi wa kawaida ambaye hana mapato au hana nguvu za kutosha za kujua kwa mawakili au kwa sheria, lazima ardhi italetu taabu. Ardhi inapoleta taabu mwisho wake ni kifo. Sasa tungeuliza mahakama, commissioner of land ipunguzwe nguvu, sababu leo tukiwa na query ya mashamba, utakuta commission of land kuna mtu anazaidi ya acre million moja. Sasa hizo ni lazima zifanyiwe utafiti, uondolewe kidogo kusudi wasipewe nguvu nyingi.

Kitu kingine commissioners ambacho ningetaka kichunguzwe in District officers. Katika jamhuri ya Kenya ukitazama kuna ma Dos, ikiwa ni wachache, kwa sababu hapa Kitui hatukosi karibu sita, saba, nane katika jamhuri hatukosi karibu mia saba, mia nane, na ukitazama ma daktari katika district ya Kitui tuna daktari mmoja. Sasa tunataka tujue, kazi ya Do na kazi ya dakatari ni ipi muhimu ambayo inaweza kuangalia.. Hatutaki waondoke, lakini ikiwa ni hapa Kitui, tukiwa na DO central anaweza ku-cover Kisazi, anaweza ku-cover Nyambani na mahali kwingine. Sasa ukitazama kwa mfano commissioners, tuna DO Eastern division, tuna DO Mutito, tuna DO Makongo. Sasa hapa Mwitika ni karibu tu, lakini ukiuliza eastern division kuna daktari wangapi au clinical officers, hukuna. Ukiangalia southern division Mutomo: unakuta pana DO One, Pana DO(inaudible). Ukiuliza daktari clinical an officer, hakuna. Sasa na maisha ya binadamu ndio mazuri zaidi kuliko kuwa na cheo cha DO. Sasa tungeuliza commission hiki kitu kichunguze kipigwe msasa kidogo, kusudi iangaliwe.

Kitu kingine commissioners ni kuhusu biashara. Wakati tulipokuwa katika ukoloni wa uingereza ulikuwa katika ukoloni wa Uingereza, ulikuwa hauwezi kukuta minister, MP, Councillor, PS, Directors wa kiwa na business. Hatukatayi wafanye, lakini

wasitumie title au jina, kila cheo chako. Kwa sababu hata ukiuza bangi, hata drugs, hata nini, askari hawezi kuingia. Andikia bibi yako au andikia mtoto, kusudi sasa watu wanaweza kupelekwa kortini direct. Lakini ikiwa PS ndiye distributor wa sigara au tembo, halafu VAT inatajikana, commissioner wa VAT hawezi kuenda kwake, kwa sababu akienda naye atakwenda nyumbani

Interjection: People clapping and laughing

Councillor Bakari: Sasa lazima wafanyikazi wa serikali hata ma councillors kama sisi, tusiwe na licence sababu tukiwa na licence yule mfanyikazi market master hawezi kuangalia duka yangu kwa sababu ujue akiangalia kesho tutaonana tu kwa chamber.

Kitu kingine commissioners ni kuhusu income tax na VAT. Pesa ya Serikali inapotelea hapo. Sasa ni lazima commissioners hii Katiba mukichora tujue ni njia gani tutafanya hao watu, kwa sababu zile pesa zinaingia hapo, ikiwa siku moja zinaweza kuchukuliwa hata Kenya hatuwezi kuuliza IMF or World Bank, sababu hiyo pesa itatutosha. Lakini sasa income tax wale wanapewa hapo ikiwa ni mtu kama mimi, iwe pesa yako ya VAT, ya income tax, utakuta mtu kama mimi (wacha nitaje mimi nisije nikataja mtu mwingine) utamkuta huyo mtu halipi income tax, halipi VAT lakini ukienda nyumbani kwake katika ile go-down ana lala; utakuta pana pajero, inter-cooler, volvo, 504, mercedes benz, BMW, nini, yote inafungiwa hapo kuficha VAT, kuficha income tax.

Na yule mwananchi anakatwa income tax ni yule anafanya kazi katika pay slip. Lakini mfanyi biashara huyo hawezi kuguzwa, kila kitu, pesa zake zote, zinazunguka tu. Yeye akipata pesa atakwenda kwa consultant anamwambia angalia hii pesa yangu hii.

Anaambiwa wewe safari hii umepata eight million, anaambiwa sasa nitafanya nini. Nenda ununue pajero, nenda ununue BMW, nenda ununue Intercooler iende kuwekwa chini. Sasa hiyo hakuna tax inalipiwa, na mtu anakufa hospitali kwa kukosa dawa. Lazima commission ichunguze na hata tupendekeze ikiwa watu watanunua magari, kuwe na commission ambayo inachunguza hizo gari zinanuliwa za kazi gani. Si wewe tu upatiwe gari tu ununue. Wewe una gari ya kwenda sokoni, mtoto wako ana gari ya kwenda kucheza mpira, bibi yako ana gari ya kwenda shopping. Wewe mwenyewe una gari ya kwenda kucheza golf na watu wanaumia na hiyo gari saa nyingine.

Interjection: People clapping

Councillor Bakari: Hiyo gari tu saa nyingine unakwenda tu unakibali sababu wewe ni head teacher. Umepatiwa free duty. Na hiyo free duty yule anapatikana tu ni maskini. Na maskini ndio anapatikana na taabu ya dawa. Maskini hao ndio wanapatikana na mambo yale mbaya, maskini security yake ni mbaya. Sasa tungeuliza hizi gari kubwa ambazo zinatembea Kenya ziwe na commission inachunguza gari hizi ni za nini. Ikiwa gari ni ya manager, iwe inakatiwa, kusudi zile pesa ambazo unafanyia.

Hata sisi kama Muslim, Muslim ukiona mwezi wa ramadhan. Sasa ule mwezi wa ramadhan unafika zile pesa za tarehe moja za mwezi wa ramadhan, zile pesa zote tuko nayo zote tunaaza kui-account, tunatoa kitu kinaitwa zaka. Ikiwa munasikia kitu kinaitwa zaka. Inatolewa kwa sababu ya mali yako ile uko nayo. Sasa nao kiserikali, income tax ni zaka, wewe unafanya kazi, Mungu anakubariki na kazi yako, bibi upate yako na watoto. Watu wangapi. Sasa leo ndio unaona Muslim wanaambiwa toa zaka. Kila pound unatoa three shillings. Ukiwa na mercedes unatembea na bibi yako unai-value unapatia maskini anakula. Ikiwa ng'ombe wanaketi kwa zizi moja mwaka msima hukupeleka kwa soko, unaambiwa fanya valuation. Inatolewa pesa. Ukiwa una suit na tie unafunga haufai kwa mwaka mmoja unailipia tax ile, unaipatia maskini wale.

Sasa bwana commissioner mimi mapendekezo yangu ni kitu kingine ambacho tungependekeza ni kuhusu tender za Serikali. Pesa za serikali zinakwisha kwa tender. Unakuta mtu mmoja anapewa tender ya kununua magunia ya kata, wananunua gunia million hamsini na labda zile gunia zinatakikana ni za elfu kumi. Mkulima hawezi kupanda kahawa lakini yule ambaye alikuwa amepewa tender ya magunia ameshakula pesa.

Kitu kingine ni magari ya serikali. Ukienda katika kila district headquarter utakuta gari zaidi ya mia mbili na hizo gari ni imported zinawekwa hapo zinaimbiwa chuma moja kwa moja. Gari moja likiharibika, deflation inakuja inatolewa ile iko hapo. Ile deflation mbaya inarudishwa ile mpya inatolewa. Na saa hiyo voucher inatengenezwa inalipwa za hiyo hiyo. Sababu ni deal inafanywa. Sasa ile gari ikifanyiwa right off -leo, zile taratibu nyingi ziwachwe. Ministry inajua tu, KAL, GK KAL inauzwa elfu kumi. Mwananchi anaenda kuchukuwa Mbolea na magunia matupu anauza. Nafikiri kwa hayo machache, hayo, mengi nafikiri nimefika hapo, ijapokuwa mimi sikuwa na memorandum, ni kitu tu nilikuwa nimechora. Nafikiri mumeandika na hii nitaketi nyumbani ni iandike vizuri na nitaita kesho. Haya maneno yako hapa.

Com. Wambua: Bwana councillor, clarification moja tu, maanake maneno mengine yote tumeelewa. Mtu akilipa ushuru, kuna tatizo akiwa hata kama anataka kuweka magari hata kama ni thelathini akilipia?

Councillor Bakari: Hakuna shida

Com. Wambua: Okey ahsante sana. Simon K Kivuti? Yuko? Atafuatwa na Bwana Reverend Daniel Muli Yuko? Okey you are the next.

Simon K. Kivuti: I am Simon K. Kivuti representing clans proposals and cultural and communal rights. Commissioners, ladies and gentlemen, these are views on the Akamba clanship origin and functions to the community.

As you know, clans derived from homestead, whose leader was a hero and to its extended families became a large Community. Through procreation it became numerous. Various clans trace to their lines of descent from a known hero, with a clan's name

being derived from the functions of its founder. (inaudible) functions include: ensuring that members adhere to the code of conduct proclaimed by the founder, upheld by the responsibility to discipline for any wrong doing. It ensured that all the members honoured the obligation of Muslims and of the entire clan community. Summed up the clan is a paradigmatic charter of Akamba existence, and provided accord and means of social control, as well as abode for its members. Today's main clan's functions are: to raise funds for the less fortunate parents' childrens' school fees, to raise funds for high hospital bills, to raise funds for payment of unfortunate cases caused by its members, to settle disputes among members' families.

Now we come to discipline. The clan had a responsibility to discipline those who do not adhere to its code of regulations such as; of not contributing for any of the earlier said functions, and those who do not honour their parents in old age. What is worrying clans today is that, when such culprits are disciplined by the clan, they go and report to the police and accuse the clan officials. In this case we find that the Government is derailing clans' power; of responsibility of disciplining its members, of not maintaining moral conduct. Clans do request the Constitution to keep the clans powers and Government empowers clans of its responsibilities to penalise the members who practice criminality. Clans who help the government of saving money which cares for criminals in jails, remands and police custody for good time. When clans penalty take only fifteen minutes and the wrong doer coils from wrong doings.

Marriage: this was and still is a sacred right to the Akamba and nation wide. Some people abuse this sacred affair in procreating outside marriage, with no intention to marry. This being a great burden to girls' parents who already have a burden to take care of the infants. I request the Constitutional review to endorse an act that, whoever does procreation out of marriage; to take care of the sibling by providing food, clothing healthcare, and education. This will help maintain family planning, for the culprits will fear pregnancies out of marriage.

Now let us come to leisure. Leisure is important to all age levels according to status. Today beer taking leisure is must welcome to the rich only. The common grassroot elderly men cannot meet beer costs, and this is why the common man has improvised kumi kumi brew which has caused many deaths in Kenya. I therefore do request the Constitution review to legalise native beer "Muratina" brew, for the purpose of the common man's beer leisure.

Now I come to the side of Government. We need provincial administration. This will suit well starting from village elders to provincial commissioners, because it will meet common man's need of governance. Village elders should be given wages for they provide good services to the Government and are not paid. This memorandum is prepared by Simon Kivuti of Maumoni Clan, and Peter Muthee of Amutei Clan. Thank you.

Com. Wambua: Thank you very much mzee. Reverend Daniel Muli?

Daniel Muli: The commissioners participants and ladies and gentlemen. Hajambo? Ninafuraha sana kwa nafasi hii. Yangu ni

machache sana. Nina pointi ambazo ni kumi na kwa majina naitwa D. Musembi M. Nina represent Kanisa la Africa Brotherhood Church under NCCCK. Mapendekezo yetu upande wa kanisa:

Kuabudu shetani: huu ni mkasa uliokumbua nchi yetu ya Kenya, hivyo basi uhuru wa kuabundu upunguzwe, na kila kanisa kabla ya kuandikishwa Katiba yake ichunguzwe sana

Wakristu wakiwa asilimia themanini na tano, nchini Kenya: Katiba ya Kenya itenge siku ya Jumapili kuwa maalum ya kumwabundu Mwenyezi Mungu.

Soko huru iondolewe kabisa kwa kuwa imezorotesha uchumi wa nchi ya Kenya, na Wakristu wamelegea katika utumishi wa Mungu kutoa fungu la kumi.

Chief justice awe mtu ambaye amesoma sheria yaani law, awe na degree, awe amehudumu kama wakili zaidi ya miaka saba.

Wazee wa vijiji wachaguliwe na watu kisha waajiriwe na serikali na wapewe uniform.

Mkaguzi wa pesa zote, Auditor General achaguliwe na Bunge ama Executive. Hiyo Executive pia ichaguliwe na Bunge ndiposa ichague Auditor General? na awe non-partisan.

Mpango wa kugawana gharama katika vituo vya afya uondolewe, na elimu ya msingi hadi kidato cha ine iwe ya bure. Kuna matatizo ya ukimwi siku hizi baada ya mume kufariki ikiwa bado hajabadilisha kitambulisho basi ndugu zake marehemu wanaleta shida.

Ushuru ambao unakatwa kwa commodities sukari, chumvi, mafuta ya taa na kuendelea, unaumiza mwananchi wa kawaida, na hasa maskini na wasiojiweza. Kwa hivyo, upunguzwe had asilimia kumi kwa mwaka kwa watu wote raia wa Kenya.

Katika Katiba, mpya ijayo, ambayo ndiyo ngao ya raia iwe na usawa kati ya wanaume na wake upande wa kumiliki ardhi na pia urithi.

Number ten ambayo ndiyo ya mwisho, wazee vikongwe wababa kwa wamama wawe wakipewa msaada allowance, wakifikisha miaka themanini na mitano, kutoka kwa hazina ya consolidated funds; maana wana haki ya kuishi au right of life. Ahsanteni kwa kunisikiliza, Mungu awabariki nyote.

Com. Wambua: Reverend umesema asilimia themanini na tano ya Wakristu na ukasema ya kwamba ungependelea Jumapili itengwe iwe siku ya mapumziko, unasema aje kuhusu kanisa, hawa ndugu zetu ambao wako kwa hii kanisa inaitwa Seventh Day Adventist na wako kwa hicho kiwango umetaja? Wafanyeje na wao wameamua kanisa bado ni Jumamosi. Utasemaje?

Mr. Muli: Tunawapenda hao ndugu wetu ambao ni wa SDA, na vile tunafanya siku ya Jumamosi nao ndivyo watakuwa wakifanya siku ya Jumapili. Ninamaanisha Jumapili, maana sisi tutatukuwa tumetenga hii siku ya Jumapili, Wakristu ndio wengi, kwa hivyo hao ambao ni wachache watafuata wale wengi.

Interjection: People laughing

Com. Raiji: Haya ni maoni yako lakini sheria inasema ni lazima wanalie masilahi hata ya wachache. Ahsante Reverend kwa hayo maoni yako. Ahsante. Kuna Johnson Mwalia, yuko? Inaonekana ameondoka. Timothy K. Chai? Kutoka Timothy tutakwenda kwa Mutua Nzomo na Churi Robert.

Timothy Kyalo Chai: Ahsanteni sana majina yangu ni Timothy Kyalo Chai kutoka sehemu za Mosa, Vitini Location. Kuna maoni sisi wanarika tulipendelea kutoa katika hii Katiba yetu ambayo inaendelea kuundwa. Nimeandika kwa lugha ya Kiingereza lakini kuna ndugu yangu mpendwa pale ambaye hasikii atanisamehe kidogo, mwishowe akiniuliza maswali nitaweza kujibu.

Youth need their own MP representative in Parliament. Hilo ni jambo moja wanarika walionelea wakati walikaa upande huo wa kwetu. In Kenya we need one man one job with experience/skills.

Government officers should give service without demanding anything TKK, i.e chief, sub-chiefs, DO and police.

The gap between the poor and rich people should be narrowed for example MP gets so much salary he drains the treasury. Free education to pupils. Free medical care. Youth aged eighteen should be given financial assistance.

Headmen, sub-chiefs and chiefs should be elected by the people aged thirty years.

Prices to be controlled by the MPs and people should be informed about it.

Girls and boys should be equal. Government institution officers, health centers, chief's office should be (inaudible) by the Government

Kenya's President should hand over the armed forces to the Judiciary.

Government should distribute all the teachers.

