

**CONSTITUTION OF KENYA REVIEW COMMISSION**

**(CKRC)**

**VERBATIM REPORT OF**

**CONSTITUENCY PUBLIC HEARINGS,**

**KITUI CENTRAL CONSTITUENCY HELD AT,**

**MULTI-PURPOSE HALL**

**ON**

**Tuesday, 14<sup>TH</sup> MAY 2002**

**CONSTITUENCY PUBLIC HEARINGS, KITUI CENTRAL CONSTITUENCY HELD AT MULTI-PURPOSE HALL ON TUESDAY, 14<sup>TH</sup> MAY 2002.**

**PRESENT**

Com. Mosonik arap Korir  
Com. Riunga Raiji  
Com. Musili Wambua

**SECRETARIAT STAFF IN-ATTENDANCE**

Irungu Ndirangu - Program officer  
Patrick K. Kiptoo - Assistant Program officer  
Mary Babu - Verbatim recorder

**The meeting was called to order at 10.00 a.m.**

**Com. Mosonik:** We are not starting with you yet, we want to know who you are and then we can identify you on this list. Somebody who can lead us in prayer please. Somebody who can pray for us?

**Joshua Musau:** Tuombeni.

Father in the name of Jesus we come before your presence this morning. It is such a gift that we have got your presence and empowerment which we have waited for too much. May you lead us, may your power be over us, and may your spirit guide us as we are gathered to do this review process. Bestow your blessings and may your spirit be with us. May your Hand be over us today and help us in all that we do, so that we will see your glory and so that we may have your presence in this country. Because we need good governance with good, responsible and accountable leaders and without proper laws, we may not be able to achieve this. We pray that you may be with all those leaders in whatever circumstances so that they may do it acknowledging that they may not do it well without your presence. We would like to experience peace; love and justice for everybody and this can only come if your Hand guides people on the way they should go. May you be with the Commissioners, may you be with the presenters, may you be with all those who are preparing the program so that all will go according to your will. May you please forgive us for all that we do, in our thinking, in our speaking, in our lifetime and may peace and goodwill prevail at this place and in all that happens today. This we pray in the name of Jesus Christ, our Lord and Saviour. Amen.

**Com. Mosonik:** Asante sana. Tutaanza sasa kupeana maoni na ningependa tujikumbushe masharti ya kupeana maoni kama tulivyojua jana kwamba ukiwa una maandiko ama memorandum, utachukua kama dakika tano. Sio lazima uchukue dakika tano. Unaweza kusema memorandum iko hapa kila kitu iko tayari na uondoke. Lakini ukitaka kufafanua kidogo ni dakika tano. Na ukiwa unasema maoni ama unapeana maoni yako (oral submission) bila maandiko ni dakika kumi. Tulikubaliana kwamba tunaweza kutumia lugha yeyote ile Kiingereza na Kiswahili ni lugha rasmi, lakini ukiwa unataka kutumia lugha ingine tafadhali tueleze ndio tupate mkalimani. Na kitu kingine ni kwamba kama kuna mtu yeyote hasikii the deaf, tueleze ndio tupate mtu wa sign language. Tafadhali tuanze sasa na Festus Musau wa Mutethya wa Tungutu group. Na urudie jina ndio iingie kwa mashini tafadhali.

**Joshua Musau Festo:** Hon. Commissioners, ladies and gentlemen. My name is Joshua Musau Festo. I am from Kyangwithia West. The views I am presenting are from a group known as Mutethya wa Tungutu welfare group. If I may call you Mr. Chairman, my report or my views are a bit too long and of course, we dwelt on some of them too long to elaborate the actual situation. But I will highlight on different topics briefly and give your report. I will start with directive principles of State policy. Mr. Chairman, we feel very strongly that values like tribal culture and tribal clans should be retained. Because these matters much and especially to the youth who are taught tribal customs and values and maintaining good morals useful for good citizens of this country.

**Constitution supremacy:** We felt that Parliament should not be given the power to amend the Constitution because these are a few people and can be manipulated or compromised to amend the Constitution to suit their own end. The public should therefore be involved through referendums conducted by an independent body and if possible the Constitution of Kenya Review Commission which should be retained on new schemes and terms of service.

**Defence and national security:** We felt that police forces; G.S.U, administration police and prisons should be merged in order to ensure proper and effective running of the three. They should also be awarded better terms of service in order to avoid the popularly pronounced corruption and the like. The President should not be a Commander-in-chief of the armed forces. Parliament should also never have a role in effecting emergency powers as the police, G.S.U and administration police have their authority that are entitled to implement in or supervise.

**Political parties:** We say that political parties should not be more than three otherwise the more they are the more they confuse the public. They should not be financed from public funds. But instead, they should raise their own finances through membership drives and sale of their manifestos.

**Structures and systems of government:** Mr. Chairman we felt that we should adopt the high breed type of government where the President shares powers with a Prime Minister. The Prime Minister should have Executive powers or the President should be allowed limited powers and we pick an example of planning and supervision in implementation of government policy.

The Legislature: All senior servants appointments should be done by the Public Service Commission and approved by Parliament. Parliament sittings should also be increased from three to four. That is Monday to Thursday for the purposes of finishing their pending work. Appointments of Ministers should be according to their academic and professional qualification. Those Ministers who have no professional qualifications that are relevant to the ministry should not be appointed. The concept of nominated MP's and Councillors should be stopped as this plays the role of 'yes men' to whoever nominated them. The number of women MP's and Councillors should equal that of men or be increased because they play the same role plus the of course, we have seen women MP's and Councillors whose work is more effective than that of men.

The Executive: Our opinion is that Presidential candidates should be form four and above and if possible a graduate in law. The Presidential tenure should be two five-year terms each. The Constitution should never allow this term to be prolonged unless we are looking for chaos. Functions of the President should be clearly defined in the Constitution in order to avoid conflictions and violations of the Constitution. He should have limited powers. If he happens to announce things like a government project should be started and done with immediate effect, without even consulting the treasury or the Permanent Secretary concerned for availability of funds, that one should stop. Otherwise, the public will have very little faith on the Government since this has started and has stored.

The habit of sacking and transferring senior government servants and ministers of the media should also be discouraged. Also, the habit of forming Commissions to investigate on crime or murder or fact finding should be discouraged because most of these are formed and results are never told to the public or they are turned away with before completion of their work.

Finally, on this one the President should be a Member of Parliament. Provincial administration should be done away with and especially with the part of Chiefs, Assistant Chiefs and instead be replaced by elite members who will be answerable to the people who elected them. Chairman, experience has shown that elected leaders serve the community with care and a lot of dedication more than the current situation where we have Chiefs who do not care or who don't pay any attention to the grievances of the public.

The Judiciary: While the present structure should remain, the Judiciary should be very independent. The President should have no powers to appoint high court Judges. We feel that the appointment of high court Judges and magistrates should be the responsibility of the Chief Justice and that such appointments should be approved by Parliament.

Local Government: Mayors and council chairmen should be elected directly by the people. This will be to avoid manipulation by a few Councillors who are bribed to vote in the wrong people. Their term of office should be extended from two to five years like Ministers. Mayors and council chairmen who are found inefficient or guilty of his conduct should be reported to those who

elected them for removal. Councillors should also be given powers to hire and fire chief officers in cases of misconduct and abuse of office. This is necessary and should be included in the Constitution in order to avoid the current situation where Mayors, council chairmen including their fellow Councillors cannot dictate terms to chief officers.

Elsewhere, chief officers claim to be permanently employed and therefore, above their Councillor. Councillors should also be given powers to operate independently and in accordance to the Government Act, the Ministry of Local Government Act which should also be amended accordingly. Mr. Chairman just as we said regarding the nominated MP's, Councillors should not be nominated as this will increase the number of 'yes men' in the council. This also would waste taxpayer's money for paying such people.

Electoral system and procedure: The current representative electoral system should continue and retain the simple majority rule as a basis of winning an election. The number of women participation in Parliament and local authorities should also be increased by encouraging them to contest seats. This is because some have proved to perform better than men. Candidates who fail to seek nomination in one party should not be allowed to switch over to another party because such candidates start speaking ill of the party that failed to nominate them.

Defection from one party to another should therefore discouraging by imposing heavy fines as compensation to be paid to the political party that had sponsored him or her to Parliament or the local council. Votes should be counted properly at the respective polling station in order to avoid the issue of missing ballot papers and boxes. After counting the votes at the polling stations, the supervisor, political party agents and electoral clerks will note down the number of votes each candidate garnered and announce the same to the voters.

The supervisor along with the political party agency will then take the ballot boxes and resort\* to the counting hall for addition and announcement of the results. Mr. Chairman as we had said earlier that there should be no nomination of MP's and Councillors, nomination of MP's, Councillors, specific groups and the religious groups and the like should pour their .....(interjection)

**Com. Mosonik::** Excuse me. The light is warning you that you must summarize. Just highlight.

**Joshua Musau Festo:** I want to talk on Ministries and Government to wind up. May I go on with the provincial involvement. Provincial administration involvement in elections. Provincial administration should be restrained totally from participating in either political parties, campaigns and elections. Cases of biasness have been witnessed especially in the part of Chiefs and Assistant Chiefs who claim to be campaigning for a ruling party because it is their employer.

Basic rights and administration of new churches: Freedom of worship. May I say here that a number of churches are increasing

and some of them are not genuine. Investigations should be done with a view to de-registering the wrong ones.

The fate of retired civil servants: It is regretted that payment for these people who take more than a year to be paid. Their age of retirement Mr. Chairman, we felt it should sixty-five and not fifty five. Mr. Chairman we found no logic when some civil servants like the Judiciary who are civil servants are retired at the age of seventy-five. Retired civil servants, retirement age for civil servants should therefore be fifty five which is mandatory and be left to continue until sixty-five. Mr. Chairman.....

**Com. Mosonik:** Thank you very much. Just stay there one minute. Commissioners any question? Okay. Sign up on the other side. Submit your memorandum. Mr. Julius Nzuku (the retirees group).

**Julius Nzuku:** Chairman of the Commission and members of public, mine as you have heard is a group of retired civil servants and before we come to the points, we had two provisions to make. We had two observations to make; that the Constitutional process should have taken more time than the time you were given. Because members of the public have not had time to go through either the old Constitution to know what is bad and what is good. As such, most of the members of public plus some of the MP's have believed or have translated the Constitution to be party manifesto because we lack the education.

The other observation we came across was that civic education providers, we expected them to be above the political parties policies. But when they came most of them were just teaching political parties. As such, people were not rich enough to present their views and this needs more time so that you can prepare a better document that can lead us in the future centuries rather than coming up with a worse document than the current one. Although we do not know what is bad in the current document.

We as retirees, we straight went to the retirees benefits or basic rights and my friend has mentioned some where he has said, retirees should be paid promptly. We felt in the case of delay of the payment, employer should pay that amount with interest that are charged by the banks. Monthly payments should be seventy-five percentage of the retirees final salary and this should be paid promptly.

The retirees should enjoy all the benefits enjoyed while working. That is, if he was allowed to procure allowance and he is earning monthly income, he should enjoy the same facility. The other thing we observed was that once a retiree dies, the next of kin is given only five years to enjoy such facilities and may be this is the wife of the retiree or the husband of the retiree. We felt this should continue until the next of kin dies and possibly once he or she dies the next responsible person either a son should be given the five years currently given to the next of kin. We also felt the retirees should be given pay slips and identity cards showing that they were working. The reason being that we have been arrested in urban towns because of lacking identity cards. Whenever you produce the national identity card you are just told you are like other vagabonds in the town.

The other article we went into was the land and property rights: Presently we have in Kenya the land ownership, there is private

land, government land, trust land and this private land is the land owned by individual organization while the government is that one of the government that is trust land owned by local authority. We felt that there should be no specific limit of land owned by individual because the philosophy of willing buyer, willing seller would defeat this. Because whoever is capable of buying will keep on buying and if there is a ceiling set, then you go beyond it and whoever was selling may be he will go down below what is required. Therefore, the current system should continue. We also felt that the surveying of land, simpler methods should be found like what we call chain surveying and the like so that the land is surveyed quickly and titles issued.

With government land, we felt if a forest is to be re-gazetted and given to individuals, this forest should be announced properly and the reason for the re-gazettment given so that wananchi can give their views regarding the change of user. We also felt trust land which are inhabited by people and is entrusted to the local authority, councils should cease to have powers over those pieces of land so long they belong to the people. There are areas which are given to the councils for grazing, for national reserves they can deal with those ones but the ones set up for the people should never be under the county council control. We came to land acquisition. Land acquisition should continue as it is but the proprietor of the land should be given opportunity to appoint his or her own valuer. So that the organization that wants to acquire that land, their valuer and the valuer of the owner can come together and agree on a figure and that figure is added fifty per cent of whatever has been arrived at so that it is given to the proprietor of the land.

Land control: We felt the land control should start with the composition of the land control board. Land control board should be composed of educated people and preferably retirees so that the Act can be properly utilized. We have an experience whereby members of the board have been frustrating members of the public and as such it is now high time that we employ the educated people.

Transfer of land: In Kenyan society today, when somebody dies the process of the next of kin getting the land transferred to him or to herself is so laborious that you have to get those papers from the public trustee and it takes time. It was the view of the retiree that immediately somebody dies and a death certificate is prepared then the land control board should be empowered to straight away transfer that land to the beneficiary who may be identified by the local assistant, assistant chief and the chief or even by a clan chairman.

In buying land especially here in Kitui, I have realized that when somebody buys a piece of land, he goes ahead and gives money before he gets the land control board consent. This is contrary to the Act and many people have suffered because when the consent is refused then it becomes a problem to both parties. As such, our group felt that the buying price should not be paid until the land control board consent has been received.

There is also the sub-division: The current land control board has a method in sub-division, allow two steps to be taken. One, the owner of the land applies for sub-division and then he comes back again he applies for transfer. But I remember in olden

days, it was sub-division and transfer so this is done once and for all. This should be the case being introduced in our laws that we are writing to come up with. Men and women sharing land on equal footing, we felt the land that they get after they marry should be theirs. But the ancestral land should remain the property of whoever has married the other.

Kenya is an independent country and the treaties like Mazrui land, Maasai land rights, this should be abolished because they are introducing the tribalism that the Kenyan society does not want. The Constitution that you are going to come up with should guarantee access to land for every Kenyan in any part of the country. The title deeds should not be revoked as it has happened and we have known in areas where many titles have been issued on one property. This one the Constitution should bar and give a lot of authority to the titles.

In land adjudication, there are four courts; that is the committee cases, the land arbitration board, land...objection to the register and 'appeals to the Minister.' I think the fourth one 'appeals to the Minister' has been abused and there should be another body to look into the affairs of the land ownership after the appeals to the Minister. Preferably, may be the High court of appeal could be given those powers because many people have lost land because of may be what you call corruption and the like.

Then we came to the local government. The idea of electing chairmen and Mayors by the people is a noble idea but this is likely to give us somebody who is rich and a poor manager to manage these councils. As such, the current method should be employed because the Councillors are now going to be educated people and we felt they will give the best of their team to run the council. Term of office my friend has just mentioned. Minimum education for Councillors should be O'level standard or its equivalent.

The recalling of Councillors by members of the public should not be allowed because there are people; some of us who would like to have elections every year and as such immediately after the elections, many would complain and recall their Councillors so that they continue with elections for their personal gains. As such, this should be discouraged. Determination of remuneration of Councillors and MP's should be carried out by an independent body like Public Service Commission and if it has got to be called 'Political Public Service Commission' let it be called so but let it be independent.

Nominated Councillors and MP's are the pillars of their parties and for the presentation or for presenting the neglected groups. These nominated Councillors and MP's should be nominated from the groups that have not been elected to the county council or to the Parliament. Councils should not be dissolved by an individual but this should be given to the Parliament who should appoint experts of the local authorities and immediately they have appointed that group, that group can dissolve the Parliament through the appointment of the Minister.

Defection to us was that once you make a statement either outside the chambers whereby you disown your own political party

or you do it in the Parliament or in the council chambers should be taken as defection and immediately the person concerned should be kicked out of the chambers and elections be held. Such a person should not be helped to gain such a seat again.

**Political parties:** Political parties apart from engaging themselves in politics, should also engage themselves in development. In selling the good name of this country, recently we have known some of our leaders go to London streets and start giving maligning the country when they are supposed to be selling the good name of the country. That doesnot show patriotism and as such political parties should know Kenyans are better than the political parties in Kenya. The Constitution should regulate the formation of parties and give a limit of not more than three parties because right now in Kenya we have as many political parties as there are tribes. We have forty two tribes plus the colored but we have more than forty four political parties which means some tribes have two parties like Kambas.

**Com. Mosonik:** I want you to stop at this time. Just tell us what else you had in terms of the headings.

**Julius Nzuku:** The others what I had is the Executive with the powers. I am sure most of them must be mentioned by others. Structures and system of government and Legislature. The one that Mr. Chairman I should stress on is that the street urchins or street boys, the government should under this Constitution should clearly give a situation whereby the street children are no longer in the streets. They should be taken care of because these are the people who are going to be murderers tomorrow and some are even murdering others today. Therefore, Mr. Chairman with those few or more points, I think you will come up with something good. Thank you.

**Com. Mosonik:** Just one clarification please?

**Com. Wambua:** Two quick clarifications from you Mr. Nzuku. First one is when you talk of retirees, do we suppose that the retirees have both public employment and private employment? That is those who work in companies. I think we need to be very clear about that. Secondly, if you have thought about this, can you tell us what happens to those people who choose not to be employed permanently and would want to work on a contractual basis? What happens with them? Who is going to take care of them?

Then I would want you to say something about title deeds. You said that title deeds should not be revoked. I think you should tell us what happens in situations where a piece of land has four title deeds. What do we do with such a situation? Which one do we preserve? I think that is something we would want clarified if we are to sanctify the title deeds, what about those which are fake? What do we do with them? If I get a title deed irregularly and in an illegal way, do I still rely on the first title deed? It is sanctified and cannot be cancelled. I think you should shed some light on this.

**Julius Nzuku:** Thank you Sir. The first one is retirees. When we talk of the retirees we mean those who are in private and

government sectors and possibly those who have been doing their own jobs and may be they have now retired because the jobs have been taken over by the children, I think that is clear. The other point is that we didn't have that group in our... The other one is a title. We have some pieces of land having more than two titles but when it comes to going to court, the one that is accepted is the first one provided it is the correct title deed. The fake title deeds have some dis-similarities with the true ones. Because the fake ones you may not find the seal on the red stamp and as such unless somebody is not educated I mean has not gone to school, that thing is clearly shown. Anything else?

**Com Riunga Raiji:** Bwana Nzuku there is also one issue that I would like you to clarify obviously you have a lot of expertise in land matters. Regarding these titles, there are those ones like the ones Commissioner Wambua was asking you. What is fake is it the forgery or is it the criminal activity? Now what do you propose in connection with titles which have been irregularly obtained for example where somebody acquires a title say for a road or may be for the DC's house and grabs it, what do you propose we do? Do we still respect those titles that have been used for somebody to grab public property? Now the other issue is that you have proposed that we do something about the system of inheritance of land because you see now the process is cumbersome. Now what do we do where there is a dispute because I know from experience probably the cause, where the children of the deceased themselves are not agreed and therefore we are to go to all these processes.

**Julius Nzuku:** Thank you Sir. For these fake titles, definitely if a fake title is found with anybody, my recommendation and that is one of my group is that this person should be charged in court and be given the heaviest penalty and whoever issued that title should be a culprit in it. The dispute inheritance. We have a group here, which is writing about the clans. Where the children of the deceased have a dispute, this is normally settled by the members of the clan and once they have settled that is final and they should be respected.

**Com. Mosonik:** Thank you very much. Musyoka Muekwe.

**Musyoka Muekwe:** Ma-Commissioner wetu na wananchi hamjambo. Kwa majina mimi ni Musyoka Muekwe kutoka Busiani Nguluni Kitui Central constituency. Ya kwanza, ni kupunguza uwezo wa Rais kwa sababu Rais wa taifa hili huwa ana uwezo mkubwa kwa sababu yeye ndiye Amri Mkuu wa Majeshi, ndiye Mwenyekiti wa chama kinachotawala na ndiye Mkuu wa vyovyote. Na pia ndiye ana-appoint mawaziri, ma-PC, ma-PS na hata ma-director wa parastatal bodies. Kwa hivyo nataka apunguziwe uwezo ili kuwe na tume ambapo inaweza ku-appoint hao ma-Commissioners wa administration.

Ya pili, machifu na manaibu wao wapigiwe kura kwa sababu wakiajiriwa na Serikali wanajua wanafanya kazi mpaka kustaafu na pia wanakuwa ni wajeuri kwa wananchi. Kwa sababu ukiwa na shida kama vile una wageni wako unataka barua kutoka kwa chifu, ukienda anakuambia umpe kitu kidogo na ili wewe unajua yeye ni mtumishi wa umma ambapo anaweza kukusaidia. Wazee wa mitaa kulipwa mishahara kwa sababu wao ndio wanaofanya kazi nyingi hata kuliko chifu na kuliko naibu wa chifu kwa sababu yeye ndiye anatumwa tumwa huku na huku na anakuwa hata hana kazi anayofanya nyumbani kwake. Na hata

kushindwa na mambo mengi madogo kama vile kuelimisha watoto wake.

Elimu: Elimu inatakiwa kuwa ya bure katika shule za msingi kama vile ilivyokuwa zamani. Serikali ndiyo ilikuwa ikinunua vitabu vya kuandikia, vya kusoma, chokaa na hata vifaa vingine vya shule. Lakini siku hizi ni wazazi wenyewe ambapo wazazi wengine hawezi kumudu kuelimisha watoto wao katika shule za msingi. Pia Serikali kupunguza karo katika shule za upili kwa sababu hata watoto wengi wanapita mitihani ya darasa la nane na pia wazazi wao kushindwa kugharamia ile gharama ya shule. Sababu wazazi wengine mapato yao ni kidogo. Kwa hivyo inatakiwa Serikali iangalie mipango hiyo.

Serikali pia kuajiri walimu wa kutosha katika shule za Secondary na za msingi. Kwa sababu siku hizi shule nyingi ni wazazi wanaowajiri walimu ambao wazazi wanaajiri walimu ambapo hawana ujuzi wa kutosha. Kuelimisha watoto katika shule na hivo kuwa elimu imezorota hasa katika wilaya hii ya Kitui.

Serikali kuchunguza mishahara inayolipwa wafanyikazi na makampuni ya waafrika na wahindi, kwa sababu waafrika na wahindi katika makampuni wanalipa wafanyikazi mishahara duni ambapo haiwezi kughalamia mahitaji ya siku hizi ambapo ni ghali mno. Serikali kutoruhusu raia wa Kenya kuweka pesa zao katika nchi za kigeni sababu matajiri hapa Kenya hasa wanaweka pesa zao katika nchi za kigeni na hubakia watu raia ambapo mapato yao ni kidogo wakiteseka hapa nchini na Serikali kujidaisha eti haina pesa inaenda ng'ambo kukopa pesa na ili hali pesa zote wameweka katika nchi za kigeni.

Pesa za Kenya ziwe na picha ya Hayati Mzee Jomo Kenyatta ambapo ndiye mwanzilishi wa taifa hili ili tuwe tukimkumbuka kwa sababu wakati huu wa vyama vingi, Rais atakuwa akija na kuondoka. Kwa hivyo hiyo kazi ya kubadilisha picha katika pesa za nchi hii inakuwa ni kazi ngumu. Rais akistaafu asiwe mwenyekiti wa chama chochote cha kisiasa. Aende nyumbani akalime kama wazee wengine. Asanteni.

**Com. Mosonik:** Okay asante. Silas Kitheka ( Emali villagers).

**Silas Kitheka:** Thank you Commissioners and the house. I am presenting these views on behalf of Emali villagers and my names are Silas Kitheka.

One, the President: The powers of the President should be reduced, he or she should not be the head of all government institutions. Arms of the government: Executive, Legislature and Judiciary to have separate powers and each to be independent.

Hospitals: Let there be free medical services in all public hospitals. Concerning education let there be free education at primary levels and the Government to fully run public primary schools. There should be no tuition fees to be charged. Teachers should not work at their home districts. They should be transferred to other districts like any other civil servants. Teachers should not also operate business. There should be free adult education for those who need it.

Concerning street children, also on education; All street children should be rehabilitated and educated. Schools for the handicapped should be properly run by the Government like other schools.

About police force, there should be police stations and posts at location and village levels respectively. Policemen and policewomen to honour their slogans that is 'service to all' or in Kiswahili 'utumishi kwa wote'. Because they say it is like that, if they are 'utumishi kwa wote', they only honour and serve the most empowered person and harass the less powered ones. To clarify this, for instance, a police officer may find a man on the way who has taken 'karibu', you beat him up and lock him in the cells. You find another fellow who is coming from the bar to take beer, you just put him in a car and take him home. That is not balancing. No.

Concerning Judiciary: There must be courts; Let there be courts at divisional levels. The death penalties should be abolished. Judges and Magistrates to be appointed by the Judicial Service Commission and not the President to avoid incompetent judicial officers.

Concerning administration: Chiefs and their assistants should be elected by the people and all the appointments should be clarified and certified by the locational development committee representing the public interest. Village elders in this case should be put on payroll like any other civil servants because they are classified under that. The Chiefs and assistants should not hold the Kangaroo court or prosecute cases.

Ministers and MP's here in regard to being candidates, must during their campaigns and all elections sign agreement for their promises and duties to the people before they are voted in and to be prosecuted in case they breach the agreement. Candidates giving out cash or bribe to the people during campaigns should be arrested and all fired from contesting the seat.

Concerning elections: The counting of votes to be done at the polling stations to avoid rigging.

Worship: Let there be freedom of worship but strictly not devil worship or traditional worship. All churches to be registered.

Prices of commodities: The government should set a price control board to monitor prices and to protect consumers from market or price inflation. Sub-standard commodities to be put out of market.

Disabled and handicapped persons: All disabled persons should be equal opportunities like other persons. They should be given extra standard care for their misfortune and possibly be given a token of cash for hard life allowance. Monthly fees not in employment.

Concerning the Aids victims. Men tested HIV positive should be castrated or jailed for life but be given a special care in special jail for ailing. Women in this case should be detained somewhere also to prevent further infection to other people.

Industries: Government should be highly concerned in protecting our home industries by not allowing useless, fake or imitated commodities. Concerning herbs and herbalists; Traditional herbalists should be licensed and trained. All herbs to be examined and approved by a qualified physician.

Concerning street children: All street children be rehabilitated and educated and taken care of as I had said earlier to do away with this kind of problem.....(interjection)

**Com. Mosonik:** What I would like to ask you, is not to repeat. Kama street children ulikuwa umesema be rehabilitated and educated so as we can observe the time.

**Silas Kitheka:** Yes I beg to carry on with that because it is a sub-topic.

**Com. Mosonik:** Proceed but I want you to be systematic. Don't repeat yourself.

**Silas Kitheka:** Thank you Sir. The problem of the street children; let it be strictly be provided by law that every man to go for his child if fathered out of marriage and left with his mother.

Media or press: This should not be owned or controlled by the State because Kenya should be a democratic nation where everybody, everything should be covered at all angles, groups, bodies and all standards. Concerning the Constitution of Kenya Review Commission the present one we have, this Commission should be there permanently to monitor and protect any illegal amendments or interference of the Constitution by any arrogant government head. The Commission be granted power and authority to prosecute anybody who or that do not honour the Constitution. Finally, all persons working under this Commission should be given terms and conditions of work. Thank you.

**Com. Mosonik:** Ngoja kidogo.

**Com. Paul Wambua:** I want to ask you something about this interesting proposal of castrating men who have HIV status. I wanted to find out whether you have thought of situations where people actually contract this disease not because they have engaged in certain activities but because may be they have gotten blood transfusion and they are infected. Do you still punish such people by castrating them further? Secondly, what about children who are born with the disease because they have acquired it from their parents or their mothers? Do we also castrate such boys?

**Silas Kitheka:** Okay. Thank you. I had put it clearly, that I have it in mind that necessarily castration but I have said they

should be put in a special place or jailed. Because may be somebody got this virus through other means other than that other sexual way of it. Now, it has become a common case in hospitals that they are the ones who test these people positive of this disease and then they send them home to continue spreading it. It doesn't matter in this case now in the Constitution whether these people got it through which way or which way ought to be castrated. But the point here is to be confined somewhere that they should not be set free to go and spread it. For kids, that is a different case because even if they are taken home and they have contracted this kind of disease, obviously they will die. Let the Government put them in a special place to take care of them. There was another one....

**Com. Mosonik:** Asante. Chyuli Robert ( Kitata Self-help group).

**Chyuli Robert:** Thank you Mr. Commissioner, my names are Chyuli Robert representing Kitata self-help youth group from Kisau sub-location, Kyangwithya West location, Central division. These are their views. The system used to elect Members of Parliament and the Councillors should be retained but the method of electing Mayors is not effective and should be given to the citizens to elect.

Number two, the nomination of Members of the Parliament and the Councillors should be retained but the nomination should be given to the disabled people.

The members of the public or electorate should recall their MP's after two years if he or she does not seem to be committed on providing satisfactory to the welfare of his electorate force.

The President should not be above the law and should be sued in the court of law if clearly discovered to be misusing his office.

Minimum qualification for Councillor should be the attainment of the Kenya Certificate of Secondary Education certificate as far as education is concerned.

Constitution should protect security, health, water, shelter, food and employment. Failure to which citizens will sue State and the bodies of the government responsible. The education for Kenyans should be provided free upto the first-degree level. Kenyans should own land and property anywhere within the country Kenya and security should be provided by the Government e.t.c.

The appointees of the President should be based on the professional achievements and they should be vetted by the Government.

Chiefs and sub-Chiefs should have the Kenya Certificate of Secondary Education and the village men should have Kenya Certificate of Primary education and should be employed by the Government. The nursery school teachers should be employed

by the Government.

**Com. Mosonik:** Thank you. Mukuwa Muenda of Kitui School for the mentally handicapped.

**Mukuwa Muenda:** Thank you our dear Commissioners. Emphasis in my presentation is mainly based under the area of emerging issues with bias on the disabled persons.

There should be free and compulsory education for the handicapped persons.

There should be a provision or a quarter in the employment of the handicapped persons.

Equipment and learning materials used by the handicapped persons should be tax-free.

The Government should fund fully the construction of learning facilities. There should be free and gauged environment for the handicapped in areas such as building structures to be fitted with the ramps elevators in the situation whereby we have tall buildings.

Roads: Our Kenyan roads to have marked signs for the handicapped persons with wheelchairs and canes. I would wish to explain further this point. There are situations, example here in our town Kitui, you would find that along our streets we have the road here. Then we have the shops and between the shops and the roads where we have the pavements, many of our rich persons woud; let's say it is in the morning, a blind person may be passes that road or may be along that way in the morning around eight goes to issue his usual duties. In the course of the day, you find our rich people or may be these hardware persons bringing their hardware. They now place along the pavement. This blind person in the morning did not leave such structures along the way.

You will find that this timber is not in a uniform. It is spilling this way and then somebody walks in a cane, others might not have the cane and at the end of the day, this person might be hit or may be injured worsening the handicap condition. Therefore, it is for the law enforcers or the Commission to see who should be advised. Is this to be said under the municipalities or towns or where? But let's think about them even before the enacting of this because we have a forum here. Let those concerned think about that person who is not aware of the changes taking place on and off.

There should be a standardized national curriculum in this case syllabus for the mentally handicapped. Upto now in K.I.E we have a standard curriculum for the 8-4-4. Where do we fall, the mentally handicapped? Because we are not under the system, we do not have a curriculum. As a head of school I am just left with my professional and may be I need to be guided.

There is what we call advocacy for the legal rights for the mentally handicapped persons to be provided. This would go along with people with epileptic cases and what have you. I remember we had a case in Machakos whereby a child who was epileptic did not remember to carry the card and the next day he was picked in the evening somewhere he had fallen. Then the next day he was put in under drug and disorderly. At the end of the day we tried to be advocates to the teachers of that school. At the end of the day we were forced as per the law for the child to accept that he was drunk so that he could be set free under leniency. Of which I thought it was not the right way.

We have cost-sharing on health services for normal people and in this case for the handicapped, we request their services to be waived.

Terms and conditions of service of special education teachers should be improved in areas such as personal allowance and risk allowance. There are a lot of risks especially when you are handling children we call them autistic children'. By autistic, I have in mind a child who is between let's say age one and may be eighteen years. In essence, he is mentally ill. That he has not reached a stage where he can be put in Mathare, we have those children in our school but corded autistic children. Therefore, there is need for such allowance risk.

The Government should pay teacher aids in special skills. We have teachers in specials schools mostly employed by parents. We request the Government to pay those teachers who assist in many activities in the school.

There is this repeated request. Create special Parliamentary seats to represent the handicapped persons' rights. Preferably, somebody who has a disability because he is better positioned being the shoe wearer.

Create residential homes for the severely handicapped person and the invalid person. I am looking at areas of those people who would need a twenty-four hours surveillance and the aged group which now can be catered by the Government.

Then number thirteen, which I can join to fourteen, we need clean water. Clean water should be accessible to every Kenyan citizen. This has been said all through, I don't know whether it is a propaganda statement but it has not been enacted. Therefore, we request that we be given specific time for things to be done. Not when funds will be available. We have been using that statement, 'when funds will be available.' Therefore, let us have marked times for things to be done and we avoid that statement as it beats the sense or the use of it. Then under that we request for provision of irrigation schemes in arid and semi-arid regions.

Lastly, the Government should provide more funds in the area of family planning targeting to small budgetable families of at most two children. We should be provided with the basic needs and in this case, we introduce a tax for those big families

which are giving hectic problems for our planners. Thank you.

**Com. Paul Wambua:** Just a small clarification Mwendo. You said that you would want the schools for the handicapped to be furnished in the curriculum. I did know personally that we have KIE. I also know that the Ministry of Education has a department which caters for this. Are you saying that there is no program for the kind of teaching which should take place in schools for the mentally handicapped? How are you currently doing that? I mean can you just elaborate.

**Mukuwa Muenda:** Thank you. Currently what ....I happen to have served in K.I.E in one of the special course program. Over time we have tried to come up with a curriculum but now what we have currently, we have the books and what have you but there is what we call standardized. To make something which would have a clear cut. There is a situation whereby for example in children in 8-4-4, after the first eight years you do your K.C.P.E, you have a K.C.P.E certificate. We don't have such things like certification. Here in my school we cater for the children upto eighteen years, we turned these children back to their homes without having acquired our objectives. Therefore, in this case what I am trying to emphasis on is; it is for the K.I.E in this case to be given more money in the area of curriculum development so that we can finish up such a paper. Although it has taken more time and we have not been able to come up with the.....

**Com. Mosonik:** Thank you. Francis Kyetie (K.C.C.I). Fred M. Wambua.

**Fred M. Wambua:** Thank you very much our Commissioners. My names are Fred Muli Wambua from Langwe location. These are our views: My point number one was; in order to ensure that all Kenyan citizens are aware of their constitutional rights, duties and responsibilities to the Government, I propose the Government to create a department in one of the ministries with an overall aim of conducting civic education and the department should have an officer even at the locational level.

I propose centers for identity cards application and collection to be brought nearer to the wananchi preferably at the locational level. This will make it more efficient for those who have turned ages eighteen to acquire one. The Government should put more emphasis on girl-child education by removing those obstacles which discriminate girls from getting equal opportunities for learning like boys for example, traditional beliefs e.t.c.

The Government should also enact stiffer penalties to those who impregnate girls in schools. In order to be able to effectively manage disasters when they strike e.g. fire accidents, motor accidents, drowning, land slides e.t.c. I propose the Government to introduce disaster preparedness training to clubs, schools, colleges and any other interested groups. Due to the increasing social problems in our country like street urchins, that has been talked so much, like drug abuse and misuse, the Government should employ more professional social workers to supplement what NGO's and other voluntary organizations are undertaking. That is all.

**Com. Mosonik:** Asante. John Rambi yuko hapo? Na si ulisema jana? Wapi huyu? Hukusema jana. Thank you very much. Francis Musengu of the Catholic diocese. Johnson Kitau.

**Johnson Wambua Kitau:** Our Commissioners and the participants. My names are Johnson Wambua Kitau (ex-chief) Mulango location. The new Constitution, I request it to include the teaching of some of those traditional practices we used to have to the schools so that our traditions don't erode completely. By this I mean there were some traditions in Ukambani whereby we used to have to teach our society by having three circumcision stages and those were; we used to call them: The Nzaikonini in Kikamba, the Nzaikonene and the Mulili.

During these exercises, the female side was to teach women how to behave from childhood to the motherhood. Also the male side was to include teaching of a child how to behave when looking after their cattle and during the times of hunting in the bush and then when a man comes to the stage of advising or ruling other men in the villages.

So, these practices were done during such an occasion and I would request the Government or the Constitution to include those practices into especially Ukambani. I also propose the Government to monitor money collected by clans. Clans here are given permission to collect money by the Government but this money is not properly controlled. You find a situation whereby a chairman or any leader collects the money and starts enjoying with other members of that clan and this has not been reported to the administration like Chiefs and DO's to check on the situation. Because they are told they are rather doing some voluntary work to the community so I propose that the Government or the Constitution allows the provincial administration to control these collections.

I also propose the retention of the provincial administration as it is today but remove the PC's post because if we do not have the DC nearby any tribe, the DO nearer, the Chiefs and Assistant Chiefs with the community within their jurisdiction then the community will not respect any law or any leadership. Thus, there will be no control of the community by any person and for this reason I will also request the Constitution to allow the Chiefs to be appointed by the Government as early. Because if the Chief is elected by the community he/she will not serve that community dedicatedly because he or she knows that they have bought a team game for her.

So, I strongly request that it remains as it was and the ages to be between thirty and forty-five years and the retirement age that is for the appointment be sixty five because we have founded that a mature leader within the community and effective should be above fifty years. Between fifty and seventy years. So, this is why I recommend a Chief and an Assistant Chief to retire at sixty-five years. Their education I propose to be form fours. The form fours I propose that they should have five to ten years in experience from other sectors and so on.

The village elders who assist the Chiefs, these ones really do a lot of work within the community to mobilize for Barazas and

they are at times the Judges of civil cases in their areas and they really guide the people to know the law to know where they are wrong.

So, these ones I propose them to have some salaries and uniforms and of course they should be appointed people who have retired or probably have been working in their own farms and so on but with the sound knowledge and with a lot of respect by the people. I once again request the Constitution to allow the protection of the Provincial administration by the civic leaders. At the moment, there is a lot of war in between say the DO's, the Chiefs and the politicians. So, the Constitution should provide that a tax by these people the provincial administration that one should be dealt with by the law. That is all. Thank you.

**Com. Mosonik:** Thank you very much. George Nzoo.

**Joshua Musau Festo:** Mr. Commissioner, I am reading this one on behalf of Nzoo who is not in and they are personal views. Political parties: He says the number of political parties should be limited to four.

**Com. Mosonik:** Excuse me you were here a few minutes ago, can you just say your name again and say you are reading on behalf of ...

**Joshua Musau Festo:** My name is Joshua Musau Festo on behalf of Mr. George Nzoo. Personal views. He says the number of political parties should be limited to four and that all political parties should finance themselves without exception and that no State resources should be used to finance all or at least any party.

Structures and system of government: We should retain the same system of Government but reduce the powers of the President who should not be above the law. The President should be allowed to sue or be sued while in office. Duties of the Chiefs and Assistant Chiefs should be given to Councillors who should be sole agents of development in the district and therefore the entire administration should be scrapped. We should have federal system of Government to provide suitable distribution of our national cake and facilitate development.

Legislature: All appointments from permanent secretary and above should be vetted by Parliament. Parliamentary at the moment should be agreed on by a Commission or a taskforce appointed by the Speaker of the national assembly.

Being a Member of Parliament should remain a part-time occupation and electorate should be allowed to have a vote of no confidence on the seating MP who does not perform well or serve the electorate as expected. MP's should all the time act on the instructions of their constituencies or parties. We should retain the concept of nominated MP's but the majority of nominated MP's should be women. Parliament should formulate its calendar and adhere to it without refrain from the Executive.

Then the Executive: All future Presidents should be degree holders. A President should remain in office for two terms of five years each. The functions of the President should be defined in the Constitution to avoid national pronouncements at Baraza's e.g. like creating disputes to seek favours or making appointments on the roads. The Constitution should set limits on Presidential powers. The President also should be a member of Parliament. Then he says Provincial administration should be removed and their functions given to local authority.

Judiciary: Judicial officers should be appointed by the Judicial Service Commission. Local Government: Mayors, council chairmen should be elected directly by the people. The minimum education qualifications for a Councillor should be a Form four with grade Division three. People should be allowed to recall their Councillor if he does not perform. Remuneration of Councillors should be decided by the Ministry of Local authority.

Electoral system and process: We should follow representative electoral system. Candidates who fail to seek nomination in one party should be allowed to switch over and seek nomination from another party. Defection should not be allowed. Civic and Parliamentary elections should be held simultaneously. Counting of votes should be done at the same polling station and results announced there and there.

Basic rights: The Government must make sure that all Kenyans enjoy basic rights such as security, health, water, education, shelter and employment. Thank you Sir.

**Com. Mosonik:** Thank you. Okay. Shall we please have Michael Chyalo on behalf of the Civil Servants group.

**Robert Kinge:** My name is actually Robert Kinge the district special environment officer.

**Com. Mosonik:** Are you Michael Kyalo?

**Robert Kinge:** No. There was a mix-up I was the one to present the civil servants group.

**Com. Mosonik:** What is your name again please? Robert Kinge.

**Robert Kinge:** Commissioners and the participants who are here to make presentations, I feel greatly honoured to be given this opportunity to make this presentation on behalf of the Kitui civil servants. We had a brain storming session on Friday and this is what we came up with; We feel as civil servants we have a constitutional right to make this presentation like any other state holder and during our brain storming session we came up with four key areas of concern;

1. The Public Service Commission.

2. The Civil servants trade union.
3. Code of regulation and general welfare of the civil servants.
4. The Provincial administration.

I will first focus on the Public Service Commission. We strongly feel that this is an important Government organ that is charged with the responsibility of recruitment, promotion and access of disciplinary control in the civil service. In performing these functions, the Commission derives its powers from Chapter 7 of the Kenya Constitution and the function of the Commissioners is further defined in sub 185 of the laws of Kenya. This is basically the reason why we should serve civil servants in Kitui properly. It is necessary to make these recommendations to streamline the Public Service Commission operations.

Members of the Commission must be first nominated by their respective professional bodies and their names forwarded to Parliament for vetting and subsequently presented to the President for appointment. If civil servants in Kitui town is entrenched in the Constitution, will ensure people of high integrity are appointed members of the Public Service Commission and hence improve the performance of the civil servants. The requirement will also ensure the appointments are strictly based on merit.

We feel that the Commission's new function will be to ensure that all civil servants have a dynamic scheme of service that reflects the current social, economic reality. Because this actually affects the service delivery system. In that you leave University same year, one moves several grades higher and is stagnated because you happen to be different department and once you stagnant here you get frustrated. That triples down to the public in many ways. So, we should will do a lot to improve the service delivery mechanism. The schemes of service are harmonized and reviewed regularly in all the public sectors. For example, an engineer working with water corporation should not earn more than an engineer in water department in Kitui for instance. The directorate of Personnel management and the Public Service Commission should be merged to enhance efficiency and minimize complication of services and also to reduce the bureaucracy.

All public servants senior appointed to head key government institutions should be vetted by Parliament and then forwarded to President for appointment. This includes the following; Chairman and electors of Government parastatals, police Commissioner, permanent secretary, controller and auditor general, Attorney General and Ambassadors and others. Also, we feel that a clause be inserted in the Constitution allowing professional bodies to scrutinize the conduct of government officials before they are sacked. For example, the PS for medical services conduct should be subjected to a board comprising of medical professionals for thorough investigations and recommendation for appropriate action. They should not just be sacked anyhowly.

Then we have the civil servants union. This we felt eligibility for servants union be opened to all public servants except Presidential appointees. This we still felt will strengthen the union and make it effective in lobbying for better terms and

championing the cause of its members. The team noted that currently only those in job group H and below are allowed to join the union and simply this attracts mainly the junior cadre and leaves out the middle and higher cadre civil servants who are more informed on the union challenges and development.

Then we talked about the code of regulation: What we have, we said that it be updated and requires to be updated and built in conformity with the current social, economic situation and transtitution. For instance, this applied while paying transport and leave allowance have never been updated for over the last one-decade or so.

Then we talked about the general welfare for civil servants. The prevailing general tradition of many civil servants was found warty. The medical scheme for civil servants is poor and far much below average. Many civil servants holding senior positions including Head of departments have no responsibility allowance. You will actually find a full headmaster of a primary school has a responsibility allowance but head of department in Kitui does not have that facility. Majority of them do not even have access to car loans and lack necessary facilities to perform their duties effectively.

The team also noted that the hardship allowance where applicable should be paid to all civil servants.e.g In this district teachers are paid well, civil servants have been left out. Civil servants are transferred without considering the inconveniences caused to them and their families especially school going children and also separation from their spouses.

The team further recommended pensions to be reviewed and changes effected accordingly, preferably after every five years. Also, retired officers should be paid their retirement benefits within one month. We had indicated three months but it was corrected to one month and we still further added that after the death of the retired officers the remaining spouse should continue enjoying special benefits until his or her death. As opposed to the current situation whereby the remaining spouse is entitled to retirement benefit for only five years after the death of the partner. Alternatively, the team felt that the Constitution to allow for an establishment of an independent pension department to handle pension issues. Also, it was further felt that those willing to retire after ten years continuous service should be allowed to do so after attaining the age of forty five years.

Then we briefly discussed the role of Provincial Administration; not in an attempt to defend it but we feel we have a contribution to make. The other issue which is felt here, that the counterviews being presented to the Review Commission the role of Provincial administration can be enhanced to reflect the current reality. In fact even some due case known critics like Martha Koome chairperson FIDA are very supportive of the function of Chiefs in the establishment of family courts at community level to ensure domestic violence is dealt with effectively at that level because the police stations are usually far away from where the communities live. Indeed, these officers played a civil role in coordinating someone's efforts at various levels. While changes are good, it is essential to focus on certain structures that are fundamental framework for national development.

In brief, that is what we had and lastly, we also said, let us adopt this situation, one man one job. There is no point of one person in charge of many things when there is a lot of unemployment around and many graduates leaving colleges everyday and they have nowhere to go. Thank you very much.

**Com. Mosonik:** Thank you very much. Agnes Kithikii. (Athyoki) Ni learning organization or let us know what it is.

**Agnes Kithikii:** The Chairman, I am glad to be accorded this opportunity. My names are Agnes Kithikii and these are my own personal views. Preamble: We need a preamble in our Constitution. Such a preamble should state the national vision and this should be to protect the rights and freedom of all citizens equally irrespective of their gender, religion, disability, ethnic, colour, ratio or social status. It should also ensure order and stability. Also, to provide social, economic, cultural, political welfare of all citizens as well as ensuring human development and environmental protection.

To ensure that there is separation of power of the governing organs i.e the Legislature, the Executive and the Judiciary and to foster checks and balances among the governing bodies. In such a preamble, it should show that the Constitution of Kenya should be able to change and therefore, will be able to be amended. The Constitution should be in a position to be changed in an efficient and friendly manner and hence provide clear rules on how this should happen. Such changes should be provided for in order to adopt the changing society, changing values and norms and also goals.

The Constitutional Supremacy: We should be able to retain the current Constitution which allows to amend any part of the Constitution by a 65% majority vote. The power to amend the Constitution by the Parliament should be limited and they should be able to seek consent from the public especially in areas that are favouring the Parliamentarians.

The public should be involved through referendum in amending the Constitution and especially the change of constituency boundaries, land reforms, declaration of war against another nation.

Defence and national security: The Constitution should be in a position to establish the military, the paramilitary, police prisons and so on. This should be done through an independent court. The mechanism that should be used to discipline the armed forces: An independent court should be established to deal with discipline action of the armed forces. The President should not be the Commander-in-chief of the armed forces.

The Executive should not have exclusive powers to declare war. The Constitution should provide and permit the use of extraordinary powers in emergency situations such as war, national disasters, invariation and breakdown of public order. The Parliament should have the authority to involve these emergency powers.

The political parties: Apart from the political mobilization, political parties should play other roles especially the protection of

denial of human rights and freedom. They should be able to undertake development projects that are geared towards responding to the various people's needs. They should be able to advocate for environmental protection. They should be able to protect for the provision of essential services to the citizens. This includes, medical care, water supply, garbage collection and they should also protect advocates for the provision of cultural and social amenities. They should as well be in a position to monitor the management of national resources. For example, by fighting corruption.

The Constitution should regulate the formation, management and conduct of political parties. For example, the number of political parties should be limited. We should have the minimum of two parties and maximum three parties. The political parties should be financed on equal basis from government treasury. The money given to the political parties should be used in political mobilization properly and it should be properly audited by the office of the Auditor General for proper utilization and management. The political parties should be loyal, patriotic and responsible to State affairs and should be held responsible for any State failure.

Funds set for State functions should not be sent to foster any party activity. Structures and systems of government. We should not retain the Presidential system of Government. We should adopt a Parliamentary system of Government in which a Prime Minister is appointed from majority party in Parliament and the President remains more or less ceremonial. Therefore, the Presidents should just hold a ceremonial office and the Prime Minister be the head of the State.

Power can also be developed to the lower levels of Government such as districts through local authorities or local representations through civic seats.

The Legislature: The following appointments should be vetted by Parliament; the Controller and Auditor General, the Attorney General, the Commander of Police, the Permanent Secretaries, the Secretary to the Cabinet, the Director of Personnel, Ambassadors and High Commissioners, Judges, the Ministers and Assistant Ministers and the Electoral Commission. The Parliament functions should be expanded to cover functions like the appointment of such personnel to such offices. The Parliament should not have limited powers to control its own procedures through standing orders. Being a Member of Parliament should be a part-time job. Changes should be made to age requirement for voting and contesting Parliamentary seats or President. For President, one should be aged thirty years, for MP's twenty five years and above and ID cards should be allowed to be used for voting. Language state are not required for Parliamentary elections but there should be a minimum educational requirement for Members of Parliament. For example, they should be a form four leavers and above. We should introduce moral and ethical qualifications for Parliamentary candidates. People should have the right to recall their MP's if they are seen not to be performing well.

A Commission should be set which should be collecting views from the electorate about the performance of such MP's. MP's should act on the basis of conscience and conviction or instructions from their constituencies or parties. But they should as well

consider interests of constraints from other constituencies. There should be a select committee which should be charged with the responsibility of determining the salaries of the MP's. We should retain the concept of nominated MP's but the nominated MP's should represent special interest groups. These are the blind, physically handicapped, the women and the elderly.

Special measures should be put in place to increase women participation in Parliament. For example, a quarter of the seats in the Parliament should be preserved for the women. Special effort should be made to appoint women as Ministers, Judges of High Court, Assistant Ministers, Ambassadors, High Commissioners and other high profile offices.

There should be some rules set to govern the conduct of Parliamentarians in this multi-party era. They should be of good moral behaviour. They should be able to air their views in Parliament and if one does not contribute to the proceedings of the Parliament, he or she should be declared incapable and be expelled. They should not defect from one party to another so as to make a political mileage out of it. They should be able to attend all sessions in the Parliament if in good health or they have no State commitments.

**Com. Mosonik:** Please try to summarize. Just tell us what else in terms of the topics you had addressed in your memorandum and then please submit it to us.

**Agnes Kithikii:** I have talked about who should be a Kenyan citizen and about the Executive, the Local Government, basic rights and the rights of vulnerable groups.

**Com. Mosonik:** Which are those vulnerable groups?

**Agnes Kithikii:** The vulnerable groups are groups like the children, the physically handicapped and women are also there.

**Com. Mosonik:** Can you talk about the women very briefly.

**Agnes Kithikii:** My views were that the interests of women are not fully guaranteed by the Constitution. For example, if you look at the citizenship, children born of Kenyan women whose father is from outside the country are not supposed to be given the Kenyan citizenship. So those are some of the things that should be addressed. Women are also allowed access to land but they are not allowed to have control over it. There are some of the laws for example, from the ethnic groups that are still being cherished in the current Constitution.

Some of the laws that are used are retrogressive to the women welfare and some of those laws need to be reviewed especially laws relating to divorce and marriage, land ownership, inheritance, such laws should be amended. I was also thinking of we have so many children loitering in the streets. They have got no access to education and some of them have got no access to

some of the major services required. For example; treatment that is medical care, street children should be rehabilitated and should be able to access free education and medical care. They should also be entitled to employment and things like that and they should also be represented in Parliament and also in the civic seats.

**Com. Mosonik:** Thank you very much. Will you please submit your memorandum over there and register. Mwingine atakuwa ni F. Wangai. Na sasa nitataka Wangai achukue tu dakika kumi. F. Wangai please. I know you can summarise please.

**Fred Wangai:** My name is Fred Wangai of P.O. Box 702 Kitui. I have been given ten minutes and I think I don't need those ten minutes only few minutes then I will be over. I only have three points to make here; my presentation is about the plight of old people. In this country, I have worked in all over every province and in this district. ....

Their old status and you find out that they suffer from fleas, bed bugs, medical problems and also hunger. It is my belief that this should be the responsibility of the State to take care of old people by providing old people's homes, a number of them in every district. They should receive free medical service and if the family members feel that they want to keep their old people, they should be given allowance for upkeep in order to take care of their relatives.

The second point I want to make and I don't want to deal with it much because people have talked about it is about street children. We need to rehabilitate street children. Day by day the number of street children increases and at the same day by day, they are growing to adulthood. The question is what will be their future in a small town like Kitui. If you go back five years ago and see how many were there and how many are there today, you would bear with me that the number of street children is increasing day by day.

Therefore, I feel this should be the responsibility of the State to work out a program by providing homes for these destitute children, we call them street children with a bad, we give them a derogatory name like *chokora mapipa* which is very bad because these are our own children. We need to provide homes for these destitute children, provide for them compulsory education, provide medical services and there should be a number of rehabilitation homes in every district.

My last one is about drug abuse: We have found out that drug abuse is increasing day by day especially in schools, in market places, in urban areas and in rural areas. The State should look out and find a solution for this menace which is facing our own country by enforcing the law against drug trafficking, selling, manufacturing or growing. This enforcement should go to the grass root as well by using Chiefs, sub-Chiefs and even headmen to arrest the offenders, the growers, the manufacturers and even those who distribute these drugs. Mr. Chairman, that is the end of my presentation.

**Com. Mosonik:** Hold it please.

**Com. Paul Wambua:** Mr. Wangai, you talked of the State taking responsibility for the old. I think that is a term we would want you to clarify because we want to know who is an old person. Because I know as a matter of fact, there are people who are seventy years old and are doing very productive work in the country. How do you compute old age to determine who is old?

**Fred Wangai:** In my thinking someone who has already retired and has come to a place when he needs help. There are others who are seventy and above like some of them who are here, being one of them but they don't need such help. Bodies of different people work differently. Someone may be sixty-five but will need this facility because of his health. He may be in poor health, he may be in need, he may have had a disaster and in that case, then he would get this help.

**Com. Mosonik:** Asante sana. Sasa tungependa mkalimani wetu akae karibu, karibu wa Kikamba. Mary Maithya na Mwendwo Mulei na Kiloboto Wanango watasema Kikamba. Wako hapa? Mary Maithya please. Mzee aketi kwanza tumalize na Mary Maithya halafu utakuja.

**Mary Maithya:** (*Kikamba dialect*)

**Mary Maithya:** Ne muvea Chairman Kwesyetwa netawa Mary Maithya box number 320 Kitui neumia woni wagwa wa kusaumvia Katiba

**Translator:** These are my views towards amending of the Constitution.

**Mary Maithya:** Wooni umwe ne ethewa ne title number ya ketheka Katiba kaa nekale usuvia ukethea mutumia wagwa andikikwa nagwa nenaelwe kuandekewa.

**Translator:** In the case of land which we own jointly with my husband, I suggest that the property be registered jointly between us.

**Mary Maithya:** Kiege ethiwa mwana waito twasaa na newekala vuu ta kwietu na newasyaya vuvu ne twaele tunamtumia wakwa kumutwela kitheka ne mwana waitu o taage

**Translator:** Our daughter who is living with us, should also be entitled to inherit part of our property along with our son.

**Mary Maithya:** Kiege ne tuisuafya Katiba twethye twesi uvuu wa kisomo kitu ni twasiaya nacho nundo nitusomethje ciana na bengi ikekala msyi mumo nundo wa kuawa ni fisi.

**Translator:** I also feel that there should be provision in the Constitution about those children we have put to school along with other parents and after school they just come back to us and remain at home. There should be provision for job opportunities.

**Mary Maithya:** Pe undo unge etheya ciana cetu ne cyauma ta koo na ciathi muingo syaaka. Necianda engedana hukuku na ta zungu na ela ikuka ta Kenya eithya ne wasiaya kukana na nitakakekabila hisu. Katiba nekaele kusia mwana husu wethie ne wakela aonga Kenya tawaitu nundo asiatwe ne mwana waitu Kenya naeke kusiewa

**Translator:** For sons of our daughters with foreigners who are not Kenyans, it is my view that they should also be accorded automatic citizenship.

**Mary Maithya:** Point ege ethia Katiba ka-kamba nekahateewa Serikali ela ya Kamba elamoova ya kibae husu nao ne yaele kuatwa Serikalini nundo hitethsie Kenya weyia

**Translator:** Clans should also be given recognition because the services they render in the leadership and organization would also be helpful to whatever other organizations we may have in the Government.

**Mary Maithya:** Point eege ne ethewa mutuhi ne wandigwa nitukwenda tatweandu ma-kenya nundo mutuhi nakeneutethasia Sub-chief koonga vika vala ve-chief wia asisikwe nundo wegwa ethiwa ne utothywa kuandigwa naianegwa dhaia nundo hatui haingi meinegwa dhaia

**Translator:** It is also my view that because of the importance of the services that are rendered by the village elder, the elder should also be recognized and be placed in the pay roll along with the other workers. Because of the essential nature of the services he rendered to the community.

**Mary Maithya:** Point ege ne ethiwa mundo newamigwa uugwatwa ena mavietyio ne polisi na danapovika ktoni akakugulu ela wakwagwa aendete neage kuvuwa ne polisi nundo aundo aaige ne mavuwa na makomesia uthethia auma theene dakesa kuuga kuthokomea nundo niwamuvuwe

**Translator:** During the arrest of suspects, the police should not use violence on them because after all they have not yet been proved guilty and therefore, they should not be subjected to violence.

**Mary Maithya:** Niasia nemuvia kwa Chairman point syagwa seana uyu

**Translator:** Thank you.

**Com. Mosonik:** Mama ngoja kidogo uulizwe maswala na Commissioner hapa.

**Com. Riunga Raiji:** Ningetaka kujua mama kwa sababu umetia mkazo sana hawa wazee wa vijiji, je ungetaka hata akina mama waingie katika kama wazee wa vijiji au ungetaka tu ibaki ni ya wanaume peke yao?

**Translator:** Wikuluy'o nu'kwenda withiwe na hatuii maaka kama nu'aume mekuekthwe wia husu?

**Mary Maithya:** Ti' aume memoka una'aaka una'aitu nututonye tuaandi'gwa

**Translator:** She is saying that women are also capable of executing the duties of the village elder.

**Com. Mosonik:** Swala lingine nilisikia mama akisema, wavulana wa wasichana ambao wameolewa na wageni ama watu wa ng' ambo wawe automatic citizens. Alisema ni wavulana peke yao ama hata wasichana?

**Translator:** Wekuluwa ela unenea ciana sya'etu maitu hala mataetwe nza kana maciate ciana na nundu kuma nza ne anake meoka kana ne vamwe na eetu

**Mary Maithya:** Meovamwe na mavesi nundo zyothe ne ciana

**Translator:** It is both the sons and the daughters because all of them are children.

**Com. Mosonik:** Asante sana mama. Mwendwa Mulei please. Mama ujiandikishe kwanza hapa. Tumia microphone.

**Mwendwa Mulei:** (*Kikamba dialect*)

**Mwendwa Mulei:** Munene dhathewe kwetha eh yulu wa miao

**Translator:** The President should not be above the law.

**Com. Mosonik:** Ni wewe jana ulisema halafu ukasahau ama ni mtu mwingine? Ni wewe? Tafadhali please tusikize mwenzetu akitoa maoni yake.

**Mwendwa Mulei:** Ma Sub-chief na ma-chief na hatui maele kusugwa ne hatumea

**Mwendwa Mulei:** Hatui nemaevie msaala

**Translator:** The village elders should also be remunerated like other workers.

**Mwendwa Mulei:** Naba eetha Bunge ne ethiewe na viitha mpee munene

**Translator:** The Parliament should be over and above even the President.

**Mwendwa Mulei:** Muutogoi wothe isaagua ne wananchi newalegwi' thewa na kiviti na ciana

**Translator:** All elected leaders should be family people. They should have wives and children.

**Mwendwa Mulei:** Naba thathato ciana isome kuma kilasi cha mbee maana kuvika cha nathaana

**Translator:** Education from standard one to standard eight should be free.

**Mwendwa Mulei:** Naba zya ketheka nezialetwe kunengagwa maana.

**Translator:** Title deeds should be issued free of charge.

**Mwendwa Mulei:** wanake itavya mwiitu newalete kusuvia kana kauu mpaka ekumi na thanya

**Translator:** Any man having a child outside wedlock should be made to take charge and be responsible for the upkeep of that child up to the age of eighteen.

**Mwendwa Mulei:** Musyai atei ciana na ulongi mwiao usaavu nekana o'nage augamee galama ya kueya ciana hiisu moothe

**Translator:** Any parent be it the wife or the husband who deserts the marriage home should also be made to bear the cost of bringing up the children. They should share in the cost of upbringing the children.

**Mwendwa Mulei:** Baai neetekelgwe kwa Katiba

**Translator:** Clans should be recognized in the Constitution.

**Mwendwa Mulei:** Uuki wa kithoyo uunegwe licence

**Translator:** He is suggesting that native brews should also be licensed just like the other kinds of alcoholic drinks.

**Com. Mosonik:** Asante sana. Kiloovotu Wanango.

**Kiloovotu Wanango:** The name is Ex-sub Chief Kiloovotu Wanango, Kaveta Sub-location, Chagwethia East Location mawoni mwagwa.

**Translator:** He has asked me to read this and then he can respond to whatever questions. He has done it in Kikamba, so you will permit me to read in Kikamba and then run through with a quick translation.

**Kiloovotu Wanango:** Rais daelekwithiwa eyulu wa meiao. Utawala wa Mikao DC, DO na Sub-chief masaguwe ne aundo. Hatui manegwe msaala ne serikali. Ciana isome maana kuma standard one kuvika standard eight. Aundu ala mavicha miaka 60 maeveia pesa zya hukuu ethiwa mayosa pension. Hasu ne ala matathukumaa. Athukumi na serikali othe sipitale, kadarsi una aala aage' mathukume wia umwe miakalikelelee biashara na uthokumi. Miagwatanezie biashara na uthukumi wa serikali.

**Translator:** In short the President should not be above the law. Those who are in the Provincial administration should be elected by the people. The village elders should be paid a salary by the Government. Education between standard one and standard eight should be free. People who are sixty and above should be assisted by being given something especially those who are not receiving any pension. People who are working in the Government or any other type of service should not combine jobs. He is advocating that there should be one man one job. He is through.

**Com. Mosonik:** Asante sana Mzee. Ningependa sasa tumsikie Titus Musambe wa Mbitini Girls halafu hawa wamama watasema tafadhali, Christine Faith ( Kitui paralegal women group), Benita ni mama? Hiyo jina. Lakini kwanza tumsikie Titus Musambi wa Mbitini halafu hawa akina mama Benita ni mmoja wao. Halafu Florence Mutunga, Agnes Ngwele na Lydia Kilunda. Tutawasikiza wao baada ya kumsikiza Titus Musambi please.

**Titus Musambi:** The Commissioners and my fellow countrymen, these are the views of Mbitini Girls School teachers on Constitutional change. I will read them as a brief. That the powers of the President be reduced. That is the appointment and dismissal of senior government officials should be done or delegated to the Public Service Commission, Teachers Service Commission and other Commissions involved.

The Parliament can also be given powers to vote the Presidential appointees in the cabinet in case the qualities or moralities are questionable. That the Presidential candidate should select his Vice President before the general election so that the public can weigh the credibility of the President in waiting and also his mates. That the Cabinet should be reduced to a small number which can be managed by the economy. Preferably twelve only. The ministries can be merged and if possible let each ministry be

headed by one Minister. But part III of Section 3C should be amended and powers of the Attorney General to enter non-prosecute in cases, be removed.

The courts of law independence should not be interfered with and even some cases like threat cases be reported directly not through the Attorney General if evidence is available. But the Education Act should be changed to allow teachers to determine education policy. They implement the policy and therefore they are better placed to know its flows.

That the law should recognize the physically impaired people that they cannot compete equally with the physically fit. For example, the visually handicapped should be given first priority in employment and the facilities for the same should be provided in public places to cater for their sustenance. For example, if we have a deformed person or a deformed parent in a school may not even have a facility like a latrine to help himself which is standard compared to his/her deformity.

That the Commissioner of lands should have power to revoke illegally issued title deeds. The Constitution provides that the title deeds cannot be revoked but those which are illegally issued could be. That a vote of no confidence motion and other sensitive motions in Parliament to include a public opinion to avoid Parliament lobbies. In the past, we have seen Parliamentarians lobby in to pass in a motion which may not be favourable to the public.

That the law should provide checks and balances for a fair or balanced distribution of wealth in all the provinces giving the less fortunate provinces first priority. That the salaries to the civil servants and teachers should be legally awarded by educational parameters not forgetting the experience. To encourage the younger ones to pursue education, the President to come and the law in particular should respect education in all capacities and the law can provide that.

That the law should provide checks and balances to the foreign political ideologies to be adopted in the country and also economic and religious. That the community control of non-governmental organizations projects and grants should be enhanced. That is any project or grant should be led by supportively community members. Not politicians and with no Government involvement.

That the law should strictly insist on the separation of power of the following arms of the Government; the Legislature, Executive and Judiciary. That taxation should be reviewed to avoid double and heavy taxation of the public. The taxpayers that is the businessmen, employees and others should be represented in the tax formulation. The tax burden is too heavy for the Kenyan. Parliament language exam is not enough for the Parliamentarians and civic leaders. There should be a certain level of education acquired and we propose that literacy level in Kenya is high enough to allow Parliamentarians to be degree holders. Civic leaders to be above form four education.

That Members of Parliament and the President should be people of good conduct and without any criminal record. No human

being should be above the law. That the ruling party like the President should also have two terms of rule to avoid passing of wrong ideologies from one generation to another in the same party.

That the law should bar nomination of Members of Parliament and civic leaders who have been rejected in the election by the public. They are already rejects and should not represent anybody in the Parliament.

That the Mayor and the chairman of the council be elected directly by the public to avoid lobbies also. That the local government can be made to be independent from the Central Government. That if somebody fails to be nominated in one party, the law should bar him or her from seeking nomination with another party because there are reasons behind his rejection in that party. That the political constituencies should not be geographically determined and administrative boundaries can be merged together to provide the constituencies.

That the law should provide old age homes for the aged to guarantee safety especially those who are not pensionable and are Kenyan citizens. That sons and daughters should have equal rights to own ancestral or inherited land from their parents if need be. But the Auditor General should be selected by the public through the Parliament as per academic qualifications to avoid organized and technical mis-appropriation of public funds. That the working hours and days of Parliament be extended. They are workers like any other and should work maximally. The absential sessions of the MP's can be reduced from eight to three to avoid what they call technical appearance in the Parliament.

That the President should just be a ceremonial figure in the country with the Parliament having supreme power over most of the matters. That the law should waive custom duty for importation of vehicles to all educationists regardless of their job groups to facilitate mobility in their endeavors to perform their duties.

That the quarter system of education should be eradicated to allow national unity and that the Provincial Administration be reconstructed and recognize the village elder for payment and if possible march some responsibilities and the level of education be determined. That the office of complainant be established to cater for the oppressed person in Kenya i.e. the ombudsman office.

That the Chief Justice should be somebody neutral by merit not a political appointee. He should be vetted by the Parliament having considered his competence and morality. That law should provide supremacy for the majority view to enhance democracy. Finally, the Constitution Review Commission work, just a view, should be over before elections to avoid manipulation of the Constitution by the President to come to whosoever dislikes and unless Kenyans make a Constitution which will better their country, this will have made Kenya the sick man of Africa like the Europe's Turkey. Thank you.

**Com. Mosonik:** Thank you very much. But on the last point, you are saying the Constitution to be ready before the general

elections, and we the Commissioners, Commissioners doing the work have said it is not possible. That is not possible before mid-May next year. What do you recommend in that situation?

**Titus Musambi:** I can recommend that the most sensitive areas could be given first priority in the Constitutional review so that the Commissioners or the stakeholders or those people involved are through before elections. Because, if the Constitution is made with somebody in power, it can be vulnerable to manipulation. Thank you.

**Com. Mosonik:** Thank you.

**Com. Paul Wambua:** Just a small point. When you say that we should look at the most sensitive areas and give priority, can you please indicate which are the sensitive areas? Because I think that is a very general term. Which areas do you have in mind specifically?

**Titus Musambi:** At the moment, the issue we have in Kenya is elections. Anything to do with elections in the Constitution is sensitive.

**Com. Mosonik:** You know we do not want to conduct this debate but we would like to ask you a question. So you are recommending what I would call minimum reforms?

**Titus Musambi:** Minimum reforms to the sensitive areas.

**Com. Mosonik:** And when the elections are done what happens? So, there were minimum reforms to the sensitive areas to be done and then the elections are held, then what happens?

**Titus Musambi:** May be the Constitutional Review Commission can now wind up its work.

**Com. Mosonik:** Anyway we do not want to debate it here but what you are saying is that there will be some minimum reforms of the sensitive areas. Elections let us say are held at the end of this year as they have been before, December 29<sup>th</sup>. Then the new Parliament is sworn in, in February with a new President all the same but under the minimum reforms in the sensitive areas and then our Constitution is ready in May. What happens? Can you think about it and then write a memorandum please Sir?

**Titus Musambi:** Yes, I will think about it but then if at all within or among the minimum reforms which could be reviewed, if the powers of the President will have been reduced, I think everything will be Okay even after he is in power.

**Com. Mosonik:** Asante sana. Tungependa sasa kumsikiza Christine Faith of Kitui Paralegal Womens group.

**Christine Faith:** Hon. Commissioners, my names are Christine Faith representing Kitui Paralegal workers. Kitui Paralegal workers present their issues as follows:

**Preamble;** The Kenya Constitution must have a preamble to state why it was enacted, by who and to whom. It has also to state what is in the Constitution and the law guiding the Constitution.

**Citizenship:** We need dual citizenship for women. Conferment of citizenship on husbands and children.

**National defence and security:** Ensure women perspective on national security in children's national defence and security. Reduce President's powers e.g declaring war independently. Otherwise, he has to consult with the Parliament. There should be a Constitutional provision for Commission or council.

**Structure and the system of Government:** Adapt a system where power is shared between the President and the Prime Minister. Provision should be such as if the President is a man, then the Prime Minister should be a woman. Utility system be adapted due to our ethnic differences.

**Parliament:** Composition of Parliament should be one third of members be women through affirmative action, number to be increased to fifty per cent. Out of one third, at least one disabled woman from each province. Elections through these should be representatives by women alone. Right to recall the MP's who are non-performing. The local people should discuss, propose nominees to Parliament before they are nominated.

**Executive:** President should not be above the law. The tenure of office of two five-year term should be retained. Separation of power and establishment of non-participant civil service. Parliament should have an independent calendar.

**President's power** should be ceremonial. Presidential powers to independently appoint or dismiss should reduce and invested in a Constitutional office.

**Judiciary:** Judicial Commission to ensure that courts are efficient. Establishment of an efficient and non-corrupt Judiciary and legal system. Provision in Constitution for legal aid especially for women and the poor. Transferring of some simple cases to paralegal experts and build their capacity. Provision for term lenience for some cases. Simplifications of legal languages. Support women organizations in the process of legal aid. Promote fairness in courts.

**Basic rights:** Requirement that the Government in office must meet basic needs of citizens. **Rights of vulnerable groups:** These groups should be given rights to participation. Ensure basic rights of all vulnerable groups including the disabled, elderly,

minority, street children, destitute, orphans especially of H.I.V Aids.

Protection of disabled women against rape and responsible men to be accounted for children born out of such cases.

Land and property rights: Ensure equal inheritance and succession rights to both male and female children. Ensure rights to own land by all. Facilitate women access and control of property in all its forms. That is the little we had.

**Com. Paul Wambua:** I am not very sure whether I got you right but you said that dual citizenship should be given to women. What about men and why specifically women? What is the problem there?

**Christine Faith:** Anyway we were thinking about women so much that we did not discuss about men.

**Com. Mosonik:** Okay. But your organization I call it paralegal women's group but you said workers' group. So, are there men in this group?

**Christine Faith:** There are men but this issue was drawn by women alone.

**Com. Mosonik:** Asante sana. Thank you. Can you submit your memorandum that side please. Tumsikize sasa Benita K. Mutua. Natutawapatia nafasi Maingi Maliti na Benedita Mwendwa kwa hivyo wasiende. Benita K.Mutua.

**Benita K. Mutua:** Kwa majina naitwa Benita K. Mutua. Ni maoni yangu mwenyewe. Nitasoma na Kikamba.

**Benita K. Mutua:** Aka matwawa maliolai ivande mituke na maana vate pesa na vala vakuvi.

**Translator:** Married women should ensure that they change their names in the identity cards and they do this as quickly as possible.

**Benita K. Mutua:** Title deed ithiwe ya mana na change syonthe sya miunda itungwe kwa mbai.

**Translator:** Land certificates or title deeds should be issued free of charge and all matters relating to land should be handled by clans.

**Benita K. Mutua:** Mundu wonze adhulumu mundu muka ki mapenzi kana kana akatumba niosewe atua kali ovyee na ivoko

**Translator:** All rapists should be caned and jailed.

**Benita K. Mutua:** Mwiitu ula ute mutwae auwe mali ta syana ila ila ingi.

**Translator:** Unmarried women should also have right to inheritance just like other male children.

**Benita K. Mutua:** Mundu ula ukuitavya mwitu na nde umutwaa asomethye syana kana kau na ajiya ngonya miaka ikumi na nyanya

**Translator:** Any man, who impregnates a girl or a woman and does not intend to get married to her, should be responsible for the upkeep of the child until the child is eighteen.

**Benita K. Mutua:** Syana sya ndiwa ni isome mana kuma nursery nginya kisomo kya yiulu university na kuiitwa mana

**Translator:** All orphaned children should receive free education upto University level.

**Benita K. Mutua:** Mumbunge avaluka ndailwe ni kwoolotwa vate.

**Translator:** Anybody who fails in the bid to be elected should not be followed by being nominated.

**Benita K. Mutua:** Vande ila ite mundu wa kuakilisha twaile ni kwiwa mbunge usu tukasakue ingi mwanya usu ukwate mundu munyuve na wailite na musakue ni andu. Ethiwe ti musakue kuya ndailite kwolootwa alite kiwa mundu usu ethiwa mwanya usu vaingwa mundu wa kuakilisha vande isu aile kwiwa mundu usu nasyoke kuya andu makasakue mundu wailite mamuete vu.

**Translator:** Any non-performing Member of Parliament should be recalled and the people be given a chance to elect somebody else.

**Benita K. Mutua:** Mundu wonthe asakuwa mbunge na alea kwianisya undu ula waisye na wailwe Kaiba niyaile ni kusovya mundu vandu va miaka ili twi mwanya wa kumumya na kunyuva ungi.

**Translator:** After two years and then the constituents are convinced that their Member of Parliament is not performing well, they should be given the right to recall such a person so that he may be replaced.

**Benita K. Mutua:** mawoni makwa meanaa uu

**Com. Paul Wambua:** I think there is one point which she did not bring out if we can follow it up and the point is when she says that if somebody fails to be elected, he should not be nominated. Then she went further to say that those who fail to be elected

should stay aside and wait for another time and I think what she meant was nomination by the parties. So, what basically...and you can clarify with her is; if a party nominates a candidate and that candidate is not subsequently elected, then that party should not nominate that person to go to Parliament. He can only wait again to be elected. I think that is the way I understood it. You can ask her to confirm.

**Translator:** Vaa ve vandu vataeleeka. Mundu uu ukwasyaa ethiwa ni wavaluka kwailesya ingi

**Benita K. Mutua:** Niasyaa ii mundu uno wavaluka yaani niwalea usakuwa ni andu na nimeumwendaa, na undu ula kwithiawaa akyolotwa vande isu nundu vande isu vande isu iyina mundu wa kuakilisha yaani mundu usu ndakoolotwe twailite kiwa ingi nitusyoke tusakue mundu athi vuvu ethia ni vailite kwithiwa mundu. Kusakuwa ni President.

**Translator:** I think she is talking about nomination

**Com. Mosonik:** Com. Raiji.

**Com. Riunga Raiji:** Mama ulisema kwamba ungetaka msichana ambaye hajaolewa aweze kuridhi mali ya babake. Je hutaki mama ambaye ameolewa aridhi mali ya baba yake ama ya mamake.

**Benita K. Mutua:** Naisye ii nineena mwiitu nundu mama ula utwaitwe usu ena mwiao wa kwikalila malia ya muume. Nineena mwitu syana ila ingi sya aume iyaiwa mali nake ina right ya kuaiwa ta mwana

**Translator:** The married one already has inheritance where she is married but the one who is unmarried and still lives with her parents, should be considered along with the sons for inheritance.

**Com. Mosonik:** Asante sana. Ujandikishe upande ule. Sasa tumsikize Florence K. Mutunga na mkalimani wetu wa Kikamba.

**Translator:** The chairman of Commission, my name is Florence K. Mutunga.

**Florence K. Mutunga:** Woni wakwa namba one ni uvoo wa uki. Uki ni wisie kuete mbanga misyini yaitu nikwithiwa mutumia amina kunywa ona ndesi muka kivetu na kana monthe ukua ta iveti syake

**Translator:** She is advocating that the native brew should be abolished in that when the father of a home goes on a drinking spree, when he comes home, he doesn't distinguish between the mother and the daughter.

**Florence K. Mutunga:** Ula ungi ni uvoa wa kisomo. Nitukwenda kisomo kuma nursery kuvika kilasi kya nyanya kithiwe ki kya mana

**Translator:** Education from nursery to Primary Standard 8 should be free.

**Florence K. Mutunga:** Na syana sya nduwa nikwithiwa yu twina ndiwa mbingi ıla syathiitwe syite na inyaa aka na ithe nundu wa uvoa wa ukinwi na tienda kana kala kavita konthe keka ndiwa kasomethwe mbaka university.

**Translator:** She advocates free education for orphaned children and more so those who are victim of the HIV Aids to be educated upto University level.

**Florence K. Mutunga:** Unyuvani wa kuma mutui kuvika President ni anyuvwe ni wananchi vate kwolootwa

**Translator:** All officers from the village elder right upto the President should be elected by people.

**Florence K. Mutunga:** Na utongoi wonthe unyuvawa ni Ngai wi mutongoi now'o naitu tukwenda mutongoi ula unyuvitwe ni Ngai naitu nitwailwe ni kumunyuva vate kuingiwa

**Translator:** It is her belief that all leadership comes from God or it is God given and whoever, is therefore, given to us by God should also be elected without opposition.

**Florence K. Mutunga:** Niasya woni wakwa ni wathela. Thank you very much.

**Com. Mosonik:** Ngoja kidogo mama kuna swali. Commissioner Wambua?

**Com. Paul Wambua:** Nienda ututavye tukamanyanga ata mundu niwasakuwa ni Ngai nikend atumusakue. Tutheesya vu.

**Translator:** The Commissioner is asking how do we know whether this one is God elected.

**Florence K. Mutunga:** woona uisakuwa ni andu withia wimusakue kuma kwa Ngai

**Translator:** If elections by people is automatic, then it shows that you are God sponsored.

**Com. Mosonik:** Asante sana mama. Na mama ujiandikishe upande huu kwanza. Agnes Ngwele. Hayuko. Lydia Kilunda.

**Lydia Kilunda:** Mbee ni ngutungia Ngai muvea nundu wa silikali kuu mbeen kutwika kindu kimwe kwithiwa tuinegwa myanya wa kwaka nindi ngiwa muthenya wa umunthi nitakwata uhuru nindi ngwiwa ni miongo thathatu na itatu

**Translator:** We are grateful because of this opportunity and right now I feel as happy as I was in 1963.

**Lydia Kilunda:** Kwoou ni muvea nundu wa kusuania kwenyu silikali ya Kenya kutunenge uhulu wa kwaka musyi witu wa Kenya

**Translator:** We are glad to be accorded this opportunity to contribute in the amendments to the Constitution.

**Lydia Kilunda:** Kwoou nyie nineena woni wakwa Lydia Kilunda wa nduto. Ya mbee ni thina wa sukulu nudu kuma miongo thathatu na thathatu vala natwailwe nitwoon atukisomethya syana na tukiya na tukuwivyika. Indi muthenya wa umunthi nthini wa mundu ula ute vandu ukuthukuma, ona kiatu kuseo ndakikia nundu wa sukulu na amina mali yake ngwelesya Katiba amina umina nmali yake nundu wa kisomo nitwuusyoka tusyulanilwa nundu mali niwamina na ndwina kindi kya kwiteethesya. Kala kana kakyuka kakyaiwa ni wia. Kwoou yu umasiki ukilikila vu silikali yaitu ya Kenya.

**Translator:** When we compare these days with the year 1966, we find that, then we are better of, in that we are able to eat and even to have clothes. But these days, this is almost impossible because of the heavy cost of education. Because the little we have, most of it is going into education.

**Lydia Kilunda:** Kwoou nituumukulya kwa ndaia otondu mwatunenge mwanya ya kwithiwa na kwaka ti vamwe imwe. Nundu kuma twakwata uhuru nindi ngwiwa twasumbuka nthini wa woni wakwa ni weka. Na ningutungia Ngai muvea nundu wa kwona niilye vau ndyaka maundu ma Kenya. Ningumukulya silikali yitu murekembishe maundu ala mautuvinyia. Kwoou woni wakwa ningumukulya nundu wa kuambia kusoma kwambia nursery kuthi uvika kilasi kya nyanya nditwa undu ngwenda kwikwe indi murebebishe withie musaala wa nursery na kui uvika kilasi kya nyanya withie mundu ula ute kindi nutonya kuwona.

**Translator:** I am not suggesting anything in particular but I am asking that a burden of educating children from nursery school to Primary eight should be lessened for the parents because the burden we are carrying is about heavier than we can manage.

**Lydia Kilunda:** Undu ungi ni thina wa itheka, itheka nitukite tuka-surveyed na twa-servyed itheka ithiwa ndina kindi kya kuka kwosa tite ya kitheka, kitheka kyu kiikala vu na wakwatwa ni vata ndwamba kutila ethiwa ni kana kokie kasoma ndwamba kutila ukatwaa ukasomethya kana niki. Nikwithia wi muvunye ni sukulu nugwenda kwivyika ngua nayu maundu asu monthe nimovivinyite na kitheka kyu kikala vu mbesa ukayambia usyaania vu. Yu silikali yitu musyisye tite. Withie nimwatunenge onethiwa ti mana withie ula ukuandika kalamu kake keivya o kindu kinini, ti vala mutulitye nundu tuivavikila

**Translator:** She is requesting that even if the charges for attaining title deeds is not to be abolished, let it be brought to manageable level.

**Lydia Kilunda:** Ya katatu ni usakuani ula tusakuana nitukwenda withie asee maitu ala me kuya musyi ma ijiji maandikwa nimekwithia mundu akitia wia wake niwooka kwitwa akiima na muka na athi wiani na nde kindu ukuivika. Ai akaivya ila ng'ombe iakalika muundani, kwa kweli uu niwo.

**Translator:** For the village elder, the only time they get any payment at all of any kind is when they have to judge between people especially if somebody's livestock has gone into a neighbor's shamba, that is the only time when he expects to get anything. Otherwise, he works without pay.

**Lydia Kilunda:** Ningwenda aivye musaala ta muthukumi ula ungi ukuthukuma. Nundu eitwa wa silikali na mutui ate vo chief ndamanya andu asu make undu maana indi we mutui niwise andu make. Kwoou aivye musaala ose musaala o kiwango kyenyu kila mukwona aanie tnye ngutwa indi aivike withie ituku yu yake yiinaa mana

**Translator:** It is true that the Chief may not function without the village elder, so she suggests that the village elder be paid something although she is not naming the figure.

**Lydia Kilunda:** Kwoou thina ungi wi sivali. Ila natwaa mundu na numie musyi kwitu ni kavisuni na nakata silingi maana eli kuka yiana na kusyoka yiana na ndina mbesa ndonya kunenge daktali akambosea mundu uu wakwa , uu ni thina umwe mbee wisite kwuthiwa nthi ii ya Kenya. Kwoou musyisye otondu taitawa ivinda yila teneni, undu mataktali mathukumaa withie katiba niyaneena na athukumi asu na ti kumasikata ngumasikata indi nitikumia andu angi mekwiiwa ni andu nundu wa wakwaiwa ni kindu

**Translator:** It is frustrating when somebody like me pays a hundred shillings each way from Kavisuni bringing my patient to the hospital only to realize that the patient cannot receive treatment because I have nothing to corrupt the doctors with. We are asking that things go back to what they used to be where we used to get free treatment and at least the treatment was fair.

**Lydia Kilunda:** Kwoou musyisye silikali yitu ya Kenya withie nimwarekembisha maundu ala ti musyi titeuthukuma withie nitukwiwa tina uhuru. Nundu maundu maingi nimatumie na syana mbingi syi kuu mukwasya nthi nithukite, nthi ndithukite ithukitwe ni mwiao ul amwekie wi yiulu, kwou muthesye kend anthyonthe twanane, kenda withie tiwa twina uhuru na mundu ukithiea niwisi kana vena kammbuni ivinguitwe mundu akii kuandikwa. Mwoomithya maundu undu mwatwika mundu ula utemusomu nake ndathukuma ii mwimwia naye ki?

**Translator:** She says, because of bad laws and bad governors, people are not being treated equally before the same law and if

things could be better by getting laws that treat our citizens the same and then the same law creates job opportunities for all, I think it will be a lot better.

**Lydia Kilunda:** Kwou ngineena uu, undu wa kwethwa maundu nina ukusi umwe ninaw’o vaa utonya kwoneka niki? Nundu musee wakwa nunathukumaa na anawaia vala unathukumaa na enuka musyi kuthi kusyokea mbesa syake wakili wake aine kwika kuongana nake ndena kindu. Kandavie ethiwa niwae metho twina syana, syana isu twikaata nasyo, syivika kyau? Kethiwa ti kuongana, kethiwa ni nthi mwiao weekiwe wa mundu awaia kwa mundu niwailite umuiva nundu athukwa ni wia wake. Withia mundu usu amunengie musala wake kuvika akenuna akoka kwiyiyitya. Indi kwou vena thina uu uilye uu nundu wa muongano. Nayu watwika muongano nake mundu ula utilite yuuta yake ate kumunenge Ngai eeka ata?

**Translator:** I am setting the example of my husband who along with being old has also suffered blindness. When he went back to the employer for his dues, the employer corrupts the officials who could otherwise be resorted to get through to assist in the case. Therefore, my husband is not getting his dues. We feel frustrated in that we have nobody to turn to and if corruption could be reduced everybody would be a lot happier.

**Com. Mosonik:** Ngoja kidogo.

**Com. Paul Wambua:** Mwaitu ve undu ngwendaa uthesye. Wasya kana atui mayiivawa ate yila ng’ombe syalika muundani kwa mundu, yu maivawa mbesa? Indi mayii misaala? Mbesa ii nisyo mwitaa usuu?

**Lydia Kilunda:** yii, ni usuu uno na eaana na atumia ala andi ma asyai

**Com. Paul Wambua:** Ma-chief nimetasya usuu mathiwa makuani?

**Lydia Kilunda:** Mathitasya niki na niwe utumie atumia

**Com. Paul Wambua:** Maivya misaala ni silikali nimailite kwitya usuu?

**Audience:** eka ii

**Translator:** The Commissioner wanted to clarify one or two things because the village elder does not receive anything apart from the little he gets when he arbitrates between disputing parties. Then he also wanted to know whether the Chief who is also paid also asks for the same kind of money and she has agreed that the Chief also receives that kind of money.

**Com. Mosonik:** Tumesema asante sana mama. Ningetaka kujua kama hawa wamama wako hapa. Mumbi Nguthu

Syokalovywo women's group.

**Mumbi Nguthu:** Ni muvea kwa silikali yaitu ya Kenya na Katiba kwambia mundu wonthe ula muandike kui uvika mutui nasya ni muvea kwa silikali ya yaitu ya Kenya, Ngai namuathime

**Com. Musonik:** Thank you. Mumbi Nguthu yuko hapa? Na Rose Mwami wa Maendeleo ya wanawake na Rose Mala wa Kanini kaseyo women group. Hawako leo. Okay sasa tuwasikiza kwanza Maingi Maliti tafadhali.

**Maingi Maliti:** Mwene kivila nundu nineena Kikamba. Nooka yila yingi na nutanwe uvooo museo nithie twi ulaya na twauma ulaya twooka Zanzibar kana wasya nituke Kitui. Muthenya uu andu niandanitye mano twi Kitui

**Translator:** I am happy because the first time it was in Europe, the next stage was in Zanzibar but now I am able to participate because it is being done right at home here in Kitui.

**Maingi Maliti:** Ningwambililya ndeto syaku na syikwatwa undu ngineena ta andu ala ngi. Nineena na mituki. Niumililya namba imwe muandikano wa Kitui wa polisi, prison kwa care

**Translator:** I begin with recruitment into the police, the army, the prison and the administration police.

**Maingi Maliti:** Yila kutavanasywa kwi muandikano wa Embu, Nairobi, Meru, Masaku, Kangonde na kula kungi andu nimatumawa kuka kuu

**Translator:** When this is being done in Meru and some other places, people are sent over to Kitui.

**Maingi Maliti:** Indi maitumwa andu ala mooka kuandikana methiwa mandike syana kuya, kuu syana syitu syukaa uvuthithywa mana

**Translator:** Unfortunately, those who are incharge of the recruitment already have done the recruitment elsewhere and then they make our children run for no reason.

**Maingi Maliti:** na syana isu nithimawa ni ndaktali kuma vaa Kitui, ikiwa ni nzeo. Na syathi kuya syiendaa kwausywa malanga na mundu wiawa ena typhoid na mundu ungi niwamilikile vandu. Yu syana isu inathimiwe ni ndaktali mwaniu. Syi ithi uthimiwa kuya ni ndaktali ungi ikiwa ti mbaniu, nundu nisyosiwe kuya tene. Undu usu niwo tukwenda ikw'e

**Translator:** Although our young people are recruited here after passing the medical test, when they go out there, they are disqualified on account of very small things just because the places are already filled before they are even taken. We discourage this thing and it should die.

**Maingi Maliti:** Nundu muthimile wa Kitui, mathimawa kithui na usaa na kiyaa kisasi kilea mundu muasa kana kyendete ala akuvi, ethiwa mundu ena mavalua make. Ethywa ena mavalua make e mukuvi na emuasa nioswe undu uvwana

**Translator:** When they are taken to Kitui, they are passed because the doctor certifies that the chest is Okay, the height is proper but when they go there, somehow they are discriminated against and yet the bullet does not distinguish between height, whether somebody is tall or short.

**Maingi Maliti:** Mundu nunasyaa ninineewie, nineena kwona

**Translator:** I am not basing this on hearsay; it is something I have experienced.

**Maingi Maliti:** Yu navika vau

**Maingi Maliti:** Namba ya keli ni sivitali, ndyisi kana Kenya yonthe ivwanwa uu ninguseng'a na kwanza niniekewa ndinamba kwitavania

**Translator:** I beg to give my apology, I have not introduced myself.

**Maingi Maliti:** Nyee nitawa Maingi wa Maliki, mukitondo safi na nimuungamie wa mbai ya akitondo ona angi maofisa me vaa ninye nimyonasya nzia kula tukuthi, nundu ni mutumia kutkuu

**Translator:** My names are Maingi Maliti and right now I am incharge of the *Akitondo clan*, including some of the officers here and it is me who gives directions.

**Maingi Maliti:** Na noinye mutei watho Kitui kiima. Kila kingi niendaa kwamba kwitavanya isyitwa ni kana nineene ndeto sya sivitali. Nyie nai munyuve ta kanzala wa vaa

**Translator:** I have been a Councillor for this place.

**Maingi Maliti:** Andu ala me vaa nimesi undu nathukumaa sivitali. Manakulwa aa me vaa nimesi. Indi niseng'a ni silikali kwoona silikali isinditwe vinya ni mundu wikiite sivitali yake ai newe wi ndawa nayo silikali ndi ndawa, ni silikali yiva? No ila

twaakie miongo thathatu na itatu ikusindwa vinya.

**Translator:** I sometimes wonder who is stronger than the other; the Government which we established since 1963 or somebody who is operating a private hospital, because in the private hospital there are drugs and in the general hospitals there aren't any.

**Maingi Maliti:** Na indi kila kiunzesya sivalini ni kindi kimwe. Mundu muka uyu wauma uneena vaa aneena w'o. ndikuwa andu me awau n aakyuka wunatavya ndaktali akyamba kuukulya usuo ninywa kyau nikalite vaa. Nake ena musaala wake, yu silikali isu nituendee nesa?

**Translator:** It is frustrating because you take a patient to the hospital and the first thing the doctor asks you is what shall I drink, what shall I take and yet he is been paid. Are we really being led and served properly.

**Maingi Maliti:** Mundu usu eika uu ni kana atwawe sivali ila yake nundu nukui kwitya mbesa mbingi ni kusidi isu na isu niyo tuulea ethiwa kwi silikali. Silikali niyiete ndawa mbaaniu sya raia

**Translator:** I guess all this is an attempt to divert us to his private clinic or hospital and I am strongly urging the Government to bring drugs to our general hospitals, so that we will not have the need to go to the private hospitals.

**Maingi Maliti:** na ethiwa nadkitali usu nineena yiulu wa ndakitali usu. Ethywa niwekia wia wake nita mundu wamina miaka ailitwe nikuma mwanyani usu unengwe mundu ungi nake aukwate ni kana asatie andu ala ang

**Translator:** I would suggest that any doctor who is thinking of operating a private hospital, should resign and give way to somebody who would serve in his place at the general hospital.

**Maingi Maliti:** Na kweekwa uu silikali ikakala ula undu yaiye nundu silikali ya tene munsu muthukumi kwa silikali ndai ekia viasala na ndi ekia sivali nundu twanzililye na silikali ya asungu na vaa mui ningwenda kueta ukusi nadnalika kindun kingi aa mwi vaa. Na nikwiwa ndikulya kyu ni kyau.

**Translator:** By so doing, things would now go back to what they used to be. Because it used to be that if you were working for the Government, you werenot allowed to operate a private hospital or clinic. Then before I go in to what I have here, I am also going to say something else and I hope I would be asked what it is all about.

**Maingi Maliti:** Ula wisi kindu kii nuu? Niyo twethaa Kenyatta okie utwia nitumie --- nayu twona silikali ii yiinda ututunga kinduni ki

## **Clapping from the audience.**

**Translator:** He is just showing what they used to carry a long time ago during the colonial times and he now has a feeling that the current Government is taking us back to those days.

**Maingi Maliti:** Ndyisi kana kii nisyo kina muisyo munene kiutunga na itina

**Translator:** He tried to compare the two and then wonders which one is better.

**Maingi Maliti:** ninathana ndikalye andu vau, nina mbingi sya vo. Ve kindi ki vau ninauma asikalini. Yu nienda kwasya kana silikali yaitu yina misaala itatu kana inna

**Translator:** There are three categories of remuneration for the people of Kenya.

**Maingi Maliti:** nitukenda umanya asikali nundu muuweta uki na muyiuweta isamu ingi sya matuvi askali ala mekalaa nziani mena misaala ili. Nundu vala mekalaa vaivita ngali mana, itaivite namo nimeetelete musaala ungi.

**Translator:** The policemen or the traffic officers manning the roads are getting paid twice; they have their normal salary and there is no vehicle that passes them without having parted with something.

**Maingi Maliti:** Kamusina ii yi vaa nitukwenda andu asu matumie kusaala umwe, matumie uu kana matumie uu wi kuu maeke kuivya maivi eli

## **Laughter from the audience.**

**Translator:** It is my view that these police officers should choose which salary they want to go along with.

**Maingi Maliti:** nitukwenda maekane na kindu kyu

**Translator:** We strongly urge them to desist from this corrupt practice.

**Maingi Maliti:** isu nayo navika vu ndikekalye andu vo silikali yiike uu ethiwa kwi silikali ila twesumbikie. Kaiba ino twakie miongo thathatu na itatu aa Mboya me vo, Kiano me vo, Kenyatta me vo, na andu angi asu ndiutala monthe na aa Mugai kana niyatiwa. Yu tuikwona yatiwaa nundu Kenyatta asmbika utuie kisomo ni kya mana, sivitali ni ya mana, na wia tukakwata wia na

niyo yaumia harambee nayu ndyatiwaa. Ekatiwa indi, nundu yeekwa uu niyasovetwe kavuku kala ketawa Manifesto yu niyo yatiwe

**Translator:** The 1963 Constitution is not being followed in that it guarantees free medical care, free education and many others and if these things are not being realized, then when is it ever going to be implemented and followed?

**Maingi Maliti:** Ungya uyathela, owau nuutumina, nayu kisono nakyo nikyo nika atali, mundu ula ute kindi ndakasomethya mwana wake na tweiwe nikutasyometheswa syana mana nayu niwalyukile uu, nitukwenda vasyokwe vala vai vakuu, tuamini twaandikiwe kavuku manifesto ikaatiwe isu

**Translator:** I am urging that we go back to what the KANU manifesto said and promised and guaranteed because we should be getting free education. Because of the cost of education now, poverty instead of getting reduced is increasing.

**Maingi Maliti:** Ndanamba kuma vu ve kindi kikitwe vaa, vaa tukuka tuke kwaka Katiba ve kindu kikitwe na nitukwenda kisingatiwe muno ni maofisa ala me vaa, nundu weew'a ndeto sya neenwa ni andu ikumi, nyi ndyisi kisingi indi niwaa iwawetwa, niwa-proposed, seconded. Ethiwa kindi ni kya vika vu, kyathi kyaendewa ni andu mavikite ikumi nikikiwe maanani muno nundu tuikunadia vandu vamwe

**Translator:** I am urging those who are collecting these views to pay special attention to anything that has been repeated many times. Although I am not a speaker of English, I know there are terms like *proposed* and *seconded* and if something has been repeatedly said by people, it shows that it is being given emphasis and it should also be taken note of.

**Maingi Maliti:** Kisomo twi thi undu umwe, sivitali tukyuka tuihi undu umwe, kila kindu kyavya andu amwe andu ana, kiu nikikiwe maanani nundu andu asu mundu ethiwa avindiisye undu kwikawa

**Translator:** We are saying the same things over and over again with regard to education and health.

**Maingi Maliti:** Nundu syana mbingi syi misyi nundu wa kwa fees, kwanza ta masikini nimavitaa nesa nokisa kwithia avita nesa silikali tene ve kindi kya kovethaswa andu kana kana kakiekewa fees, yu nikaekie kuekewa ona masikini nimaekanie namo. Nayu mundu avika vala ukuvika kana kau na nikoi keelekwa mana nako ni ka Kenya

**Translator:** Some of the very bright kids are from poor homes and if they are not assisted, they may not continue with education. There used to be bursaries and some waving off levies and the like. But these days that is just part of history. We are urging that these things may come back so that people may benefit as they should.

**Maingi Maliti:** Ya twivya ila twanenie mwaka usu, ndanakila vu nuke vangi

**Translator:** The things that were proposed during the time when that Constitution was being made should be honoured, followed and implemented.

**Maingi Maliti:** Vu ninauma ndikekalye andu nooka mbaini. Uvoo wa mbai ithye twithiwe ni sungu twina mbai na nimokie na kyovo naitu methie twina kyovo. Andu aa methaa vai mundu wisi mbai yoovaa andu ata? Na nitukwenda mbai nayo inengwe vinya ula undu yailye, kitumi yila kwai mbai kuyai chokora, kuyai mikora, yiiitetwe ni mbai kwanagwa vinya ikalikanwa na polisi nayo ni mbai ya kithio. Nitukwenda kindu kyu kya polisi kivetengwe mbaini, mbai inengwe vinya ikwatanie na silikali ula undu tweekaa

**Translator:** The clans used to have their own way of conducting disciplinary matters but this has been eroded and it is our request...

**Com. Mosonik:** Sasa ningependa Mzee afanye mapendekezo na afahamu kwamba kutengeza Katiba ni tukio muhimu sana katika historia ya jamii. Kwa hivyo hatuwezi kusema hiyo ni historia. Tunataka nafasi na sisi wenyewe kutengeza ama kufanya historia. Kwa hivyo toa mapendekezo vile unafanya kwa ufupi tafadhali.

**Translator:** Wukulya unengane mawoni

**Maingi Maliti:** Kila ngwasya ni mbai inengwe utonyi ula undu yailye tene, ethiwa ni mundu wavitisya mbai akikwa undu mbai yeekaa.

**Translator:** He is saying that the practices in the clans should be restored so that they may conduct discipline in their own way, without being interfered with by the police and anybody else.

**Maingi Maliti:** Kitumi niniekewe kila kyatuma kumwe namba kulesya kuthee, kila kyatuma nineena uu ninikisi. Mbai sya akamba andu ala mwi vaa kana ngivndesya kindu kyu, mbai sya akamba ula wambaa lili, ni mbai miongo ili na inya, mukamaba vala uvikite, na niw'o tukwenda ukumu uu wa akamba mbai miongo ili na inya syi ukumu ula woo. Na thii mukasome mundu umwe niwisi Katiba isu kati ka Maofisa aa mevaa

**Translator:** He is urging that all the twenty-four clans within Ukambani be accorded due recognition, so that they may actually be assisting whatever order and leadership.

**Com. Mosonik:** Na umalize tafadhali.

**Maingi Maliti:** Nineena kwa ukuvi – nineena mapendekezo. Nineewie vaa andu makineena, yu nyie ninasomethisye mwana wakwa, yu nineena ngitila, na atwaana na enn amali na mwana isu aikwa ni wakwa. Na akwa mali akiandikiwa kivetu kikyoka musyai aitiwa na niwasomethisye mwana atiwa ate kindu. Pendekezo yakwa ni kikyandikiwa kivetu kiu, ithe atililwe kindu nundu niwatiwikie masikini.

**Translator:** He is suggesting that in the event of the son dying, the whole of what the son had should not just go to the wife but the father should also be included in that inheritance.

**Maingi Maliti:** Nundu nuwalite niwe musayi umunthi

**Com. Mosonik:** Si tafadhali utupe memorandum yenyewe tutasoma.

**Maingi Maliti:** Vaa ve kindu ndatia ona ngavuwa nundu tukie kwaka.

**Translator:** There is something so crucial that I feel I need to present it.

**Maingi Maliti:** Nisya yu mumbene vau. Ehiwa ve andu mokitie silikali ii umwe ninyie.

**Translator:** I am one of those who fought for the independence that we now have.

**Maingi Maliti:** andu ala movawa ni silikali ii umwe ninyie, Kiulu wa Munyasya, Makau nakuu Mulango. Yu nikyo nguwetaa ngiweta ethiwa andu nimekuivya ala makunie silikali wia andu asu twovetwe ni silikali isu ithye tukaivay indii?

**Translator:** He is asking that those who fought for Uhuru and he sights his own example and a few others around, they should be considered for compensation or whatever kind of payment, he calls it pension.

**Maingi Maliti:** Nitikwenda naitu ala angi makiivya ala mathukumite makamina miaka nitwathukumie miaka kenda twamina isu twamwitisya uhuru naitu nitukwenda tuivye nundu nitwakuie

**Com. Mosonik:** Asante sana. Sasa imefika saa ya lunch, ningependa kuuliza kama mama mmoja anaitwa Fatuma Bakari yuko. Hayuko? Benedict Mwendwa, ulikuwa umeomba kusema saa hii na ulikuwa na Mzee Maingi Maliti. Benedict. Can you become the first one after lunch? Please. You will be number one. Asante sana. Lakini there is Alex Maingi Nduu ambaye amesema ametoka Mbitini, sijui kama anaweza kuja saa nane ama tukupee dakika tatu saa hii. Dakika tatu please, kwa ajili imefika lunchtime. Halafu the Catholic Diocese of Kitui, Francis Nzengu please utakuwa wa pili.

**Alex Maingi Nduu:** Number one;

**Com. Mosonik:** Na utaje jina tena kwa microphone.

**Alex Maingi Nduu:** My names are Alex Maingi Nduu and I am representing Mbitini Market Traders Union.

Members of Parliament remuneration that is pay be moderated in view of our economic times.

The Constitution should be taught in O'level education institutions for sound understanding.

Weights and measuring scales be serviced free of charge since those who undertake this task are full time employees of Ministry of trade and industry.

Employment of youth: The Government should come up with strategy of financing and training the young graduates from the Universities and the national polytechnics so that they can venture themselves employment.

The other one is that the Local Government should look into the issues of an equitable licensing rights, charges in the local market suggesting that. The level of licensing by the local authorities be determined by the level of income of the community surrounding that market areas wherever they are.

There should be a law to provide checks and balances to the implementation of ruling party manifesto, which the public trusts when it fails to be questioned.

The office of the President, Provincial Administration formerly should include the village headmen in their remuneration since this standard is very vital in linking the citizens to the Chief's office, to the Assistant Chiefs and in my own view and market we felt we should eradicate the issue of district officers. i.e D.O.

The other one is; the priority of social infrastructure or development in every ministry, we suggested here that the firm rules and guidelines be in place in every ministry regarding to the manner of choosing the projects to be carried out in every year. The aim is to avoid personal influence in infrastructure or development to certain areas only of the countries while other regions may not have such infrastructure. e.g. Like roads and we have seen this one in the area of the local authorities. The role of local authorities in the road network.

The other one is the non-formal education (NFE). With the current difficulties and economic strains, most children of school going age are not enrolled in primary schools. Even those who are enrolled drop out of schools due to problems such as school

uniforms, books, food and even shelter. We here suggested that the law to enable the Ministry of Education to come up with a suitable policy or policies to provide ruling on running of the non-formal education alongside with the formal one. Additionally here we added that the Government should provide free primary school education because the economic strains are actually faced nationwide.

The other one is that the law should involve the Armed Forces in construction, development ventures. This is like in the areas of drilling boreholes, road construction along others.

The other one is the National Social and Security Fund. We have seen many people facing hard times when they are chasing their pensions after retirement. We felt it is important these bodies should be transferred from head office to district level whereby people will have access and will avoid most inconveniences which are faced by retirees.

N.H.I.F( National Hospital Insurance Fund). When one is not sick for a long time, this money is just being deducted from his salary. So, once incase you don't become sick, we feel it is important this money to the owner. If not all of it at least some amount.

Finally, the land disputes to be preferred to the land tribunal board instead of being handled by the Assistant Chiefs and the Chiefs whereby most of the justice is not done fairly. Thank you.

**Com. Mosonik:** Asante sana. Niulize kama Councillor Mary Ndumbu yuko? Na Jane Mwangangi? Hawako. Sasa kikao cha asubuhi kimekwishia hapo. Ni saa saba na dakika ishirini nawaomba nyinyi wote mfike hapa saa nane na dakika ishirini. Tumesema kwamba kwanza tutamsikia Benadict Mwendwa halafu Francis Nzengu wa Catholic diocese. Na alikuwa amejiandikisha mapema na tulipomwita hakuwepo. Halafu tuendeleo na Jami Ndana Mbuvi. Mwanza Mutia. Zakayo Nzui. Japheth Musembi. Nzuu Malombe. Nafikiri tuseme turudi tu saa nane na dakika ishirini ili tuendeleo saa nane na nusu. Asanteni nyinyi nyote.

**Com. Mosonik:** Tunaendelea. Hiki ni kikao cha alasili. Tungependa kuwakumbusha kwamba kutoa maoni ni dakika kumi sio zaidi. Na kama kuna uko na memorandum ni dakika tano. Tuanze tafadhali na Benedict Mwendwa.

**Benedict Mwendwa:** Hon. Commissioners, ladies and gentlemen. My name is Benedict Mwendwa and I would like to submit my views as an individual.

Firstly, I would like to commend the hard work and commitment that the Commissioners are doing. Infact they are doing a very clear and clean job for the Kenyans. I had gone through the questionnaires and I have come up with some suggestions firstly to go to Constitutional supremacy where Parliament should have power to amend the Constitution by 65% majority votes. But if a

major part of the Constitution is required for change, then the Constitutional Commissioners should contact the referendum. These major parts as I talk may be the structures and systems of Government and when they are touching the Executive and mostly where the Judiciary is concerned e.t.c

I go to citizenship; I suggested that an automatic citizen of Kenya should be by birth. Spouses should be allowed citizenship regardless of gender once they documentarily prove their union. May be if he is married to a foreigner or either of the parties is married to a foreigner and then they want to reside in Kenya, then automatically you can accept that and also their children.

I go to defence and national security. All disciplined forces namely military and paramilitary including prisons shall be established by the Constitution with an exception of administration police which I suggest to be dissolved and then taken to paramilitary. The President of the country shall remain a Commander-in-chief of the Armed Forces. The President should consult with the Parliament to declare war, emergency situations such as national disasters, interaction and breakdown of public order.

Political parties: All political parties may mobilize and initiate development within the country. In this sense, they may be funded from the consolidated funds and they shall be supported according to their strength in Parliament and local councils representations. The funds shall be monitored by the party officials but not by the Parliamentarians or the Councillors. The sitting President should differentiate political party functions and Government functions so as to minimize the financial expenses of the country.

Structures and systems of Government: I suggested that we should retain the unitary system of Government.

Legislature: I would like to recommend to have a two-chamber Legislature; Lower House and Upper House. Lower House will be supreme in law making. Upper House will be for vetting the President and Lower House. Members of the Upper House will be elected from every Constitutional district. All senior heads of Government departments and corporations shall be appointed by Public Service Commission and vetted by Parliament. So, Parliament shall control its own procedures through standing order. Members of Parliament will be full time occupants and they should remain as Members of Parliament, not to be appointed as Ministers. I mean to say that today the system which is there is that the ruling party once they win and declare themselves the Government order, the President has got the power to appoint his Ministers and Assistant Ministers as well as the PS and all the Executive to the Government. In my own, I suggest that the Minister should be appointed by another body, so that we have another system of appointing them by picking them on technical grounds. That is they shall be experts. They should practise their professionalism to run the Ministry because as you can see today, you find that somebody is a lawyer and is going to be given natural resource. Somebody is a doctor; medical doctor and is taken to become an economist. That is why you find that some of the things, most of the ministers they seem not to be knowing what they do in the Government function. So, I was suggesting that if we could be able the Constitution can declare that ministers and assistant ministers be appointed by different body from outside not from Parliament then we can get a good running Government.

Voters should have a mandatory to recall their representatives within two years if they prove they are incompetent. The salaries of the Members of Parliament and Councillors should be determined by an independent national wages and salaries Commission. That is a body that I named it. I suggest to name one and say that it should be a national wages and salaries Commission. The Members of Parliament should be directly responsible to the electorate.

The qualification or academic status for Parliamentarians should be O'level and above. Nominated MP's should be retained to allow every political party nominate all the genders including ladies and disabled.

The Constitution should discourage defections scheme when the Parliament is elected. This has also proved to most of the Kenyans that since the last ten years, the Government has spent a lot of money on by elections. For example, I remember when one was at Mutomo, they had to spend over thirty million just because of a single candidate and that is waste of resources. In actual fact, that money could have maintained the same road from here to Mutomo and the things could be well and whatever they required, we don't even see any change from the old member to a new member.

I move to the Executive, a Presidential candidate should be academically be from a recognized University in this country and run for two terms of five years each if elected. The Constitution should define the powers of President. At the present moment, the powers of the President should be diminished. That is the President should have no power to fire or hire. He should have no power to incur any expenditure. When I talk of this I think sometimes some of the President, he might come up from somewhere and because he would like to win some votes, he declares a project which does not exist and you wonder where he is going to get the money. At the end of the day you find that there was a project proposed for development. He drives that one to the one and the other one where it was supposed to be, they lack development and such things like increment of salaries like the one of teachers which now is a problem in this nation. Money came from nowhere and there is no money now to pay the teachers. He should be elected as President and not Member of Parliament. Let him go round looking for votes from Kitui, Mandera, everywhere and then he should remain as a President. But not that he goes in Kitui here he is looking for votes and at the same time he is looking for votes at Mandera. I think it is a very hard task.

Then he will eventually be a selfish man because he has got to see his people where he comes from directly i.e his constituents. So that those people may not throw him out. He is Executive to implement orders given by Parliament and he can be impeached if he fails to manage public funds.

The Judiciary: I would suggest that Judicial system to remain the same with the exception of that of the Judges and the Judges of the High Court who will be short listed for appointment by the Judicial Commission and be vetted by Parliament. There should be constitutional rights to legal aid.

Local Government: Mayors and council chairmen should be elected directly but they should not be elected from their respective wards. They should run for five years. They should also be independent from the Central Government. On educational qualifications, they should be able to read and write. The minimum education should be O'level or an equivalent of that qualification. Councillors can be recalled by the voters within two years if they don't cooperate with the voters. Their salaries should be determined by the national salaries and wages Commission. The criteria for nomination should be through the party nomination as I earlier stated on the Parliamentary issue.

The Electoral system and process: We would feel to retain representative electoral system and we would want to discourage defection. All Presidential candidates to be declared winners should gain more than one third, I repeat one third, of the registered voters. Every candidate being a Member of Parliament or a Councillor should be announced as a winner if he has been voted. I mean to say that the President will go with one third. The Parliament member will go with two thirds. When I say of registered voters, I mean to compare. In some cases, you have seen a by-election is taken and the registered voters in that area were fifteen thousand. Now the turn out comes too low. They end up voting three hundred votes like in Parklands the other day. They ended up voting very low votes that can never take anybody anywhere and the gentleman is declared the winner. So, the Constitution should say how many people a Member of Parliament should represent. How many people a Member of Parliament or a Councillor should represent in a certain area. Instead of somebody as for example if there were three hundred people and you are declared the winner of being a Mayor of this municipal council and you only went through with three hundred votes which of course you can pocket. You can buy them. A hundred shillings, two hundred shillings you buy the votes and then you go. So, I suggested that we should have the % through the registered votes not the voted votes. We compare that comparison. So one to be declared as a President should garner one third and a Member of Parliament or a Councillor two thirds.

There should never be special thing (case). That is normally they are trying to say that we set aside this one for women or we do that. We are now on the President. We can compare, now in Kitui Central we have got a Member of Parliament who is a lady. She has been challenging men and she goes through. So why not women also to come on the same field, they battle on a free field, then they go, whoever succeeds better. So, in this connection, I also have to suggest that instead of setting aside that, we will nominate the disabled we should also give an opportunity to women. The unfortunate ones can also be taken for representation. What if now they come to the field and two thirds of the women nationwide become Members of Parliament. It is not fair and again when you compare the census, women are more than men and if women today would like to restore a President, they will do it tomorrow. There is no challenge; they will do it tomorrow by majority votes. So, the Presidential candidate should be elected alone.

Then the Upper House: I mean when I talk of that I say the elections should not be taken all on one day. That is, we would like to go for the Presidential elections alone and then the Upper House and the Lower House will be elected on a different day together with the Councillors. Money should be accounted for the exercise. Because earlier past independence we used to

count a Member of Parliament to only spend forty thousand shillings. Today it is not known even the figure. Somebody is even making a billion on the exercise.

**Com. Mosonik:** Can you just make the recommendations please, because your time is up?

**Benedict Mwendwa:** So I meant to say that this money to be accounted. That is a suggestion and I will go very fast if I am given an opportunity. The Electoral Commission should be independent. Their term of service within the Electoral Commission should be five years. Then to be re-elected. I recommend them to be more from twenty-two to twenty seven. I would ask them to count the votes at the same place where the votes were cast. Because most of the stealing of votes normally occur on transit.

**Basic rights:** The Constitution should protect security, health, care and water, education, shelter, food and employment as basic rights for all Kenyans. The Government should ensure through Executive all these is free to people. Failure to this, a vote of no confidence with the Government will be reached. The Government should provide free education from standard one to eight, free medical treatment to outpatients. A compulsory medical insurance scheme to all Kenyans with affordable contribution. All Kenyans should have access to the information in the possession of the State. All the workers should be guaranteed the right to trade union representation.

**Pension schemes:** When one dies, the spouse should be allowed to earn the benefits until he or she dies. Pension payment should be paid promptly after retirement within three months. N.S.S.F should be made a monthly pension scheme.

**The right of vulnerable groups:** Constitution should introduce a programme to assist the disabled with cash earn on weekly basis. To access them to free education from Standard one to O' level, free medical care to the disabled.

**Free land:** The disabled should be given at least a land to live on, at least five acres plot and these people who normally go doing some micro-businesses as vendors along the streets; they should not get licences.

**Land and property rights:** Land should be owned by individuals. The Government should compensate in case they require the land compulsorily. The ceiling land owned by individuals should be ten acres. The transfer of land should be done by land registry through clan members. The clan members must satisfy the land registry that; that land belongs to so and so and this is the right person to own that land. Clan knows the owner of the land better. We would ask the land matters to be arbitrated back to clan members.

I am going to pre-independent land treaties, let them be abolished. The Constitution should introduce one national land policy.

**Management and use of national resources:** Parliament should retain the power to authorize raising and appropriation of public finances. The most important point on that one, is that anybody who is earning more than fifty thousand and is a public servant,

should not gain privilege of tax-free goods, duty freed goods like motor-vehicles, electronic goods and clothes. We can see that these people, the ones who have got heavy salaries are the same enjoying the game privileges. So, this one they should pay tax.

Environment and natural resources: Parliament should enforce laws. The Government should earn natural resources therefore, Government should protect foreign water catchment areas and minerals.

Constitutional Commission institution and offices: This is where we are now, we would retain the above titles as follows; human rights Commission; gender Commission and corruption Commission, land Commission, national salaries and wages Commission, public service Commission. They should be commissioned by the Government after five years. The Commission should serve one term and all vetted by Parliament.

Succession and transfer of power: The Electoral Commission should hold the powers of the Executive during the Presidential elections.

The election of the President: The President would be declared a winner after winning that one third of registered voters as I had said earlier and he should resume office after one month. He must be sworn in by the Chief Justice supervised by the chairperson of Electoral Commission. The Constitution should look into the previous records of a former President so as to ensure security welfare amenity or from legal process.

Finally, I would like to say that if the Commission cannot finish its work within its time frame, I pray for the extension of time to be allowed until they finish their work after general elections. Elections can go on. For this document, is vital and is part of that; if this cannot be allowed then we would ask for minimum reforms to be done in the following areas;

To reduce those powers of the Executive as I had stated earlier.

Independence of Judiciary: The Judiciary must be totally separated because we know the employer is also the sacker. So he can enjoy the same facility.

Let's abolish the Electoral Commission for the time before the elections and constitute another Commission with teeth ambayo inaweza kuuma. In that one, I am also suggesting to do away with part of the Provincial Administration. I was suggesting that the post of a PC and of a Chief be abolished. We retain the DC, the DO and the Assistant Chief. I am giving a very small example, there is a time when sub-Chiefs were said to be retrenched. So we got their salaries, we balanced how much they were going to earn within a year and we calculated the much the 8 PC's are going to earn within a year and we found that the PC can pay the sub-Chiefs at the same (**kikamba**). They can be paid. So the office of the PC is spending a lot of money unnecessarily for this country. Also, the Chief has no work. Chief doesnot know where the people belong but the sub-chief has

got an access to them day and night.

The police administration: Few askaris to remain with the sub-Chiefs.

**Com. Mosonik:** But those are not minimum reforms now.

**Benedict Mwendwa:** I said I am recommending something. I asked permission to recommend on something. So, can you finish please? So, Mr. Commissioner those were my views. Okay. Thank you.

**Com. Mosonik:** Thank you very much. Can you submit the memorandum? I am saying.....Com. Wambua?

**Com. Wambua:** Very quick one Mwendwa, you suggested that we should have the referendum should be conducted by the Commission (CKRC). I didn't hear you mention the Commission among the Commissions to be established. I don't know what you have in mind about that, may be you are going to clarify because the life of the Commission is very short. We are supposed to be disbanded after we finish our work.

Second, very quick ones and then you can reply. Second is a question of the procedure to recall. Have you thought of how to recall these people? Is it elections or is it the collection of signatures. How do you recall the MP or the Councillor who fails? Have you thought about it, if you have not, don't bother. If you have an idea give us.

Then lastly, this idea of saying so many people must vote for an MP and also for the President, one third MP and Councillors two thirds. Are you suggesting that there be legislation to force people to vote? Because if people don't want to vote and there is a poor turn out because voters don't want to come out and vote, where do you get the vote? Because you can have as many as three elections without getting the number. So are you suggesting that there be a law to force those who have voters cards to vote? I mean have you thought about that.

**Benedict Mwendwa:** For that one, I would say if you happen to call or invite people in your house and they don't come, it shows that they don't like you. So, I was suggesting that if they don't get the same vote, the Electoral Commission should look into it that this same candidate is not wanted, so they are only imposed. You know we used to impose leaders. That one I think it can be studied and be put into consultation.

Two, I would say when I reached the time of replying for the Commission, I noted that I forgot to say that the Constitutional Review should remain so that we may have a committee to be recalling these people. In every constituency to have a committee to be monitoring the movements of the Members of the Parliament so that they may be reporting and if he wants to impeach him or to recall him, we put in signatures and we present to the Commissioners. That is my idea. The other one is briefing....

**Com. Mosonik:** Recall procedure; How do you recall?

**Benedict Mwendwa:** This is what I said, let's have another one third of the registered voters who voted for him to say no.

**Com. Mosonik:** Thank you. Sasa nitakuwa mkali kabisa. Unajua I am trying to be very good to everybody. Francis Nzengu kwa niaba ya Catholic Diocese, exactly ten minutes. Please it is quarter past, twenty-five past.

**Francis Nzengu:** Thank you Mr. Commissioner and the fellow Kenyan, my name is Francis Nzengu. I am here on behalf of Catholic Diocese of Kitui Justice and Peace Commission. I have a written memorandum that I am going to read through very fast. The Catholic diocese of Kitui exist to witness Christ in a preliminary mission which include news of our reconciliation with God through sacramental ministry striving to bring about the kingdom of God to all men, a kingdom of truth, justice and holiness.

The church believes that she has a divine mission in liberating a people from operating laws as the Bible says in the book of Luke. That the spirit of the Lord has been put upon us, because we have been chosen to bring the good news to the poor, to proclaim liberty to the captives and recovery of sight for the blind. Like Jesus, our aim is not to abolish the present Constitution but to try and perfect it. But two of our presentation will be done at Mwingi which is actually part of our territory so this is only part one of our presentation.

Preamble: We need to have a preamble in the Constitution and this should state our country's vision and also define the common experiences Kenyans have had. For example, the struggle for independence.

Constitutional Supremacy: The Constitutional amendments should require at least seventy five of MP's. Parliament power to amend the Constitution should be limited, for example where they cannot get the seventy five percent, the people should be called upon to make a decision through public referendums organized by the Judiciary. This should only be done after a thorough awareness creation has been done to the people so as to understand the issues at stake, the advantages and the disadvantages of changing them.

Citizenship: Automatic citizenship should be acquired by anyone born of a Kenyan parent or married to a Kenyan. Citizenship should also be acquired by registration. Any citizen should have equal rights of obligation regardless of how the citizenship was acquired. Dual citizenship should be allowed after proof of its usefulness and Kenyans should have identity cards, passports, driving licences and birth certificates as the evidence of citizenship.

Political parties: Political parties should also be initiators of development vision as well as mobilizers who should articulate their

goals to the people. Such should be regulated by the Constitution in order to have sanity in them. The number of political parties should be left upon to the decision of the society and should be left on their own for financing. But not from public offer. They should raise their money from local and international sources.

Political parties and state should see one another as partners in development matters other than enemy competitors. No political party should therefore, have access to public fund. Inclusiveness should be encouraged for example, in formation of Government of national unity like you have seen in other countries.

Structures and systems of Government: We should do away with the Presidential system of Government and replace it with a high breed Parliamentary system with majority of party in Parliament appointing the Prime Minister who should be the head of Government and the President being ceremonial. We should also have local authorities being autonomous in order to have a big say in managing their day-to-day affair. Councillors should be paid salaries using a pre-determined scheme like any other public servant instead of thriving on allowances which on many occasions are not uniform. We need a high breed system of a Government with a Prime Minister and the President's role being very well defined.

The Legislature: Appointments that should be vetted by Parliament are those of the Chief Justice, the Attorney General, the Judges, Heads of Parastatals, Chairperson of Public Service, Parliamentary Service and Judicial Service Commission, Heads of public Universities and Heads of discipline forces. Parliament should not have limited powers to control its own procedures through standing orders. Being a Member of Parliament should remain part-time but be limited to three terms of five years each. That is a maximum of fifteen years for any Mheshimiwa.

Parliamentary exams should be written that is so called language state and marked objectively. Parliamentarians should have a minimum of O' level and should introduce moral and ethical qualifications for Parliamentarians. People should have a right to recall their Members of Parliament, caution them and if they do not change, impeach them and thereby call a by-election in which that particular Member of Parliament will not be eligible for re-election.

Members of Parliament should follow the will of their employer that is the constituents, wapiga kura, who are the ones who actually gave them a job. Their salaries should be determined by an independent committee but never by themselves. Nominated Members of Parliament should continue to be there. For example, they should be under represented groups like the disabled persons, minority or special categories of people like the Ogiek. Co-alition Government can be brought on board and women given at least 30% of cabinet positions.

We should change to a multi-party representation at all levels of Government. We need only one chamber in Parliament but we need to have Parliament with enough power to move a vote of no confidence in either the Prime Minister or the President. The President may only give accent to Bills that have been passed by Parliament. The legislation should have power or the legislators

should have power to override the President veto. Like when he dissolves Parliament without any convincing reason that should be denied completely. The President should not even have power to dissolve Parliament and it should have its own calendar of event. Under normal circumstances requiring de-solution should be dispelled off in the Constitution in which case the system will automatically dissolve itself and not the President. Elections should be held without any staggering.

**The Executive:** We should have qualifications for a President. At least a first degree and thirty five years of age and this fellow should be in office for a maximum of two terms five years each. His ceremonial duties like opening of Parliament and receiving such case should be defined properly in the Constitution. The President's powers as they are now should be split to only a ceremonial role. That is a sign of national unity.

The Prime Minister, Ministers and special committee should perform Executive duties. A President should be impeachable for example if he breaks the law of the land, he should be impeached. This should be either by Parliament through a vote of no confidence or the fellow can be sued. He should not be a Member of Parliament because he has no time for his constituents. We do not need the Provincial Administration and their role can be taken by the local authority personnel and line ministry technical terms.

Basic rights:

**Com. Mosonik:** One more minute.

**Francis Nzengu:** Thank you Sir. Provision for fundamental rights is inadequate and we need economic, cultural, social right to be included. The death penalty should be replaced with life sentence.

**The right of vulnerable groups:** Women's rights are not fully addressed in the Constitution. Then cultural, ethnic, regional diversity and community right. Kenya's ethnic and cultural diversity doesnot contribute to a national culture and should be promoted. The Constitution should safeguard against negative cultural value like wife inheritance or female genital mutilation.

**Environment and natural resources:** Wanton destruction of forests should be outlawed and culprits prosecuted according to the law of the land. Nafikiri wakati umekwisha ....sorry. **Succession and transfer of power:** During Presidential elections let the Chief Justice exercise the powers of the President. The Constitution should leave a former President as an ordinary citizen who can be sued and not immune from anything that ordinary citizens go through.

Finally, salaries for all public servants should be harmonized so that we do not have some people with fake academic qualifications earning 300,000 in gross income while their counterparts are paid three thousand by the same Government. That is a hundred times lower. The salary awarding body should be completely de-linked from political leadership so that we do not

have some people being favored for political loyalty. The new Constitution should ensure that there are provisions for social amenities to all people including those who live in the so-called slums and even to have privacy as families. Thank you.

**Com. Mosonik:** Thank you very much. That is exactly ten minutes. I congratulate you kabisa. Any queries? Thank you very much. Then shall we please have Dominic Mulei kwa niaba ya Kenya Union for the blind.

**Speaker:** Our dear Commissioners, ladies and gentlemen, in front of you are visually impaired pupils and some of their teachers who are indeed very happy for the opportunity that has been created for them by the Kenyan Government. To enable them present some of their views of which they strongly believe that will be considered in our new Kenyan Constitution. We have two memorandums; one for the grown up which will be read by Mr. Dominic Mulei and then another one for children which will be read by one of our pupils. Thank you.

**Dominic Mulei:** My names are Dominic Mulei and I hereby represent this memorandum on behalf of the Kenya Union of the Blind.

The first one is equal job opportunities for all including the disabled persons.

Protection of individual properties and fair judgment to all including the disabled persons. Disabled persons should not be discriminated in areas of promotion and aspects of life. Gender equity and gender equality should be observed in all areas. E.g Gender equity should be differentiated from gender equality so as to avoid family conflicts. Education should be given to all children in Kenya including the disabled children. A law should be provided whereby if one is found hiding a child because his/her disability should be prosecuted.

Government should give disability allowances to disabled persons whether one is working or not so as to uplift the living standards of disabled persons. The disabled persons should be exempted from paying trade licence. This is because some are ignored by the common wananchi because of their disabilities. Some end up not selling anything and they are supposed to pay to the council or the municipal council. The disabled persons should be given special consideration when giving educational bursaries.

Protection of human rights should be emphasized including the disabled person. Constitution of Kenya should be written in different languages and these languages should be clear to be understood by all persons including disabled persons. e.g. Brail for visually impaired, sign language for the hearing impaired persons. Every public office should be furnished with a copy of Kenyan Constitution.

The Government should carry out census for all disabled persons so as to be in a position to assist and plan for them. The

Kenya press should put into consideration the disabled persons when writing their daily newspapers and magazines. There should be a birth right of all Kenyans' children whether born within the country or outside the country.

**Com. Mosonik:** Thank you. Queries? Asante sana.

**Jack Kilundu:** My name is Jack Kilundu from ACK Integrated school. Recommendations to be considered in the new Constitution prepared by the ACK integrated program for the visually impaired children Kitui.

Equipment: Equipment which are sent to special institutions should be taxfree.

Education: Education should be undertaken by the Government fully, such that all public schools should be able to accept blind children.

Teachers training should have a subject on special education so that every teacher should be able to handle a disabled child.

Jobs: There should be no discrimination when.....the Government should come up with a program for early intervention to assist both parents and guardians on how to bring up a blind child. Blind institutions should be financially assisted by the Government. The curriculum in the school should suit the blind especially in the secondary levels. There should be forums for the parents of the blind children financially supported by the Government to be held in the institutions for the blind. The blind should be given equal opportunities in elective posts. Blind should be included in any program prepared for them.

A certain percentage from taxes paid by the companies should cater for the welfare of the blind. Public buildings should be accessible to the blind people. While changing course books in schools, brail books should come out in the same time with print books. A law should be enacted to make the drivers recognize the white cane. Sponsors of special institutions should include other stakeholders in decision-making. A law should be imposed that if a parent is found hiding or not supporting a disabled child should be prosecuted or dealt with properly.

There should be no employment for children under eighteen years. A law should be imposed on no marriage of school children. After leaving school if a blind person has not gotten a job, the Government should provide the financial support to keep him or her going. Blind should be considered when giving bursaries in Secondary and University. Thank you.

**Dominic Mulei:** Asante sana. Sijui kama kuna mwalimu angependa kuongeza kidogo hasa kuhusu swala lililotajwa leo asubuhi; swala la mitihani. There was something about special curriculum.

**Com. Mosonik:** Can you make a comment? Ninauliza leo kulitajwa swala kuhusu mitihani ya shule kama ile ya curriculum, una maoni yoyote?

**John Maithya:** Nina maoni kidogo.

**Com. Mosonik:** Na utaje jina tena.

**John Maithya:** Jina langu ni John Maithya. Maoni ile ambayo ninayo ni kuwa Serikali inafaa iangalie kwa sababu kuna wakati fulani ambao tulikuwa na watoto ambao hawaoni Kitui High School. Walifanya mihani wa kidato cha nne, Serikali ilikuwa ikitaka wafanye Homescience lakini wao wakaonelea wafanye agriculture. Wakafanya agriculture wakapita vizuri lakini Kenya National Examination Council ikawanyima certificate kwa sababu walifanya Agriculture badala ya kufanya Homescience.

Tulijaribu kuwahimiza angalao wapatie hawa watoto certificate lakini walikataa kabisa. Tukajaribu kuona Mr. Rono, Chief Inspector of Special education, the Chief Inspector of education as a whole lakini hatukufua dafu. Tukaona former director of education that is Mr. Kiungu but he could not give us any hearing. Sasa ikawa hatuwezi fanya lolote, tukaulize watoto warudie kidato cha nne kwa sababu tu ya kufanya Agriculture na hawakufanya Homescience na walipita vizuri. Mmoja wao alikuwa na aggregate ya B, yule mwingine alikuwa na C+ lakini kwa sababu ya kutotahishiwa karatasi hiyo ya Agriculture, wakaambiwa hawataendelea. Sasa it was very unfortunate, they were being forced to repeat just because of that problem. So actually a law should be created to cater for the visually impaired children and actually the impaired people as a whole so that they will not inconvenienced because of one thing or another. Thank you.

**Com. Mosonik:** Ngoja tena kidogo tafadhali....Com. Wambua.

**Com. Paul Wambua:** I just wanted to follow up on the question of integration which was refereed to by the student and from your explanation it would appear like it is possible for the visually impaired to learn in a regular school. Do we take it as your recommendation therefore that we should have one uniform set of education and that we should not have these separate schools for the visually impaired? Is that your recommendation? That we have a single curriculum but their needs are catered within that structure of education.

**John Maithya:** Actually of late we are strongly believing that integration is the best because in these residential schools whereby blind children or disabled children are taught alone, after education they don't speak very well outside with the other people. So, actually we really advocate for integration.

**Com. Mosonik:** Asante sana. Sasa tumemaliza na wanafunzi na walimu wa Kenya Union for the Blind. Next shall we please have Mr. Fredrick Musila. Let's make it even less than ten minutes if you can please. This is the Democratic Party of Kenya Kitui?

**Fredrick Musila:** Yes. On behalf of the DP, I have the memorandum here with me. It is a written one but I will only go

through a few points and then hand it over to the Commissioners. My full name is Fredrick Siulu Musila.

**Com. Mosonik:** Then please if you have a written memorandum, five minutes.

**Fredrick Musila:** I am the branch chairman of the Kitui District. As I have said I will only go through a few points because it is only five minutes.

Organs of the State: Kenya should be in the principle circular of multi-party democracy and all its systems should be equal before the law. National sovereign should belong to the people who should exercise it through their elected representatives and by means of referendum provided by the Constitution and the law.

President: The powers placed in the President is the core of Kenya Constitutional crisis. The Constitution has created an impartial President of monarchical proportion. The President should serve for maximum of two terms of five years each. The President should have immunity from criminal and civic proceedings while he or she holds office. Upon retirement, every President should be entitled to retirement benefits and privilege as may be determined by the Parliament.

Vice-President : The President should appoint the first Vice-President from persons qualified to be elected as Member of Parliament who should be a running mate during the elections. The Vice-President should be a Member of cabinet and should preside over Cabinet in the absence of the President. In the event of vacancy in the President, the Vice-President should serve the balance of the President's term. In the event of vacancy in the Office of the Vice-President, the President should appoint another person to serve as Vice-President with approval of a simple resolution of Parliament.

Public Service Commission: Judicial Service Commission: There should be seven members to Judicial Service Commission nominated by the following groups for appointment by the President: Justice of the Supreme Court, of justice one. Judges of the Court of Appeal, one, Magistrates, one, Law Society of Kenya, one, in total making seven.

Management of public funds: There should be two separate constitutional offices of the Controller General and the Auditor General. The Controller General should control, supervise and monitor public expenditure to ensure fixed compliance with the financial estimates of all public bodies. He should submit this annual report to Parliament within ninety days of the Government financial year. The Auditor General should audit the accounts of all public bodies at least once a year. He should submit to Parliament a report and audit of all public bodies within a hundred and eighty days of the Government financial year.

There should be established a Constitutional office of the Director General of Kenya Anti-corruption authority who should have power to execute criminal and civil proceedings against any person in respect of any offence committed or loss resulting from mismanagement of public funds or property. DP start the existing constitutional provision in the special tribunals that investigate

whether or not good cause exist for dismissal of the substantive order of a Constitution office should remain as they are. The Controller General, the Auditor General should be independent and have their own funds directly from the consolidated funds.

**Police Service Commission:** There should be an independent constitutional Police Service Commission which should have overall control and supervision of the entire police force including recruitment, training, discipline, promotion and term and conditions of service.

**Armed Service Commission:** There should be an Armed Service Commission for the Army, Airforce and the Navy, which should have overall control and supervision of the entire Armed Forces including recruitment, training, discipline, promotion and terms and conditions of service.

**Local Government System:** The present Government system does not allow Local Authorities to manage their own affairs. The Minister incharge of Local Government should have enormous powers under the new Constitution. The autonomy of Local Authority should be guaranteed. The Minister in-charge of the Local Authority should merely facilitate the operation of Local Authorities through creation of communication, avenues between the Central Government and the Local Authority and among the Local Authorities themselves. The command powers of the Minister should be abolished.

The Electoral Commissions should divide the County into; locations, county, town, municipal or city councils. The County Council should be divided in to these where each represent one Councillor. The County Council should be headed by Chairmen elected directly by the people and their education to be standard eight and above or who can read English and Kiswahili.

**Right to Citizenship:** The present provision of Citizenship in the Constitution discriminates against women. To end this unfair, immoral and unlawful practice, DP processive that is. Anyone born in Kenya, or elsewhere to at least one Kenyan parent should be a Kenyan citizen. Any child adopted by at least one Kenyan citizen should be a Kenyan citizen. Any person who marries a Kenyan citizen should be entitled to a Kenyan citizen automatically upon application. The holding of citizenship of another country besides Kenya should not be a bur against holding a Kenya citizenship.

**Succession to office:** The climax of uncertain generated by an impealing succession to the President is a result of three factors: First, the incumbent President has an accumulated powers to hire and fire the Vice-President. Moreover, the law does not create a mechanism that may compel the President to appoint Vice-President whenever a vacancy arises.

Second, only one person the Vice President is capitally named in the line of succession. Should be the Vice President be unable to assume the vacant office of the President, the Cabinet is mandated to appoint an acting President from one of their numbers.

Third, the physical handing over of the instruments of powers to a new President is not articulated in the law. It is uncertain

therefore what practical steps a newly elected President should take forth as to begin performing the numerous duties of President at once the present scenario is potential source of power. The DP proposes therefore that an effective line of succession to the President be established. This line should include order of priority, Vice President who is elected as a running mate to the President during Presidential elections and who cannot be dismissed unless of good cause. The Prime Minister, a Minister nominated by the Cabinet and approved by simple resolution of Parliament.

The Speaker of the National Assembly. I think those are the only few points I had with me because I have the memorandum, I will hand over to you.

**Com. Mosonik:** Yes and we appreciate that the memorandum is a detailed one and not easy to present in five minutes, you took twelve. Thank you very much. Umechukua dakika kumi na mbili lakini ni sawa kwa ajili una memorandum ya party. Unaweza kupeana upande ule tafadhali. Sasa individual, Ngusu Munyambo please. Isifike dakika kumi.

**Ngusu Munyambo:** Review Commissioners, mabwana na mabibi, kwa jina mimi ni James Ngusu Munyambo kutoka Kitui, Box 599 Kitui. Natoa maoni yangu binafsi. Commissioners ningependa Katiba ya Kenya iwekwe sheria ya wazee ambao wamefikia umri wa miaka hamsini na tano, wapatiwe malipo ya uzeeni ili wapate kujidumu. Hata kama alikuwa akifanya kazi gani. Kwani alikuwa akijenga taifa kwa njia hii au ile. Wazee kama hao hulipa tax kodi, mpaka kufa. Kwa mfano kama mimi sasa, nilianza kulipa tax kutoka 1931 hata sasa ninalipa tax. Kwa hivyo Bwana Commissioner hii iwekwe maanani katika Katiba yetu ya Kenya.

Number two, sehemu za nchi ambazo hazipati mvua ya kutosha yafaa sana zitafutiwe maji kwa mfano borehole, silanga kunyunyisa mashamba maji. Hii ni njia moja muhimu ya kupunguza njaa na umaskini. Kwa mfano, Bwana Commissioner, chakula ambacho kinatoka America, kinatufikia huku Kenya kinagharimu pesa nyingi ambazo zinaweza kutomboza mashimo ya maji kila sehemu na watu wakawa wanapata maji ya kutosha ya kunywa na kunyunyisia mashamba.

Ya tatu, Bwana Commissioners, tunauliza Serikali kama sheria inaweza kulazimu sehemu za Kenya zote isambaziwe nguvu za umeme, ili kusaidia wananchi kufanya kazi zao. Kama kuchomelea milango hata wenye nguvu za kujenga factory wanaweza kuweka ma-factory yao wenyewe.

Ya nne, Commissioners, nauliza Serikali ikiwezekana iweke sheria katika Katiba yetu ya Kenya, banks zetu za Kenya zipunguzwe riba ili mwananchi wa kawaida aweze kukopa na aweze kulipa bila shida na kuendesha biashara kwa mwananchi wa kawaida ambaye yuko chini.

Ya tano, Commissioners, ninauliza pia Serikali itutafutie bei mzuri ya chakula au nafaka zetu. Sisi wananchi hatujui haswa, tunalima sana lakini hatuna faida yeyote kwani kama wa leo bei ya nafaka kama mahindi ni kama shilingi tatu. Hii inamaanisha

mkulima kuweka chakula chake. Walakini inaharibiwa na wadudu. Bwana Commissioner, sisi watu wa Kitui tufikiriwe tupatiwe bei ambayo inaweza kutusaidia sababu nchi yetu inafaa chakula kama mahindi, baazi na kude\*.

Ya mwisho, WanaCommissioners, ningetaka Katiba yetu ya nchi hii isikubali Serikali za majimbo kwa sababu majimbo mengine hayana uwezo wa kujisimamia kimapato. Hii itaweza kulete pia ukabila. Kwa sababu kulitokea furugu pande za Mombasa mimi niko huko. Tulikuwa tunafukuzwa, tunaambiwa wa bara kwao. Wabara waende. Kwa hivyo ni Serikali tu ilitumalizia hiyo shida. Na ninafika hapo Bwana Commissioner.

**Com. Mosonik:** Asante sana. Mama mmoja anaitwa Francisca Kakusi.

**Francisca Kakusu:** To our Commissioners and my fellow contributors. My names are Francisca Kakusu and I am representing Maendeleo ya Wanawake Organisation. A section of a group of women who are teaching family maternal health and family planning in Kitui Central. We have not exhausted the questionnaire but the little we might have gone you will appreciate it. We started with preamble. We said that we need preamble in our Constitution and this one should capture or highlight the roles of old men and women. The roles both men and women played in the struggle for our independence. That is the freedom fighters and they should be recognized in this preamble.

Then we went to the citizenship: We said that anyone born of a Kenyan parent, be it a woman or a man should be termed as a full citizen of Kenya. We looked at the national defence and security and we said that our Constitution should reduce President's power for example when it comes to declaring of war independently, we should have a Constitutional provision for a Commission or council that will be consulted in case of wars. Then, when it comes to Parliament, we said that we should maintain one third majority to be women and out of them one must be disabled. The level of education for a Member of Parliament we said that at least a form six and above, not a form four. This is because we have our children who are coming up and they are doing well.

Political parties: All political parties should have a national outlook and they should have gender consideration in order for them to be funded. That is our recommendation. All the political parties must be funded with the public funds. We should retain provision of independent candidates to give women an opportunity to vie for seats even if a specific party does not nominate them.

Executive: Under Executive we said that tenure of office must be two terms each of five years. Then we said that the President should not be above the law. His or her powers should be ceremonial. By this, when we talk of his or her we are not just saying that he must be a man, we are saying that whether it is a woman or a man his powers must be ceremonial. When it comes to his retirement or after retirement, we said that he or she should be recognized after retirement and he must be offered the Presidential security or welfare. He also must be honoured and since we have said that he is not above the law or he should not

be above the law, there should be provision for resignation incase he is involved in any scandals. Then we said the standard of education for one to be a President or to contest this seat, must have a degree and above.

**Local Government:** We said that we should also maintain a third women representation in the councils and all the Mayors must be elected directly but the Chairman must be elected by the Councillors. We took into consideration that a Chairman is a Chairman of a District and so it means he will cover a larger portion than an MP. So we said he should be elected by Councillors. Performance of Councillors, Mayors and Chairmen should be monitored. So, in case some of them are not performing, the constituents have the right to vote of no confidence on them. Level of education should be a form four and above. This is because we have our children who are coming up and we want them to serve us.

Then we said nomination, there should be nomination of Councillors and at least each council must have two disabled persons. This one we did not specify whether they should be women or men but they should be disabled.

**Electoral system and process:** The Electoral Commission should be independent. It should have proportional representation in order to increase women presentation to one third. Again here, we said that there is need to have seats reserved for special interests groups. This one we took into consideration women physically challenged and the youths. Because we find that youths have been left in most of the forums.

**Basic rights:** We know that it is a right for any country to take care of all the basic needs for its citizens, so we said that, that one is a right. Then, under basic rights, we have rights for vulnerable groups. Then we said that our Constitution should ensure basic rights for all vulnerable groups. Then, during our consultation, we also realized that Muslim women, most of them tend to loose their jobs when they loose their husbands or when their husbands die during the four months and ten days when they are mourning for their husbands. So, we said that muslim women in their state of mourning for four months and ten days, they should be guaranteed a full paid leave with a guarantee of not loosing their jobs.

**Land and property rights:** Our Constitution should facilitate women's access to and control of property in all forms. Then it should also ensure equal inheritance and succession rights to both male and female children. Our Constitution should ensure land to own land by all. Here we noted that, we recommended that two names must appear in a title deed in case of a married couple. Just the way we have marriage certificate. Our Constitution should allow or it should be made safe for women to live in. That is, our country should be made safe for our women to live, to work and to move without fear of physical violence, both in private and public spheres. Thank you.

**Com. Mosonik:** Asante sana. Patricia Mutambu. Hayuko. Judith Mbangula. Huyo hayuko. Salim Said. Okay. Jami Ndana Mbuvi of 79 Kitui. Jimmy ama Jama of Box 79 Kitui. Hayuko. Mwanza Mutia for 'Teachers group.'

**Mwanza Mutia:** Commissioners I have a few things to say concerning the disabled. Of course most of them have been said so I will just give or I will be very brief.

The parents of the disabled pupils should be responsible for their disabled children because you find in some cases, where a parent has a disabled child and then other children, he would first consider the problems facing the normal children and then later will may be consider taking the disabled child to school.

We also propose free education and medication for the disabled children because some of them may need specialized treatment and in some cases it proves to be very expensive to the parents. So, we are proposing that the Government should find ways of assisting the parents with disabled children to meet medical bills.

We also propose access to educational materials and facilities. This will mean that the disabled children use different facilities to assist them in learning. In case of the deaf, they may need hearing aids, which are very expensive. For the blind, they may need things like brails and other things. For the physically handicapped they may need things like wheelchairs which are also very expensive. So, we are recommending that our Government to find a way of assisting these disadvantaged children of get these educational materials which would assist them in their learning.

1. We also propose the use of words with negative effects to the disabled to be banned. Words like 'kiziwi', for those 'kiziwi', 'kipofu', 'bubu', 'chokora', actually the words means a lot. Because like 'kiziwi', the word 'ki' denotes something and we would propose names like, 'asiyeona', 'kipofu', the word 'ki' also denotes something which is inferior. So, we propose words like 'asiyesikia', 'asiyeona' and words like 'bubu' for the deaf, they are not applicable. Because a 'bubu' is somebody who cannot talk, but some of the deaf people talk and those who have been walking around, you have met them. So, they are not 'bubu'. So, we propose those words not to be used and if used, then those using them should face the law.

Also, we propose as have been said earlier, in every gathering, there should be an interpreter where the deaf are present or signers. Also when it comes to architectures, these buildings that are being built, they should take in mind that one day a person with a wheelchair may need the services or may visit that place. So, the architecture should also put in mind, the interests of the disabled people.

The other issue is that sign language should be taught to all at all levels in the schools for the deaf and we also propose that the deaf should be allowed to drive. In the past, this has been very very difficult because may be somebody thinks that, because they cannot hear they cannot drive. But the deaf feel that they can drive because they cycle and do many other things. So, why not be allowed to drive.

We also propose that the disabled should receive free legal services through the Government when need be. When in the courts, the blind, the deaf and others. We propose that if need be they should be provided with free legal services. May be given lawyers and so forth.

Also, financial assistance for training should be offered and job placement for the disabled should be preserved. Also, in the Universities, the disabled should be considered along others and if need be may be, they may be allowed to join the University at a bit lower qualifications like; just like today where the female students and male students entry level, at least there is a difference in qualifications.

We also propose that funds should be provided to do more research in sign language.

We also propose that old aged with disability should be catered for by allocation of some funds to help them. This we mean, the old people as this has been said before.

We also propose that the disabled who are employed should be protected from exploitation that is may be through underpayment, overworking or other evil things. Also, the disabled should be represented in the Parliament and if none qualifies through elections, then one should be nominated to represent the interests of the disabled.

We also propose that rapists who rape the disabled should be punished heavily and those who interfere with the minors should be jailed for life and those who interfere with the handouts, may be the least should be ten years imprisonment. Thank you.

**Com. Mosonik:** Asante. Mrs. Anne Kucha of the Mother's union.

**Anne Kucha:** Thank you. I am Anne Kucha and I am presenting the views of Anglican Church women.

Code number one, Politics: The number of Electoral Commissioners should be reduced from the current number to fifteen. There should be a law to bar defectors from seeking the elections. President should be decreed through a simple majority. Chiefs and their Assistants should be elected by wananchi. Clans power should be well defined by the Constitution. There should be an institutional framework to ensure affirmative action. Equal opportunities be offered regardless of marital status. Generally, leadership should be pegged on high-level educations. Basic education should be considered enough. This principle should be applied at all levels of elective leadership. Every Presidential candidate should have a running Vice- President who should be of the opposite gender. The President and the Vice-President of Kenya should be of opposite genders. The President and Vice-President should be above Parliamentary politics. A clear process of handing over powers must be entrenched in the Constitution to avoid anxiety and speculation on the issue of power by incumbent President.

Natural resources and land issues: Women should be allowed to own land equally as men. Women to be involved in all matters of land acquisition at all levels. E.g. Land Commissions, Land Committees, Land sale and e.t.c. Law that provides compensation of people displaced or moved for the purpose of mineral exploitation. All forests be gazetted and protected by law from prospective greedy grabbers. Provide public education on waste management and proper use of natural resources. There should be a deliberative force to make every household accessible for solar energy as God given light. Ensure access to resource for women, children, youth and people living with disabilities.

Governance: Women should have a presentation of fifty per cent at all levels of Government. No civil servant should be allowed to own and operate any kind of business e.g doctors who are employed by the Government and operating private clinics and hospitals. Taxation should merge people economic power. This is high taxes charged on business premises. All Kenyan people whether employed or not buy goods on the same price.

The Constitution of Kenya should have a preamble and define aggregate values upheld by women and men in Kenya. Guarantee security, equal protection by the law to both men and women of Kenya. Guarantee women's rights under the 'Bills of rights'. Recognize the diverse groups to constitute Kenya in all aspects of life. There should be an institutional mechanism for the advancement of women such as; Gender Commission, Children Commission and Youth Commission. The principle of gender balances should be adhered to. Composition of all offices and Government structure and made mandatory. All international convention that Kenya is a signatory and has ratified should be domesticated without further delay.

Children: The Constitution should have a clear definition of a child as any person below the age of eighteen. Guarantee civil and equal rights and liberties to female and male children of Kenya, whether disabled or able. Provide free primary level education and affordable higher education to all children of Kenya.

Provide education leisure, recreation and cultural activities for development of the child and pay special attention to girls children with disabilities, Aids orphans and those from marginalized communities. Provide protection measures to children under special circumstances e.g refugees, children in armed conflict areas in conflict with the law. Children marginalized on economic, social and political reasons. National laws customary and other legal impediments should be reviewed continuously to ensure that women and children are not discriminated against.

Law on defilement should be reviewed. We felt that it is too lenient currently. Rapists and people who commit relevant crimes against children and women should face a tougher sentence of castration.

Domestic issues: Wife beating should be criminalized. This should include all forms of violence against either gender in marriage institution. Polygamists should be discouraged. All discriminative customary laws against women and their rights e.g burial, inheritance and decision making process should be addressed by the Constitution.

The last one citizenship: Women and men should have equal rights to confer citizenship to their spouse's children. National laws, customary laws and other legal impediments should be reviewed continuously to ensure that women are not discriminated against as far as citizenship rights are concerned. Thank you.

**Com. Mosonik:** Okay asante sana. Zakayo Nzue. Japheth Musembi. Nzou Malombe.

**Nzau Malombe:** Ni muvea Commissioner nundu wa kwithiwa nineena Kikamba

**Translator:** Thank you very much Commissioners, I am going to speak in Kikamba.

**Nzau Malombe:** Nineena uvoa wa ndiwa

**Translator:** I am going to speak about the widow's plight.

**Nzau Malombe:** Niasya nthini wa Katiba ila tukwenda – yaani woni wakwa ni yiulu wa ndiwa. Katiba isuvie ndiwa

**Translator:** My proposal is that, the new Constitution should address the widows.

**Nzau Malombe:** ndiwa mbingi ila itieitwe ni aume moo. Nimeutiwa ni aume moo maikwa na undu usu ukwosa ni andu ala me nake ni kana mose syindu syoo amina utiwa.

**Translator:** In most cases, when the husband dies the next of kin normally takes over their property.

**Nzau Malombe:** Kwa ngelekanwo. Ethiwa munsu ni wakwa andu amwe makwosa mwanya usu mailungya kiviti kyu na syana

**Translator:** When the husband dies, most of the family members take the opportunity to chase away the wife and the children.

**Nzau Malombe:** Yaani ni kana mose syindu syoo

**Translator:** So as to take over the property.

**Nzau Malombe:** Itheka na kila kindu kyonthe kitwike kyoo nundu wa kwithia kivetu kiu muume ni wakwa

**Translator:** So as to take over the property since the husband is dead.

**Nzau Malombe:** Kwoou ukithia thina ni wa asya ala masyaite mwitu usu

**Translator:** The problem is left with the parents of the woman.

**Nzau Malombe:** Nundu yila mathi kwoo mathi na syana na maithi kwenda itheka kuu kw asyai moo na nimatwaiwe

**Translator:** Once the woman leaves her husband's homestead, she has to go and bother her parents and the kids will have to inherit the grandfather's property.

**Nzau Malombe:** Na ithe woo niwaminie kunenge syana syake itheka

**Translator:** And he has already shared the property to his sons.

**Nzau Malombe:** ayuka kuminikilya musyai wake -muio munene. Kwou Katiba kenda andikwa na lugha ikuelewa ni kila mundu

**Translator:** The Constitution has to be written in a language that is understandable by everybody.

**Nzau Malombe:** Undu Bivilia yiilye

**Translator:** Just like the Bible.

**Nzau Malombe:** Kila mundu akasomaa akamanya ethiwa nukuvitya mwiao ukethia ni wisi

**Translator:** So that everyone will understand what the Constitution says.

**Nzau Malombe:** Kusuvia ikwu kwithiwa na Katiba yina mwiao, ethiwa andu nimeutwaana mwiitu, mwana kwithiwe na valua wa Pastor na wa ndaktali

**Translator:** The Constitution must be specific about marriage. Before a marriage takes place, there has to be a doctor's letter.

**Nzau Malombe:** Ni kana kila umwe niwamanyika ni museo

**Translator:** Concerning the HIV status.

**Nzau Malembe:** Nundu wa kithiwa kwina mauwau maingi, niwasomethya mwana niwakwata degree niwai muingo niwasyoka na akuka kwithia mundu ungi amuwaa

**Translator:** That will avoid the situation whereby you will engage your daughter or your son, you spend a lot of money upto the level of attaining University degree and once they get married, one of the party has HIV and then the disaster comes.

**Nzau Malombe:** Kisomo kithiwe kya mana kuma one nginya 8

**Translator:** Education to be free from standard one to eight.

**Nzau Malombe:** Muthumi akwa aivye vau kwa vau

**Translator:** Once an employee dies, the compensation should be paid immediately.

**Nzau Malombe:** na a-retire aivye o vu kwa vu

**Translator:** On retirement, assistance should be given so that he can receive his pension.

**Nzau Malombe:** Ethiwa ni mundu watiwa ndiwa ya mundu muka kana oya mume nunakwi mbesa syisile kwa DC vandu va kwisila kwa Trustee

**Translator:** In the event of the death of any of the spouse, the money should pass through the DC's office.

**Nzau Malombe:** Mundu nutonya kwithiwa kwa ngelekanwo nutonya kwithiwa ni wa Kitui na e Masaku na akyuma nakuu enda uu evita naku na atonya omina matuku atatu nake nde mbesa

**Nzau Malombe:** That will reduce the problem of; the person is from a place let's say Nyambani and has go to Machakos where the trustee is. It is costly to them and so he would prefer it to be brought to the DC's place which is nearer.

**Nzau Malombe:** Kwoou undu ungi. Kuikethiwe Majimbo

**Translator:** We should have no majimbo in our Constitution.

**Nzau Malombe:** Woni wakwa ni kwikale undu kuilye nundu wa itumi ino

**Translator:** My concern is that we should still retain the same arrangement of the Government.

**Nzau Malombe:** Ethiwa kwi Majimbo kwi kundu kumwe kute syindu ta iwanza sya ndeke, masukulu universities na syindu ta isu, na andu kwitonya koundu wa kisomo na syindu ta isu

**Translator:** Because in the development of our country is such that there are some areas that have more resources than others and when the majimbo comes in, there will be a problem of how to share the wealth equitably.

**Nzau Malombe:** Silikali ila ngwona ethiwa kwi silikali yina syama ili withia kila imwe nikwitikila ndeto ya kila ingi ethiwa ni nzeo ti kulea, kulea

**Translator:** And since we are in multi-partism, the ruling party and all other parties should all cooperate on the national issues that are important.

**Nzau Malombe:** Okay, nimuvea

**Translator:** Thank you very much.

**Com. Mosonik:** Mzee Mweke (Mlango Youth group). Na kila mtu achukue kama dakika mbili sasa bado tuko wengi na time imeenda. William Wali (Mulundi Sub-location). Nyamae Mwanzio. Muthule Munuve.

**Muthule Munuve:** Kwe isyitwa nitawa Benita Muthule Munuve

**Translator:** My name is Muthule Munuve.

**Muthule Munuve:** Kuma Kisasi location

**Translator:** I am from Kisasi location.

**Muthule Munuve:** nina mawoni makwa

**Translator:** The following are my views.

**Muthule Munuve:** woni wa mbee ni mundu ula ukwetela mundu kana kana nziani atumba, mundu usu kati wa Katiba enda

kwikiwa mwiao mumu mundu tuyisi kielelo kyake ni kyao ni kyakwenda kukwa naku ii kana ni kya ata.

**Translator:** There must be strict laws in the new Constitution regarding the global environment because I don't know whether the person wants to die with you or not.

**Muthule Munuve:** Woni uungi syana syitu mbingi vyu sya lugha ya Kikamba syathi sukulu syithi uvundiswa lugha ili n asyikyulwa ni lugha ingi ya lugha ya kwoo ila isyaitwe. Nitikwenda vu Katika wise kwithia kati ya Kikamba lugha ya mbee na ya keli ethiwa ni Kusungu itaia taifa vu katikati ni kana kana kaimanyaa kualulya kikamba kindu kithuku ki kyao. Nundu syana syitu mbingi suo uu syiyamba kumya Katiba ta kaa tinako nundu mayisi uthuku wa Kikamba ni mwau

**Translator:** There must be a policy on our vernacular because in most cases our kids are not very good doing the vernaculars. They cannot translate from the vernacular to English and for that purpose; a policy should be made to ensure that vernacular is taught in schools.

**Muthule Munuve:** Syana syitu mbingi nitasyikwikiwa mavu ni alimu na syikiwa ni atumia o andu ala aima matiete iveti. Mwiao wa Katiba nitukwenda ta ithye iveti ta ithye twoonaa mathima maingi nundu kana kau kamina usyaa usyoka utianisye nako vu woolilwe ingi nikukoma na kana kakikuiia. Kakyanzia ukuiia ingi na mwitu usu akikwata nzia akithi no tukwenda mundu ula ukusyaa kana na mwiitu waku ethiwa ndamutwaa ena kivetu asuvie kana kau kuma one mpaka form four.

**Translator:** Our proposal is that because of the increase of girls giving birth with married men or men who would not marry them. Anybody who impregnates a woman or a girl, should take the responsibility of the kid from birth upto form four.

**Muthule Munuve:** Ngalikoni ingi kati wa Katiba notukuendaa ithye aka nitwaaa tumamiwe muno na nituutunga muvea ethiwa ii niyo ivindani ya mbee mundu muka kwiwa niaate mawoni make na ithye tunatwie ungu wa mesa kana wa kabati aka. No tukwendaa kati wa Katiba wise kwithia aka vuvu ethiwa we vandu veusakuanwa ovande wa chief, assistant chief, DC wise kwithia aka me atano aume ni atano

**Translator:** First of all we are very glad to the Constitution of Kenya Review Commission because of giving us women an opportunity to express ourselves. There before, we have been really oppressed but now we are saying that in the new Constitution, all the opportunities should be given to all of us. Even if it is the Chiefs or the Assistant Chiefs, should be on merit basis because of gender equality.

**Muthule Munuve:** Mumbunge amina kusakuwa athi vaaya agenda yithiwe ya akwata undu vuvu tiikwenda kwiwaa ti kuu musyi tasakue Mumbunge tukiawa kutwikie tiwawae mawoni kuu tondu tukie kwithwa mawoni ma Katiba. Tukyuka utavya naitu tukyaaandia aangi tiimunengee maitwawa mbungeni

**Translator:** We also propose that once we elect a Member of Parliament, him or her should bring whatever has been discussed in Parliament to us, seek our views so that we can take same views back to the Parliament just like this Constitution.

**Muthule Munuve:** Ovau iingi notukwenda mesakuwa nethiwa vena ivila meusakwana ukisa kwithia ethiwa President ni mundu uume Vice alite kwithiwa mundu muka. Speaker ethiwa ni mundu uume Vice ula wa kana alite kwithiwa ni mundu muka kana ukisa kwithiwa onaitu aka no tukwiwa two Kenya.

**Translator:** She is also proposing that in the event of a President being a man, then the Vice should be a lady. If the Speaker is a man, the Vice should be a lady or the vice versa. So that we can also be able to be like other Kenyans especially men.

**Muthule Munuve:** Ithye andu ma Kitui central mundu utemusakue na kula kwisila kwa wananchi nituleana nake Katibani.

**Translator:** We the ladies from Kitui Central, we are proposing that, unless you are elected, you cannot be nominated. You have to be elected to go to the Parliament.

**Muthule Munuve:** Mwiao uungi notukwendaa kuu nthi atui, upandeni wa atui masakuwe na kula, upandeni wa chief asakuwe na kula, upandeni wa kwisila DO tuendete na mbee mbaka vala ofisi uvikite wise kwithia mundu usu niwisi asakuutwe na kula no muvaka wananchi ndaia. Kitumi atukosea tukomban ayingi tuke tuandike value tuke tumumye

**Translator:** She is also proposing that the provincial administration would like to be elected by wananchi. So that they are answerable to us. If they don't deliver, we meet again and sack them.

**Muthule Munuve:** Councillors, ethiwa mundu nukwedna kivila kya councillor novo tukwenda mundu ula usomote kuma standard one mbaka 8, ethiwa nukwenda kivila kya councillor mundu niwaniwe nikunengwe mwanya kati wa Katiba kitumi nitutonya kwenda form four nake ukesa kwithia kati wa Katiba mundu usu ti mui na akatuthinya na kisomo kyake.

**Translator:** In terms of Councillors, we are proposing that the minimum requirement of education should be standard eight. Because we know if we say we are going for education, or high education, the person may not be having the same wisdom as opposed to a person who had gone upto a standard eight.

**Muthule Munuve:** Utwae mbee ni wa wananchi. Notukwenda Katiba kasyisye wananchi yila tukuandika andu kati wa makyenda MPs yila mesia kula kuu tii vamwe na ma-councillors. Nimatukua ta andu tina nduuka syua ula tumaandika, nundu tita matukua kana nitumaandika makose musaala ona mathithia mesi andu ala makwete mathangu moo kati wa Katiba, nitukwendaa tumanye ukisa kwithia MP niwise nadu make maana ata. Ni ikumi, ni miongo ili, ni thatatu ii nundu ve ivindani

yingi twosanasyaa kula. Utindie kulani, ileveni, matuku eli na ukyuka utiwa ileve yamina kuthi ukisa kwithia nita unai na mutwe muthuku ukitia kwaku musyi.

**Translator:** In the new Constitution, we are proposing that the MP's have to know who are their true constituents. Because when they come for our kuras, they assume that we are either mad, once we elect them they go to Parliament and we don't see them. So we are suggesting that in the new Constitution they have to be answerable to us.

**Muthule Munuve:** Upandeni wa uki tweke kutwika ve uki umwe waililwe ni kuvingwa na ungi utuwa. Ethiwa uki ni uvingwa onayo bar nivingwe no uki ulevi no ulevi. Wthiwa license nikonengwanwe onaitu no tinengwe lisenca tikala nthi tukauwa uki.

**Translator:** About the local brews, we have seen that it has been banned. Our proposal is that we have to give licences to make our own local brews and sell it. Since there is no much difference between the bottle of beer and the local brew and after all we are also gaining economically.

**Muthule Munuve:** Nivikaa vau.

**Translator:** That is all.

**Com. Mosonik:** Ngoja tusikize swala kutoka kwa Commissioner Wambua.

**Com. Wambua:** I think there is a point which was not captured correctly which I think we need to note. I believe she talks about compensating agents, those who actually work for the ones to be elected, not the constituents. Niukulya atii vaa wasya muikunia mundu kula na aimutia wineena andu ala methiwa ma-agent ma mundu usu ukusakuwa kana ni andu onthe.

**Muthule Munuve:** ni ma-agent undu ula undu wetewe valua wa agent titakukuwa ii kula syamina kwikiwa vu niukutula vau.

**Translator:** I was talking about the agents. Say you have been given a letter, once the elections are over, you are just left like that, you are not paid and you are not compensated. So, something has to be done about it.

**Com. Mosonik:** Asante sana. Mulwa Ngalo.

**Mulwa Ngalo:** Ndikwasya Katiba mwi aseoo mbee

**Translator:** Watu wa Katiba mu wazuri?

**Mulwa Ngalo:** Yu I makulyo nineena kikamba nikyo nisi ndyisi kisungu

**Translator:** My views are in Kikamba.

**Mulwa Ngalo:** ningwenda umanya uthyonthe tuikomanitwe ni kusoma na ve lugha ila ya kazi nikwithia anzu ala nevaa meuneena kisungu nitukwiwa undu mekwasya ukithia vu nitwamanya.

**Translator:** I would like to know what language we can use all of us because most of us are not learned and we have to have a common language.

**Com. Mosonik:** Tafadhali umweleze tunataka maoni yake aseme tu na Kikamba utatafsiri na afanye tafadhali haraka haraka.

**Com. Wambua:** Tutavye ula undu ukwenda ii maoni maku vaa nienda ve una vaa nienda vekwe una, vaa nienda vekwe una, ndukatukulye maukulyo nundu timo twitumitwe tuke usungia, tutavye undu ukwenda

**Mulwa Ngalo:** Thina ula munene ti sivitali, sivitali yina thina wa kiw'u

**Translator:** First problem is the hospitals. My view is that something has to be done about the water constrains in the hospitals.

**Mulwa Ngalo:** Nundu mundu euma ikutha akoka vaa Kitui nokwithia nake ndesi useo ula witawa utheu ndesi vala ui akatave kiw'u kana avuie mundu wake ula muwau ngua. Na aithinikia vaa Kitui ta kitai yui katiba isu no itonya kutuete kiw'u?

**Translator:** So my proposal is that since water is one of our rights, the Government should organize to make sure that there is water in the hospitals.

**Mulwa Ngalo:** Vaangi ningukulya Katiba ve silanga yathimwe kuu Kitui na nineena o kiw'u nyie ndiuneena kindu kingi. Yathimwa yina feet kuma nthi kui yuilu feet maana eli na yitawa Umaa ivingie usi nyamu ii yitawa ndamu. Ndamu usu ikekiwa kiw'u ikavingiwa na niyatukithisywe no utwaa kiw'u mvaka Kibwezi na kungu kuasa muno ta Kanyangi kuthi uu

**Translator:..**It has been surveyed and it has been known that it is about two hundred feet. Its water can be supplied in Kitui town as far as Kibwezi. What happened if the money was given and who is responsible?

**Mulwa Ngalo:** ii andu makeka kuthina vaa Kitui nundu wa kiw'u

**Translator:** That will alleviate water problems in Kitui town and adjacent areas.

**Mulwa Ngalo:** iingi ya keli yu nineenda umina atii, sivitali mundu ena clinic kyake na nukuthukuma sivitali, mundu usu elea kukwata wia umwe niki? Imwana nisyasomei na eetu masoma akakwatia wiuw ula uandikiwe akesa kui kwikia wia wake.

**Translator:** The other problem with the hospital is that, since we have a lot of human resources, why is it that the doctors have clinics? In the new Constitution, it should be made a rule that one should only keep one job. If you are a civil servant one job.

**Mulwa Ngalo:** Ningima nienda umanya ii, Katiba ethiwa ni itonya tafadhali kiwuni yo nitutethesya Kitui onathiwa mundu usu ekania ata, ndaktali enania ata akoneka no Ngai – nivika vau

**Translator:** Since my main problem was water, I am requesting the Commissioners to make sure that water becomes a policy in the Constitution because that is our main problem.

**Mulwa Ngalo:** Niwaa ta nguvika vu.

**Translator:** That is all Commissioners.

**Com. Mosonik:** Asante sana. Tafadhali Ibrahim Hassan yuko? Ukaribie kwanza tukitafute kitabu kidogo. Mzee Mulwa Ngalu, tulikuwa tunataka kukusomea ya kwamba katika maswala na maswali, kijitabu cha Tume, chini ya ‘haki za kimsingi’ inasema, ‘ni nani anayepasa kuwa na jukumu la kuhakikisha kwamba Wakenya wote wanafurahia haki za kimsingi kama usalama, afya, maji, elimu, makaazi, chakula na ajira?’

**Com. Paul Wambua:** Kati ivuku yila twanaumisye tukulitye maukulyo ala tunendaa mutusungie muyunya mawoni menyu ve ikulyo yimwe tunakulasyaa kati ka Katiba ula wailite kunengane ndawa nuu,kiw’u, kisomo, liu na kuandukana, ula walite unengane nuu? Ni silikali kana na nadu mailite kwimanthia. Kwou utinenge mawoni maku tuendaa utusungie ni wia wa silikali utunenge kiwu vala yiimya ni vandu vayo. So tuendaa mawoni mailye uu lakini ni kindu kimwe kyu waneena kati ka syindu twilite kwithia tuimukulya. Wienda siliklai inenge andu ki’u yakikishe kiw’u ki kila vandu liu na kana kwina usalama uenda uu?

**Mulwa Ngalo:** Nienda uu onethiwa kiuma Tanzania.

**Com. Mosonik:** Tumeelewana. Sasa ningependa kuwasilhi kuchukua muda mfupi kabisa. Dakika mbili ama tatu, tafadhali.

**Ibrahim Hassan:** Jina langu naitwa Ibrahim Hassan kutoka hapa Kitui town. Maoni yangu makhususu au maoni yangu

mwenyewe ambao nitajaribu kuwaeleza kwa ufupi kulingana na muda.

Uraia: Mtu ambaye ana umri wa miaka kumi na nane, apate kitambulisho chake bila swali lolote. Mke atakayeolewa nje akaja hapa Kenya au mume ambaye ni wa nje ameoa hapa Kenya, apawe uraia wake ikiwa ameomba. Akiwa ameomba uraia apawe. Na watoto wao wapate uraia ikiwa wazazi wao watakubaliwa kupawa uraia wao.

Vyama vya kisiasa: Tusiwe na vyama zaidi ya viwili. Hapo ndipo tutapata maendeleo zaidi katika nchi. Kila chama kijisimamie matumizi yake bila kutafuta msaada wowote katika Serikali.

Urais: Nguvu za Rais zipunguzwe kabisa na Rais atakayechaguliwa asiwe chini ya miaka arobaini. Tuwe na Waziri Mkuu ambaye atakuwa na mamlaka zaidi ya kuunda Serikali. Rais atumikie miaka minane, yaani miaka minne minne. Bunge lipawe uwezo ya kumchagua Waziri Mkuu. Wabunge wasiwe chini ya miaka thelathini na Rais asiwe Mbunge. Ni mtu ambaye atachaguliwa tu, asiwe Mbunge. Sheria yeyote itakayopitishwa na Bunge, isomewe wananchi. Yamaanisha, Mbunge aende kwa watu wake anaowakilisha awesomee ile sheria ambayo ndiyo imepitishwa kwa Bunge.

Elimu: Pawe na elimu ya bure katika shule zote za msingi. Kama vile ilivyokuwa zamani. Yamaanisha, vifaa vyote vitolewe na Serikali. Shule za upili, zipunguzwe malipo yake ili mzazi ambaye hawezi kumudu malipo ya juu aweze kumsomesha mtoto wake. Vifaa vyote vya elimu kutoka nje. Yaani namaanisha mtu ambaye amesomea nje na anakuja na vifaa vyake vya ile elimu aliyoisomea, akija asilipe ushuru katika airport. Kwa sababu ni vitu vya elimu. Shule zote za upili ambazo zina kanisa ndani ya ile shule ziwe na mahali pa kuabudiwa kwa dini zinginezo.

Matibabu: Tuwe na matibabu ya bure katika hospitali zote za umma. Wanaotaka kuoana waletе certificate ambayo inaonesha kuwa wale wote wawili wako salama kulingana na ugonjwa ambao uko kwa wakati huu wa HIV.

Mwisho kwa sababu ya muda niliopewa, Tume ya Katiba ikishamaliza kupaanga irudi kwa wananchi iwasomee Katiba yote ambayo wameimaliza au ichapishe Katiba katika vitabu au makaratasi. Iwapatie wananchi ili wasome ile Katiba ambao wenyewe ndio wametoa maoni kuwapa ile Tume ya Katiba. Na hapo nimefika mwisho.

**Com. Mosonik:** Nimekushukuru.

**Ibrahim Hassan:** Asante.

**Com. Mosonik:** Ningependa kukujulisha kwamba kulingana na sheria, tunahitajiwa baada ya kukusanya maoni, tuelekee kwetu ofisi kuandika ripoti kuhusu yale yote tuliyasikia na Katiba mpya. Halafu kuzichapisha kwa muda wa siku sitini, kupitia kwa gazeti inaitwa 'Kenya Gazette' na kwa lugha tofauti tofauti na tuzitume kwa wananchi kwa mikoa.

Wasome na wakubaliane kwamba kweli ripoti ni ya kusema ukweli na Katiba ni kulingana na maoni yao. Lakini wakati huu kuna pendekezo kwamba huo muda wa siku sitini ufupishwe iwe siku thelathini ndio tupate kumaliza kufanya hii kazi haraka haraka. Nafikiri umesikia hiyo. Kwa hivyo mufahamu tuwe na muda wa miezi miwili ama mwezi mmoja kuchapisha na kuwapatia wananchi nafasi ya kusoma ripoti kwanza kuhusu, tulikuwa Kitui Central tarehe gani? Kulikuwa na watu wangapi? Ni wangapi walitoa maoni? Na kitu cha pili kuisoma Katiba mpya. Mfikirie hayo tafadhali. Asante. Tumpe nafasi Reverend Simon Muoko wa A.C.K Church dakika mbili, tatu.

**Rev. Muoko Simon:** Nitasema machache kwa sababu mengi yamesemwa na waliosema mbele yangu. Nitaanza na hii ya MP's. Tunawachagua wanaenda kule lakini wakifika kule wanabadilisha vyama bila idhini yetu. Kwa hivyo naona Katiba iweze kuangalia hiyo, kama MP tumemchukua na ameenda Bunge na amebadilisha huko tunasikia anabadilisha, huyo atolewe kabisa. Ie ingine ni kuhusu hao hao pia mambo ya salaries. Tunasikia ndio wanaketi wanajitengenezea mishahara yao. Hiyo sio mzuri.

Tunataka kuwe na Commission ambayo inaweza kukaa chini inaangalia mambo ya mishahara yao. Ie ingine ni kuhusu cost-sharing katika hospitali. Tunajua ya kwamba sisi tunatoa kodi kama wananchi wa Kenya na hiyo kodi ndiyo imewezesha Serikali kuwa na dawa hata zile kidogo ziko pale. Sasa kama zile ziko pale tumetoa kodi yake na ukienda tena unaambiwa utoe zingine za cost-sharing unashindwa kuelewa. Kwa sababu zile ziko pale tayari umesha-cost-share tayari. Ni zako umezinunua. Kwa hivyo Katiba itengeneze hiyo maneno.

Ie ingine ni hii maneno ya affirmative action. Tunajua katika nchi yetu kuna wale ambao ni disadvantaged kama youth na wengine disabled. Tunataka kufanywe affirmative action ndio kwa Bunge kuwe na watu wa ku-represent wale disabled na wana-youth. Hao wachukuliwe wawekwe huko kwa Bunge.

Ie ingine ni kuhusu political parties. Tukiangalia Kenya tunaona political parties zimekuwa nyingi hata zingine huwezi ukasoma manifesto ukamaliza. Utamaliza mwaka mzima ukisoma hizo. Zipunguzwe ziwe tatu au mbili. Na hapo tutaweza kusoma manifesto ya hii na hii ingine halafu unachagua wewe utakuwa wa political party gani? There are too many.

Ie ingine ni kuhusu wanawake ambao wanaoa watu ambao sio wakenya. If a lady marries a non-kenyan that one becomes a citizen. But if a lady marries a non-kenyan, he doesnot become a citizen. But if a man marries a non-kenyan that one becomes automatically a Kenyan citizen. I think this is discrimination. Katiba inatakiwa iangalie hiyo maneno.

Ie ingine ni kuhusu mambo ya barabara zetu. Watu wengi wamepoteza maisha kwa sababu ya barabara. Naona barabara ziweze kuwa kila barabara kwa DC inajulikana na ijulikane pesa za hiyo barabara zitatoka wapi kwa sababu watu wengi sana wamepotezea maisha yao kwa barabara. Na ile ingine ni kuhusu security. Siku hizi watu wanavamiwa wanachomwa kwa nyumba na hakuna kitu kirefu sana kinafanyika.

Naona Katiba iangalie sana mambo ya security kwa sababu watu wengine wanauliwa, wengine wanachomwa na hatujui Katiba inaweza kusaidia namna gani? Ile ingine ni kuhusu powers za President. Rais ndiye anachagua Vice wake, ndiye anachagua Ambassadors, ndiye anachagua PC na ndiye anachagua DC. Tunaona mtua akipewa powers mingi namna hiyo, atakuwa too powerful. Hizo zipunguzwe na kuwe na Commission ya kuchagua PC's, DC's, Ambassadors and so on. Ile ingine ni Chifu. Chifu ninaona achaguliwe na watu.

Kama ni Chifu anataka, tutangaziwe na kuwe na elections, tuchague chifu kwa sababu ni wetu. Yule mwingine naona ni Mayor. Mayor wa town kama hii ya Kitui. Tunataka wananchi wale wanaishi kwa hiyo town wachague Mayor wao ndio kama anafanya kazi vibaya tunaweza toa yeye. Hata MP's ni vile vile, kama anafanya kazi vibaya, Katiba kuwe na mechanism ya ku-recall back an MP. Kama tunaona ameenda kuji-represent mambo yake mwenyewe. Asante.

**Com. Mosonik:** Asante sana. Tungependa kumsikia Livingstone Vuva Munyao.

**Livingstone Vuva Munyao:** Commissioners na wasikilizaji. Jina langu ni kama hivyo mlivyosikia, ninaitwa Livingstone Vuva Munyao, kutoka Kyangwithia location, sub-location ya Mulundi, Kitui district. Haya ni maoni ambayo nayatoa tu mimi binafsi. Kwanza, ni juu ya ukosefu wa kazi nchini. Kwa vile kuna ukosefu wa kazi, ndio nataka kutoa suluhisho ya kusema ya kwamba Kenya sio nchi maskini sana. Kenya ni nchi ambayo ni tajiri. Nasema hivyo kwa kuwa mimi mnavyoniona hapa, mimi si kijana. Mimi ni mzee na umri wangu ninaelekea kufikisha miaka sabini. Kwa hivyo ile suluhisho mimi ningeleta ni kwamba wale wafanyikazi kutoka juu kutoka President mpaka kiwango cha ma-officers.

Tunajua kwamba kuna terms zile wanaandikwa nazo. Wanapewa allowances za nyumba. Wanapewa pesa za kuandika wananchi, wanapatiwe pesa ya kurekebisha kila kitu. Kwa hivyo kama hao watu kuanzia juu mpaka kufikia hawa Executives yaani 'officers' kiwango cha officers, kwa vile wanaandikwa na hizo terms, kama ingewezekana kwa Katiba yetu, ikawekwa kila mtu kuanzia President mpaka DO waandike watu. Kwanzia watu watano hadi sita ikiwezekana. Nafikiri kwa njia hiyo itatuwezesha kupunguza shida ya kazi. Hilo ni pendekezo la kwanza. Ile nyingine ni kwamba kama nilivyosema Kenya sio maskini. Kenya ina kila kitu, ina mabenki. Ina Post bank, ina hata kila kitu yaani mashirika. Kazi ya mashirika ningependekeza wale machairmen wanaosimamia hizo mashirika wachaguliwe na wananchi. Maanake wakichaguliwa na wananchi watajua na watakuwa na uwezo wa kutunza ile mali iliyo pale.

Kama mtu akiharibu atatolewa na wananchi. Kwa mfano, hivi sasa ile kitu ambao nimefikiria tu nikaona imeharibu uchumi wa Kenya ni kwamba mtu akichaguliwa akienda akiwekwa kama ni Chairman wa Post bank hawezi kutunza ile mali. Utaona inaendelea tu kuzorota na hatujui ni kwa nini. Nilipochunguza sana nikaona ni mtu aliyeteuliwa tu na anafanya pengine akiogopa kuondolewa pale na yule aliyemweka. Hapo nafikiri mmenielewa. Ile nyingine ni kwa wale wazee au mtu yeyote ambaye yuko hapa Kenya nafikiri kila mtu alitekeleza kazi yake. Ikiwa alifanya kazi ya kuandikwa, alifanya, ikiwa ni kazi nyingine ya ukulima

anafanya. Kwa hivyo nauliza Katiba ya huu mwanzo mpya ifikirie ione hao watu wanaweza kupatiwa pesa. Maana wengine walifanya kazi za Serikali na nikifananisha hasa wakati wa kicolony wale walikuwa wakienda katika majeshi, sana sana sisemi kiukabila lakini hasa ukambani tulichangia sana na tulikuwa tukichunga nchi. Kuna wazee wengine walikuwa na kazi kubwa na hata walipoondoka basi wakazoroteka. Hakuna cha kuwasaidia na hakuna cha kuwafanya nini, hata leo sisi tunao-retire nikiwa mojawapo, hatuna chochote.

Wengine kuna kiwango ambacho kinawekwa tu kwa hii Katiba lakini si kizuri. Kuna hao watu wanaandikwa SS, nikisema SS ni hawa watu wa chini kabisa, mtu ambaye anaandikwa tu bila terms ya kuonyesha huyu mtu. Yaani ni mtu tu ambaye hatambuliki hata akifanya miaka mingapi hawezi kufikiriwa. Hiyo nafikiri ni Katiba ambayo tunayo ndiyo inafanya namna hiyo lakini nasema kila mtu kwanzia miaka kiumi na nane hadi afikishe sitini wafikiriwe. Hii SS imalizwe maana sasa shida ya siku hizi ni ya kila mmoja na hao watu wakiwekwa chini sana hata hawezi kutekeleza kazi ya wananchi sawasawa. Watakuwa wanaona si watu, wafanyiwe kama watu.

Nikimalizia, ni uchaguzi: Sisi tumezoezwa vibaya hasa wakati kama huu tunaelekea uchaguzini, watu wale wanaotafuta viti, wamezoea kutumia wengine vibaya. Kwa mfano, wengi walizoea kutumia vijana. Wanachukua vijana wetu, wanaenda wanawatafutia bangi na madawa mengine ya kulevya ili waende wakatawanye mikutano ama wakafanye maovu na tena hao vijana wakishikwa, hao watu hawafuatiwi. Sisi wazazi ndio tunapata taabu. Kwa hivyo ili mpango huo ukome maana sio mzuri sana, ndio nauliza Katiba yetu ifikirie na iweke sheria ya kuonyesha ya kwamba mtu akikeuka hiyo, ashitakiwe na anaweza hata akafungwa miaka saba. Kwa hivyo nakomea hapo, asanteni.

**Com. Mosonik:** Asante. Dr. Daniel Kitheka.

**Dr. Daniel Kitheka:** Asanteni Commissioners na wananchi. Majina yangu ni kama vile mlivyosikia Dr. Daniel Kitheka. I am a medical practitioner based in Kitui and also the District Kanu Vice Chairman. I will be very brief and I will confine myself to just two or three areas. I would like to state as follows;

I propose in the new Constitution, we should retain the Executive Presidency as the President is the symbol of Kenyan nationhood and the single most important unifying factor for all Kenyans.

I propose that in the new Katiba, we create the office of the Prime Minister who shall be appointed from the party with the majority in Parliament and who shall be incharge of the day to day running of the Government under the direction of the President.

The new Constitution should strengthen institutions of Government to make them more effected, relevant and accountable to the people of Kenya.

I propose that in the new Constitution also, we should strengthen the war on corruption and its devastating effects on the Kenyan economy and society in general.

We should devise a system for equitable and efficient distribution of national development resources by;

- Having clear guidelines on development priorities in each area.
- Having implementing agencies being more efficient and accountable to relevant authority.
- By having an efficient anti-corruption free monitoring system.
- By having a strict response mechanism where collective measures need to be taken.

I propose that the local authorities be strengthened and by this I am not advocating majimbo, I am talking about local authorities should be strengthened by;

- Encouraging elections of competent individuals to run those authorities.
- Granting them more autonomy and powers to develop areas under their jurisdiction and this will ensure relevance and accountability to the people at the grassroot.
- The local authorities should be strengthened by direct funding from the Central Government once their development proposals and budgets are approved by the Central Government.
- Finally, by monitoring their financial management and taking immediate collective action where anomalies are detected.

District development committees should be strengthened and membership be constituted by having more elected members in those committees so that it is not being dominated by civil servants. The development expenditures and all money which is coming to each district should be open to public scrutiny and civil servants should not be the sole authorities in the utilization of this. But elected leaders must be involved to minimize temptation to corruption. Thank you very much.

**Com. Dr.Mosonik:** Asante Mr. Kimanathi Vuana.

**Kimanathi Bwana:** Nitawa Kimanathi Vuana kuma Niambani Location, Mutula sub-location.

**Translator:** My name is Kimanzi Bwana from Niambani location, Mutula sub-location.

**Kimanathi Vuana:** Woni wakwa ni uu

**Translator:** These are my views,

**Kimanthi Vuana:** Wananchi nitukunaa kula tuisakuwa mundu wa kututethya. Natwakuna kula aivatwa kututethya.

**Translator:** We the electorates normally when we vote for our members of Parliament, we feel that at times they are banned from helping us.

**Kimanthi Vuana:** ona wewa ni wa kyama kiva atutethye na aivatwa kututethya

**Translator:** Despite the fact that whoever we have elected is from the ruling party, should be allowed to help us.

**Kimanthi Vuana:** Ala mamutwaie Mbungeni

**Translator:** The people who have elected that Member of Parliament.

**Kimanthi Vuana:** aivatwa kututethya ala twamutwai. Na kuna vu nitwithaa na mathina na valavala kuu kwitu ala twi nza wa town. Na withia twina thina wa valavala ala twi nza wa town nitukomaa town na tuithinika muno nundu tuivika kwitu ni kuasa ta vala nimite muvakani wa sub-location ya Mutitu na location ya Miambani

**Translator:** My problem is that once you elect a Member of Parliament and is not supported by the Government, it is the electorates who will suffer because we elect each person to go and serve us. For instance, where I come from their laws are very bad and we suffer a lot and we have elected an MP. We feel like this MP is not supported by the Government.

**Kimanthi Vuana:** Nitwithia tukwenda wise kwithia kana twi ngwatanio kindu kimwe nundu twisi Kenya ni imwe na twasakua Mumbunge athi vaya Mbungeni eithi kunengwe miao ingi iteya kutethya ala mamusakue na nitukwenda tumanye kana vena woloto ungi mbee wa wananchi kusakua mundu na aithi kunengwa vata ungi ute ula twmunengie

**Translator:** Our proposal is that once you elect a Member of Parliament, that member should be given equal opportunities to serve the electorate just like the other areas of Kenya.

**Kimanthi Vuana:** Na ethiwa akanengwe wia ula tutaamunenge niwaile ni kumwa mbungeni na kuka kuu na tuimivata kula baada ina itenthelu

**Translator:** We should also be involved, whether the Member or Parliament is working or not. Because if you have elected that member and is not performing according to the agreement that we did when we were electing them and the Government is

supporting that member, we should be told so that we can recall the member within two years time and vote in a new member.

**Kimanthi Vuana:** Kila kingi atui nimanengwe musala kunanasya ta athukumi ala angi nundu atui nimo mesi sub-location makamanya andu meana ata utuini wake

**Translator:** I am also proposing that the Headmen should be given salaries because they work more than the Chiefs. In any case, we know that wananchi we are suffering more.

**Kimanthi Vuana:** na muti niwe siwe uthuku wa utuini kana sub-location nima, atui nimo mesi kingei na mundu museo na mukindani kana mundu ula wowote withiwa kwanangwa sub-location.

**Translator:** The Headmen are the ones who normally take care of our security so we propose that they should also be paid like the Chiefs.

**Kimanthi Vuana:** na mutui aikuwa ta mundu ute maana

**Translator:** They should be respected also because they are basically civil servants too.

**Kimanthi Vuana:** nioswe ta aula mbee ta kyongo kinene

**Kimanthi Vuana:** Kila kingi ningwenda Katiba ikunikile sub-chief na chief yaani ethiwa ni kana keuthi ukun areport withie kaikunengane musaala kana mundu wonthe ndeunengane mbesa sya ukuna report ta silingi maana atano na wooka ukulya ukiwa syiewe ni ofisi nitukwenda tumanye ofisi usu wisaa mbesa wamaeo kana ni ofisi mundu.

**Translator:** I am also proposing that corruption with the Chiefs and the sub-Chiefs should be checked in the new Constitution.

**Kimanthi Vuana:** na ethiwa katiba nikunikila kana mundu usu niwalilwe ni kunengwe mbesa tukeetikila ithyonthe tumunangae mbesa nayo silikali ikueka umene mbesa tumunengae ila tuukuna kula nasyo ila tuthi kustaka nasyo

**Translator:** We have a problem with the Sub-chiefs, Chiefs, every time we are going to make a report, we are being made to pay five hundred shillings and we wonder whether that money the Government knows about it or it is the Chiefs. If the Government doesnot know about it, then we should be told so that the Chief can either get our five hundred and no salary from the Government.

**Kimanthi Vuana:** Ona kavaa, nyie ninonaa akili yakwa na kavaa kethiwa mbesa tukunaa itendaa kunenge sub-chief kana chief withie nitwamshtaki twaililwe kwithiwa tunengae mutui nundu nde musaala ukwataa. Kila kingi ni thina wa syana syitu sya

aka.mundu ukwithia kiwasyaa na kana ka mundu na vu, kana ekeka ivu ke sukulu katia sukulu na wanangite mbesa, mundu usu niwalite ni kusuvua kana kau muvaka kuvikia kavike kilasi kya form four kamine form four.

**Translator:** My other proposal is that in the new Constitution, we should address the issue of people impregnating unmarried girls. Anybody who impregnates any woman and they don't marry them, have to take the responsibility of the baby from birth upto form four.

**Kimanthi Vuana:** Withie ni katonya kwitethya na kisomo kana kuandika kana kukuna viasala wako oketethetye

**Translator:** In terms of development of that child,

**Kimanthi Vuana:** Kila kingi ni nthini wa misyini andu aingi nimeutwaa mundu muka kwoondu wa kumwona utheu na kuseuva na ndwisi kana niwawaien nitukwenda mundu akitwaana kana mwana wa mundu akitwaa mwitu usu esile kithimoni na akinengwe valua kuma kwa ndaktali matwaane wise kana watwaa mundu museo ndukatwae mundu wa kukwaaia ula waku ate muthuku

**Translator:** In the new Constitution, we are proposing that the issue of H.I.V Aids should be addressed. So that it is mandatory for both parties to be tested their H.I.V status.

**Kimanthi Vuana:** na ningiwa ngyenda muno Katiba ivitukithye kana isisye ikunikile muvangi usu wa mundu kutwaa mundu matesene onake. Kila kingi on akiveti kya ndiwa kila kiutiwa ni muume aikwa ningwenda mbee wa kikwisa kwikala na mundu ona ungi ona umwe siwe kwithiwa mundu uu onake nimathimwa na mundu muka usu mekwikala nake ndakakwe atie thina kwake.

**Translator:** We are also proposing that the issue of H.I.V. Aids should also be addressed. The status of anybody whose wife has died must be known legally because he is going to infect other people.

**Kimanthi Vuana:** Nundu akethiwa amina misyi ili

**Translator:** So that H.I.V. is reduced.

**Kimanthi Vuana:** Ve kindu kingi kila kyaminiwe ivinda ya ubeberu ningukulya yila twesumbikie ningukulya Katiba ikunikile kindu kyu nikyo kii. Mbee kuma na vu ninonjee ivinda yaani syana nga syikwikia kalinda ketawa masati kana sikati ya kilungu ukwithia alye nthi mitambi yi utheini ni kenda apendesye anake aka mekwithiwa maivita kana mainywa uki nake. Kwou kindu kyu nikyokie kyarekebishwa na withiwa andu asu ni mekia ngua ndasa indi muthenya wa umunthi nimekwikia suluali ila

yiumanite nda nikenda mwanake avitite akusywe ni muthingitho wake.

**Translator:** The other proposal is on our culture. Right from the colonial times, there was a policy about dressing. Now given that there is the spread of the H.I.V Aids, the new Constitution should address our dressing culture. Because right now, especially the issue of H.I.V, women dressing is too transparent and can be tempting to men. So, the new Constitution should address that problem too.

**Kimanthi Vuana:** Kwoou ndiumavata suluali lakini mekie ila mbungulu ukwisa kwithia wamusisya ni mundu nundu akiite isu inuumite avyaa mbui yi --- na ndiumasyaa nimo manzyaite na ngasyaa syana syakwa ni onasyo sya yiika yoo.

**Translator:** I am not saying that women should not dress in trousers or in skirts, but their dressing codes should be such that it is not tempting to men and I respect women, my mother and have daughters but I am speaking as a man who respects them. So there must be a code of dressing in our Constitution.

**Kimanthi Vuana:** Ni muvea

**Translator:** Thank you very much.

**Com. Mosonik:** Okay, Mr. Isika Kituku and now we agree we make it two minutes. Just highlight the points.

**Isika Kituku:** Iam Isika Kituku, one of the local musicians and a writer. Box 1287 Kitui.

**Com. Mosonik:** Can you talk into the microphone abit louder? You are a musician.

**Isika Kituku:** I feel privileged to be before this Commission of learned friends and liberated minds. I call upon the Commission in order to warrant these honoured citizens, it should have a moral code that is to meet the majority obligation. I have seen many Commissions ending up with no results. If there is anything as United Nations Articles of Resolution number 40, anything falling below per the article is abuse of global human standard of living.

As a citizen, I need my basic human rights guaranteed such as human needs catered for; food, clothing and shelter. A substantial amount of citizenship benefits to all above eighteen years. The police curfew imposed at 9 p.m. is undemocratic practice. It means that we are only free for fifteen hours per day. This is a military technique of military rule. Why these police brutality?

Liberalize farming: In these deep pockets of unemployment, farming is the only option so farming should be liberalized. We should farm whatever other countries are right now doing like Zimbambwe, Cameroon, S. Africa, with no obligation which

(inaudible) come from. Liberalize land use and mine. Why should the Government repossess the people's land where minerals are available?

Terms of tenure: For Parliamentary and Local Government should be four years and a maximum of two terms. Job retiring age should remain sixty unlike fifty five. Military services should be on contract such as nine, six years, twelve e.t.c depending on ranks. Free medical attention. Aids blood test should be a must to all citizens for the future depends on today's health status. A Government of all opposition parties that is a co-aliation Government. The ruling party should be detached from the Government and here I might elaborate further. You would find from the sub-chief, DO, DC, the PC and the PS's e.t.c. I mean the Government officials, they are all in the side of ruling parties. A Parliament for the Local Government. Privatized income to de-linking parastatals e.g. K.P.A., Posta, Power e.t.c. Rural rectification for all indensely populated areas, water for all. Voting exercise to all human race despite serving a sentis NGO. Despite military led and the police force. Prices of food and building materials to be controlled.

Security for all because, in this point, I might elaborate further. You would find the DC or DO having around hundreds of trained soldiers while a mother a poor folk living somewhere in Ikutha, a mother to a taxpayer is hundred miles from security. When are the profits of the said Government business to be shared and to who? We are dying of poverty. Is it not part of poverty alleviation programme? No licences for any meetings. No nominated MP to be appointed to the Cabinet. Lastly, I object the idea of adding the second name to the title deeds, the second name being of the wife. This will make marriage a business because it is easy for a woman to be married to many men in different times. So, the second name should go for the hire. Thank you the Commission.

**Com. Mosonik:** Thank you very much. Do we have Kitui Kalinga and then Philip Munyoki? Joseph Nduso? Toma Ngovo? Please.

**Toma Ngovo:** First of all I want to thank God for this opportunity and thank the Commissioners of Constitution of Kenya Review Commission for according me and hear in after I have spent some time worried. I would be very brief. My names are Toma Ngovo, Box 16 Kitui. I will only tackle on a few issues. My first point will be on citizenship and these are my suggestions: That anybody born of Kenyan citizen presiding in the country at the time of birth or in a foreign country where the parents either work or contemporary visits, and not immigrants should be accorded citizenship or is an automatic Kenyan citizen.

The other way a person can gain citizenship is through legal immigration. Where he has to be or she has to be established as either a refugee who cannot be repatriated and who has to be assisted because of either seeking asylum. Whereby that person's life is in danger if he goes back. The other thing is that a child born of a Kenyan parent regardless of the parent's gender will not automatically be a Kenyan citizen, unless a case whereby both parents become Kenyan citizens legally or by naturalization.

Then, rights and obligations of a citizen, I have said the following are the rights: The right to life, the right to ownership of property, right to protection from any harm, right to freedom, right to worship a God and the citizen is obliged to protect his or her country. The rights and obligations of citizens should not be determined by the way a citizen gains citizenship but rather there should be equal rights for all.

From there, I will go to the Presidency: In this case, I will say that the President should be the Commander-in-Chief of the Armed Forces only if he is an Executive President. But in the case where the Presidency is only ceremonial title, then the Prime Minister will be Commander-in-Chief. The Executive should not have exclusive powers to declare war but this should be done by a consensus between the Executive and the entire Parliament.

On political parties: I have said that political parties should have more roles other than political mobilization and they should participate in decision making and on all development matters. Then concerning the number of political parties, we should have as a nation; I have said that we need at least two political parties at any point any time or utmost three political parties. Whether they should be funded by public finances or not, I suggest that they should be partially funded and this will be if the political party has a membership of upto thirty percent of the electorate. The party's manifesto should be read by selected panel or board to ascertain whether it has a vision and a mission that promotes national unity and development.

Then, I will go to the Executive and I will mention that the Presidential tenure should be fixed to a two term of five years each, consecutive terms that is. The Constitution should set limits of Presidential powers. The President should not be above the law. He should just be under the law like any other citizen. He should not be an elected Member of Parliament.

Judiciary: Judicial officers should be selected through a board or a Commission and Judicial law should be refilled from time to time by the Legislature. On Local Government, I would say that Mayors and Councillors or council chairmen should be directly elected by the people. Mayors should serve for a two-year terms. Councils should come under the local government. The minimum qualifications for somebody to be elected as a Councillor should have an education of upto form four certificate or above. Mayors and Councillors should be morally upright, i.e. they should be honest and not defectors or thieves of public utilities and the local councils.

On basic rights, I will mention only one or two and say that there should be the right to recognition of societies. For instance, today there are new churches started up and not been registered as societies even after applying to be registered for upto four to five years. This registration should be done through scrutiny by a national churches registration council. I would like the Commissioners to take note of this so that we will not have many unregistered churches which are recognized as true Christian churches. I am talking as a Christian because I am one and born again for that matter.

So, the new Constitution should highlight that one clearly to avoid the tension or the trouble some of our churches are facing

today. We know we have a problem of incoming sects which are not scriptural according to the Holy Bible, but there should be a law enacted which will assist registration of churches through scrutiny by a panel of either Bishops or Reverends and so forth and so on, including fathers. When we come to land and property, this is an area which....

**Com. Mosonik:** I want to censor you just now. Just tell us the topics that you have covered and please hand over the memorandum.

**Toma Ngovo:** I have covered on land and property ownership. I have also covered culture, ethnic and regional diversity and community rights. Also, covered on environment and natural resources and then the succession and transfer of power.

**Com Dr. Mosonik:** Thank you very much. Register there and submit your memorandum. Okay, we are getting closer and closer to the closure and I would like to say the people now presenting must only talk about issues that to the best of their knowledge have not been addressed. May I please call on David Nyamu Mutisya of the Kenya Chamber of Commerce and Industry Kitui branch.

**David Nyamu Mutisya:** My names are David Nyamu Mutisya, a businessman in Kitui. I am now presenting a memorandum for and on behalf of Kenya National Chamber of Commerce, Kitui branch. We have already written a memorandum which I will give. I will spend few minutes just highlighting few points.

We require that we revert back to a Constitution of 1963 where we had Lower House and Upper House. A Lower House or Senate will look at the appointments of Constitutional offices like Judges, Controller General and anybody holding public office.

Constitutional office employees be employed by an institution Lower House and you look at their qualifications and also whether they are good or not.

Transport levies be minimized because of free trade, by this we mean we have this liberalization law. Goods are coming from Mombasa and when they reach Kitui, we are asked to pay at the border there and yet we have paid licences. We feel the Constitution should protect traders in this area.

Provincial Administration be abolished and office be run by local authorities. Why? Because; the posts of the PC, DC, DO are monarchy posts but our Government is elective Government where the Head of State is democratically employed. So, we should not mix monarchy laws and democratic laws. Let's have uniform laws.

When the Provincial Administration is abolished, the functions will be taken by local authorities.

Cost-sharing: When you go to Government offices you are told that there is cost-sharing. Who are we sharing with? Because the money that the Government has, it is our money, it is public money. So the question of cost-sharing should be abolished.

The parents should be given soft loans to run their businesses. e.g. We have recently received European Union money to harm us. The money was given at lower percentage of interest like 3%. We request that the Constitution that this money be also given to traders at lower percentage like 5%. Because we don't see why the Government should get money free of charge and then charge us interest.

Public health offices: Sometimes the bylaws which are enforced by public health offices, become too much to defend us. You have a business and before you open it, you are told to clean here and there and to wash it. By the time you finish all its requirements, the capital money to buy stock is finished. Therefore, we request that, let the health department accept that there are many problems in our country and also give us lesser bylaws. At least the laws that the public can shelter.

The Office of Prime Minister or Ombudsman. We require this post not to be given. Because when you have an Ombudsman or Prime Minister, this is one individual who will be influenced by the President. But if we have a Lower House like Senate which will be looking at the appointments of constitutional office holders, then it is not easy to corrupt the entire House. Therefore, the Lower House people will help us more than the Prime Minister. We know it is expensive, but where the Government gets the money to pay MP's big salaries, it should also get money to pay Wananchi who are holding these Lower House offices elected posts.

Industries: We ask the Constitution to allow that industries be established near the area where they are exploited. e.g. We have lime soil at Mui in this division and sulphure\* stones at Mutito. But all these things are taken to Athi River to make cement. Why don't they build a factory of cement in Mui so that our people can benefit rather than taking the soil there.

Nominated MP's and Concillors should be representing professional bodies, not to be friends, relatives of the MP's.

Compulsory acquisition of land be abolished. Owners of the land to be acquired should be paid at market rates, so that when they are moved, they can get another land somewhere else to buy and live.

Constitution establishes free and compulsory education for all children from nursery to standard eight.

Chokora: We should follow the clan rules and regulations governing our members because during the old time, when we had the rules of clans enforced, there were no chokoras. Because if a child becomes a chokora, the relatives of that family were forced to take care of those children until they reached maturity. But now, because the clan rules have been lowered, the boys and girls whose fathers die become chokora because there is nobody to look after them. Let us enforce the clan rules and regulations.

Harambee contribution funds should be abolished because it encourages corruption. When you go to get a licence, you will find an officer with a book of harambee and he doesn't tell you when the harambee will be held. He just pushes a book to you and before you get your licence, you are forced to contribute to that harambee and we feel that this is not necessary.

All schools, Universities to provide worshipping areas. e.g. Churches and mosques so that the denominations who are there can have a place of worship. I think that is all Bwana Commissioners, thank you very much; I will hand over the memorandum.

**Com. Mosonik:** Just hold it, Commissioner Wambua would like to ask you something.

**David Nyamu Mutisya:** I feel thirsty and my lips are dry, can I have some water? Thank you.

**Com. Wambua:** Just a very short point Bwana Mutisya, you said that Ombudsman should not be allowed to be the one to check on the Government excesses that should be the Lower House. The reason you gave is that one individual can be corrupted. The observation I wanted to make to you is that, although he is called an ombudsman, it does not mean he is alone, it is an institution. This is a word we inherited from some place. So my question to you and may be the clarification I want, suppose the institution is such that it is not one individual, will that be sufficient reason why you would want to reject it and insist that the Lower House should listen to complains against the Government and Administration matters?

**David Nyamu Mutisya:** Thank you very much Commissioner Wambua. All we are saying is, where you have an individual supervising a unit, you can easily be corrupted. But if the Ombudsman is an institution with many people, then we can accept that because we have the Chiefs, the PC's and PS's, we need all these people to be elected and not to be appointed by one person. We want our Government to have all elected people and if they move or if that party is not governing, they should all move and then we bring in a new lot so that one doesnot serve two, three Governments. Like now there are civil servants who served for President Kenyatta and now they are serving President Moi and if they have been doing bad things, they have really messed up. Thank you.

**Com. Mosonik:** Asante sana. Ezekiel Mbingu tafadhali haraka, haraka kabisa.

**Ezekiel Mbingu:** Thank you Commissioners, I came yesterday and gave my memorandum. But let me recall some few points here and that will be very good. I will be very short and very brief. I come from Mulango and I represent a group known as 'Chanzu and Kizikini self-help group'. One issue that we propose is about water, water is a problem and from Mulango upto here is about 80 kms and I know somewhere where there are about seven boreholes of individuals.

So, even individuals can have two boreholes or one. I don't see why the Government can't dig boreholes for every two

kilometers radius. That is our proposal and if you find that these boreholes are not applicable, why not have dams? Dams be put to give us water and for you information in Kitui, we have what we call 'Atesiani Wells'. I don't know whether you know it. We have a place here known as 'Kyitho' and 'Atesiani Wells' where the water pours down throughout. If it could be brought to Kitui, the water is out, a problem. At Mutito, we have it there. Come to Tana River it is there. The water can be spread all this side. So, there is no point where the Government can't and we propose that the coming Government to give us water with no other claims.

Let me talk about the money where the problem lies. In Kenya, we say that we don't have money but there is money. Everybody knows that in Kenya we have got billions and billionaires of people. I think we should invest kiwango fulani ambao Kenya mtu yeyote ambaye ni tajiri kwa mfano awe na two billion. Kama inakuwa beyond there, that money should be taken back to the Government or taxed 40% so that we have money back. So that, these youngsters can be employed or we have some industries and whatever. Because, how did they get this money, we are wondering. So, the gap of the wealth of the Kenyans should be narrowed. It is too much. Somebody having about one hundred billion, where did he get that money? So, about the money, I think that, that is one way of getting money and one way of beating poverty which was one of the cause of searching for independence.

The other one is about health: We need to get free health care. i.e treatment for outpatients if possible and inpatients ikiwezekana and also free education from class one upto form four. When Mzee Kenyatta was fighting for uhuru, our goals were education, health and poverty. Now, our train has derailed. Tumetoka kwa reli, tumeingia kwa mambo mengine. Yale kisomo ilikuwa ikisema tunatoa pesa kabisa. Ile health tunatoa pesa, poverty very little has been done.

Let me talk of retirees. Tunataka mtu aki-retire....

**Com. Mosonik::** You promised to make it very brief.

**Ezekiel Mbingu:** We want ID's to identify ourselves so that we might not be taken to be robbers. For example me, I am one of the retirees having one year. But somebody can take me to be a robber. We need an ID. Retiring age, forty-five. Hiyo itakuwa voluntary. Fifty inakuwa compulsory. Watu wengine wanasema tuongeze ije sixty, iwe hiyo ndiyo compulsory. Hapo iangaliwe.

President should not be an MP/President. e.g. The Speaker, Speaker akichaguliwa, kule kwao anachaguliwa mtu mwingine ili amu-represent maanake Speaker ni wa Bunge yote. Tunataka President awe wa Kenya yote maanake isipokuwa tulisema ni President/MP atakuwa saa yote anaangalia kwao, kwao. Hiyo hatutaki. President awe wa Kenya nzima. Ikiwezekana hiyo itakuwa mzuri sana.

President should not appoint civil servants. Those ones should have special panel to deal with this. Come to the Local Government, angalia mama, huku kwetu tuna matunda (fruits) which are sold by mums. I saw one mum who had sold fruits and got only nine shillings yet council has a tax of twenty shillings, which means minus eleven. Kwa hivyo tunauliza kwa nini hawa akina mama because they just sell it literally, why can't they be given freedom of selling their fruits because they go bad at any time. Within a day, they go bad; I think that one should be observed.

University students, they should be given fees without much straining. Because somebody coming upto University level, that is very very important. So, because of the time, allow me to stop there. I dis-merge but I can't help. Thank you.

**Com. Mosonik:** You have a memorandum, an additional one, could you....Okay. Thank you. Do we have Muonga Malusi here? David Mwenze? Mwenze yuko? Hayuko? Wacha Mzee kidogo niwataje wale wamebaki. Robert Munyoki, yuko? Halafu Gideon Kiongo? Hayuko? Bernard Musyoka? Hayuko. Na Joshua Mutembei? Hayuko. Kwa hivyo tumsikize Muonga Malusi tafadhali.

**Muonga Malusi:** Nitawa Muongo Malusi

**Translator:** My name is Muonga Malusi.

**Muongo Malusi:** Kuma Ntangwithia West

**Translator:** From Kyangwithia West.

**Muonga Malusi:** Ningwenda Katiba iseuvye itonya kusuvia Kenya

**Translator:** My views are that; one, we make a Katiba that can protect Kenyans.

**Muonga Malusi:** Ve mwiao wathaisywe na wai museo ningukulya ithiwa nutonya utungiiwa utungiiwe nundu nutonya keseuvya Kenya. Mwiao usu wai muthukumi wonthe ndakavingue visala akune wia umwe

**Translator:** There was a rule that was amended in the Constitution and the rule was 'one man one job'. So my proposal is that, that rule should be returned, 'one man one job. That is the public service.

**Muonga Malusi:** Nundu muthumi ethiwa nukuingua visala na nukuthuka wia wa silikali ndethukuma wia silikali nesa na wai kwo tene ivinda ya nungereza

**Translator:** Because if you are a public servant and you have your business parallel to the one you are doing in the public service, there is no way you can do a good job and it was there during the colonial times.

**Muonga Malusi:** Ethiwa katiba nitonya usevya uu Kenya nikusevanga

**Translator:** If we make a Katiba along those principles, Kenya will be a good country to live in.

**Muonga Malusi:** Nyie ninyie nakite nyumba ii vaa Kitui

**Translator:** I am one of the major investors in the building sector in Kitui town.

**Muonga Malusi:** Nayu nakaa nai muthukumi wa selikali na ndathowa misumali naita avu

**Translator:** And in the cause of my construction of those buildings, I am confessing that I never used to buy raw materials. Actually, I used to get them, to steal them from the Government.

**Muonga Malusi:** nundu wa kusengya

**Com. Wambua:** Hold on, let's get it very clear. Mzee niukulya ii wasya wathukumia silikali, na withukumia silikali niwe wongamia ku myako ino?

**Muonga Malusi:** Ninyie nongamia myako

**Com. Wambua:** na ukiungamia myako ino wiasya kana silikali yeethaa na syindu na wekaa kwosa wiithi kwaka? Twasya ata?

**Muonga Malusi:** Twasye nyie ndyathowaa yakwa noosaa o vu

**Com. Wambua:** Kuya kana kwosa?

**Muonga Malusi:** kwosa engi einye niungamie okwa ni mwiao ngwend ausevya

**Com. Mosonik:** Please translate for us that.

**Com. Wambua:** Kwosa kuu woosaa silikali niyethaa yisi niwoosa ukatimie, wethaa na luusa wa kwosa, kana wekaa o kwosa na ndwakulaswa?

**Muonga Malusi:** Ethiwa nyie ningwena misumali ndyetasya noosa o vu ta yakwa

**Translator:** I was the man who used to procure. I was in charge of transporting to the building site, so if I had my own construction, I never bothered anybody. I got it for my own use.

**Muonga Malusi:** Kitumi kya kwenda kuneena uu niwithiwa muasya ndawa yikwo sivitali nake mundu nuvinguite sivitali aita andu nasyo syikuka sivitali osa ovu otondu noosaa

**Clapping from the audience.**

**Translator:** Why I gave that example of my case is because; let us take the hospital's case. I am a doctor, I am operating my clinic and I am in charge of procuring the medicine in the Government hospitals, then I will take the medicine to my private clinic just like I used to do. I am saying that there must be rules to guarantee that one.

**Muonga Malusi:** Ngenda yakwa yu ngwenda muthumi wonthe Katiba ino ikusevwa mungereza ndetikilaa uu. Kaitba isu ya mugereze itungiiwe muthumi wonthe ethiwa withia ng'ombe withye ng'ombe, ethiwa wi DC tethya wia wa DC, wia wonthe onethiwa ni wiva tethya wi w'oka. Wavuna wia wa silikali inuka inakunw viasala. Ndeaile ukuna viasala Katiba iseuvye ya muthemba isu.

**Translator:** So, what I am saying in the new Constitution is that if you are a civil servant, stick there as a civil servant. If you are a trader, stick as a trader. So that there is no much corruption as it is now. That one should be addressed in the Constitution.

**Muonga Malusi:** Vau ninauma. Mbesa nisyukite mbingi sya kuete ndawa sya ukimwi

**Translator:** We have gotten a lot of money from the donors towards the H.I.V Aids scourge.

**Muonga Malusi:** Ukimwi uetetwe ni Ngai uole andu

**Translator:** I believe somehow God has a hand in this.

**Muonga Malusi:** andu ni andi na Ngai ndongelaa nthi

**Translator:** The population is growing while the world has not been extended by God.

**Muonga Malusi:** Katiba mbesa isu isomethye syana sya ngya, aathe ala makwite nundu wa uwau usu wa Uimwi, masomethye na mbesa isu

**Translator:** My proposal is that the money that is coming to help the Aids victims, that money should be specifically given to orphans of the H.I.V affected persons.

**Muonga Malusi:** syieke kwiwa syimantha ndawa, ndawa ndikoneka Ngai niwe ukamanya undu ukwika

**Translator:** We should not go to.....

**Translator:** Because I believe that the research is useless. The drug will not be got, so this money should be used to educate the kids and the orphans.

**Muonga Malusi:** Syana ila aathe makwite ni ukinwi masomethye na mbesa isu

**Translator:** So, the Aids orphans should be educated or cared for by the use of that money.

**Muonga Malusi:** Namba ya katatu

**Translator:** Number three,

**Muonga Malusi:** nituandikaa mathi Parliament

**Translator:** We elect people to go to Parliament.

**Muonga Malusi:** makatusisye maundu ma nthi ya Kenya, nyie ndiuneena Kitui

**Translator:** So that they go and take care of our things in the whole country.

**Muonga Malusi:** Andu asu matikunaa wia wa Kenya mainie kwitisa ivila me ovu

**Translator:** I believe that the Parliamentarians do not bother about taking care of Kenyans, they just take care of themselves, fighting for the seats.

**Muonga Malusi:** meivua mundu ukuthumia mwei umwe matuku ikumi na atano na akivua ngili maana ana

**Translator:** I would like to know, where else you can work for fifteen days and then you are paid four hundred thousand.

**Muonga Malusi:** Mbesa isu matilwe maivue nguli maana eli na maana aangi mainegwa syana sya sukulu

**Translator:** I believe that money should be reduced to a half.

**Muonga Malusi:** ii sya ngya.

**Translator:** And the money saved should be given to the children of the poor.

**Muonga Malusi:** Ethiwa makwitila musaala minini menuke

**Translator:** If they don't want those pay terms, they should resign and go home.

**Muonga Malusi:** na ala mekwenda ngili isu maana eli

**Translator:** I believe there are people who would like to be MP's and they are paid less than what the other people are getting.

**Muonga Malusi:** Tukasakua asu

**Translator:** We elect those ones.

**Muonga Malusi:** iyatumwa, twamanthie mundu akie mbemba nake atina kuya mbemba

**Translator:** I believe we elected leaders to go and take care of our problems, but then they have become the problem themselves.

**Muonga Malusi:** Ayumbe maitu nimekiite asala silikalini

**Translator:** I believe our MP's have also brought a problem to the Government.

**Muonga Malusi:** Government yina mbesa mbingi

**Translator:** The Government has a lot of money.

**Muonga Malusi:** Ayumbe asu ve umwe ukwataa million itano nyumbani syake

**Translator:** I believe there are MP's who get money from their houses and the Government cannot get that kind of money.

**Muonga Malusi:** Katiba isevye nyumba syikwe value na ikithooswa kana kawaida

**Translator:** I believe that in the Constitution we should put values to our buildings.

**Muonga Malusi:** Nundu andu ala meitheo mena mbesa nini, nyumba ya lumu ili ikivya ngili ili, uu ti thoowa nimo meyeendee athui na nimo maminite Kenya vinya

**Translator:** I believe if we address the issue of valuing Government properties, the Government will be having a lot of money.

**Muonga Malusi:** Ukeewa kenya niyavalukile ivalukitwe ni asu me mbee

**Translator:** So, if Kenya is spoilt today, it is not because of us but because of the poor leadership.

**Muonga Malusi:** So if Kenya poor today it is not because but because of the poor leadership

**Muonga Malusi:** Mbesa ila syi Kenya ni mbingi vyu ni silikali kulea kulika na ithitya koti wa w'o ngolova imwe ithiwa yina ngili maana ana silikali yaile kwosa ngili yiana yimwe vu

**Translator:** I believe that it is the collection of our income that is making the country poor and because of poor leadership.

**Muonga Malusi:** Ethywa Katiba nitonya kusevya uu Kenya ekaseva, nyie ndiuneenea Kitui

**Translator:** I am not talking about Kitui. I am saying that, if the Government is serious in collection of its revenue, then the country will be strong and that one should be addressed seriously by the Constitution.

**Muonga Malusi:** Ngimina niasya nyumba syonthe wai wakili wa nyumba ula wekaa nyumba syonthe value nakiandika koti wa nyumba undu syiana oyu niasya kue kindu kyu kethiwa ki kwo silikali ndyamba ku-loose

**Translator:** To sum it up, sometime ago there was a valuer in the Government properties and right now I believe that there isn't any. Otherwise, the Government has been losing a lot of money because of poor valuation of its properties.

**Muonga Malusi:** Nyie niendaa kumanthia silikali mbesa kuu

**Translator:** My contribution in the Constitution is that, if the Government has raised that issue, because that is where I had worked for many years, it will be having money and I believe it will reduce poverty.

**Muonga Malusi:** Ngilikya niasya syana ila sya nadu ala maminitwe ni ukimwi ithi isome mana muvaka form four

**Translator:** To sum it up, I propose that the H.IV AIDS orphans should be given free education upto form four.

**Muonga Malusi:** Mbesa isu musaala wa Ayumbe syana isu isome mivaka form four itheia maikwenda uilitywa menuke, tutwa angi mekwenda nini

**Translator:** As, I have said before, where will the money be gotten? From the Parliamentarians. They can give up their salaries and the money is saved to go and educate the orphans.

**Muonga Malusi:** Ndoto syakwa syiana uu

**Translator:** Those are my proposals.

**Com. Mosonik::** Asante. Ngoja kidogo Mzee, Commissioner Wambua angependa kuuliza swali?

**Com. Wambua:** Mutumia nienda kuutunga kwa andu

**Translator:** I would like to ask you a question on H.I.V Aids.

**Com. Wambua:** kukwasya uwau uu twaetiwe ni Ngai na mbesa syieke kwanangwa yiulu wa uwau uu

**Translator:** You have said that it was brought by God and so research should not be done for the medicines.

**Com. Wambua:** niendaa umanya kana ni woni waku kana tuyailete kumaitintha mawaa maekanwe namo mbesa itwawe kwa syana lakini mayikwa makwe

**Translator:** So, I am asking you....

**Muonga Malusi:** Mbesa ila syukite ila nguneenea nila syikutwe ikiwa syimantha ndawa ya uwau usu

**Translator:** The money I am talking about is the money specifically for research, not to treat the people who are already infected.

**Muonga Malusi:** isomethye syana isu na uwau ukikwa tukw'e

**Com. Mosonik::** Asante sana na niulize kama Joshua Mulatia yuko? Joshua Mulatia hayuko. Wa mwisho kabisa atakuwa Robert Munyoki please, 'Alive Vision'.

**Robert Munyoki:** My names are Robert Munyoki of Box 68 Kitui. Ningependa kuongea juu ya insecurity. Ningetaka Katiba mpya iandikwe na implement a law whereby the police officers will be instructed to work in daytime. Because, once they start working at night, there is insecurity especially in the rural areas and in the urban areas. Because there are thieves who sometimes do pretend that they are policemen and they are always harassing people. So, in the new Constitution that thing should be put into practice.

On the side of religion, Kenya being a free country of worship, there must be a law which will govern religion. Because there are some of the religions in Kenya nowadays, which are disturbing the other religions. Like, although it is not proved beyond reasonable doubt, but there is devil worshipping which is making people to be mixed up. So, that one should be looked into.

There is another thing in the employment side of it. There is a problem when we go to some of our offices in Kenya, you will go and find a graduate person who is earning two hundred thousand while there is another graduate earning three thousand shillings per month which is unfair. I think the salaries of such people should be regulated by the Government. That is, if you are a graduate, the salary should be uniform. Either, you are working in an office or you are digging at your shamba, the salaries should be uniform. Because at the time we were at school, we were aiming to get something out of your certificates.

The other thing is, the orphans: I would like to say that our Government should look upon the orphans, because in Kenya we have so many orphans and in future we will be getting a lot of children who will be orphans because of Aids. So, in future, our Government should implement a way on how they will be helping those orphans. By may be, giving free education and free medical services. Because when we start talking of cost-sharing in the hospitals, and here there are children whose mother or father is not there, then it means that when this child will become sick, then there will be no medical services to such children.

The other thing is Government treasury: In 1998, the budget was read and so many good things were said but there was no

implementation of the budget. So, I would like to suggest that in future, if there will come such a thing like that one, then the Minister in that office should be accused because he is giving people things that he cannot implement.

Kenya being an agricultural country, there must be regulation of prices for the goods because it is through agriculture whereby Kenya gets its own money.

On the side of employment, there is unfairness because there are people in Kenya who have got so many posts in the Government while there is another person who is not working. I am meaning that one man in Kenya should have one public job.

On the side of Commissioners, I think the period of time should be extended by four months and the period of the Parliament should be increased by five months. Because there will be no need of electing people while the Constitution is not ready. I would also like to say if the new Constitution will be ready, then all Kenyans should be aware of their Constitution. Because the old people do not know more about the old Constitution. Even upto today, there are people who do not know the law and that is the failure of the Government. So, the new Constitution should be known by everybody and should be written in all languages. Thank you.

**Com. Mosonik::** Kufikia hapo tumemaliza kikao chetu cha mchana ama alasiri ya leo na kwa jumla tumemaliza kuyasikia na kukusanya maoni ya wananchi wa sehemu hii ya wakilishi Bungeni ya Kitui Central. Kwa niaba ya MaCommissioners wenzangu, na wafanyikazi wenzetu kutoka Tume ya kurekebisha Katiba ya Kenya, tunawarudishieni asante sana na nina hakika kwamba ninasema kwa niaba ya wenzangu, nikisema kwamba tumefurahia kuwasikiza na kwamba kusema ukweli mlikuwa tayari kutoa maoni. Sijui kama hapa kuna wanakamati wa 3C's wa area hii. We would like you, are they here the members of the 3 C's? Where is the coordinator? Yes, can you come and just tell us who they are because it is clear they did a good job? Can you take that microphone?

**District Co-ordinator:** Good evening, I have the pleasure of thanking all of you for your participation, special thanks to the committee members who are here. We have the vice-chairman. He will stand up. He is Abdi Ali. Then we have Councillor Mbuta, he is the Councillor who qualified according to the criteria of the Commission. Then we have the secretary, he is here with us. He is David Muteo. Then we also have Civic education providers who are with us, I would like all of them to stand. They are many, he is from St. Mark, he is the Coordinator ICEP. These ones were contracted by the Commission and special thanks to Katana and Kyuli who were taking part in township location, they have done good work. So, special thanks also to all of you, many have left but this exercise was a success because of combined effort. So, to all of you I say a big thank you. I would also like to say thank you very much to our Commissioners who have been patient with us, you were very satisfied that all your views were taken. Isn't that good? So, we are very happy. Thank you.

**Com. Mosonik:** Then, in closing finally before we have a word of prayer, I would like to thank very much, the District Coordinator who has just spoken Miss. Elizabeth Mumbe for the thorough work she has done. I can assure you, you know tumezunguka Kenya nzima tuna District coordinators wa kila aina na sio wote wanafanya kazi vile kazi imefanywa sehemu hii. So she has proved to be a real daughter of Kitui and we want to thank her very much and to wish her success as she continues to wind up this operation. We have not finished, we have taken the views as we said before, we will go and write the report, we will make recommendations to the National Constitutional Conference. Then, we shall do a draft Constitution which will be sent back to you in the form of a Kenya Gazette notice. As of now for a period of sixty days as I said earlier but possibly it could be cut down. But whether it is sixty days or thirty days, the most important thing is how organized the people are. Because you can have even a year and not do very much. So, I am sure that she will continue to do the work that she has done with the committee members and the civic education providers, please they should continue to educate the people of the constituencies, this constituency in particular but also the district and this area in general.

On the draft Constitution, on the report, on the recommendations and when we go to the national constitutional conference also to report back to the people and hopefully when the new Constitution is there, to teach the people about the new Constitution. We appreciate the sacrifice that you have made and there were all sorts of obstacles. But nothing is more important than making a good fundamental law of the land. Your contribution has been very good, we have taken all the notes and we shall take your views seriously into consideration. Asanteni sana. I don't know whether my colleagues have any comments to make. May be you can say something. This is a colleague from this area, so tumefurahia hata yeye. Pengine tuseme sisi, huyu colleague ametoka sehemu za Eastern lakini pande za Meru. Mimi nimetoka sehemu za Bomet, Rift Valley Province lakini sisi wote ni Ma-Commissioners wa Kenya. Thank you.

**Com. Wambua:** Since I am an interested party, I would like to thank the Commissioners for doing a good job. You will agree with me that they have been very patient and they are appreciative of their participation. Of course, I don't want to repeat what has been said, but generally we are happy with the work which the civic education providers and the members of the 3C's have undertaken in this constituency. We believe that, that was possible because of your commitment and because of cooperation and we expect that to continue. So, I wouldn't want to say much because that has already been said by my colleague. But once again we expect that we will come round and meet with you when we have the draft Constitution in our hands. So thank you very much.

**Com. Mosonik:** Asanteni. Now a word of prayer from somebody, may be we can stand up and then somebody to pray for us and then we close. Thank you.

May be because most of us are Christians, we would use the prayer of 'Our Father' which unifies us.

**Maombi:**

