

CONSTITUTION OF KENYA REVIEW COMMISSION

(CKRC)

Verbatim Report of

**CONSTITUENCY PUBLIC HEARINGS, KITUI SOUTH
CONSTITUENCY, AT MUTHA A.I.C. CHURCH**

ON

20 MAY 2002

**CONSTITUENCY PUBLIC HEARINGS, KITUI SOUTH CONSTITUENCY HELD AT MUTHA A.I.C ON 20
MAY 2002**

Present

Com. Dr Mosonik arap Korir – Chair
Com. Paul Wambua
Com. Alice Yamo
Com. R Raiji

Secretariat Staff

Mr. Irungu – Programme Officer
Mr. K Kiptoo – Assistant Programme Officer
Ms. M Babu – Verbatim Recorder

Com Mosonik: Tunawaalika wale wote bado wako nje kuingia ndio tuanze. Wale wote wako nje ambao waliokuja mkutano waingie sasa ndio tuanze tafadhali. Tukianza kwanza, tungependa kuanza na maombi na tunamwomba yeyote kujitolea kutuombea tafadhali. Yule ameketi hapo mbele, apewe microphone halafu umuonyeshe aje. Na useme jina lako halafu utuombea.

Jacob Kigoto: Ningependa tuombe pamoja kwanza ili tuweze kuanza mkutano wetu.

(Prayers) Ewe Mwenyezi Mungu Baba, tunakushukuru kwa sababu wewe una wingi wa rehema na fadhili. Tunakushukuru Baba kwa sababu umetulinda, umetupatia uhai na ukatupa sote nguvu za kuweza kukusanyika hapa siku ya leo. Tunakuomba ili Baba tukianza mkutano wetu tuweze kuongozwa na wewe. Roho wako Mtakatifu atuongoze ili yote tutakayo zungumza yawe yenye manufaa kwetu na kwa taifa letu kwa jumla. Tunawaomba wote ambao wana shida mbali mbali, wote ambao wana magonjwa, ili Bwana upate kuwarehemu ndio wajipe moyo na nguvu.

Pia tunaomba Serikali yetu ambayo ina kazi nyingi na mambo mengi ya kutekeleza. Tunashukuru kwa wote waliofika hapa,

maCommissioners ambao wanashiriki kwa kurekebisha ama kwa kutengeneza Katiba yetu ambayo inanuiwa kuja kutengenezwa siku zijazo. Baba upate kuwalinda katika kazi zao ngumu. Najua wanazunguka mahali kwingi katika nchi yetu ya Kenya wakikusanya maoni kutoka kwa wananchi. Tunaomba Baba utulinde sote. Mwisho wa mkutano wetu hatutasahau kukurudushia asante na shukurani. Tunaomba hayo kwa jina la Yesu Kristo Mkombozi wetu, tunaomba na kuamini. Amina.

Com Mosonik: Asante sana. Kwanza kabisa ningependa kuwaeleza wakaaji wa sehemu ya uwakilishi bungeni ya Kitui Kusini – Kitui South, kwamba tumefurahi kufika kwenu. Nitawajulisha kwa maCommissioners ambao wamekuja sehemu hii. Kwa mkono wangu wa kulia kabisa kuna Commissioner, Mrs. Alice Yano.

Com Yano: Hamjamboni wananchi?

Response (from the audience): Hatujambo.

Com Mosonik: Karibu naye, ameketi Commissioner Bwana Rajji Riunga

Com Rajji: *Mwi ase*

Response: *Twi ase.*

Com Mosonik: Halafu karibu nami upande huu wangu wa kulia ni Com. Bwana Paul Wambua.

Com Paul Wambua: *Mwi ase*

Response: *Twi ase*

Com Mosonik: Mimi ni Com Mosonik arap Korir. Ningependa tena kuwajulisha wafanyikazi wenzetu kutoka Tume ya Marekebisha ya Katiba ya Kenya ambao wamekuja nasi. Kwanza kabisa ‘Programme Officer,’ wapi yeye ameenda wapi? Ametoka nje kidogo, atarudi. Yeye anaitwa Bwana Irungu Ndirangu, yule anashugulikia kazi ya magazeti. Halafu upande ule kwa ukuta ameketi Mary Babu ambaye anarecordi yale yote tunayoyasema. Upande ule mwingine kuna hao, two gentlemen hapo, mmoja ni Mr. Kiptoo na Mr. Mutia. Hao wawili tena wanatusaidia kurecordi. Katika upande ule mwingine wa mwisho ameketi coordinator wa District ya Kitui. Yeye lazima mnamujua, Elizabeth Mumbe, please...

Elizabeth Mumbe: *Mwi ase*

Response: *ii twi ase.*

Com Mosonik: Yeye ndiye ameifanya kazi miezi hii yote ya Tume kwa sehemu hii yenu. Yule ameingia sasa ndiye Bwana Irungu Ndirangu ambaye nilisema ni Programme Officer.

Irungu Ndirangu: Habari zenu?

Response: Mzuri.

Com Mosonik: Ningependa kuwaeleza kwamba tutayasikia maoni kulingana na vile watu wamejiandikisha, the order in which they have registered. Kila mtu tutampa dakika tano, kama yeye ana memorandum. Memorandum mnaafahamu kwamba ni maandiko kama mapendekezo umeyaandika yawe ni yako binafsi au kwa niaba ya kikundi, tutakupa dakika tano usimame na kuyasema hapa.

Kama haujayaandika, ni maoni unatoa tu kwa mdomo, tutakupa dakika kumi. Tungependa kila mmoja aje mbele hapa, kwanza alitaje jina lake. Tutakuwa tunawaita kulingana na hii karatasi lakini ulirudie tena kwa machini ndio liingie kwa machini yenyewe. Halafu useme kama unawakilisha kikundi ama kama vile ninaona hapa, kama ni shule, ama unasema kibinafsi. Ungetusaidia pia kama ungesema “my submissions are oral or written”. Halafu tuchunge saa kabisa. Sitaki kuwaeleza dakika tano zimepita lakini hata wewe mwenyewe unatakikana kufahamu kwamba dakika zimepita.

Lugha tutakazo tumia rasmi ni mbili: Kiingereza ama Kiswahili. Lakini kama kuna mtu mwingine yeyote angependa kusema kwa lugha yoyote hasa lugha ya hapa ya Kikamba, utatueleza ndio tumtafute mkalimani. Kama kuna mtu yeyote ambaye ana shida ya... is it the deaf? ambaye ni deaf, kama mnamwona yuko karibu mtueleze tafadhali ndio tumtafute sign language interpreter kumweleza vile tunasema ama kuwaeleza.

Bila kupoteza wakati sasa, ningependa kumwita Colleta Mbithuka wa Mutha Primary School. Na kama unawakilisha wanafunzi wenzako useme, kama ni binafsi tafadhali ueleze.

Colleta Mbithuka: I come from Mutha Primary School. I am in Standard eight. I want to talk about children’s rights. My first point; women’s circumcision should be stopped. Secondly, sexual abuse should be stopped. Thirdly, wife beating should be stopped. Fourth, gender equality. Fifth, there should be free water. Sixth, provide free medical services. Seventh, free education up to Form IV level. Eighth, child labour should be stopped. Thank you.

Com Mosonik: Asante sana, hiyo ilikuwa ni dakika moja, na nimekushukuru sana. Lakini usiharakishe sana kama too much speed, ni sawa kabisa. Asante. Halafu Hadija Musyoki, Mutha Primary School.

Hadija Musyoki: I come from Mutha Primary School, Standard eight. I would like to talk about children's rights. First, free water. Secondly, gender equality. Thirdly, wife beating should be stopped. Fourth, sexual abuse should be stopped. Fifth, women circumcision should be stopped. Sixth, child labour should be stopped. Seventh, free education up to Form IV level, and eight free medical services. Thank you.

Com Mosonik: Asante Hadija. Halafu Kaloki Kisimei.

Kaloki Kisimei: I come from Mutha Primary School, Standard six. I want to talk about children's rights. First point, child labour should be stopped. Second, free education up to Form IV. Third, free medical services. Fourth, free water.

Com Mosonik: Anayefuata, Mukayi Peter.

Peter Mukayi: I come from Mutha Primary School. I want to talk about children's rights...

(Interjection) **Com. Mosonik:** First, which class are you?

Peter Mukayi: Standard six. First, child labour should be stopped. Secondly, free education up to Form IV. Third, free medical services. Fourth, free water. Fifth, gender equality. Sixth, wife beating should be stopped. Seventh, sexual abuse should be stopped. Eighth, women circumcision should be stopped. Thank you.

Com Mosonik: Next is Kavutha wa Mutua.

Kavutha Mutua: I come from Mutha Primary School. I am in Standard seven. I would like to talk about children's rights. Point number one, child labour should be stopped. Two, free education up to Form IV. Three, free medical services. Four, free water. Five, gender equality. Fifth, wife beating should be stopped. Sixth, sexual abuse should be stopped. Seventh, women circumcision should be stopped. Thank you.

Com Mosonik: Jennifer Kisovi.

Jennifer Kisovi: I come from Mutha Primary School, Standard six. I want to talk on children's rights. Point number one, child labour should be stopped. Two, free education up to Form IV. Three, free medical services. Four, free water. Five gender equality. Six, wife beating should be stopped. Seven, sexual abuse should be stopped. Eight, women circumcision should be stopped.

Com Mosonik: Tungependa kusikiza a choral verse kutoka shule ya Issa Primary kama wako tayari. Mko tayari? Tafadhali

wapi kiongozi? Kiongozi ni nani, na muko tayari? Njooi hapa mbele basi. Ni nani atatafsiri? Tunaeleza kwamba wimbo uko kwa lugha ya Kikamba. I think you are the professional translator, please help us out.

Choral Verse: (Introduction)

Wanafunzi tuaingia, fungueni, fungueni mlango wazi, wanafunzi tuangia, X2. Hebu tucheze... hebu tucheze muziki bora tufurahie Katiba, X2 Wanafunzi tuangia, fungueni... fungueni mlango wazi wanafunzi tuaingia. X2. Hebu tucheze... hebu tucheze muziki bora tufurahie Katiba. X2. Wanafunzi tuaingia, fungueni, fungueni mlango wazi wanafunzi tuangia. X2. Hebu tucheze... hebu tucheze muziki bora tufurahie Katiba.

WaIsaa tuangia, fungueni, fungueni mlango wazi wanafunzi tuaingia. X2. Hebu tucheze, hebu tucheze muziki bora tufurahie Katiba. X2.

Student: (Inaudible). The guest of honour sir, ladies and gentlemen, our fellow students and our dear parents. In front of you is Isaa Primary School talking about the Constitution. Welcome.

Choral Verse: Kimba song. Tutavanye uvoo wa Miao yaitu.

Translator: The direct translation. Please lend me your ears, eyes and time I say something about the Constitution. Give me free education. Give me free medication. Give us teachers and buy us books and give us food at school – this is referring to the school-feeding program.

Com Mosonik: Asante sana. Sasa tuendeleo kwa kumsikiliza Kitonga Malevo, Kalambaani Youth Group.

Kitonga Malevo: I come from Kalambaani Sub-Location. I will talk about the Parliament. Parliament to appoint a Public Service Commissioner. Parliament should control (?) of banks, management and distribution of finances and the management of human resources.

Judicial officers to be appointed by Parliament. Auditor General to be appointed by Parliament. Public officers to declare their assets. There should be a code of ethics. President, he/she should not be above the law. President should not be a member of Parliament and to be removed for misconduct while in office.

Employment: Employment should be a basic human right. There should be good working conditions and fair salaries. Most companies are expected to be owned by Kenyans, more than 80% of shares should belong to them. Privatization should be done only oftenly through stock exchange. Nobody should own more than 2% of the share capital of a public company or parastatal.

Legislature: We should have a national Parliament and regional parties. Provincial Administration to be abolished, only assistant chiefs to be retained. District Commissioners to be elected by the public. Employment to be conducted on the basis of twenty years.

Chief Justice to be appointed by Parliament. The President to hold office for two terms of five years each. Mayors should be elected by the people directly and serve in office for three terms of five years each. Parliament should have the powers to (?) and in case of misconduct, dissolve the (inaudible).

The Electoral Commission should be independent and appointed by Parliament. It should act as (inaudible). The Electoral Commission Commissioners should be removed from office for irregular conduct. The President should win by more than 51% of the total votes cast. The ruling party should have 75% of the seats in Parliament.

There should be provision for a coalition government. Electoral Commission to have transparent ballot boxes. Each party to have its votes for civic, Parliamentary and presidential elections. The Electoral Commission to allow the use of the national Identity Card in voting.

People with disabilities, children and women should have representatives in Parliament. There should be no form of discrimination on the basis of culture, regions, color, tribe, religion or disability. The Constitution should ensure the rights, like owning land and traditionally they are with the aim of promoting regional unity and protection of property and security of persons. Our cultural and ethical rights should be protected and promoted in the Constitution.

Our Constitution should ensure that Kenya does not become a testing ground of nuclear oil products. Local communities should in co-operation with the relevant ministries, uphold and protect the environment. The Constitution should set that to encourage Kenyans to work in Public service.

The Prime Minister to be in charge of Executive powers during elections. We need a preamble in the Constitution. Our national vision should involve peace, unity, economy prosperity, honesty and respect of human rights and respect for International laws. Let Kenyans live peacefully among themselves and other nations.

There should be statements explaining national philosophies and guiding principles. These should be national principles like the financing of the government government in the face of serious national issues. The president should be (?) by law.

Constitutional supremacy: Parliament should not have the authority to effect changes to the Constitution. Any amendments to the Constitution, should be by the public through a referendum. Parliament's powers to amend the Constitution be taken away

completely. All parts of the Constitution should be beyond the powers of Parliament to amend. The public should be consulted through a referendum in amending any part of the Constitution. A Commission appointed by Parliament and covering all parts of Kenya should conduct the referendum.

Citizenship: All those people living in Kenya after the date of independence should acquire automatic citizenship. Citizenship can be applied by the people who have lived in Kenya for more than twenty years and obey the Kenya laws.

(inaudible) should be automatic citizens if they obey the laws. A child of Kenyan people should be an automatic citizen.

Kenyans should be given education, health care and employment as a basic right and people to obey the laws of the land. Rights application should be equal for all citizens. There should be no dual citizenship in Kenya. Kenyans should carry Identity Cards or passports as evidence of citizenship.

Defense and National Security: Disciplined forces should be established by the Constitution. They should be regulated by their code of ethics and (?) within the framework of the Constitution.

The President should be the Commander-in-Chief of the Armed Forces. Parliament should discuss and resolute, that the President should declare war, extra ordinary powers should be with Parliament in times of (inaudible)

(Interjection) **Com Mosonik:** You have a memorandum, I give you five minutes you are speaking on behalf of Kalambaani Youth Group. Who are they, is it a village or who is Kalambaani?

Kitonga Malevo: It is a youth group.

Com Mosonik: What is Kalambaani?

Kitonga Malevo: Kalambaani is a Sub-Location.

Com Mosonik: A Sub-Location. Will you please submit your memorandum now for recording on the other side because we shall read the rest of it. Thank you. Let me ask if my fellow commissioners have anything to ask.

Tunaweza kuwa tukiuliza msemaji afanue maswali kadahaa. Kwa hivyo maCommissioner wana haki ya kufanya hivyo. Lakini sasa hakuna swala tafadhali, asante sana. Simeon Malebe.

Simeon Malebe: Mimi ninatoka Ikatha Mwingi Division. Maoni yangu ni mambo kuhusu Provincial Administration. Tunataka

sisi sote tuwachague, kutoka D.O mpaka sub-chief for a term of five years na wakikosea tuwatoe kwa kura ya maoni.

Serikali ijijengee maofisi sio mwananchi ajenge maofisi. Polisi wasiwasumbue wananchi wakati wanapotembea.

(inaudible) should be distributed evenly. Tunasumbuka sana, hatuna mobile haziwezi kushika huku.

Passports ziletwe mpaka kwa chifu, sio ati zinapatikana Nairobi. Land disputes should be handled by the neighbours. Sio wageni waje kwa kesi zetu, hapana. Wakati wa kupiga kura, we should use our IDs not voters cards. Inatusumbua kubeba makaratasi mengi ya Serikali.

Wakati mtu anapoajiriwa, afanye kazi kwa muda wa miaka ishirini au kumi na mitano asongee nyingine, sio ati mpaka atakapofikisha miaka hamsini na tano. Pension given is too high. Inatumaliza pesa. Our traditional beer should be legalized on condition that there are permits given to the brewers. Ndio mama zetu wapate pesa tusome. Hatutaki kinyonga. Nobody should be above the law and we want a ceremonial President and a Prime Minister. Thank you.

(Clarification) **Com Mosonik:** Keti kidogo tafadhali nina swala ya kufafanua. Na kila mtu ambaye amesema tafadhali ajiandikishe upande ule mwingine. Sijui kama wanafunzi kama mmoja wao alijiandikisha kwa niaba yenu? Mkimaliza kusema mjiandikishe upande ule.

Pengine nikuulize swala. Umesema kwamba tutumie tu kipande kupiga kura. Na kawaida kwa ile kadi ya kupiga kura inaonyesha sehemu ya kupiga hiyo kura kama ni constituency ama ni ward ikiwa ni civic elections. Tutafanyaje kama ni ID peke yake?

Simeon Malebe: Vile mimi ninaona, kama ni kura, kilichoko kwa kura kiko kwa kitambulisho. Kilichoko kwa kitambulisho chenyewe, zingine ziko kwa kura. Sasa wakati tuna piga kura hii kura yako inaumwa na ile machine, kitambulisho pia. Sasa mimi nilikuwa nina hatarisha hivi mtu anaweza poteza kura... Unajua hatachagua kiongozi wake? Ukipoteza kitambulisho hautachagua. Tupunguzieni huu mzigo wa kubeba vitu viwili. Tubebe kimoja.

(Clarification) **Com Mosonik:** Unaweza kuwa umepata kipande sehemu hii ya nyumbani ukifika miaka kumi na minane. Halafu uende ufanye kazi Mombasa, ukiwa miaka ishirini hivi na utake kupiga kura sehemu ya Mombasa. utatumia hicho hicho kipande cha nyumbani kupiga kura Mombasa ama hakuna hoja kuonyesha sehemu ya kupiga kura?

Simeon Malebe: sioni hoja. Si tunachagua tu kiongozi?

Com Mosonik: Na MP?

Simeon Malebe: MP pia, nitachagua kule na kitambulisho changu. Niko kule sio ati nitapiga kule halafu tena nikuje huku nipige tena.

Com Mosonik: Asante. King'ele Kiama.

King'ele Kiama: My points are as follows; There should be dedication and involvement in the Constitutional Review process, (?) proper giving of ones views since this is a historical moment for all Kenyans. In regard of the government's ignorance to teach the public the current Constitution. It is clear that Civic education is inadequate and should have started before the Constitution Review process began. It is in my view that we should go to the next elections with a new Constitution.

On the political parties, we should have only two parties. I think these will work better. On financing the parties, they should be equally financed and monitored not to overspend or misappropriate the funds.

We should adopt a Parliamentary system of government in which, a Prime Minister is appointed from the majority of the party in Parliament. The President remains more or less ceremonial, where the Prime Minister is answerable to the President.

On Parliament, it should remain part-time. Also the people should have the right to recall their MPs before expiry of their terms that is two and a half years. The Constitution should guarantee all workers the right to trade union representation. An individual should have ultimate ownership of the land. The government should not have the power to compulsorily acquire private land but should negotiate with the owner or the owners. Thank you.

(Clarification) **Com Mosonik:** Fellow Commissioners let me just ask you. You have said there should only be two political parties?

King'ele Kiama: Yes.

Com Mosonik: Ni vyama vipi viwili ungependekeza viwepo? Wakati huu tuna vyama kama arubaini na kitu ama hamsini. You say you want two political parties. Which ones?

King'ele Kiama: Well, in my view I will not name the parties but they should be... I see it is better there are two parties since they will be very effective than these forty... many parties. Furthermore, some of the parties, the leaders are serving their own interests and they automatically know that they will not achieve what they want to achieve in life. So when we have few parties, there is a much higher degree of wanting one (?) or the other a vision. In one day we can also capture the government and also lead. But forty something parties... they are too many.

(Clarification) **Com Wambua:** on the question of seatings, you said Parliament should be part-time, I think you should elaborate from your explanation. What do you mean by part-time?

King'ele Kiama: In fact it should not be permanent because... part-time is going. The government system is quite (?). They are not Civil Servants and also the public will be judging them as they carry out their work. The public will have that power to remove the inactive persons and replace them with the active ones.

Com Wambua: Are you recommending the current system whereby they are elected for five years and they sit for three or four days in a week. Is that what you are saying should continue?

King'ele Kiama: Yes it should, the current system.

(Clarification) **Com Raiji:** I just wanted to ask you regarding your proposal to recall MPs. How do we exactly, in your view... how do you want us to put that provision? Under what circumstances and by what methods do we recall an MP who is inactive as you have said?

King'ele Kiama: An MP who is inactive, in fact will be judged by the public, because some of the people in the Constituency know their rights and they are aware of what is happening and what they must at least achieve...

(Interjection) **Com Raiji:** Continue, if you still have something to say.

Com Wambua: I think what the Commissioner wants to know is whether we will have another election to remove him or
(inaudible)

King'ele Kiama: If we can judge that the MP is inactive at the middle of his term then we can call for a vote of no confidence and replace him with another one.

Com Wambua: and elections?

King'ele Kiama: Yes, we call for an election.

Com Mosonik: Next can we hear from Councilor Nzenge Langozi.

Cllr Nzenge Langozi: Kwa majina naitwa Diwani Nzenge Langozi kutoka Takani Ward. Maoni yangu yako tofauti na Katiba. Kwa mfano leo yale maongezi ya Katiba yanayosemekana ni mzuri ili tupate education. Kwa mfano ukiangalia hiki

kitabu cha Marekebisho ya Katiba, ukiangalia kitabu namba nne, tunaulizwa swali hatuwezi kujibu. Katiba ya zamani hatuna.

Kwa hivyo ukiangalia, ukisoma hapa namba nne unafikiria unaambiwa Katiba iliyoko inaruhusu bunge kubadilisha sehemu yoyote ya Katiba kwa asilimia sitini na tano (65%) ya kura. Ukija hapo, unaulizwa, tuendelee kuwa na utaratibu huu? Ikiwa sivyo tufuate utaratibu gani? Kwa hivyo mimi kama Diwani, siwezi kujibu, pamoja na kina mama vikongwe kwa ajili hii Katiba ya zamani... mimi nilikuwa bado sijazaliwa na ningekuwa na kitabu juu ya Katiba ya zamani ndio turekebishe.

Ukienda kwa hiki kitabu namba sita, unaambiwa, sehemu ya ulinzi na usalama wa taifa. Pia it is a proposal but we do not have (?) because we do not have the old Constitution.

(Interjection) **Com Raiji:** Do you have your proposal on this point?

Cllr Nzenge Langozi: Yes, mimi ningeonelea ndio tutoe maoni vizuri tuletewe ile Constitution old ndio ni jibu, ndio nifanye amendment.

Com Raiji: The question is for now, do you personally (inaudible). You as a Councilor you do not have any views or proposal you want us to hear? We are coming to listen to the views. If you do not, we understand, if you have please let the Commissioners (inaudible)

Cllr Nzenge Langozi: On my side, that is why I cannot contribute anything before I have the old Constitution. Thank you.

Com Mosonik: (inaudible) I have a copy of the old Constitution and I can lend you (inaudible) you take it and then you can (inaudible).

Cllr Nzenge Langozi: But in one hour I cannot. That is why also you need to add eight months because you have not completed your job. So I also need to have some time (inaudible) when you are adding to Parliament eight months or so, we need this time also to go through.

Com Wambua: Our answer is (?). please compose views to give to us because we will not come back here to collect views. So just read through, if you want time to think through you can borrow this Katiba. Just go and skim through it, and give us proposals based on those questions because you may lose a chance to give your proposals.

Com Mosonik: Also we have a short one in Kiswahili, 'Katiba Iliyarahisishwa kwa Wananchi'. unaweza kutumia hiyo.

Cllr Nzenge Langozi: Kwa mfano Commissioners, yale maoni ningetoa sasa. Moja ni tuwe kama machifu na sub chief wawe

na muda... hata kama hatapigiwa kura lakini awe amepatiwa kama ni ten years aondoke...

(Interjection) **Com Mosonik:** you know what, I think let us agree... tusikilizane hivi. Ninajua maoni yako ni ya maana lakini kwa ajili ya kazi yako ya Diwani, tungependa tukupe muda uyafikirie haya maoni halafu ukiwa tayari unyooshe mkono, nitakupa nafasi.

Clr Nzenge Langozi: Isipokuwa, nilikuwa ninataka hiyo iwe ya kwanza. Maoni mengine, ningesema ni kama utoto wetu, turudishiwe yale masomo yalikuwa ya bure kwa ajili wako kina mama wengine hawajiwezi. Familia zingine hazigiwezi.

Yale mengine ni, Katiba ya Kenya tuuziwe. Vile Commissioner wetu wameruhusiwa kuja Mutha nayo iwe... iandikishe watu wakae hapo ndio wawe wanatupatie Civic Education. Kwa hivyo isiwe ni ya muda halafu iondolewe. Ni hayo machache tu.

Com Mosonik: Asante. Tupate Dominic Kilonzo.

Dominic Kilonzo: Ni maoni tu ningependa kutoa. Maoni yangu kwanza yanalenga vile tarafa yetu... kama vile kata nimetoka. Kulingana na ile shida iko, sijui ni sheria ama iwekwe iwe sheria, vichaka au mashamba yetu yawe na title ili iweze kuwezesha watu waweze kupata loan au mikopo ya kujiendeleza ili kuepuka uhaba wa kazi kwa vijana wetu.

Lingine, maoni yangu ningetoa ni... huku kwetu kuna sehemu nyingi kunaweza kupatikana vitu vya maana ambavyo pengine vinaweza kuwasaidia Serikali na wananchi. ningetoa maoni (?) ziwe zikiangaliwa pengine zitawafaidisha mwenye hiyo sehemu ili aweze kujiendelesha.

Kile kingine ni... hiyo inahusu mambo ya kitambulisho kama vile vinaendelea. Kuna shida na kama vile Commissioners wametembea kutoka Kitui kufika hapa, mumeona ndio, ni mbali hivi. Kwa ule uhaba wa pesa, kwa hawa vijana ambao hawajapata vitambulisho itafikia kuwalazimu kuwa ni mpaka watoke hapa wafike Kitui kupata hiyo affidavit na kurudi. Inakuwa ni shida kubwa. Wengine hata pesa hatuna. Na vijana wengine hawana vipande kwa ajili ya hiyo. Hasa hawa wasichana ambao wanaolea. Tunauliza Katiba kama inaweza kuweka mpango kama ni kuthibitisha huyu ni nani, itoke kwa assistant chief na chief kama vile ilikuwa mwaka wa sabini na tisa.

Maoni yale mengine ni kuhusu D.D.C. ule mpango pengine wa mwaka huu wakuunganisha kata. Pengine wanaangalia idadi ya watu. Lakini ningewauliza waangalie geographically sehemu zingine. Kuna milima kubwa na pengine niko na haja ya kumwona Diwani ambaye ako ng'ambo ya milima kama mbili, niruke hii, niruke ile nyingine, pengine ninaweza kumaliza hata miaka mawili bila kumwona. Hiyo inakuwa ni shida. Pengine tumemchagua kama mtetezi lakini hatutakuwa na uwezo wa kumfikia.

La mwisho, maoni yangu ya mwisho ni kama vile tuna... hebu tuseme kama Diwani yule ametoka hapa. Mara nyingine kama

kina mama hatuelewi kazi yao ni gani. Kama tutakuwa na utaratibu wa kuelekeza kujua kazi ya Diwani hasa ni gani. Iwe inafikia mwananchi aweze kujua pengine ni mzuri au pengine ni mbaya. Kwa maana watu kama hawako ama hakuna hatutakuwa tunajua hasa kazi yao ni gani. Asante.

Com Mosonik: Asante sana, ujiandikishe upande ule mwingine. John M Kiema.

John M Kiema: Thank you. These are my views. One, the President should hold office for two terms of five years each. President should not be above the law. This will make certain that the President works within the given time and do what is expected of him. Three, prostitution should be banned to reduce chances of sexually transmitted diseases especially AIDS, which is threatening our lives. Four, retired officers to be paid their benefits that is pension as soon as possible. I can say notice for retirement to be accompanied with a cheque of one's benefits. This is because retirees have starved pursuing to get their benefits or benefits, which they worked for.

People in the rural areas should have their land surveyed and issued with title deeds. This will minimize land disputes and also people will get loans. Six, national resources and more so the most basic and key ones like water, roads, to be made available equally especially in the rural areas for it will enhance rural development, hence reducing rural-urban migration which subsequently will reduce unemployment, crime, congestion in towns and the street children, as we are all equal citizens.

Ministers that is point seven, to head ministries relevant to what one studied. This will enhance competence in the ministries. Eight, after retiring, people should not work in government sectors on contract. This will reduce unemployment. Nine, that is imported goods to be scrutinized thoroughly to avoid deposition of harmful chemicals in our land from developed countries if we want our future generation to be good and this should be the work of the government. Thank you.

Com Mosonik: Thank you very much. Jacob Kigoto.

Jacob Kigoto (Blind): I am here on behalf of the disabled persons in this region. I come from within Mutha Sub-Location, Kaatini. I have a written memorandum which I would like to be read if possible.

Com Mosonik: Please say your name and read it on his behalf.

Mutuko Musyoka (reading on behalf of Jacob Kigoto): One, free education from nursery to university level for the disabled. Two, schools be built in every division for the disabled according to their disability. Three, there should be a monthly salary for those aged over eighteen years. Four, food, clothes and treatment should be provided free by the government.

Five, those who have completed Form IV and above should be considered for employment. Six, hospitals with qualified

medical practitioners, doctors be built in all approved divisions. Seven, a Ministry for the physically disabled should be initiated during the next Constitution reforms and provision of ministries.

The above were prepared by over forty five physically and mentally handicapped people from all walks of life. Presented by Jacob Katala Kigoto – blind, the Chairman.

Com Mosonik: Thank you...

Jacob Kigoto: Please give me time, two minutes to say something about this memorandum. First I would like to thank all the Commissioners who have come all the way maybe from Nairobi or Kitui just to listen to us. I know you have had a difficult time of listening to the people who are giving different views according to our Kenyan Constitution.

Within this memorandum that I had with me, it is my belief and hope that if we have... if the Kenyan Constitution is going to consider the disabled and try to review this, I think probably we might have a better Kenya in the future. The reason why I say this is because, we the disabled and especially down here this way, most of us are some how forgotten. Let me be sincere and honest because most of us lead miserable lives. Without anything to support us. Some of us have got education. We stay here jobless. Some of us especially... like me I have been walking to town and I have stayed in Nairobi without getting any job. Therefore, it is my hope and belief that the new Kenyan Constitution which will be made and the next elections may shed light on the disabled and we shall have a better Kenya than we do. Thank you.

Com Mosonik: we want to ask some questions. First Com Wambua and the Com Raiji.

Com Wambua: Kigoto you said you have been in Nairobi looking for a job without success. Do you associate this failure to get the job to your state of being disabled specifically?

Jacob Kigoto: Really, I should say no, I do not. Since I have been skilled in some jobs which I can be able to do after I completed my education in Form IV.

Com Wambua: So you believe if you were without a disability you would have got a job?

Jacob Kigoto: I believe so. The reason why I say this is because I have been... while I was looking for employment, there were no people who were assisting me.

Com Raiji: Another question. I take it that you are saying that the disabled are discriminated when it comes to giving out jobs. Would you have a specific proposal that we can consider to remove that discrimination or whatever problems you are

encountering? I have in mind things like could you want us to have specific quotas or certain number of jobs reserved for the disabled in particular departments or for the skills they are qualified in. or what specifically would you want us to do so as to remove the discrimination that has rendered you jobless for so many years?

Jacob Kigoto: Thank you. My proposal is that, the disabled people especially those who have been educated; there are some who are skilled in some jobs. For instance you get a blind person, some of them are skilled in telephone operating, others can even type with normal typewriters. Those people should be considered and given perhaps somewhere to... so that someone can earn a living.

Others like the crippled who are lame, could be skilled in leather making, leather shoe making and some other jobs. Others who are blind can also do carpentry, as they are skilled in that. They should be doing these jobs so as to see or to feel that they are also living in Kenya like the rest of the citizens. That is what I was proposing. Because there are some who have skills in these jobs and still some are jobless. That is what I mean.

Com Mosonik: Last question from me. I would like to ask you. You said there should be free education; I think that up to Form IV. I wanted to ask would you...up to the university level. Should this be in integrated schools or in special schools?

Jacob Kigoto: That should be in special schools for these people.

Com Mosonik: Thank you. Daniel K Moi.

Daniel Moi: Yangu ni machache ambayo ningetaka kuwapa. La kwanza ni kwamba Kenya ni nchi ambayo inaendelea kustawi na ni tajiri wakati huu. Kwa hivyo ningetaka hii Tume iende iseme kwa Serikali kwamba mtu yeyote aliye na umri juu ya miaka kumi na nane awe akipatiwa mshahara.

Lingine, ni kama vile zamani, Kenya haikuwa na nguvu sana, lakini wakati huu iko na nguvu. Tunataka shule zote za msingi ziwe zikijengwa. Mimi sisemi zile za upili, ninasema zile za msingi. Ziwe zikijengwa na Serikali.

Wakati huu ni wakati mgumu kwa wazazi kuwasomesha watoto na wakati mama anapotaka kutengeneza kitu kale munajua yaani '*kalobo*' ndio apatie watoto wake kitu ndio apeleke kwa waalimu alipe karo au alipe nini... Polisi wanawanyanasa hawa kina mama. Tafadhalini hii tume iende iseme polisi waache kuwanyanyasa kina mama ndio watafute pesa za kuwasomesha watoto wetu. Ni hayo tu. Asanteni.

(Clarification) **Com Mosonik:** Swala moja Mr. Moi, kutoka Commissioner Wambua.

Com Wambua: Ningelipenda kujua umesema wale wamezidi miaka kumi na minane wapewe mishahara. Watapewa mishahara bila kufanya kazi? Ungependelea wapewe kazi ndio wapate mishahara ama wapewe mishahara?

Daniel Moi: Hata mtu akiwa nyumbani awe Serikali imepanga sehemu kidogo, awe hasumbuki sana.

(Interjection) **Com Wambua:** Akiwa hana kazi...

Daniel Moi: Akiwa hana kazi.

Com Alice Yano: Umeongea kuhusu hii pombe ya kienyeji na ukasema kuwa pengine kina mama wangekubaliwa watengeneze hicho kinywaji ili waweze kuwalipia watoto wao karo. Pengine pia tutawasikia kina mama wakisema hiyo pombe ina haribu wazee, ina wapoteza wazee. Sasa ni wapi, ni vipi? Unaonelea ni lazima iendelee hivyo ama pengine itawaharibu nyinyi wazee mushindwe kuwalinda hao watoto nyinyi wenyewe?

Daniel Moi: Hiyo ni kulingana na yule mzee aliye na akili. (*Laughing from the audience*) Yeye ataona tu atafanya nini. Sindio. Yule asiye na akili ni shauri yake.

Com Mosonik: Asante sana, tumekushukuru Mr. Moi. Solomon Ikuthu? Hayuko. Peninah Kisuli.

Peninah Kisuli: Nina maoni kutoka kikundi cha kanisa (?) A.I.C

(Interjection) **Com Mosonik:** Itaje Kanisa vizuri ndio isikike.

Peninah Kisuli: (?) A.I.C. Point one, free education from nursery to university. Free medical services in every sub location. Point three, barabara ziwe zikitengenezwa kila mara. Four, high taxation from the County Council must be reduced. Five, free secondary school and university after completing primary level.

Point six, every man who is above sixty five years old must be given attention. Point seven, there must be equal communication services from the urban to rural areas. Point eight, bore holes to be dug in every location mostly in the rural areas. Thank you.

Com Mosonik: Every man above sixty five to be given pension. What about the women?

Peninah Kisuli: Everybody.

Com Wambua: This high taxation from the County Council... Can you try and explain to us. What is it? What sort of

taxation is this? The County Council tax and on what matters. Tell us what payments are these you are talking about by the County Council?

Peninah Kisuli: Wale watu ambao wanaendesha biashara, County Councils huwa zinawaitisha pesa nyingi. Kwa hivyo...

Com Wambua: License fees ambayo inalipwa na wale wanaofanya biashara?

Peninah Kisuli: Ndio.

Com Raiji: Niko na swali moja tu. Wewe kama mama, ungependelea hii pombe iithinishwe, au uko na maoni juu yake.

Peninah Kisuli: Mimi vile ninaweza kusema hiyo pombe imalizwe kabisa.

Com Mosonik: Asante sana Peninah. Nicholas Mbuti.

Nicholas Mbuti: I am from Mutha Location, (?)sub-location.. I have only a few points. One, insecurity of cattle, land and people against Somali bandits. Land cases should be handled by neighbours of the complainant.

(Interjection) **Com Mosonik:** Let me ask you. You have just mentioned the bandits. Are you making a recommendation? Mapendekezo? Umetaja tu bandits.

Nicholas Mbuti: My views are the government should... every person should have equal security in Kenya. Two, land cases should be handled by the neighbours of the complainant not people from outside. Three, the traditional liquor beer halls should be licensed as at 1979.

Four, the President should be under the law while in office. Five, due to unemployment in Kenya, every Kenyan above eighteen years should be paid a monthly salary of Kshs 3,000. Six, the deceased in any accident should be paid more than the injured. Seven, the NSSF benefits should be paid immediately and not and not after fifty to fifty-five years. Eight, pension should be paid punctually. Nine, the ministry of education to consider girl child intake in all levels of learning institutions for example (?) Then, harassment by chain of a Provincial Administration by unlicensed financial collections and these collections are supported by the chiefs. That is the end.

Com Mosonik: You have said land cases to be handled by neighbours but in many cases there have been in this district, the proposal was that the clans on the other hand...Let us put it this way. What do you see as the role of the clans and or the village elders in respect of a question like this one?

Nicholas Mbuti: In most cases, cases of land in Kenya... if for example I have a claim over land with my neighbour... for example in Mutha and other divisions, we have wazee who preside over land cases. When they are given something, a tip, they favour the one who has produced money. The complainant of the land loses his land due to such cases. What my opinion is land... for example if you are my neighbour, that case should be handled between you and me, not some people from outside to come and case over that land.

Com Wambua: To follow up on that issue. What would be the role of the clan? Because you are saying that elders would be corrupted. What about the clan? The clan in this community has been a respected communal body. Should they listen to land disputes? The clans, not the elders.

Nicholas Mbuti: The clan can do that.

Com Wambua: The second question is you said that NSSF benefits be paid immediately, but you did not tell us what is immediate. Immediately is what, one year, two months, one day? Not fifty five years but what do you propose?

Nicholas Mbuti: Immediately after he/she has stopped working.

Com Wambua: Immediately anybody leaves a job they should be paid?

Nicholas Mbuti: Yes. Thank you.

Com Yano: I would like to follow-up on this issue of traditional liquor. You said that in 1979, there were these traditional beer halls. I would like to ask you whether at that particular time you were able to partake in them and we know very well they were abolished there after. Is it possible for us to know the advantages of these beer halls at that particular time, whether it benefited the people of this area or whether it benefited you as a person? And after it was abolished, are you seeing whether there is any disadvantage?

Nicholas Mbuti: You know Mr. Commissioner, some of the rural areas like our place, people are very poor. There is no any source of earning especially in Mutha. Farmers grow only maize for food and have nothing for cash crops. Some of the people are very poor. To afford to buy children pens, books... you know we buy books in our schools, we buy textbooks in our schools, uniforms and even build schools.

(Interjection) **Com Yano:** Therefore before 1979 you were able to do that using the liquor?

Nicholas Mbuti: Some who had licenses could help themselves by earning at least something little to buy a book.

Com Yano: And now?

Nicholas Mbuti: Now they have nothing. Some of the schools are not finished.

Com Mosonik: Thank you, Asante sana. go and register at the end there. Sammy Ngula.

Sammy Ngula: Kwanza ninashukuru sana Commissioners kwa kufika huku kwetu area hii ya Mutha. Jambo la kwanza upande huu wetu ambao ni area ya Mutha, ni area ambayo ina shida. Kusema kweli...

(Interjection) **Com Mosonik:** Umetaja jina lako?

Sammy Ngula: Jina langu ninaitwa Sammy Kinemathiu Ngula. Ninashukuru kwa kuwa nimepata nafasi hii ya kuzungumza machache ambayo ni nayo. Nikirudia vile nilikuwa nimeanza, area hii yetu ya Mutha ni area ambayo sisi tunajua hatujapata uhuru kwa sababu tunausikia lakini sasa... si ajabu Commissioner leo ukitoka hapa bila kunywa maji kwa sababu shida tuliyo nayo hapa Mutha hasa ni maji. Ningetaka ikiwa ya wezekana itafutiwe njia tukisaidiana na Commissioner na wale ambao wanaweza kutatua haya mambo tutafutiwe maji. Hiyo ni shida ambayo hapa Mutha tunayo sana.

Pili, hasa sisi upande sana sana wa Kenya, tungetaka Commissioner ikiwa inawezekana mwananchi aruhusiwe kutembea bila shida. Ikiwa anakokwenda mbali, asiulizwe kitambulisho, asiulizwe movement yake kwa maana yeye ni mwananchi wa Kenya. Kwa kuwa sana sana upande wa townwananchi hupata shida ya kuambiwa “simama unaenda wapi?” na wale ambao ni watumishi wetu tunaowaita ‘watumishi kwa wote’. Hilo ni jambo ambalo sisi hatuna uhuru, hatujajua kama tumepata uhuru. Hiyo ningetaka Commissioner ikiwa yawezekana hilo jambo lifikishwe kule ili mwananchi awe na freedom ya kutembea katika nchi yake bila shida.

Upande wa masomo. Wakati wa ukoloni, tukisema especially hapa Mutha, masomo katika sehemu hii yetu hasa upande wa hizi remote areas tulikuwa tukisoma na masomo yalikuwa hayana shida kama wakati huu ambao tuko sasa. Wakati huu, wazazi wanamapato machache, mapato especially upande wa kwetu, huwa ni machache sana. Na masomo, mtu ana watoto karibu watatu, wanne ambao wako primary, wengine wako Secondary na wote lazima huyu mzazi awatimizie. Mapato yake ni shamba. Mavuno ya shambani hayapatikani vizuri kwa sababu ya ukame vile nimewaeleza. Mzazi lazima atatie hayamambo kwa njia yoyote ile ambayo anaweza. Na mukiangalia katika area hii yetu, ni area ambayo haina maji na hatuna generation yoyote... Na hatuna irrigation zile za kuweka magenerator ya kutoa maji chini ama nini.

La tatu, maji. Mutha tungetaka ikiwezekana tutafutiwe kama tapping holes zile shimo za maji. Tutafutiwe mashimo ambayo

yakitobolewa maji, mwananchi anaweza kupata maji bila shida kwa maana mwaka huu mvua haikunyesha upande wa kwetu na tunataka maji mbali sana. Kwa hivyo yale mashimo ikiwezekana Commissioner, Serikali ituangalie vile inaweza kutusaidia kwa mambo kama hayo.

Mashamba: Upande wa mashamba ningeliza Commissioner, hili jambo ulipeleke kule wanapoweza kutatua mambo haya. Mashamba ambayo ni area kama... especially ya Mutha, tusijaribiwe kuletewa watu ambao hawajui area yetu vile ilivyo. Kwa maana nikiwa ni mzazi wa Mutha anajua area yake, shamba lile lake vile livyo, atawatumia wale elders, wale wazee wa area hiyo wajaribu kusaidisha mambo haya ya mashamba. Lakini si kuletewa mtu kutoka Nairobi, kutoka Kisumu au kutoka wapi aje kutujawanyia mashamba ambayo atatupokonya kwa njia ile ambayo si ya haki. Kwa hivyo mwananchi ambaye anakaa hiyo area, tunaomba Serikali ieleze hao wenye hiyo area watatue mambo yao wenyewe wakisaidiana na Administration ambao ni machifu.

Langu la mwisho. Ningeliza Commission ikiwa ya wezekana, ituwekee kitambulisho cha kupiga kura, kiwe permanent kama hii ID tuliyo nayo. Kwa maana baada ya miaka mitano tunapewa ID nyingine au kitambulisho kingine cha kiwachagua watu. Tunauliza ikiwa yawezekana, ziwekwe permanent kama hizi ID zetu. Iwe kuwa mtu anakaa nacho. Unless, akipoteza ndipo anaweza kubadilishiwa kingine. Hilo ndio jambo ningetaka Commissioners mpeleke area hii yetu tutatuliwe na wananchi wa Kenya kwa jumla. Asante sana.

(Clarification) **Com Mosonik:** Swala ulisema kuhusu masomo ukasema education in remote areas lakini hukufanya pendekezo.

Sammy Ngula: Nimesema... ikiwa nimekosea naomba musamaha. Lakini nimesema masomo tunataka Kenya nzima kuanzia Primary mpaka Form IV ikiwa yawezekana kama vile nchi zingine, iwe Serikali inaweza kujisimamia kulingana na vile ambavyo tukipata uhuru ilikuwa imetangazwa.

Com Mosonik: Asante. Jiandikishe sasa. Kyusia Mwanza. Hayuko?

Com Mosonik: Next ni William Muthami wa Sikwota Sub-Location. Kabla hatujaendela, tafadhali tumtambue na tumkaribishe mheshimiwa Samuel Kiminza ambaye ni mbunge wa sehemu hii.

William Muthami: Asante sana...

(Interjection) **Com Mosonik:** Ngoja kidogo please. Asante Mheshimiwa kwa kufika. Tutakupa nafasi ukiwa tayari. halafu tena bwana D.O. wa sehemu hii yuko hapa na wengine tutawatambua baadaye. Thank you. Tafadhali Endelea.

William Muthami: Asante sana kwa kunipa nafasi hii ya kutoa maoni yangu. Kitu cha kwanza...

(Interjection) **Com Mosonik:** Jina kwanza, jina lako kwanza, uliseme.

William Muthami: Jina langu ni William Mutua Muthami kutoka Location ya Ndakaani. Maoni yangu ya kwanza ni kwamba tunataka masub-chifu kama wanafanya kazi vibaya wapewe transfer. La pili, tunataka Councilor kama tunamwandika na yeye anafanya kazi vibaya tunataka tumfute na tuandike mwingine.

Tatu, tunataka mawakili kortini wahakikishe kuwa yule hana pesa na yule ana pesa kwa kuamua kesi haki itendeke. Wala sio kuwanyanyasa wale hawana pesa hadi wanapoteza kesi. Kama ni mashamba, yule ambaye hana pesa anaipoteza shamba yake. Sisi tunataka hawa mawakili wakome kufanya hivyo.

La nne, tunawataka polisi waache kuwasumbua watu. Yaani kwa kuwapiga au kuwatesa. Kwa maana wengine... mtu anaweza kushikwa na anateswa au kupigwa kwa vile kuna njia nyingi za kuwatesa watu. Unaweza kudungwa shindano, kulazimishwa kukanyaga seng'enge na hivyo mtu anaumia na hata pengine hauna kesi, sasa unaumia bure. Tunataka hayo mambo yakome.

La tano, tunataka municipaa au watu wa Council waache kuwasumbua watu wenye biashara ndogo ndogo kama vile kiosk au mahali pengine padogo tu. Kwa maana watu wengine kwa sababu ya shida nyingi wanalazimika kufanya biashara kidogo lakini kwa sababu ya hizo kodi za Council, watu wengine wanakaa bure kwa maana hawaziwezi. Kama ni chai unauza, kwa siku moja unaweza kuwa unapata kama shilingi tano au shilingi ishirini na ile pesa... ukipatikana hapo unaambiwa utoe faini ya shilingi mia tano au elfu moja. Sasa unaona... chochote ulicho nacho kama ni mbuzi au ng'ombe wako nyumbani, unalazimika kuwauza na unalipa Council. Sasa hapo tunaona tuko na taabu katikati ya mambo hayo.

La sita. Tunataka Serikali ipunguze bei za vitabu vya kusoma vya watoto. Maana vitabu hivi viko bei za juu sana na mtu ambaye hana kitu nyumbani huyo mtoto lazima akae... Tunataka Serikali iangalie hivyo vitabu vingine vya kuandikia kwa maana tuseme kama vile vitabu viko, tuseme kama hii ya page thelathini na mbili, tunaona inauzwa kama shilingi tano. Mtoto wa Standard eight na huyu mtoto huenda anahitaji vitabu kama kumi na moja au tisa na hivyo vitabu vyote... Huyo mtoto kama tuseme wa Standard eight hawezi akanunuliwa hivyo vya 32 pages lazima anunuliwe vya kwanzia page mia moja na ishirini au vya mia mbili na hiyo ni pesa nyingi sana. Sasa tunaona mtu kama hana kitu, inabidi huyo mtoto akae nyumbani bila kusoma, anazuiwa na hilo jambo.

Jambo lingine, tunataka tuwe na simu kila Sub-Location, kwa maana kama mtu kwa hii area yetu ya Mutha, ameumia au amepata majeraha, hakuna njia nyingine tunaweza kutumia huku kwetu kufikia Mutomo au Kitui. Hivyo tunataka tuwe na simu kila Sub-Location, ili kitu kinapofanyika tunaweza kupiga simu hospitali ya Mutomo au ya Kitui. Na pia kama tunashambuliwa

na hawa mahoria wanaotusumbua, tunaweza kupiga simu moja kwa moja, siku hiyo wizi unaweza kukamilika saa hizo. Huo ni mfano kutumia hao watu, si kwamba ninasema wanaingia huku kwetu. Lakini kabla ya kila kitu kinaweza kuingia kwa haraka.

Tunataka tuwe na Posta katika kila Location kwa maana kama huku Mutha Division hatuna Posta. Kama tunataka kutuma barua lazima tuende mwendo mrefu au unahitajika kupanda gari uende mpaka Mutomo ndio utume barua yako. Sasa hiyo ni shida nyingine ambayo tunayoiona. Hivyo tunataka kuwe na Posta kila Location.

Lingine, tunataka watu wote ambao wamehitimu miaka themanini na bado wanafanya kazi waondolewe. Kwa sababu mtu huyo amefanya kazi yake ile miaka hamsini imekwisha na sasa ako na miaka themanini na bado anaendelea na kazi. Tunataka mtu kama huyo aondolewe kazini kwa maana kuna wengi tunafanya kama tuseme kibarua. Mtu ametoka kazi na yeye anafanya kibarua, na kuna watu wanahangaika. Sasa hiyo ni nini? Tunataka huyo mtu aondolewe nje.

Tunataka tupunguziwe ada zinotozwa hospitalini. Sababu hospitali ni kuwa zile tuko nazo, tuseme kama zile ziko pande hii kama Mutomo na Kitui, mtu akienda kama ameumia au amevunjika mkono ama ni mama mjamzito naye anaenda huko Mutomo na anataka kufanyiwa operation, ile pesa unaambiwa hapo huwezi kulipa. Kwa vile unaambiwa kupasua inaweza kuwa kama elfu kumi au elfu ishirini. Na mahali wewe unatoka kwa mwaka huwezi kupata elfu kumi. Sasa, sisi tunaona tunaumia. Ndio unaona watu wengine wanaweza kufia kwa nyumba au anaenda hiyo hospitali, anapoambiwa pesa hizo na hakuna njia nyingine sasa lazima yeye ahudumiwe, na hiyo pesa inarundikana hapo hospitalini. Sasa tunataka hicho kitu kiondolewe kwa maana tunaumia. Ni hayo tu. Ninakomea hapo.

Com Mosonik: Asante, swala kutoka Com Wambua.

Com Wambua: Ulisema ikiwa Councilor hafanyi kazi kulingana na vile munavyotaka muwe na ruhusa ya kumtoa...

(Interjection) **William Muthami:** Ndio, tuandike mwingine.

Com Wambua: Kawaida mkipiga kura, huwa unapigia Councilor, unapigia member of Parliament (MP) na President. Hawa wawili unawaweka wapi?

William Muthami: Hapo nilikuwa nimesahau. Huyu Councilor na hata MPs tunataka wawe kama Councilor. Kama wanafanya vibaya tuwaite tuwaambie halafu kama anaendelea kufanya vibaya tuwafute tuandike wengine. Kwa maana tunaumia sana.

Com Wambua: Na President?

William Muthami: Hapana hapo siwezi.

(Laughing from the audience)

Com Mosonik: Swala lingine, umesema kwamba Councilor na MP wafutwe, lakini ulisema kwamba Assistant Chief apigwe transfer?

William Muthami: Ndio.

Com Mosonik: Akiwa hafanyi kazi. Asifutwe?

William Muthami: Sikifutwa, transfer kwa maana kama yuko mtu kama wa hapa Mutha – Ngaani, naye anatumwa kama kule Ndakani, huko anaweza kufanya kazi kwa vile anaenda kupata wageni sio kama wale anakuwa pamoja na ule muungano uko huku unakwisha kwa vile anaenda kukutana na watu wengine nje.

Com Mosonik: Asante sana Mr. William Muthami, tafadhali ujiandikishe upande ule mwingine. Juma Mathenge.

Juma Mathenge: Yangu ni machache kabisa. Jina langu ni Juma Mathenge kutoka Ndakaani Location, Kaliakatuni Sub-Location. Yangu ningeomba kidogo tu... Katika Serikali yetu ya leo au ijayo tuwe na coalition government yaani Serikali ya mseto ili tuweze kupata... yaani watu wote wa Kenya wakiwa represented kutoka corner zote za Jamuhuri.

Pia, namba ya pili, ningeomba kuwe na educational standard of gauging kwa wale watakaotaka kugombea viti vya u-Councilor.

Wale ambao wamefanya 8-4-4, tungeomba wawe na education ya chini kabisa, ya Form IV. Na wale waliofanya ile system ya zamani, tungeomba wawe up to Standard seven na zaidi ya hayo tungeomba sana kila mtu atoe vitambulisho vyake. Hivyo vitambulisho vyake pia, kwa sababu vingine vinaweza kuwa forged, afanyiwe language test. Yaani afanyiwe Kiswahili na Kiingereza English and Kiswahili test, ipatikane kwa kweli anastahili na anaelewa ndio akienda kwa meeting zao anaweza kuchukua minutes.

Ningeomba pia Serikali yetu iweze kutupatia free education kwa wote mpaka Chuo Kikuu. Wakiwa tajiri wakiwa masikini yeyote, mwanafunzi yule anataka kusoma na amepatiwa apewe elimu free of charge mpaka mwisho.

Ningeomba pia, State iwe na control ya hizi Civil Society organizations kama hizi NGO ziko nyingi sana huku. Nyingi hazijulikani zinaendelea vipi na hazijulikani kama kuna magendo ndani yao ama kuna mis-use of public funds. Ningeomba Serikali iwe na mikono ndani yake, ikiwezekana miaka ijayo ndio ipate kujua kama huduma ziwe madonors wameleta huko zimefikia wale wameletewa.

La mwisho kabisa, ningemba Serikali ipatie mishahara wale watu wote wazee kabisa wa miaka zaidi ya sabini ambao hawawezi kujimudu. Waangaliwe kwa ajili wengi wao Kenya leo wanakufia huko mashambani, vijijini kwa sababu ya ukosefu wa usaidizi. Kwa hivyo Serikali iangalie na ichunguze shida zao. Asanteni.

Com Mosonik: Thank you Mr. Mathenge. A question please.

Com Raiji: Bwana Mathenge umependekeza kwamba wale wote wamefikisha umri wa miaka sabini wapatiwe pesa. Je, ni wale wote wamefikisha huo umri au ni wale tu labda hawawezi kujisaidia wenyewe, wale masikini tuseme?

Juma Mathenge: Hapo ni correction. Ningemba tu wawe ni wale masikini zaidi kwa sababu kuna wengine wamefikisha miaka hiyo na ni matajiri sana. Kwa hivyo ni wale ambao hawana uwezo ama source yoyote ya kujisaidia. Asante.

Com Mosonik: Kuna swala lingine. Umesema Councilors wawe na kiwango cha Form IV wakiwa wa 8-4-4 na ile system ya zamani Standard seven. Kwa nini hii tofauti umependekeza?

Juma Mathenge: Nimependekeza hivyo kwa vile leo mtu wa Form IV ninamlinganisha na mtu wa Class Seven ya miaka hiyo ya zamani. Ukisikiliza Kiingereza chake akiongea au reasoning yake tu, sio kama mtu wa Form IV, utamrudisha nyuma miaka hiyo na 1970s awe ni mtu wa Standard 6,7,8 there ndio ninaona wanalingana kiwango hicho na ndio hiyo sababu.

Com Mosonik: Asante sana. Ujiandikishe. Augustus Ngei Kieti wa Ngaanwi Sub-Location.

Augustus Ngei Kieti: Jina langu ni Augustus Ngei Kieti kutoka Ngaani Sub-Location, (?) Location. Maoni yangu ni kwamba... ya kwanza ni, tunataka utawala wa kirauni lakini sio wa pesa. Maana ukiangalia pesa za kutoka miaka ya sabini na nne mpaka sabini na nane wakati wa mzee Jomo Kenyatta, utaona upande wa kirauni, kirauni ndio iko kwanza na pesa iko chini. Lakini utawala ule tunaona sasa, pesa ndio iko juu na kirauni iko chini. Hiyo hatutaki.

La pili, chiefs na manaibu wao wanafaa kupewa transfer kama wanafanya kazi katika area yao mbaya. Na waandikwe kwa muda wa miaka tano hivi na kama anakosea tunamtupa tunaandika mwingine.

La tatu, Rais anafaa awe chini ya amri za nchi wala sio awe juu ya amri hizo. La nne, mwananchi wa Kenya anafaa awe huru. La tano, Mkenya yeyote, awe Rais, awe waziri awe nani, anafaa kuweka pesa zake hapa Kenya ndio tuzuie kuzorota kwa uchumi wa nchi yetu. La sita, mwananchi akiwa na makosa, hafai kusumbuliwa na polisi huko kwa njia. Anafaa apelekwe kortini akastakiwe, na korti iamue makosa yake lakini sio kupigwa mateke njiani.

La saba, korti ya ardhi inafaa ifanywe na wazee wa kijiji wala sio watu wachukuliwe huko nje ama ipelekwe kortini, hapana. Wazee wa kijiji wale wanajua area hiyo waamue hiyo. Serikali ya Kenya iangalie masomo hapa Kenya, yamekuwa mabaya. Watoto hawana vitabu shuleni. Zamani wakati wa Mzee tulikuwa na vitabu, kalamu, vitabu vya kusoma na kuandika. Serikali ipeane hivyo vitabu vya watoto kwa shule ya msingi.

La kumi, tunataka simu zipelekwe mpaka Sub-Location. Tuletewe simu huko tuwe tunapiga kama Nairobi, tuna piga mara moja. Kumi na moja, tunataka tufanyiwe survey ya ardhi yetu ndio tumalize kesi za ardhi. Kumi na mbili, Serikali iangalie habari ya mahospitali, watu watibiwe bure. La kumi na tatu, Serikali iangalie hongo ambayo imezidi hapa Kenya, ikomeshwe. Kwa sababu ukiwenda maofisini unaambiwa hebu toa kitu kidogo ndio tuangalie mambo yako. Maoni yangu yanaishia hapo. Asante.

Com Mosonik: Asante. Swala moja.

Com Wambua: Ulisema ungependelea chiefs na sub-chiefs wawe wanatumikia kwa miaka mitano halafu kama hawafanyi kulingana na vile wananchi wangependa watolewe lakini hukusema kama ungependa wawe elected ama wachaguliwe ama ni kuandikwa kikawaida?

Augustus Ngei Kieti: Hiyo ni wachaguliwe na wananchi kama ma Councilors, wachaguliwe halafu wakifanya makosa wafanyiwe transfer. Akifanya makosa tena huko wamepelekwa afutwe kazi waandikwe wengine.

Com Mosonik: Asante. Philip Kilonzo.

Philip Kilonzo: Mimi ni Philip Kilonzo kutoka Ndakaani Location, Kaliakatuni Sub-Location. Maoni yangu ni machache. Ningeomba kama ingewezekana Serikali iwapatie watoto wetu elimu ya bure kwanzia Form I hadi University level.

Hospitali ziwe za bure. Unajua siku hizi kuna kitu kinachoitwa cost-sharing. Hiyo cost-sharing iishe na iwe free medication. Kwa upande wa politics, Rais wa nchi awe ni mtu ako na elimu ya University level. Awe ni degree holder. Kwa upande wa MPs, wawe... ya zamani ilikuwa ni kutoka Form VI hadi University. Councilors wawe ni watu wameelimika na wamepata mtihani wa Standard eight na kama bado hajapita, afanyiwe test ya lugha zote mbili.

Kwa upande mwingine, Serikali inasema haina pesa na inawaongezea watu wengine pesa. Kutoka wakati huu, hawa watu wanaoitwa nominees, ama nominated Councilors ama nominated MPs wakatwe. Hakuna haja. Kwa upande wa chiefs ama sub-chiefs, ni maoni yetu kuona kama hawa watu wangepanyiwa transfers hiyo ingefaa kwa sababu mtu anakaa mahali pamoja, ako na urafiki na huyu, mnagombana, kesho mnaonana tena kama iko namna hiyo, wakati wote ni yeye atakuonea. Kwa hivyo kama atafanyiwa transfer atawakuta watu wengine ambao hawajui atafanya kazi. Maoni yangu ni hayo tu.

(Clarification) **Com Wambua:** Umesema elimu iwe ya bure kutoka Form I mpaka university. Na hii ya primary tufanyaje nayo?

Philip Kilonzo: Ya primary kama... kama hii ya University ingekuwa free na secondary, hii nyingine ni kidogo.

Com Wambua: Na primary?

Philip Kilonzo: Hata primary lakini ile iko na nguvu sana ni kutoka Form I up to University degree.

Com Mosonik: Asante. Agnes Mulatia? Rhoda Kivusio? Ziporah Kala? Evelyn Muzilu? Kuula Kisavi? James Katula Muthoka?

(Interjection from audience) (inaudible)

Com. Mosonik: Julius...

(From audience) Julius Mulatia.

Com Mosonik: Nilisema Agnes Mulatia. Lakini kwa ajili umeingia tafadhali Endelea.

Julius Mulatia: Asante sana Commissioners kwa nafasi hii ya kuweza kuchangia mambo ya Katiba yetu. Mimi kwa jina ninaitwa Julius Mulatia, ninatoka sehemu ya... Location ya Ndakaani. Mimi ningetaka kuchangia mambo machache. Mimi ningetaka kuchangia, bunge yetu ya Kenya itafute kifungo katika Katiba yetu cha kuweza kuchagua mkuu wa kuangalia Katiba.

Kwa sababu hata tukitengeneza Katiba haina mtu wa kuiangalia, mambo mengine yanasalia hapo. Mfano, Katiba yetu ile tuko nayo imeturuhusu elimu ya bure, afya na kuondoa umasikini. Lakini hivyo vitu vyote vimesalia huko na hakuna mtu anaviangalia.

Point yangu ya pili. Ningeuliza sehemu ya Katiba yetu ya Kenya iwe na sehemu ya kuweza kuangalia nchi yetu kwani nchi yetu haifanani kwa ile hali ya climate. Unapata kuna nchi zingine zina matunda na kwingine hakuna matunda. Kama sehemu nyingi ni semi-arid, na ukiangalia Katiba yetu, inatulinda sote kwa njia moja. Lakini Katiba inajua ukweli kwamba kuna sehemu zingine hata zikinyunyiziwa maji hazijiwezi. Ningeuliza Katiba yetu iwe na njia ya kuweza kuangalia sehemu zetu za Kenya ili watu wote waweze ku-share yale matunda ambayo yanapatikana nchini.

Sehemu nyingine ambayo ningependa kuchangia ni kwamba, tumekuwa tukilalamika sana katika Administration. Kutoka huku machinani sababu ya mtu kukaa mahali pamoja na anakuwa mjumbe ama King wa pale. Tungeuliza Commission, watu wa

administration kama vile police wanaenda transfer hata machief wawe wanaenda transfer hata assistant chiefs, kwani watu hao watatawala wengine kama kawaida. Kwa maana Katiba inatutawala ni moja. Zamani sub-chief walikuwa wanaenda transfer. Nilikuwa ninaona huyu amezaliwa huku, unamwona huku na kazi ilikuwa inaenda sawa sawa. Hakuna ule urafiki wa kufanya hiki na kile.

Jambo la mwisho ambalo ningesema ni kwamba, elimu... sisi wazazi ambao tunasomesha, primary school imetushinda. Sababu primary school utapata mzazi ana watoto watano au sita au wanne na ukiangalia mahitaji ya kila asubuhi, unakuta mtoto yuko primary ni gharama kubwa kuliko mtoto yuko Secondary. Tungeomba elimu ya primary iweze kugharimiwa na Serikali kama vile ilikuwa zamani. Vitabu na hata majengo kwani hata pesa za majengo, hata zile tunatoa huko hazijengi. Kwa hivyo ni Serikali ingekuwa wanatusaidia kufuatia hizo pesa pahali zimeenda. Lakini mwananchi anawekwa kungangana na mwalimu yule anasomesha mtoto washtakiane. Kwa hivyo inakuwa ni shida. Mimi ninashukuru na ninakomea hapo.

Com Mosonik: Asante, James Katula Muthoka.

James Katula Muthoka: *Nitawa James Katula Muthoka. Kuma Kyengo sub-location.*

Translator: My name is James Katula Muthoka, from Kengo Sub-Location.

James Katula Muthoka: *Katiba ya Kenya, ningwenda inengeleelyw etikili ni kwithiwa andu asu nimatia miao ite ungei winthini na ni andu me wendo wa andu. Undu ungi "Atui" masiswe ala ma nyumba ala mekalaa kuu misyi nimathinaswa muno ni masub-chief na atui, na anene ni kwithiwa andu asu nimo mathukumaa.*

Translator: The Constitution and the process of safeguarding the Constitution should be left to Christians because they are not thieves.

James Katula Muthoka: *Atui asu ni ala methiiawa kwa sub-chief ivinda yila D.C akuka kana D.O nitiawa tumanthe mathai kana mbesa. Na andu asu mailikaa misyi sub-chief – anene mailikaa musyi mundu usu maundu asu tungelelya mutui. Tukwanzia kuumangana nake.*

Translator: Village elders are harassed by the chiefs and sub-chiefs especially, when the D.Os or the DCs are visiting, the elders are given the responsibility of collecting money or eggs from the villagers. This is quite taxing because you collide with the villagers themselves.

James Katula Muthoka: *Andu asu nitunengawe thina ihtye asai kwitwa mbesa na kuu kwitu kwitawa kukyamania*

inguli. Ikoani yaku winayo ndusila utanenganite mbesa isu. Maumasyaa ndaimoni masyitwa moo makwasa D.c niwo unenie uu kana President niwo uneenie uu.

Translator: When they are demanding money, usually that happens when you have a case. It cannot be arbitrated unless you pay them some money, that is the elders. Most of the times when they are demanding money, they claim that it is the DC or the President who has given the directive.

James Katula Muthoka: *nivikaa vu. Katiba ye Kenya ii ikunile maundu asu nikwithwa kuu ithye raia nituthinaa.*

Translator: That is all I have to say. Let the Constitution take care of those issues because we as the general citizenry we are suffering.

Com Mosonik: Asante sana Mzee Katula Muthoka. Jiandikishe tafadhali upande ule mwingine. Sasa tumsikize Agnes Mulachia. Ametoka tena? Johnson Atili? David Muli? James Masivu? Alexander Makasa? Steven Nyamai?

Steven Nyamai: My name is Steven Nyamai, I come from Mutha Secondary School. My views are on children's rights. Right number one, child labour should be stopped. Right number two, we want free education by the government up to Form IV. Right number three, we want free medical services from the government for everybody. Point number four, we want free water and sanitation.

Point number five, we also want a feeding program in schools. Point number six, more schools for both primary and secondary. Point number seven, unemployment should be cut. Point number eight, we need security. Point number nine, we want boundaries to be defined. Point number ten, employment to be balanced. Thank you.

Com Mosonik: Asante sana. Ulisema unasema kwa niaba yako ama kwa niaba ya nani?

Steven Nyamai: I am talking on behalf of the children.

Com Mosonik: You are a student or something...

Steven Nyamai: Yes, I am a student from Mutha Secondary.

Com Mosonik: What Form?

Steven Nyamai: Form IV.

Com Mosonik: Thank you. At this point we would like to invite Honourable Samuel Kiminza to make his submissions. Mheshimiwa Samuel Kiminza.

Hon Samuel Kiminza: Thank you Mr. Chairman. My names are the Honourable Samuel Kiminza, MP for Kitui South, in fact this area is part of the constituency.

Mr. Chairman I have the disadvantage of having been in the public hearings in the other two divisions. Therefore, for the Commissioners that were in the other divisions some of the points might be repetitive. I have a number of points to make and mainly in the political arena.

One, I would like this Commission to put in the new Constitution a provision for a Vice Presidential running mate, to be nominated by every respective party's Presidential candidate. Both the Presidential and Vice Presidential candidates who shall be on one ticket shall not contest Parliamentary seats. That means if they are elected President and Vice President respectively they should not be members of Parliament.

Two, the winning President should ganer 25% of votes cast in at least five provinces in Kenya, and win by a simple majority of the votes cast and remain the Commander-In-Chief of the Armed Forces with approval of Parliament.

Four, that this Constitution, the new Constitution establish the office of the Prime Minister and the Deputy Prime Minister and this continue Civil Servants heading the Civil Service. By so doing, the Prime Minister should be the leader of government business in Parliament, secretary to the cabinet and head of Public Service. Mr. Chairman if I may (?) because appointing just a Civil Servant to head this important docket. That the Civil Servant is not answerable to anybody except maybe to the President, in my view this is a big anomaly. We should have somebody who is directly answerable to Parliament in view of the same.

Number five Mr. Chairman, the President be above the law and also be immune from prosecution at office. Six, the incoming President should take over office within a specified period of time from the date of announcement of election results. Maybe. saying for example, thirty days from the date of announcement of the Presidential votes.

Number seven Mr. Chairman; there should be a fixed five-year Parliamentary term whose date of commencement and dissolution is predetermined in the Constitution. On the side of provincial administration Mr. Chairman, I propose that we abolish the offices of the chief and the Provincial Commissioner. Councilors take over the powers of the chief because as it is at the moment, chiefs are not answerable to anybody. Therefore, whether they mistreat the populace, the populace or the electorate have no control over the chiefs. Retain the offices of assistant chiefs, D.Os and DCs and abolish the idea of the

province as a whole. Have DCs and then report to Nairobi directly thereafter.

Mr. Chairman on economic resources, distribution and employment. I propose that we decentralized employment in key sectors, for example in the provincial administration as it is done in assistant chiefs cases. We have the recruitment of D.Os done in their respective divisions even if they will be posted elsewhere. For the recruitment for example in Mutha Division, is done within Mutha Division, we get a D.O born here even if he is going to be posted outside the division. Mr. Chairman and we have the same for other key sectors like the police force, agricultural sector. As it is now, there is a lot of anomalies in employment and you find that although a lot of bright children could come from marginalized areas, like in Kitui South. Most of them end up not getting jobs.

Mr. Chairman, I also envisage the decentralization of the national resources from the national budget point of view that we allocate in the Constitution a certain percentage of the national resources. For example, in energy where a percentage shall be given out equitably to all constituencies and if possible equally to all constituencies.

Mr. Chairman, on health education and sanitation. I propose one; that education be free and compulsory for all up to university level. Two, access to health, sanitation and water being guaranteed in the Constitution. Thank you Mr. Chairman.

Com Mosonik: Thank you Honourable Kiminza. One or two queries from the Commissioners.

(Clarification) **Com Wambua:** Mheshimiwa I am one of those who listened to your views at Mutomo and I have just been thinking about the issue of the Prime Minister. I heard very clearly what you said about accountability to Parliament but, my concern is that don't you feel that this would be concentrating too much power in one office when the tendency is now to decentralize when you make the Prime Minister head in the Civil Service, head in the government, head in the... and he is also sitting as a minister and secretary to the cabinet. He is secretary to the cabinet, he heads the government and he heads the secretariat.

Don't you find that it is over concentration of power in one office which is something we are trying to... I think there is a general agreement that we should devolve power so that it is not concentrated in one office. I don't know whether you thought about it?

Hon Kiminza: Thank you Mr. Chairman. It is something I have thought out quite well for several months and as long as the Prime Minister is appointed by members of Parliament then the citizens have a way of questioning his activities.

As it is now Mr. Chairman, the head of the Public Service who is also secretary to the cabinet, could listen to any fitina and just act arbitrarily. Parliament does not have a direct control even the leader of government business is in Parliament, gives

Parliament the assurance that such and such a D.C. is going to be transferred. He does not have the power to directly effect the wish of Parliament.

Therefore, a corrupt Civil Servant could mess up a whole region just because the leader of government business is not the one directly in charge of effecting the changes Parliament wants.

In my view, I do not consider those powers excessive because they can still be checked by Parliament.

(Clarification) **Com Raiji:** Mheshimiwa, I would just like to seek your views on one of the issues that we are required to address in the Review Process. This question of multiplicity of parties. I am sure you have heard, both and Mutomo and even here various recommendations. Would you have any views on the number of parties that we should recommend or how we deal with this issue of having so many parties?

Hon Kiminza: Mr. Chairman, I will attempt to answer that in my view without of course opening a Pandora's box. To address that, if I were to be in your shoes, I would put that, very strongly the issue of a Vice Presidential running mate and that, the President and Vice President would not be members of Parliament.

Therefore, because most of the people who are contesting in various parties, forming parties. The moment they know that they fail to win the Presidency, they will not be members of Parliament, they will just dissolve their parties automatically. So we shall remain with only serious Presidential candidates and therefore we would have solved the issue of parties in one way or the other. Then, we will remain with maybe people seeking Parliamentary seats with their parties but as long as they are not seeking the Presidency, the parties would not be strong and therefore they will not have members. They will be forced by circumstances to come in bigger parties.

That is one. The other proposal I would have on the same would have been, we put the winning Presidential candidate must get 50% plus one of the votes cast. They will automatically phase out. The tribal parties would go out because nobody is able to win. But that is not my proposal.

(Clarification) **Com Yano:** Mheshimiwa you have just talked about decentralization in terms of employment and also in terms of the national resources. I was wondering, do you have... have you ever thought of who is going to manage the same on behalf of the people?

Hon Kiminza: The problem I have... or maybe I should speak directly, the frustration I have, is a case where there is no merit in employment for example. Maybe the Armed Forces is going to employ, the member of Parliament must be there to make sure that his people are not short-circuited.

Suppose it happens when you are overseas? You could have the best-qualified person, he runs and could even be number one in the field and wait for the rest to finish but still the candidates have been predetermined. Therefore, there is no fairness and this boils down to discouraging people from going to school, going to the university because they have seen their brothers in the universities are not being employed. Somebody got the worst grade in the university has got a job in a bank...

We need some standardization so that we are guaranteed people know at least this division even D.Os... in my case for example I have three divisions and a sub-district. I should have people from Kitui South, three D.Os and I should have a D.O one. Even if they are posted elsewhere there is a criteria being set so that everybody knows when we go for employment this is the criteria. If you are going to ask the D.O there is the criteria, and if you are not taken you will know yes, Com Yano has defeated me and it is plain and clear.

As it is now, you have to have a 'god-father', you have to have a Mheshimiwa, you have to have a friend to push you along. I would like the government, the central government to supervise, as it is that we have guaranteed quotas. For example what is happening with teachers in the Teacher's Service Commission, you are guaranteed that the teachers who would be employed would be from the same region a certain quota. Not like it was some years ago, you find all the teachers, most of the teachers in most of the schools come from outside that region. While at the same time you have people more qualified to be teachers, even the ones who have been imported from elsewhere.

Com Wambua: Mheshimiwa, what unit would you suggest for these quotas be is it the Constituency or the District?

Hon Kiminza: The Constituency all the time. Actually Mr. Chairman, nobody has any interest with the district. Our interest is the Constituency because this is where they have somebody they can fire after five years. For example now is a case of Kenya Roads Board. This Parliament will constitute the Kenya Roads Board which guarantees that 16% of all monies collected from the fuel levy is distributed equally to all the constituencies.

Therefore, in Parliament we know this month or this year, the Ministry of Roads and Public Works has collected this number of billions of shillings. It is very simple. I seat in the Committee in Parliament that deals with roads just divide by 210 and you tell all members of Parliament we write them this year it is coming this much. It is something we can have control over, and as an elected representative of the people you can come and say this road is going to be made. You have control over that and therefore the representatives of the people can actually respond on road matters 16%, they can guarantee their people at least I would effective to 16%. As it has been previously, the government could undermine you. You could promise I will do this and this and this and the government does not want you. For example (inaudible).

Therefore a very good leader of the people, is thrown out of Parliament for example not because of his weaknesses, but

because of the weaknesses and deficiencies in the Constitution. Therefore, we want this to be enshrined that a certain quota of this or that shall be enshrined in the Constitution so that people can act their representatives and if we fail to deliver we will be fired.

Com Mosonik: Honourable Kiminza, mine is to say of course as a member of Parliament, you are one of the authors of the Constitution of Kenya Review Act Cap 3A of the laws of Kenya. Among the functions of the Commissioner is one, to examine the various structures of government including the federal and unitary systems, to recommend an appropriate system for Kenya. Now you are the author but you are submitting views, could we ask you to address that question specifically. It is implied in a way when you talk of decentralization. Then we are asking which way do we go? Federal or unitary and if we devolve is it only in federal or also you will note from our issues and questions that we have asked. How else could power be devolved to the lower levels of government? To provinces, the Local Authorities, the districts and if you prefer any, can you give us some reasons for so doing?

Hon Kiminza: Mr. Chairman, that is a very good question. I am a strong proponent of the unitary system of government as it is at the moment, and the distribution of economic resources as they are at the moment. But my problem is who comes to administer those resources. For example, when money has been divided in Nairobi and comes into the treasury in Kitui, my concern is who administers that.

I propose that the elected representatives of a people must have greater role in determining the allocation of those resources in various projects. (Inaudible), we guarantee division of these resources but then the people should have more say in what shall we do the resources (inaudible) as it is at the moment.

Com Mosonik: We would like to thank you very much and we have nothing to add. Thank you so much Mheshimiwa. Now, is Agnes Mulatia now here? We are trying to get kina mama to talk. Rhoda Kivusio, is she is here? (Inaudible) Thank you.

Rhoda Kivusio: My names are Rhoda Kivusio from Mutha Secondary School. My views are on children's rights. Right number one, unemployment should be curbed. Point two, sexual abuse should be stopped. Point three, access to property. Point four, forced marriages should be stopped. Point five, gender equality.

Point six, female circumcision should be stopped. Point seven, we need more schools. Point eight, feeding program in schools. Point nine, free water and sanitation. Point ten, free medical services from the government for everybody. Point eleven, we need free education provided by the government up to Form IV. Point twelve, child labour should be stopped. The last point, we need security.

(Clarification) **Com Mosonik:** Question for you. You have said something. You are talking about children's rights and you have talked of access to property. What did you have in mind?

Rhoda Kivusio: As I have talked about access to property, this is for instance I am a girl, then after school maybe I shall be married somewhere and after a long time I get a divorce from my husband, then I return to my matrimonial home. My brothers and relatives can say you have no rights to any property here. For instance land. So there must be a law which says that everybody or every child has access to property.

Com Wambua: That does not sound like children's rights. Definitely when you talk of property (?) after you get married that is not children's rights. Anyway, we will accept that as a proposal.

Com Raiji: I suppose everybody is a child of somebody, so I am sure that even Commissioner here is a child of Bwana Wambua. This question of security you have raised, is there insecurity or what kind of security were you thinking of?

Rhoda Kivusio: As I have said we need security. For instance in Mutha Secondary School we are insecure that is we do not have enough security. For example, we do not have any police posts near our school. The government can consider all the schools to have security near them. For instance the bandits can strike and do many things in our school because the school is near the road.

Com Mosonik: Thank you very much Rhoda Kivusio. Ziporah Kala.

Ziporah Kala: My names are Ziporah Kala from Mutha Secondary School. My views are on children's rights. First, build more schools both secondary and primary. Feeding programs in schools. Third, free water and sanitation. Fourth, free medical services from the government to all the people. Fifth, free education by the government up to Form IV.

Six, child labour should be stopped. Seven, female circumcision should be stopped. Eight, gender equality. Ninth, forced marriages should be stopped. Eleven, sexual abuse should be stopped. Those are my points. Thank you.

Com Mosonik: Thank you. Next is Evelyn Nzilu.

(Clarification) **Com Yano:** Ziporah, I am getting a bit unsettled with this sexual abuse especially against the children and I would want you to be specific because most of the children have come up with this issue. Is it a rampant problem here? Can it be pointed to a group of people or how is it perpetrated against the children?

Ziporah Kala: It goes this way. A girl can be employed by her master or somebody who is married. When that girl lives

there she may become prettier than her master's wife. That man sees it as an opportunity to seduce that girl or marry her while it is not right.

Com Mosonik: Thank you. You can register over there at the corner. I had called Evelyn Nzilu.

Evelyn Nzilu: My names are Evelyn Nzilu from Mutha Secondary School. Children's rights. Child labour should be stopped. Second point, free education by the government up to Form IV level. Point three, free medical service from the government. Fourth point, free water and sanitation. Fifth point, we want feeding programs in schools.

Sixth point, more schools. Seventh point, female circumcision should be stopped. Eighth point, gender equality. Ninth point, forced marriages to be stopped. Tenth point, sexual abuse should be stopped. Eleventh point, unemployment should be curbed. Twelfth, we want security because of bandits. Thank you.

Com Mosonik: Thank you, please register. Your other school mates Steven Namae? The other one is Samson Mwanzia.

Samson Mwanzia: My name is Samson Mwanzia; I come from Mutha Secondary School. I have my views, which I want to submit on children's rights. These are the rights. Free water and sanitation. Proper school feeding program. More schools, secondary and university. Child labour should be stopped. We want free education by the government from Primary up to Secondary school.

Free medical services from the government. Unemployment should be curbed. Provide security. Equality of employment.

(Clarification) **Com Mosonik:** You are from the same school as the girls. Are there any problems specific to boys or young men like you? You did not say female circumcision should be stopped. Is there anything... why did you omit that one?

Samson Mwanzia: There is no (inaudible)

Com Mosonik: Did you mention it? You see I was wondering why you did not mention it. You have no opinion on that one. You know we keep talking of the problems of the girl child so we are wondering as a Commission whether there are any problems of the boy child and young men like you?

Samson Mwanzia: I think there is none.

Com Mosonik: Thank you. Now, you and your colleague could you register over there. The next one will be the last one from your school Mutha Secondary School. Wilfred Kilonzo.

Wilfred Kilonzo: Thank you. My name is Wilfred T Kilonzo from Mutha Secondary School. My views on children's rights. Point one, free water and sanitation in our area. Point two, child labour should be stopped. Point three, free medical services from the government. Point four, unemployment should be curbed. Point five, more school in our particular area like here.

Point six, feeding program in schools. Point seven, we need free education by the government up to Form IV. Point eight, we need security more especially in our school. The last point is, we need a defined boundary. Those are my views.

(Clarification) **Com Raiji:** Wilfred, I think I will pursue what my colleague Dr Mosonik was asking. You have also left out the question of female circumcision. Do you actually support it or are you opposed to it?

Wilfred Kilonzo: Yes I can say that female circumcision must be stopped.

Com Raiji: It should be stopped? Why is it missing in your list?

Wilfred Kilonzo: It is only because I am not assuming but I propose it.

Com Raiji: I just had to release the question because you are all giving the same views, which is good. But do you have any specific issues that affect you as a young man, as a youth? Other than those you would want us to consider? I am just floating an idea. I remember some of the youths where we have been, they have been saying something like say the payment of dowry, which is paid by men for example or by young men like you, when you get married. Do you have any views on that practice or other problems regarding the youth specifically?

Wilfred Kilonzo: Yes, well it is good to say, because you are paying the parents who have taken care of the girl. I can propose that, it is good if the dowry can be minimized at least. You know I am not very conversant with those things about the amount but from what I hear from the people who are concerned it is a hardship. So it is my proposal that one should be minimized at least.

(Clarification) **Com Yano:** Wilfred, there is this issue of defined boundaries. Between where and where? Is it constituency boundaries; is it between yourselves and your neighbours? Can you kindly give us an insight into it.

Wilfred Kilonzo: For example in our Location Mutha, we know we do not have correctly defined boundaries between us and the bandits. It is good to have defined boundaries as this will make us know that those Somali people are not able to cross over. Because I am speaking on behalf of our school and when we are there one thing is that we do not have security and the Somali people normally pass there. It is our fear that one day they might come and take us so if there can be a boundary, that

would make them not to pass there and they cannot come in and this will allay our fears.

Com Mosonik: Thank you Wilfred and with that we finish with your school since Steven Nyamai is not there. Then I think also we would like to thank you for presenting your views as a group from your school and I think we can also say, your counterparts, Mutha Primary School who were here earlier and presented their views and Isaa Primary School through the verse. At that point I think we have finished with the students and if there are any others, they will let us so that we give them special consideration since they have a problem of time constraint.

That is what I am saying, if there are any other students, they could write a note and we can give them the opportunity. In the meantime we continue with. Now, one last chance Agnes Mulatia, of Kuiizima Mitaani Group. Is she here now? This is the last time I will call that name. Alright, Katili Kithengi? Jeremiah Mbuti? That name sounds familiar. Mbuti please...

Jeremiah Mbuti: Mimi ni Jeremiah Kamuta Mbuti kutoka Location ya Mutha, Ngaani Sub-Location. Maoni yangu ni nchi ya Kenya pande zote ziwe sawa kwa maendeleo yanayoendelezwa na Serikali. Sehemu ambazo zilikuwa nyuma kimaendeleo pia ziangaliwe. Kama ukulima, kukopeshwa pesa za ukulima. Veterinary, mifugo inaangamia kwa kukosa uangalifu. Barabara ziwe sawa ili ipunguze masumbuko kwa mienendo ya magari na pia wanadamu. Maji, yaangaliwe na Serikali hasa pande zile zilizokuwa zimebaki nyuma.

Wazazi wengi wanaona taabu kulipa fees. Wanaagamizwa na shida za kulipa karo shuleni. Majengo, masumbuko ya wazazi na inaleta maendeleo kuwa chini zaidi. Miji iliyobaki nyuma iangaliwe na Serikali kimaendeleo.

Elimu: ukosefu wa pesa au fees inawasumbua wazazi. Ukosefu wa kazi, vijana wa huku mashambani hawaangaliwi. Wanamaliza shule na kukaa bure. Shida hii iangaliwe sawa Kenya nzima. Wote waandikwe sawa kutoka madistrict mpaka locations kupitia uangalifu wa Serikali.

Mahakimu waangaliwe, wafike sehemu zile ziko mbali na madistricts. Kupata vipande, pengine mtu aliowa bibi ambaye alikuwa na kipande kwa jina la yake au alikuwa ameolewa na mtu mwingine. Inasumbua hao kukaa bila kuchange. Kuenda katika districts ni mbali. Wawe wanafika karibu ndio wapate usaidizi.

Serikali iangalie ni kitu gani kinafanya watoto kumaliza shule wakiwa wanafika kidato cha mne na hawajui kusoma hata Kiswahili. Ni kwa nini? Hiyo iangaliwe. Na tukiaangalia wazazi, tunakosa la kufanya maana tunaona kuna waalimu wengine hawana ujuzi au hawakupitia njia ya kweli, walipata njia ya nyuma kupata kuongoza mashule na tunafikiri hiyo ndio sababu.

Com Mosonik: Asante sana, jiandikishe upande ule. Kyava Kasumukia wa Isaa Primary School na Koki Mwicha.

Kyava Kasumukia: My names are like that Kyava Kasumukia kutoka shule ya Isaa. Children's rights. Point number one, free education for all up to Form IV. Number two, more schools. Number three equality of boys and girls. Point number four, feeding programs in schools. Point number five, free and compulsory medical services. Number six, free water and sanitation. Point number seven, child labour should be stopped.

Freedoms: Number one, freedom of expression. Number two, freedom of worship for all. Number three freedom of thought. Thank you.

(Clarification) **Com Mosonik:** Which class are you in Isaa Primary School?

Kyava Kasumukia: I am in standard eight.

Com Mosonik: Are you in session or what? Is school going on? We earlier saw students from Isaa Primary School and they were in uniform, we are just curious...ama umefukuzwa ukaenda nyumbani?

Kyava Kasumukia: Hapana.

Com Mosonik: Thank you. Makoki Mwicha, Isaa Primary School. Mwendako yuko? Hayuko. All right, tafadhali tuendelee na Kalei Matheka.

Kalei Matheka: Thank you Mr. Chairman. My names are Kalei Matheka. I want to make the following proposals to be enshrined in our fourth coming Constitution. One, is about the criminal law, the delay of justice. We find that currently there is delay of justice and the criminals are put into cells for quite a long time and this in principle means delayed justice is justice denied. Therefore, I am proposing that courts to be established at Constituency level and more judges to be employed.

Two, economic and social injustice. I am proposing for the Constitution to ensure equitable distribution of national resources. We should not see few people in Kenya being wealthy and millions very poor. In that case, there should be a law, which will actually address the above. If I may quote J M Kariuki in 1960s, there is a time he said "*We might be in a situation whereby we have a Kenya of ten million and ten million beggars.*" A situation, which we actually should not want to see.

Still on the same point, I am proposing that the new Constitution should ensure harmonization of Civil Servants salaries. We are used to seeing everyday a certain cadre of Civil Servants being given hefty salaries while the same same qualifications in another ministry given an unfair deal. We want to see these salaries being paid on qualification and this will actually avert the strikes, which reduce performance of the same employees.

National unity: As much as we need the rich people, we also need the poor people as well. Our national unity is very important for our socialization and actually our coming together in all parts of the country. The Constitution should ensure that at any level, there is no nepotism, and tribalism. That should be condemned at every level and we should bring the credibility to public life.

Natural Resources: The Constitution should ensure exploitation of natural resources in Eastern province. For example, our nearby park here, Tsavo East National Park, is not of any use to us in Kitui South Constituency. It is a resource, which should benefit the local people. The gates should be opened everywhere and this will create employment of the students or those who have finished University or Secondary School, as askaris and many many others. While it is providing salaried employment, it will also provide employment in terms of carvings, we are good carvers. Tourism will also be promoted in our area and this will actually improve our economic status as people of Kitui South.

On the same point, mineral resources like blue Sulphur, green garnet, mica should be exploited. The Constitution should ensure establishment of industries in such areas, which are lagging behind in development.

Water is a natural resource and is very important to this development. I am actually putting forward a proposal that the new Constitution should make sure that the arid and semi-arid areas should be provided with water from whatever river or lake. The government should set, or the Constitution should make sure that the government of the day makes sure that all areas are served with clean water for drinking and water for irrigation. This is the only way to alleviate poverty in our area.

Judiciary: I am making forward a proposal that, the Attorney General should not be appointed by the President. He should actually be appointed by a panel. This panel should be composed of the judges who are vetted by Parliament. Likewise, the appointment of judges in Kenya should be appointed maybe, and vetted by the same Parliament instead of the President. Why am I making such a proposal? This is to make the Judiciary more independent from the Executive arm of the government.

The promotion of the same judges should be on qualifications and performance not merely merit. We have seen many people in that case, not only judges, who have benefited from promotion by merit and in this case, he/she has not merited at all. So we want to see the promotion of judges in the upper posts based on performance and qualifications.

Provincial Administration: I am making forward a proposal that the post of the P.C. should be replaced by that of a governor and this governor should be a resident of that province who will be elected by the residents of that province. The governor will actually be answerable to the Central Government.

On Presidency: I am making forward a proposal on elections of the President and Vice President. There should be separate elections for President and the Vice President. They should be running mates. Both the President and the Vice President should be nominated by a political party but they should not vie for any Constituency seat. These people should be of good

moral, good record track and should actually represent Kenya as their only Constituency.

The President should appoint the ministers not only from the Parliamentarians. He should have an upper hand on appointing ministers from the civil society, from people of good track records instead of the Parliamentarians as we have seen the current situation is. Why? This is to avoid political and regional affiliation by the same President. We want the President to be above party politics. We want him to be above regional politics. We want him to be an exemplary citizen or Statesman.

Local Authorities: I want to make some proposals on the minimum education level on for the election of Councilors. The forthcoming Constitution should ensure that whoever intends to contest a Councilor's seat, should have a minimum Secondary school education. This is very important. We want to see active participation of Councilors basing their views and arguments on national policies and what is also around other areas of the country. Not only their local areas.

This will also open up the minds of the Councilors to have a wider perspective of the national issues, which must be integrated in the development of the areas they are representing.

On the issue of nominated Councilors, I am seeing there is no need for a nominated Councilor. Who is he/she representing? It is a waste of public resources.

Basic Rights: On this issue, Mr. Chairman, I am making a proposal that we do away with the current ID or the national identification card. It is a colonial legacy for as we read History and see how Kenyans were demoralized by the carrying of the 'kipande' by the neck like a dog...

(Interjection) **Com Mosonik:** What we would like to request is just for you to make a recommendation. You may say, abolish the kipande and suggest what should be put in its place. This is straight and direct.

Kalei Matheka: Thank you Mr. Chairman, in that case, I am proposing the issuance of passports, international passports which will serve as an identification document for the Kenyans instead of the ID.

(Interjection) **Com Mosonik:** Let me interrupt you. You know a passport is meant for international travelling. When we are within the country what do we use?

Kalei Matheka: I am proposing that the same passport should be used as an identification document because it carries all the information the ID has.

On the issuance of these passports Mr. Chairman, I am also proposing that they should be issued all round the year so that

during election time we should not see some people being locked out for not registering as voters. Thank you.

Com Mosonik: Thank you very much. May we request... you have a written memorandum? Please submit it there and also sign up there. At this point, we would like to make a request. I suppose everyone realizes it is supposed to have been lunchtime, ingekuwa saa za lunch na hatujaenda. Ningependekeza kwamba tuende nusu saa na turudi saa nane na nusu. Na wakati huo huo, kina mama akiwemo Agnes Mulatia, wabaki hapa watoe maoni yao mbele ya Com. Mrs. Alice Yano. Tuwape nusu saa kina mama, pengine wana maoni yao ambayo wangependa kutoa tukiwa wengine hatuko hapa. Hiyo si ni kweli? Wapi coordinator? Tafadhali waeleze kwa kilugha vile nimesema please.

Coordinator: *Twatwa twi andu uthi break ya nusu saa na nundu ve iveti sye vaa syasya kana sina thina wa kunena vaa nundu wa kwewa syina nthoni. Twafanga kavinda kau tukwithiwa twi nza ni mekuka vaa matoe maoni moo kwa Mrs. Yano Commissioner. Ethiwa ve syindo itaweteka twee vakuve na mundu umwe kati wa ala meevo moke meke ati, ma-translate kana mavindue ala matekwiwa eithiwa mainena kisungu, withiwe nicha-tafsiriwa. Ungu uu niwo twatwa, taika mingo itatu. Akina mama mutiwe vaa nikenda munene kila mukwenda kunena. Na twisyoka saa nthantha na nusu.*

Com. Wambua: *Aa me vaa mekite nguo ila twikite nimukwenda maumale mutiwe na kivetu ki choka kana nimukwenda twethukesye? Mwikia asu mee vau kana mwenda mundu muka ee weka. Nenai nesa.*

Com. Wambua: *Mui na undu*

Com. Wambua: *Ithye twii na undu.* They are saying they have no problem with us.

Agnes Kavuku Mulatia: *Niitumitwe na akati. Ithye aka nitwathenia nundu mundu muka atwawa, kwoo nde kitheka. Na achoka kwa mume, memina myaka ikumi mume ukuthela musamo. Akewa we mboswa, ndwi kitheka kii vaa. Yu akae silikale esisyeyi aka tuingamile va nundu ithye nitwavwavwanie.*

Translator: She is saying, she is the representative of the women and they have sent her. They are proposing that the Constitution should address the issue of property ownership because they get married and after some time they are kicked out by their husbands, they do not own property where they left, they do not own property where they are married. They are lost.

Agnes Kavuku Mulatia: *Undu uu ungi ithye ethiwa mwona titatokulasya MP kana tukakulya oo Councilor nitwavwoavwaonie nikwithiwa ti vala tuungamete ithye. Aume nimatwekalelye.*

Translator: She is saying, they have Parliamentary aspirations even to the Local Authority, they would like to vie but the men

have really suppressed them. So it is like they do not find room to express this interest.

Agnes Kavuku Mulatia: *Ninde twi wasya, twiyavwavwanie ni kuvowa ee.*

Translator: She is saying they are beaten; they have no voice that is why they are afraid of airing some of these interests.

Agnes Kavuku Mulatia: *No kwou silikale esisye nesa ndikatate kulecha kalovo, niko katumie tuvoowa uu.*

Translator: She is suggesting the legalization of ‘kalobo’ should not even be considered because it the cause of all these ills. ‘Kalobo’ is the local brews – these traditional brews.

Agnes Kavuku Mulatia: *Undu ungi nye nuumite vaaya Mathima. Ithye nitothina muno nikewo. Tumasya kiwo vaa kimani kii twitaa mathina. Ithye nitwa kwie (iaudible)mathima. Silikale neetumathie kiwo.*

Translator: She is proposing the government to address the problem of water in their area it is called Mathima, they carry water for quite a distance. I do not know how exactly how you put it in terms of kilometers but it is far.

Agnes Kavuku Mulatia: *Undu uunge twiwa vaa ve National Park. Yu notumanthewa lami ukavitela vaa asungu mavetela vaa maitotiyaa kaindo?*

Translator: She wants the National Park borders this Constituency, somewhere down here. She is saying this road should be tarmaced so that at the tourists pass through here they might be able to benefit through the related businesses.

Agnes Kavuku Mulatia: *Undu unge silikale esisye katika kisomo. Yu ila tukatwaa kana kaisoma kaimina form four, yu kwithiwa ve mbalanci, kaiyosa valua, yu vakyekalwa vatilye uu, yu vandu vau veekwa ata?*

Translator: The other issue is about school-leavers. When they leave Form IV, usually with a school fee balance, they cannot be given their certificates because of the outstanding fees arrears. That is all.

Com Yano: Sema jina halafu...

Translator: *Wiitawa ata?*

Agnes Kavuku Mulatia: Jina langu ninaitwa Agnes Kavuku Mulatia, Sub-Location ya Kengo, Location ya Mathima, Division ya Mutha.

(Clarification) **Com Wambua:** *Koukia nye ona ndyiewa kindu uweta.*

Agnes Kavuku Mulatia: *Aih. Ndina wia (inaudible) aume.*

Translator: He is asking her what it was that she wanted to say in camera because nothing she has said might put her in trouble, that is whether she is going to be beaten for contributing, she is saying she will not.

(Clarification) **Com Raiji:** Just translate that there were some schoolgirls who were submitting here we always talking about abuse of women and girls. Is it common in this area?

Translator: *Ekulya ee syana mbingi sya skulu etu ala monenganae maoni moo vaa nimakweleasya ngewa ya aka kunyanyaswa. Na ndiese menenea ata niwona nii syana nini either kutumiwa nae ni aume kindu cha muthemba usu, ni thina withia wikwo?*

Agnes Kavuku Mulatia: *Kutumiwa nai ni aume ni mundu ume akioka akwia ningotwaa kaindi we kilasi cha thantha aiyotwa. Matuko matuko akikwea ninaukola, akisyoka aiolonja. Walongwa wakata kuthi (inaudible) kuu mana ukithiwa ndwina market.*

Translator: She is saying, mostly it happens to schoolgirls. They are misled by men that they will marry them but after living with them for a short period of time, they kick them out.

(Clarification) **Com Yano:** On this issue of ‘kalobo’ the local brew, we heard from the majority of men that they would want it to be legalized because they can use the proceeds to pay school fees for their children and maybe that it has some benefits. Now you have already told us that you do not want it to be legalized. Do you have specific reasons why you do not want it to be legalized?

Translator: *Asya aume ila manena masya menda kalobo ketikilwe mwiaoni, naku wasya kaiketikilywe lakini maitye nivo vaumba mbesa sya pheesi, mbesa sya kwitethya naku wasya kaikatongewe, we itumi syaku?*

Agnes Kavuku Mulatia: *Hapana. Kalobo kaa niko kootuma iveti itakoma musye. Aithi kunywa ayuka saa itano sya utuku. Ayuka ayukolya, numbesi, wakulwa kana numbise yu makovi nimaambewa. Kwou mwana niwatwawa sukulu?*

Translator: She is saying the problem with the local brew is that most of the men go drinking until very late at night and when they get home that is when the violence starts. It comes out of intoxication, they end up beating them.

Com Yano: Does it gain them, the way the men were saying? Does it make them get money to pay school fees?

Translator: *Nikamutethasya kukwata mbesa sya kweva phees ala mathowasya aka?*

Agnes Kavuku Mulatia: *Kalobo nikathoku.*

Translator: Flatly the brew is bad.

Domitila Mueni Kitweti: Jina langu ni Domitila Mueni Kitweti. Maoni yangu ni haya. Huku kwetu tuko na shida na wacha tu niseme pande hii ya Kitui South, kwa maana hatuna uwezo wa kuwasomesha watoto wetu. Tuko na shida kwa maana shule za msingi zimekuwa na mahitaji ya juu sana, yale ambayo wazazi wengi wameshindwa na hivyo viwango. Wengi wao wanajisaidia kwa kuuza hiyo 'kalobo' na kukata makaa, kuchoma makaa. Na hiyo makaa, Serikali imeitupilia mbali eti isije ikakatwa tena, na ile hali ndio inasaidia sana.

Tuseme kama muhula huu, watoto wetu wengi hawatafanya mitihani kwa sababu walikuwa walipiwe pesa za mitihani na hayo makaa. Wazazi wengi hawana njia zingine za kupata pesa ila tu hayo makaa. Sasa tuseme, magari yale yaliyokuwa yanakuja kununua hayo makaa hayaingii na kwa sababu ya hiyo tu. Wazazi wengi hawakuwalipia watoto wao pesa za mitihani.

Kuna hizi pesa za karo. Zinapimwa kwa viwango kubwa sana, zile ambazo mtu asipojitahidi hawezi kuzipata na anategemea tu hiyo njia ya kukata makaa anauza ili apate hizo pesa za karo ya shule ama za mahitaji ya nyumbani. Unajua sio lazima tutegemee shule. Yaani kama tuko na watoto tunaosomesha, hata nyumbani pia hawa watoto wanamahitaji.

Wazazi wengi kwa hivyo, kama mwaka uliopita walitia bidii sana kusomesha hata Secondary na hayo makaa. Kwa sababu kuna mtoto tuseme kwa wakati huu amesoma kutoka kidato cha kwanza hadi cha nne, na mzazi wake alikuwa anategemea hiyo ukataji wa makaa, na wakati huu makaa yamefungwa. Sasa huyo mzazi hana njia yoyote anaweza kumsomesha huyo mtoto wake nayo, kwa maana huku kwetu hatupandi mimea ya kuuza, tunapanda tu chakula. Michanga ni tofauti sana. Kuna mtu mchanga wake uko na mbolea na mwingine hauna mbolea. Tuseme huyo mzazi anategemea tu hilo shamba. Kama amepata gunia mbili na ako na watoto sita, hawezi kuuza hiyo chakula yake ili awasomeshe hao watoto wake. Kwa hivyo sisi tulikuwa tunategemea sana makaa na yamefungwa sasa hatuna njia zingine za kuwasomesha watoto wetu ama kuwasaidia.

Kile kingine ningependa kuzungumzia, ni kuhusu hospitali. Kama hospitali yetu hapa Mutha ingepanuliwa iwe kubwa, tupate madaktari wengi, tungekuwa tumefaidika sana. Kwa maana, tuseme hapa Mutha daktari ni mmoja tu, wale wengine ni wa private. Wazazi wengi hata hawana pesa za kulipa hizo hospitali za wenyewe. Wanaenda hapa kwa government na wakienda hapo, wanapata shida kwa maana unaweza kwenda, unalipa pesa zinazolipwa hapo, shilingi thelathini na tena hakuna dawa

unapata. Umelipa pesa, hakuna dawa... sasa hiyo ningependa Serikali yetu iweze kuangalia.

Barabara; Mimi huona shida sana kwa upande wangu. Yaani njia zetu za kutoka hapa kwenda Mutomo ziko na shida sana. Kwa maana, wakati mwingine hata tunakosa magari ya kusafiria kwenda Mutomo kwa sababu barabara kuharibika. Barabara zetu zimeharibika sana, nafikiria mumejitia kwa hii mumeona vile ilivyo na hata hii nyingine ndio zaidi. Kwa hivyo sisi tuko na shida ya barabara. Ni hayo machache nilikuwa nayo.

Laila Koli: *Kwe isietwa ni Laila Koli. Mathina ala ngona yu ala matumie nuuka vaa nimathina ma skulu ni kwithiwa ithye asyai nituuthina andu aya ma ngaliko ya itheo Kitui cha itheo. Nituthinaswa muno ni sukulu nundu asyai ange mathela vintha. Masomethetye syana ikoka ikavika kilasi cha kana kana form four. Musai akita mbui yake wathooie na leu, musyai aithosya kitheka kyake asomethye kau kana kake na nikesa kumutethya itina, nayu kana kamina sukulu, atithewa kaikwata wia. Kethi nthumba kakatembe kakaiwa ni wia kakenuka. Kakauma vaa kakathi Ilobi kakatembea kakaiwa ni wia kakaiwa ni wia kakenuka. Yu ukithiwa ithye asyai nitikwona nitwakwatie ngalama nundu kila kitheka chaku watee, kisomethya ula mwana kana mbui yaku, ndukakwata, ndukatungiwa na kindu.*

Translator: She is talking about employment saying most of the parents these side do not have many alternative means or sources of income. So they scrap through, they sell land, they do all sorts of things to get their children through Secondary education, but after they have reached Form IV, there are no jobs forth coming.

Laila Koli: *Uvoo ula ungi ni vaa ithye vaa Mutha. Nitithiwa twina thina wa kiwo muno. Kiwo kitu kyuma kiimani kii kivaa. Na kila nye nasyawa na nathi nina myaka vakuve miongo itano na kindu, netheiyee mwaitu aitava kiwo kimani. Na kiwo kiu nicho tutumia kuvika suo. Na chasyoka chatheeswa ova na meveleki lakini nocho ve kila vandu vangi (inaudible) Yu ithye nitukwataa thina mwingi muno.*

Translator: The other issue is water. Ever since she was born, they used to fetch water from the hills and she is quite old, she is in her fifties. If it was brought down in taps up here...

(Interjection) **Translator:** *Alafu chatheswa cheka ata?*

Laila Koli: *Chatheswa kitesaa kutwiania.*

Translator: Even though they tapped it and brought it to the market, it is never adequate. It is never adequate. It does not meet their demands.

Laila Koli: *Kila kingi nitontha kuweta ni sivitale. Sivitale yito nitwithiawa twina thina nundu wa kwithia mundu awaa atatwaitwe Mutomo, ndamba kwona ndawa nesa nikwithia vaa, ndakitali noo umwe na sivitale nayo ndithiwa ii*

ndawa. Na nuukwendekana umye mbesa silingi miongo itatu. Kwanza ukanengwe mbeke itatu kana o intha sya Aspirin, na ukiwa nou, nau ula mundu waku ndevoa kana we mwene ndwivoa.

Translator: Another issue is hospitals. Here, medicine is not adequate. There is only one doctor and until they go to Mutomo, they cannot get treatment anywhere else. Even that treatment is not up to standard, because they are usually just given aspirin.

Laila Koli: *Ndie na thina unge.*

Translator: That is all.

Speaker: *Winena Kikamba kana (inaudible)*

Joyce Stephen: *Nye vata ula ninawo nitontha kumwelesya ni kuhusu kisomo. Mbee nambia kisomo nundu kisomo kinathina.*

(Interjection) **Com Yamo:** Sema jina kwanza.

Joyce Stephen: *Sietwa yakwa nitawa Joyce Stephen na kisomo kinathina nundu ethiwa kana kaku nikasoma, na nikavika kilasi cha form four. Na avika vau kuma miongo thanthatu na itatu, tukikwata uhuru, ithye nitweiwe kana ni kukethiwa kisomo cha mana na twiyesa kuchona. Na kuka kuvika vau twinathina wa kisomo ne ndini ii singevie Kenya ni syana kukosa kisomo. Nende chokola siingevie ni syana kukosa kisomo.*

Translator: She saying, upon independence in 1963, free education was promised but that is not the case even till today. There are Form IV leavers who have no jobs that is why we are having a high incidence of thugs because of lack of education and even the 'chokoraa' menace, because of lack of education.

Joyce Stephen: *Na ayumbe ala twambee kunthuva twamina kunthuva Musee Kenyatta na Ngei, twokie twanthuva (inaudible) na twauma vau twooka twanthuva Mbiti wa Mati na Senitor Nzilu na twoka kwanthuva Ngala Mwendwa. Tutheetu ti utethyo ula twaona, na mundu nitumutumie. Athi kuya mbungeni akatavanie mathina maito. Vati endi twaisa kwona nesa.*

Translator: Then since that time they have elected four MPs and the consequent ones after that and none of them has adequately presented their problems to the government. In other words, nothing they complain about seems to be addressed.

Joyce Stephen: *Ni kwithia ivinda ya tene kwai ngali ya ndawa ila yauma Kitui, naivetela vau ithi mbaka Mutomo mbaka Ikutha mbaka Kanziko ichoka Mutha makavoyetete ndawa. Ngali isu nundu yalikile va?*

Translator: There used to be a lorry that used to supply drugs. It used to go through Mutomo, Ikutha, Kanziko, Ndia and proceed to Voi. What happened to that truck?

Joyce Stephen: *Thina ula twinawo iveti, ethiwa kiveti nichakwatikiwa vaa ni kumwa, na vaikela ngale kikweya vaya. Vaikela ngale ichosa na mituke. Kiveti kiu kikwea vau, kivika Mutomo cho nikithelile thayo. Ethywa ni kana komea ndatika ino kana kana kawaa na mituki kwa ngafila, kana kau kekwa vau. Na twavika Mutomo, uteiyete deposit kana kau kayosywa, naku nindi utenawo. Uwou niwiya mundu mantha mbesa, ninuukite? Kelechwa nthi vau na kaikweya vaa mwomoni ukwitwa deposit.*

Translator: The other problem is, there is no ambulance. So, especially when women are in labour, there is a major complication because there is no means of getting them to Mutomo fast. Even emergencies like children who might get injured and things like that. When you get to Mutomo, that child cannot be admitted unless you pay the deposit. There are cases where they have died as they are waiting for attention.

Joyce Stephen: *Usu ni thina umwe, usu ni wa iveti, ti wa mundu ume nundu mundu ume ndakua ivu. Undu ungi nuu ukwasya ati, iveti syo nisyathinie. Kwi Maendeleo ya Wanawake. Ivikwa division ino yitawa ya Mutomo twiwaa na wasya wa Kenya weitangasa kana kwi maendeleo kana kwi mikofo, umaswa ya maendeleo. Iveti twikwataa mikopho, mikopho yetawa ni aume. Mundu muka ula wakwatie (inaudible)*

Wananchi: (inaudible)

Joyce Stephen: *Mwindavye mwiyeke kukilya.*

Wananchi: (inaudible)

Joyce Stephen: *Ithye twikwataa mikovo ilikaa aumeni. Aume ta inywe silikali.*

Translator: The other issue is the issue of credit facilities for women. They have heard a lot about the facilities that are available to women in other areas but here there is nothing. They do not get anything, as far as credit is concerned.

Joyce Stephen: *Thina ula ungi ni twina andu mesila vaaya. Na andu asu metawa Oroma vamwe na Asumali, mooka na mavuti meekite kituo. Naito nahome guard maito nimaveniwe mavuti. Niki Oroma ukulika kuu ena mavuti division ino ya Mutomo, ndioweta division ya Mutha, nise Mutomo. Ethywa ni Mutha kwina division ndinambo mwuna. Niki malikaa na mavuti na vo vaa ithye twina mavuti nitwaveniwe mavuti? Nichao kila kitulinda? Maka*

kuka na makukae, teekanata?

Translator: The other issue is insecurity. Bandits usually raid from the Oromas and the Somalis and they are armed, but the home guards here were stripped of their right to own guns. The guns were taken by the government. Why should they have guns and not here for the home guards to be armed? Why the imbalance?

Joyce Stephen: *Ekulyo ingi. Nitewie kana vaya nivosiwe ni Game na Game isu ila yoosie twiwaa ni Game Reserve. Nayu twamiwa twiyesa kumyona na niyatuvenie kitheka kitu, vatesya kwona Game. Cho kitheka kitu nacho tutontha kuvenwa ata na nicho kitu na twavandete kuu? Kuu nikwo twavandete na nikwo twaithasya na mali yetu (inaudible) ni asumali na twalugwa ithekane, tene tukaya ki? Natwokie kungotiwa vaa kimani, twalutelwa vaa kimani? Twikania ata?*

Translator: The other issue is that, the land that was later on taken by the game park belongs to them. They used to live there but they were edged out that is why they live up in the mountains and they are wondering how they will ever benefit from the park?

Joyce Stephen: *Na tewa makoka kwikia chao? Makoka kwikia gate. Natewa kana matalii makesilaa vaa mavete makake. Ivinda noyavika?*

Translator: They were told that the park was going to construct a gate here and that the tourists would be passing through here as they access the park. On that, what happened? Because they have waited too long.

Joyce Stephen: *Tewa kana skulu ila twaveniwe tikakiwa. Tiyaakiwa, syana isu syangaika vau. Na nitwatwikie kuu twathi kutema kuu. Nayu natuikwona Game, nitaendie, ee twathi kutema kuu. Na syana sisoma skulu nitwaveniwe yivo ila yitawa Kyeni.*

Translator: They had a school there called *Kyeni*; it was also included in what the park, in what was going to become the game reserve.

Joyce Stephen: *Na muvaka wi vaya, we vaa Tulima. Nawo muvaka twasya uthi vandu vetawa Inyali, ndio lea, gaiti ikekiwe vau, na wii vaya Tulima, Tulima ni vaya itheo, itheo wa vandu vetewa Inyali. Muvaka wiikilwa va? Tiikaniatya aka me vau matemete, mathi va?*

Translator: The boundary is that, an area that is not very far from here called Tulima that they had proposing that the boundary be at Inyali.

Joyce Stephen: *Nthini wa aka ve aka ala manthuviwe ma KANU. Kila mundu akithia ena kivila cha KANU na ena kivila cha maendeleo. Na umithi ethiwa kwina valaka Mutomo kana Kitui kana kwa Musee, twikwataa valua. Na nimwaisye aka nimose ivandi. Twosa syake mwitwie tutunge.*

Translator: She is saying there are two issues that again we mixed here. One she is saying they had elections to appoint KANU office bearers in the Location, but whenever there is a function at Mutomo, at Kitui town or even when they are going to see the President, they do not receive letters informing them that there is such a function taking place, they are sidelined.

They have IDs...I have not really got what the idea of the IDs.

Translator: *Ivande wasya (inaudible)*

Joyce Stephen: *Ivandi twetunge nundu twoseyete syake? Na twitunga ivandi twitonga kula. Kivande na kula tutunge tutweke aka ala ma tene, matai kula na mayai kivandi. Mayosaa kivande aume nimo maumasya koti. Tutunge. Nundu muthenta ula wa chao, wa kula tuukuna ithye twiethiea mulolongo uu twendete kukuna kula namo aume mailika mbaa. Ni anaini makunaa kula. Kuu nikwo methiwa makwekesya makuwaana, naithye mlolongo tutumetye twendete kukuna kula nundu twimantha musumbe kana twimantha mutongoi. Wapi, twika ata?*

Translator: As women we are the ones who vote and because the system seems to be neglecting us, we are even feeling like maybe we should take back our IDs, take back our voter's cards so that we do not vote, we do not do anything, we revert to the old system where women were not recognized by the system.

Joyce Stephen: *Nye uvoo wakwa uvikite vau na womantha aka mweke kutuveta uu, ti ila twaitawa iveti, mwatwetic aka niki?*

(Clarification) **Com Wambua:** (inaudible)

Joyce Stephen: *Mekie gate. Gate isu meekeya amaitha ano nimailitwe kwesila makwisa kwithia nimamavekesa ukethiwa vai mundu okuete muiyo muthuku na makilika. Tene yu vataikiwa gate, makesakuka me athuku tweka ata?*

Translator: She is saying in response to the argument, she was asked what she wanted done about the park, the game reserve? Therefore, they said they are waiting for the game, they have not finished they are expecting the animals to be brought. She said they had proposed to put a gate so that especially as the Ormas and the Somalis as they cross to this side, it is easy to detect who is carrying arms and it will enhance their security here.

(Clarification) **Com Yano:** You have just said that after maybe renewing their IDs (inaudible). Has she ever

thought of maybe using the same to select their own women who have not been bought?

Translator: *Wanena wasya nundu undu omaoundu mailye nitamwolile, kwou ivande syethu na kula nimutunga mwikale undu tene mwekalaa mutokuna kula. Yu nake akukulyae, no mwavindisya kana ee kula nomomitumie kusakua umwe wenyu ula utontha kumwethukesya?*

Joyce Stephen: *Kwo yu tukasakua mundu, nitwa kusaua.*

Translator: *Nimwasakua mundu muka?*

Joyce Stephen: *Mundu muka? Twisakua ningi twisakua ningi ata. Tukasakua nundu inywe mwiyatunenga mwantha tumanthe mundu muka. Taathi vaaya ndena uthei. Nengi mundu muka ambesye twi akae na nitwavetiwe, we twimusakuela va? Tuvinthiwe vaa tuvinthiwe na aume ala twathuvie mathi vaya Parliament. Matuvinthie ukutane tutanthauntha, twinthuvana endi?*

Translator: She is saying they are so hard pressed against the wall, there is no room or even the possibility of electing a woman.

(Clarification) **Com Wambua:** *Meekaa ata tutavyei? Mukavanga kusakua mundu muka muvatwa ata? Ta Councillor mukasya suo oyo twenda kusakuwa kiveti kitweke councilor, muvatwa ata?*

Joyce Stephen: *No tivatwe.*

Com Wambua: (inaudible)

Joyce Stephen: *No mbaka twasya nitusakua kiveti, tikewa twitontha. Na mukwasya ati aume makwete maikuna kula makunie mundu muka. Mundu muka niwa nthumba, esie kuumala indii? Twikanya ata?*

Com. Wambua: *Aka nimo ainge Kenya (inaudible)*

Joyce Stephen: *Ukwo nakwia mwantha tinengwa.*

Translator: (For Com Wambua) He is saying that they are the majority voters. Why don't they use these votes to vote in a woman?

Translator: (For Joyce Stephen) She is saying it is the traditional set up of the families here. There is no room for a woman to vie, because according to tradition, women more or less do not feature in political things.

Com Raiji: I think you will ask her, but is she aware that we have a woman MP (inaudible) that we had a woman minister from this side (inaudible)

Translator: *Ekukuyae nundu utese muyumbe wa Kitui cha Kate ni mundu muka etawa Kalove wa Nzilo? Na vee Minister oo mundu muka wae mukamba witawa Nyiva wa Mwendwa. Asu tyo akamba, na tyo aka.*

Joyce Stephen: *Nyiva nitamuthuvie ethye twamuthuvie kuu. Taa muthuva, twamunenga uchairman wa chao? Wa Kanu na ndatunenea athi anengwa mbesa sya szia ino kuma Kitui mbaka Kibwezi, athi aka ngolova nasyo. Nichau mututavya.*

(Laughing from the audience)

Translator: We are the ones who elected Nyiva as the Chairperson of the District branch (KANU), but when she went to Parliament, she was given money to tarmac the road to Kibwezi and she channelled the money to construct gorofas for herself.

Com Wambua: *Na timundu wenu?*

Joyce Stephen: *Ti mundu muka nayu nenge alikwa muvukone. Aokae twikalambane, twathi kalabani mbalalani. Alikwa na aume nundu twathi kalambani, vee kiwo chumite kalamani (ethukesye mwanau) chumete kalambani, cha mwaka wa miongo thanthatu na itatu. Niwo twoumesye kiwo kiu kalambani, twachete vava. Na ela Nyiva ananthuviwe, anatuma ngali ya County Council ikisela vaa ikithi kumwa machine. Akithi ukumya masine tuisa kuthi twethea vae masini, ndoo isu itiyeye mana. Na niyo yatunenga kiwo. Nimwulwa iveti?*

Women: *Ekai!!!*

Translator: She is saying they elected one of their own that is Nyiva. She was pocketed by the men and to make matters worse, there is a place they used to get water, there is a pump some sort of a borehole in Kalambaani. When Nyiva became minister she is the one who used to send the Council vehicle to go and mess the machine so that the water is not pumped.

Com Yano: So in effect, we actually should not be in support of women Parliamentary candidate?

Translator: Let me ask her. *Kwou kwaku mundu muka titautontha nundu ona mwamusakua niakwikiwa mufukoni ni aume?*

Joyce Stephen: *Ningi ta tiinwye mutwekaa, oo ula undu mwatutwaiye na mwateta iveti.*

Translator: She is saying, the problem is not them; it is us because we push them to that position where the woman cannot be able to achieve.

Com. Mosonik: Asante sana.

(Inaudible).

Com Yano: (inaudible) kama ingewezekana waseme yale maneno ambayo hawawezi kusema wanaume wakiwa, lakini yale general kama maneno ya shule, hayo ni maneno munaweza kusema hata wanaume wenu wakiweko. Kuna yale maneno yanakuguzia wewe mwanamke kiroho, na ambayo ungeogopa kusema wanaume wakiweko. Munaweza kuyasema hayo hapa saa hizi? Kuguzia hayo.

Com. Mosonik: Kati ya hao wanne wamebaki, mna chochote cha kusema ambacho hamuwezi kusema mbele ya wanaume ambao walikuwa wanataka kwenda (inaudible).

Translator: *Mwikulywa kana asu matyala anae, eva Lucia, Beatrice Mwandoka na Esther Mumo evo? Na Elizabeth Simon. Syindo ii nimukwenda kututavya nomunene aume me vo? Ee nundu ili saa twee tunanengana ndakika miongo itatu nisyathela. Iwe? Nimutontha kunena aume mee vaa nundu twethukesya ngewa ila mweka ati, twikwona ati no syindo sitonywa kuwetwa aume oo mee vaa. Mwenda tumine naithwe kana tumeete?*

Women: (inaudible)

Translator: *Nimukalata? Aya, ndatika imwe kila mundu. Nena mituki nikenda aliote.*

Com Wambua: Wamesema

(?) wafupishe.

Com. Mosonik: Kwa ufupi kabisa.

Lucia Wamwetu: *Nitawa Lucia Wamwetu. Nye ni vau kwitu ndi mutwa. Oyuka withea nina twana. Naimutwa twakosana na musee wakwa na nasyoka kwitu. Yu nasyoka vau kwitu, nina syana nikwenda kusoma, chonzomethye kuma nusali ngintha kilasi cha nthantha. Nasomethya kana kau mbaka kilasi cha nthantha vau vange mbee nditontha kwika ata, kuthi. Syana ne mbinge nokwithiwa ni na syana itatu. Nditonya kuitwaa. Yu kila kitontha kundethya ukesa kwithia ni maundu ta makaa, nimo nitontha kuisovea namo. Ala makaa makwa meke ata, mathi. Okwesa kwithia yu kana kaa ni kalika thinani. Kalea kusoma no kethie nikongea, wiethia twitwanie ii twana. Yu kila*

ngunenea muno ni kwa makaa wese kwithea mainatungwa. Kingi neiwa ni uvo uwa uki. Kwi mundu wi kwoo mukuu. Kwou nditema miaka ikumi, makaa asu nongitha ngamatha andu moke mademee makaa. Ende ndimamantha na mbesa. Nongintha kindu kia kyo lewa ngasyovya nikana ala makaa ngatesaa. Nundu nditontha kutema makaa asu. Kingi ndokuna wia usu wa kalobo kana makaa, nitontha kwithiwa ni mulandalandi nundu wa thina. Na yu thina usu nitontha kuwatwa ula uwau muthoku ngakwa ngatia ila syana. Afadhali makaa aya tuitema wise kwithia nimandethesya syana isu kutekiwthia naitia syoka, itwekia ingei, machokora ukwesa kwithiwa (inaudible)

Kingi ngukulasya yu kwa ngelekanyo musee wakwa niwandia ninasyoka kwito. Yu kwitu nilye nimavua aka, yaani wethia mundu ee kwoo ee mwitu nde kitheka. Yu niwalewa kwa mume niwasyoka kwoo, yu atontha kuthi va? Ninamina ndie na mbingi sya kwasya.

Translator: One, she is saying that she was married, the husband kicked her out. She can afford to educate her children up to Standard Eight, but beyond that it requires a lot of money. The only way she can afford that is by selling charcoal. The charcoal has been banned. And even when the charcoal is legalized the other issue that women are saying should be banned is 'kalobo' but when she contracts men to come and help her in the cutting of charcoal the mode of payment is through 'kalobo'. So 'kalobo' and charcoal is like they go together. They should be legalized because if she does not cut the charcoal, that means she will become a prostitute. She might get AIDS and die.

The last issue she wanted to know was, she was married, the husband kicked her out, she does not have a right to land where she was married, she does not have a right to land at her father's place, what is she supposed to do? As far as the law is concerned?

Com Yano: Can she recommend what she wants to do (inaudible).

Translator: *Wikulywae ta vaa kwa mwemeu ndwi kitheka, kuu kwenu ndwi kitheka, utontha kwendewa vethe vailye ata nikana thina usu niwaoleka?*

Lucia Wamwetu: (inaudible) *Asyai angi ni matala, nikutalikaa ukwithia uku mundu muka niwaumei kwa mwemeu ndikasyoka kwo. Na oka kwenu, nikoka kutwike mwitu nde kitheka kwo. Mwitu noo ethiwe na kitheka kwoo?*

Com. Wambua: (inaudible)

Lucia Wamwetu: *Eee ethiwe ena kitheka kwoo nundu ni mwana, ee nundu ivinda ingi ti ila ya tene.*

Translator: She is proposing since all children are equal, even the women should also be entitled to land at their parents place.

Com Wambua: (inaudible)

Lucia Wamwetu: *Mm, atianete na mume.*

Com. Wambua: (inaudible)

Lucia Wamwetu: (inaudible)

Translator: (For Com Wambua) She is being asked whether it is when she is still married she is entitled to land there. Should she still be entitled to land at her ancestral where she came from?

Translator: (For Lucia Wamwetu) She has said it is only when she has left the husband she should be entitled to land at her own home now where she comes from, after separation.

Com Yano: Is she claiming any land from her husband?

Translator: *Natayu nowithiwe ukwenda itheka ila sya mwemeu utwelwe?*

Lucia Wamwetu: *Aye.*

Translator: No.

Beatrice Mwanduka: *Kwa isyetwa nitawa Beatrice Mwanduka na nye uneni wakwa wio munini. Nenda kunena kana katika kisomo, kuu kwitu twina ukwati mwingi ote zia ila mwatavwa ya kutema makaa. Na ningi katika aume maitu, nimendaa ukisa kwithiwa nitwathukuma namo twingwatano katika kuta makaa. Na twatema makaa, twoka twombanya, makaa asu twamina kuta, mbesa isu nisyakutwaa skulu tukaumesye syana. Na ivinda yee, mothenya ula tukuka kuta makaa asu, ila ngwatano itu iyoka iyaa. Nukwosa ila mbesa athi akatomie ee weka, na kala kana kayuka kailungwa sukulu, kikali nthi. Kwou niwo ngwasya kana Katiba ila ikusyovwa wise kwithiwa uvoo wa kalobo niwathela, nikwithiwa maundu maingi nitikalaa na aume maitu manywete, matanywete mayamba kutweka uu.*

Undu ula ungi ngunenea ninenea sivitali. Ta ithye aka kwa ngelekanyo, tio makwasa kana sivitali ya kusyaiya yoo Mutomo. Na location ii ya Mutha ni nene nundu (inaudible) Na ethiwa mundu niwakwatwa nikumwa kuku na vai ngale, atontha kusyaiya kuu mathekane no kwisa kwithiwa ndena utethyo. Yu kembwa vee vatontheka, tukakiwa

maternity vaa Mutha yakusyayi vaa, isa kwithiwa ni use. Nye nivikaa vau.

Translator: She has two complaints. Charcoal is their main source of livelihood here. Usually because the women cannot handle most of the manual work, they have to co-operate with their husbands to burn... to prepare the charcoal. But, when it is ready and they sell, the husbands usually take off with all the money; they go and spend it on drinking.

In her view, the local brew should not be legalized because the kind of suffering they endure at the hands of their husbands when they are drunk, they cannot do it to them when they are sober. The other one is about maternity. It is only at Mutomo alone and this area is quite vast, it is very big. Her proposal is, a maternity to be constructed at Mutha to cater for this region.

Esther Mumo: *Kwa isietwa nitawa Esther Mumo. Thina wakwa ula ninawo ngukaa kumantheya Katiba ni twana twakwa twe skulu tusomaa. Lakini twasomie primary twamina na twathi form one. Ko already nikanaminia form one lakini kaangi nikemelelwe. Na kau kanaminie ninavevasya makaa na niwa nisindiwe. Kwou nikaa kukulya vau vatontheka ata kana kau kange (inaudible) Thina wakwa mwene.*

Translator: She saying she wanted to express a personal problem. She said she has two children, one has finished Form I and the other one is stuck because her main source of income has been charcoal.

Com Wambua: *Wina undu unge eteeka uu?*

Interjection: (inaudible)

Esther Mumo: *Mume wakwa ni mukuu na niwawaiye, aa metho.*

Translator: (For Com Wambua) She has been asked where her husband is.

Translator (For Esther Mumo) She has said the husband is old and has lost his sight. He is not able to do any manual work.

Esther Mumo: (inaudible)

Translator: He is not able to do any manual work.

Esther Mumo: *Mwingo ve form I lakini ninkwatete valua wa kwalecha miti. Yu kalungwa ndina mbesa. Ndi ese undu ngwika.*

Com. Wambua: (inaudible)

Ester Mumo: *Ndianiwa nundu navevesye vau vange newa matu.*

Translator: She is saying even the charcoal might not be a solution because for the other one to finish Form I, she had really tried to burn the charcoal and it is like she cannot do that any more.

Com Raiji: Ask her if she applied for bursary?

Translator: *Wikulywa kana ni wetisye bursary skulu ila inenganawe sya serikali sya syana kusoma. Niwise bursary?*

Esther Mumo: *Ndiese bursary na ndiese.*

Translator: *Vee mbesa inenganewa skulu ni silikale sya kusomethya syana ila iteetontha. Niwakulilye mwalimo yulu wayo?*

Esther Mumo: *Ayee ndyamukulya.*

Translator: She is not aware that such a fund exists.

Com Raiji: (inaudible).

Translator: *Ekwiya wone DO umwelesye vata waku nikana akwandikie valua aeletye thina ula una wo, utwae skulu ukanengwe bursary.*

Elizabeth Simeon: *Mbee naba kumukethya, mwatinda ata? Habari zenu?*

Wananchi: Mzuri.

Com. Wambua: *Weta isyetwa na uiendeya.*

Elizabeth Simeon: *Nitawa Elizabeth Simeon. Na thina wakwa wa mbee no atee, nye natwaiwe tene na nditwawa, musee ula andwaiye, neetheya matwie kundu kwitawa Thua na nina syana ile nitwathamiswe kula twatwie ni asumali. Touma vandu vetawa Inyali, twoka vandu vetawa Kyeni. Na nduima vau nasyaite syana ile. Twokie vau miongo monza, na monza. Ai twokie twekala vau, twamanthia mali vau, twaka skulu yitu ya Kyeni na twendee, twoka twalungwa kuu naamaitha, asumali. Na twasema twoka kwelingela silikali yito nakwo nikoo Mutha ati musee wakwa*

mathamete na asyai make makathi kuu. Matwaitwe noo thina wa kiwu. Na twoka vau nitwekalie, twoka tungalungwa na amaitha pio, na twoka kuu Mutha. Na twoka kuu Mutha ithye twiyai kitheka nundu nau ai iveti ile na nisyo syai kitheka. Nye kutwawa kwaka neendie kunewa kitheka Thua nundu nikwo ithye twekalile ithionthe, na twanegwa kitheka kiu tunooka tungalungwa. Na tunoka kuku, na twokie na mali yitu. Imwe yendea kuku na twavika kuu ingi yaindeya ona kuu Thua esyengoni. Mali yathi, twowaiwa mukuu witu, na auwawa, nitwokie twandikithya mali yitu, tweiwe twandikithye tukaivwa. Tuyaisa kumyona. Twewa twandekethie andu aitu ala moowaitwe ni amaitha, nitwandekithisye, tuiyaa mona. Na twendee na kukuwa ni silikale yitu, tukasyoka kuku...(sentence incomplete)

Interjection: (inaudible)

Elizabeth Simeon: *Ee niwo ngwenda niwo nuukite yu. Twise tukasyoka o kuku, two kwatwika muvaka nukwisila kwitu miondani oo twisi tukeka ata, twalungiwe ni amaitha twoka kwilingila silikale yitu, na twise tukasyoka, muvaka wesila mundane kwakwa wa game. Yu nakulyae twangei silikale, niyatwisilya muvaka miondani syitu, yu twika ata? Naithye tumeeya kuu, tuikila itheka. Tuuka twavika oo vandu, mundu atunenga oo kitheka twatema, uni enda aitukithya nundu ithye tuikila itheka. Ndikwendaa tumanthee, ithye twika ata, nunu ithye nitwomithwe sililaline yitu, na twiwaa nichosiwe ni silikale?*

Com. Wambua: *Yu wendaa twika ata?*

Elizabeth Simeon: *Nye ndikwenda tumanthe ithye vala twii, nundu ithye tuiye vandu. Twi kuu tuiyanganga, na kitheka chitu ni kii chosiwe ni silikale.*

Com. Wambua: *Wenda mutungwe (inaudible)*

Elizabeth Simeon: *Ee twenda kumantha vala twee o wo. Ee silikale itwonye ithye twee va.*

Translator: She is saying, they used to live in Thua; they were moved from Thua by bandits. They moved to Inyali and from Inyali to Kyeni in 1977. They built a school, they had land there, from which they were later on sent away again by the bandits.

Running away because of insecurity they moved to Mutha. After sometime, the land, which they had left at Kyeni, was taken by the government as part of the National Park. They cannot go back there because the government has already possessed that land. So her problem is where do they belong?

Her proposal is, the land that was taken by the government for the National Park should be given back to them.

Com Raiji: Were they compensated by the government when their land was taken?

Translator: *Nimwanengiwe mbesa ni silikale kitheka choswa?*

Elizabeth Simeon: *Ayee ithye twiyanegwa kindu.*

Com Raiji: (inaudible)

Translator: It fenced the land after they had run away.

Com Wambua: *Mwendaa mutungiwe kana mwevwe (inaudible)*

Elizabeth Simeon: *Okwo silikale niyo ekatutavya yu twice ata?*

Translator: *Yaani wenda mbesa mwivew kithekae, kana wenda munda waku usyoke vala wai?*

Elizabeth Simeon: *Ithye twenda mionda yito isyoke vala yai.*

Com. Mosonik: Na tumeyaandika yote ambayo mmependekeza. (Inaudible) nani yeye? Angelina...

Com Wambua: *Vee kindu wenda twithukisye (inaudible) kana nunena andu mevo on the?*

Com. Mosonik: Na huyu Eunice...

Com Wambua: Eunice Mwanzia is one of the members of the 3C's; she is the lady I came with. She will talk later.

Angelina Mutinda: *Nitawa Angelina Mutinda. Numete location wa Thakani. Sub location ni Isaa.*

Translator: *Angelina Mutinda?*

Angelina Mutinda: *Thina wakwa nakwa ula ninawo ni katika kutwawa. Ithye iveti nitithiwaa na mathina maingi. Kwa ngelekanio, ethiwa ninatwawa ni mundu na ena kitheka, na ninasyaa nake na aimina kwita, kwitwika kitheka kiu nundu musee wakwa nowe nitonya kuvenwa mwana inya ala asyanitwe namo, kama asyai make, nakwa nina syana. Kwou ningwenda kuluya kana, ethiwa mundu niwatwawa ni mundu, na kitheka nimochandikithya chandikawe kiveti na mume. Kama mundu akwandikithya kitheka chake na ena iveti na syana syake ni kana ila kwa vati musee etwa kwithiwa ithye iveti twikwonewa ni ainaye kana ni asya. Uivenwa kitheka na ningi musee wako niwathi, na kitheka kiu nicho utontha kutila nthusu ukasomethya syana syaku, na syana isu syaku iilika thinani. Ou ni ula undu umwe.*

Undu ungi, ni twandikiwaa ma sub chief na atoi na atoi ala maandikawa kuu ni mathukumaa muno. Na andu asu

maiyevwaa, na mathukuma kwa kweyumya. Na nundu andu asu maiyevawa ni silikali, nimoka kutumamia ithye asyai kuya misye. Nundu mundu nutomiwe na niwise ndaivawa, nutontha kwisila kwaku akakwata nguku kana akakwitya silingi itano aikwia ni sya kiatu. Nunai wake nundu nuutumiwe ni sub chief. Kwou ningwenda niwete vau musisye kana atoi nimatontha kwevwa ethiwa silikale niyoni ve vata wa atoi methiwe, wise kwithia maiyotothenya ithye.

Undu ula ungi ngwenda kunena, ninewaa kana aka nimaile kunegwe mikovo kama maendeo ma aka. Na aka aingi undu namba ithiwa ilye, ithye katika andu ma Kitui kii cha itheo ti asomu ni thina ula wii Kitui kii. Na nitwise nthi ila ingi aka nematataa kulika mbungeni kwa wingi. Lakini ithye katika nthi ino ito ya Kenya, ethiwa mbungeni aume ni maana eli na miongo nthantha, aka nimatontha kwithiwa matavika ikumi, ukethiwa aka ni kenda. Ningukulasya aka manegwe miantha ivinguwe malike mbungeni matokunewa kula, malike free. Withiwe aka ni manena na aume ni kana ila nundu wa aka aka tuinengana point yiitu mbungeni, kula sya kunwa ukwithiwa notutontha kuvita na maendeo ma aka nimatontha kwithiwa me ulu. Indi ethiwa twikala aka mee mbungeni ukwithiwa ni atano namo aume ni maana atano, ithye aka twitua twi avinthea ivinda yonthe. Isu ni point ingi.

Undu ula ungi ngwenda kuweta ni sivitali. Mutha twakiwe sivitali ya silikale itontha kusyaiwa, na itontha kutotethya, na itontha kwithia ona mundu ena uwau, kwanza nokwithiwa atontha kutemewa vau nikwithiwa, andu aingi nimakumia na maikweya misye. Sivitali ni Mutomo na vala vange ni Kitui na andu monthe ithye tui na uwezo nundu nthi ino yitu, twikakuvanda oo leu. Syindo sya kwa lakini tuikwataa syindo sya kumethya mbesa na skulu noyuotusumbua, nomukwona mathina undu syana syinenee. Kwou nye niweta mathina asu mathi makasiswe nikenda ithuwe aka tutonthe kwiyongamya na ukethiwa mundu muka ula uteemutwae nutontha kwea syana syake, na nukwewa ee mulumu. Nye nivikaa oo vau.

Com Wambua: Niukulya ii wasya atoi nimoka kwitya mbesa. Mbesa ithi sya usoo syitawa na ma-chief na ma-sub chief ee, unawamina kumaivae, ma-chief na ma-sub chief maivawa tio metasya?

Angelina Mutinda: (inaudible) mayivawa ni silikale ee.

Com. Wambua: (inaudible)

Angelina Mutinda: Isu imwe.

Com. Wambua: (inaudible)

Angelina Mutinda: Ee metia umane mbesa.

Translator: She is saying the following: -

One she is talking about land ownership. She has proposed that land should be co-owned by husband and wife. This is because the problems they are having these side is when the husband dies, the land that is left is usually taken up by the brothers of the husband so the wife and the children are left with nothing.

The other issue she talked about is village elders. They harass them because they are not paid. Whenever they handle anything to do with you, you have to pay them, because they are not paid by the government. Therefore, she is proposing they should be paid by the government so that at least some of these charges, side charges can be stopped.

The other thing is credit facilities. She is saying women are uneducated especially here, and it is not easy to balance out through active elections between men and women. In this case we should set aside a number of seats in Parliament specifically for women, so that we can have some sort of balance.

Her last point was maternity and theatre facilities. They should be set up in Mutha to avoid the inconvenience of having to go to Mutomo whenever there is a medical problem.

Com Raiji: How many seats is she proposing should be set aside for women?

Translator: *Wasya ivela ino sya mbunge imwe siewe aka malikai mana. Wenda syana ata?*

Angelina Mutinda: *Undu vonengwa onge manegwe.*

Com Wambua: *(Inaudible)*

Angelina Mutinda: *Iyana ithiwa ya aka. Miongo thantha*

Translator: About eighty to one hundred seats for women should be set aside.

Com Mosonik: Tumeyasikia maoni yenu na tumeyaandika. Kwa hivyo sasa tunaendelea na mkutano huu. Ningependa kuwaalika wale wananchi wako nje warudi ndani ndio tuendeleo na mkutano wetu. The gentlemen outside there you can come back in.

Karibuni kwa mkutano wetu wa alasiri. Tungependa kusisitisha kwamba, kupeana maoni ni dakika tano ikiwa umeyaandika.

Ikiwa inawezekana tungependa kupunguza ndio wote tupate nafasi. Bado kuna watu wengi. Hasa tafadhali tusirudie yale mwingine ametaja. Joel Ibrahim? Tafadhali uje mbele hapa. Atafuatwa na David Mwango halafu Dominic Kitili.

Joel Ibrahim: Asante sana. Majina yangu ni Joel Ibrahim, natoka Kalekatuni Sub-Location, Ndakaani Location. My views ni kidogo wala sio nyingi sana. La kwanza, ningependa bursaries zitolewe kutoka kwa D.C's office zikuje kwa Chief's office. Hiyo itasaidia sana.

Tungependa Serikali itoe hii elimu kutoka Primary mpaka University iwe ni free. Wapeane vitabu pia, text books na exercise books kwa sababu hivyo vitu vimekuwa ghali sana na wazazi wengi wanashindwa kununua hivyo vitu. Vitu vingine tuseme upande wa... kuna shule ambazo zinafanya masonry na hakuna kitu inaweza kuitoa kwa hivyo, hivyo vitu vingesaidia watoto sana.

Point nyingine, hawa madiwani, ingefaa kuwe na level, kwa mfano anaweza kuwa 'O' level. Point nyingine, ya nne, kuna hizi mipaka ya parks na watu kama hapa kwetu kwa mfano. Kuna hii park ya Tsavo East na hapa Mutha. Huu mpaka huwa unasonga baada ya kila Councilor akiingia. Inasongeshwa upande huu. From 1963 up to now, huwa inasonga na hatujui ni kwa nini na hata kwanza tukiulizwa hatuwezi kujua huo mpaka uko wapi. From 1963, pahali ilikuwa imesonga ikapanda juu kidogo. From there ikapanda tena, mpaka sasa iko hapa ndani. Hata mashamba ya watu yamekatwa na hatujui hayo mambo yako namna gani.

Kwa hivyo tungependelea hata kama Serikali inafanya kitu, they have to address people, wajue zaidi ni kwa nini zinasongeshwa. Na kama ni zile za zamani ziwe ni hizo, hizo ambazo tunajua. Kwa maana watu wengi hapa wanalalamika sana. Mashamba yao yamekatwa na hiyo tunaona ni taabu. Point zangu ni hizo, sina mengine.

Com Mosonik: Asante sana. Ujiandikishe upande ule tafadhali. David Mwango please. David Mwango hajafika. Dominic Kitili.

Dominic Kitili: Asante sana Bwana Chairman. Huyu mbele yako ni Dominic Maingi Kitili na maoni yangu kuhusu Constitutional Review ni machache sana. La kwanza ni upande wa siasa. Upande wa siasa ni upande wa upigaji wa kura. Kulingana na Katiba yetu ningependelea kura zikipigiwa ziwe zinahesabiwa katika polling station, pahali ambapo zimepigiwa.

Jambo la pili ni kwamba, upande wa health, kuwe na limitation of private clinics. La tatu, ni kwamba, Serikali iwe na price control ya vitu vyote ambavyo vinauzwa katika nchi yetu ya Kenya. La nne, ni kwamba, Serikali iwe inasaidia wale wasiojiweza, kila mwezi walipwe kitu kidogo ili wajisaidie.

La tano na la mwisho ni kuhusu mambo ya usalama. Kuna watu ambao wako katika mipaka na wanapigania mipaka tuseme

kama watu wanapakana, kuwe na hakikisho ya kwamba, katika mipaka ile ambayo watu wamepakana watu wanahakikishiwa usalama wao wanapopakana na jamii zao zile ambazo hawafananishi lugha. Kwa hayo machache, asanteni Bwana Chairman.

Com Mosonik: Asante. Kuna swali.

(Clarification) **Com Wambua:** Ukisema wale wasiojiweza, unamaanisha vilema ama wale ambao hawana njia ya kujipatia mapato?

Dominic Kitili: Mimi ninaongea kuhusu wale ambao hawana njia ya kujipatia Mapato kwa sababu kuna matajiri na masikini.

Com Mosonik: Asante sana. Ujiandikishe tafadhali. Daniel Kavuko.

Daniel Kavuko: My names are Daniel Mumo Kavuko. I have my proposals and some others from A.I.C pastors in Mutha D.C.C. One, we suggested there should be freedom of worship of the true God. We said that because there are some people who are worshipping the devil, that devil worship should be abolished or no licenses should be issued for those denominations – those that worship the devil.

Point number two, we suggested there should be free education from Standard I to Form IV and bursaries and loans should be increased to enable students acquire university education. Three, the twelve seats which are given to the President to nominate some MPs and we don't know what they represent. We suggest that nomination of MPs should be by Parliament and they should represent certain groups of people e.g. a fifth to represent women in the country, another one to represent the disabled, another one to represent the youth and another one to represent religion so that religion is represented in the government.

Concerning corruption, we proposed to have a religious leader in all the panels or Commissions. They will be conducting interviews or investigating any kind of corruption so that fair judgment may be given. Any leader who would be involved in corruption he/she will be replaced by another one. For fear that people may destroy (inaudible) given.

Fifth, we talked of concerning employment and we proposed that each constituency to be given the some share to curb the problem of employment in every Constituency. Six, concerning civic education, we propose that it should continue even after completion of the Constitution Review because it is educating the citizens of Kenya to know their rights.

The Chief Justice, Attorney General, cabinet ministers, P.Cs and all other heads of parastatal should be appointed by Parliament and not the President. Eight, we also suggested that we have courts for example in Mutomo. As you know from

Kitui to this place or from here to Kitui. If you have any case and you go to report at Kitui and you are asked to go with two witnesses, there is no way you can leave here and reach Kitui. At the same time and if you have two witnesses you have to sleep in Kitui and it is too expensive. Some people can decide even to put a case to last for a week. Therefore, we suggest that we should have a court nearby in this Constituency.

To finish, every citizen should know his rights. We also proposed that after completion of this Constitution, it should be made available to all Kenyans in a language which is easily understood. I propose that it would be good if we can have it at the chief's office or if it can be taught at primary and secondary school so that each one of us may know. For example, now there are people who do not know their rights because they do not know that they are provided for in the Constitution. That is all we had.

Com Mosonik: Thank you. You said you were speaking on behalf of which church?

Daniel Kavuko: A.I.C pastors.

(Clarification) **Com Yano:** Point of correction, I think you should be aware that nomination of MPs is done by respective parties and not the President. There is this issue of Civic Education that it should be continuous even after we are through with the Constitution making. Is it the general civic education or the civic education that touches on the Constitution?

Daniel Kavuko: I am sure that even in secondary schools we have civic education. In primary school they have what they call G.H.C. but, that given to the citizens for even those who have finished their secondary school or primary school, they can also be continuously taught about what is in the Constitution.

Com Mosonik: Asante sana. Daniel Kilatie.

Daniel Kilatie: Asante sana Commissioner. Mimi niko na point zangu kidogo na nitaanza na citizens kama mwananchi wa Kenya. Mwananchi wa Kenya... Kwa majina ninaitwa Daniel Mwalimu Kilatie. Kutoka Ndakaani Location, Kaliakatuni Sub-Location. Mimi nitaanza kutoa views zangu, na nitaanza na citizenship. Unajua waKenya, nilazima awe amezaliwa babu yake hapa Kenya. Sio kuwa mtu amekuja leo, amezaa mtoto halafu anaambiwa ni citizen, huo ni urongo. Lazima mtu awe na babu amezaliwa hapa hapa.

Identification, ni lazima tuwe na kitambulisho kama birth certificate kutoka kwa registrar, zije chini kwa Sub-Location sababu yeye ndiye anajua mtoto yule amezaliwa hapa na hakuna chenga chenga.

Kwa upande wa administration ama sub chief, mimi ninapendelea sheria ya leo, ma sub-chief wawe hivyo hivyo walivyo.

Lakini, sheria ile ya command iwe imepunguzwa. Wajadiliane na wananchi vile wanataka kufanya na vile wanataka kuendesha hata kama ni makosa ya mtu, si yeye tu anaamka asubuhi na kufanya kila kitu.

Tuje upande mwingine, kama elections. President, ninaonelea ni vizuri sheria ya Kenya iwe President lazima apate arubaini na tano kwa mia (45%) kwa kila constituency, ndipo iwe kitu cha maana. President asiruhusiwe kuungamana na chama, asimame akiwa hana chama, ndipo tuwe tunaweza kuendeleza na yeye.

Vyama: ni lazima chama kile ambacho kinaendesha kiwe limited kama political party, kiwe na wabunge wawili kutoka kwa kila constituency ama mmoja tu kutoka kila district ndipo kiwe ni chama cha maana. Si ati kuchukua kitu ati ni chama na MP mmoja na anakiita chama. Hapana. Hiyo si chama, ni mambo ya nyumbani hiyo. Sheria yetu ya Kenya inatakiwa iwe namna hiyo.

Lile la pili, bordering lazima zifanywe kutoka katika Sub-Locational level. Si kuenda kutengenezwa Nairobi halafu unaletewa huku. Unaambiwa huu mpaka unafika hapa kwangu nyumbani hivi hivi, hapana, tuanze kutoka hapa kwa sub-locational level ndio tunaenda mbele, ndio sasa iwe sheria ni ya maana.

Mambo yale mengine ni kuhusu mambo ya nomination. Haina maana nomination ifutiliwe mbali katika sheria yetu ya Kenya. Constituency ziongezwe. Kama constituency moja imefikisha watu mia nne elfu, lazima igawanywe iwe mia mbili, mia mbili ndio watu wawe wa maana. Lakini nomination zifutwe, zinaleta mambo mengi sana yasiyofaa. Zifutwe.

Education, ni lazima iwe free kama zamani kutoka Standard one mpaka University, kwa sababu shilingi elfu mia moja kwa university mimi siwezi, na itakuwa ni mambo makubwa. Limit ya education. Kusema ukweli mimi sheria ya Kenya lazima ikae hivyo ilivyo kwa mtu anaye simama upande wa councilors, mtu awe anajua kusoma na kuandika. Lakini kuna sehemu zingine ambapo ukishika kama sub-location level, tuna watu wa Form IV lakini inaweza kuwa yule mtu alichaguliwa kazi na hawezi kufanyia watu kitu kwa hivyo ndio unaona, ipewe mtu anajua kusoma na kuandika.

MP awe mtu ako na Form IV kuenda juu kwa maana hapo umefika ngazi nyingine. Mambo mengine ya foreigners, unaweza kuongea na watu wengine wa juu. Terms, tunaona ni vizuri President akae kwa miaka kumi peke yake halafu aingie mtu mwingine naye tuone kwa miaka kumi anaendesha nini.

Mambo ya transfer, ma-councilor na ma sub-chief, tunaona hawafai transfer, sub-chief ama chief kwa sababu kuna mambo mengi ya nyumbani ambapo mtu akiwa ametoka Kikuyu akija hapa, culturally hatuwezi kuelewana. Tunaanza fujo. Hiyo si national. Kuna mama wengine wanajua mjukuu tu sasa wengine wakija hapa wana pata taabu. Kwa hivyo ninaonelea tu, katika sheria ya Kenya tuwe hakuna transfer ya ma sub-chief na ma chief. Wale walioko waendeleo tu.

Mambo ya activities ya maMP. Ni lazima security ipelekwe katika Parliament. Wawe ndio wanaweza kuidhinisha kama mambo mabaya yametokea Kenya, President anaita hawa Executive wale wote, wanaapisha ama wanapitisha vita vianze. Wala sio President aanze kesho, chukueni bunduki mukapige Somalia hapana. Lazima Parliament iitwe mara moja na ikubali hivyo ndio sasa kazi ianze na kama wamekataa basi.

Lile lingine ni ma Councilor. Ma-councilor, hakuna haja ya kusema councilor awe na limited... ni kulingana na kura zake tu. Sheria hiyo hiyo iliyoko tuendelee nayo. Kuhusu mambo hayo mengine ya upigaji wa kura, ni councilor mwenyewe kura zipigiwe katika pale polling station kwa sababu zikienda kule juu zinaanza kuongezewa kwingine. Tunataka sheria ya Kenya tuwe tukihesabia hapo hapo zimepigiwa. Ni hayo tu.

Com Mosonik: Asante sana, Daniel Kilatie. Sasa tutamsikiza John Allan Kiviku.

John Allan Kiviku: Thank you Mr. Chairman. Most of my views or proposals have been said and I feel free, just to pinpoint a few which have not been mentioned, or possibly I did not understand how they were put. This is in connection with the political arena, where we have... I think the people should be free to recall a councilor or the MP when he is not delivering the services required.

I also feel that the national cake, which is economical, should be given equally to all the people. You know especially in Mutha Division, this area, we have no coffee but we have good trees. This is... we call them ebony, which can be increased by the government or some ways found to sustain them and this one can help the people around here to raise the economic and also create employment. We have the cedar, which can also be increased and sustained if the government assists this one.

We have also in the area, this is we have the natural resources in the same division which can be utilized to benefit the wananchi and especially it is in connection with the mine exploitation around the area. This one can be funded by the government and it will help to create employment and also, there is a rumor that petroleum can be obtained just from the forest or the bush down this way. If more effort is put or the concern by the government, some resources to raise the economy can be available.

I feel also there should be provision of law to monitor government and NGO officials who are associated with corruption or misuse of office. They should be relinquished because we have had cases here in Kenya where we have people associated with this corruption and still they remain in office. The Constitution should provide this law.

Equal transportation facilities around this area. I think you have witnessed. The roads are very poor, we need murrum, tarmaced from the division so that the area can develop equal communication facilities e.g. the telephone and also the TV and mobile boosters. These ones will help to develop the area and also, I feel, security should be given more attention in the area as in other areas. By this I mean we can increase this one by having the stations for the GSU also down that way, and the army.

The last one is that we should have, defined boundaries in the division between the Mutha wananchi and the game reserve. These boundaries are not defined very well. With that, thank you Mr. Chairman.

Com Mosonik: Thank you. Register please. Jackson Mwango.

Jackson Mwango: Jina langu ni Jackson Mwango. Karibu mambo yote yale nilikuwa nime propose, mengi yamesemwa lakini nitaguzia kidogo. Yale machache ambayo yanaweza kubadilishwa.

La kwanza ni education. Ninajua Constitution ya Kenya inasema watoto wasome free education mpaka primary na university. Lakini iko matatizo sana katika secondary schools. Kama secondary schools zingekuwa added, yaani wananchi wangukuwa na nafuu. Ama ule mwenendo wa bursaries uwe changed. Kwa maana wale watoto wanakosa education, siwanajulikana mpaka na sub-chief na hata chief. Hiyo bursary inaweza kuanzia kupeanwa kutoka kwa ma sub-chief. Wanaeleza huyu mtu hana pesa, huyu mzee hana pesa. Hiyo inaweza ikasaidia.

Lile lingine ni upande wa employment. Employment Kenya imekuwa na matatizo na kama tungepropose ikiwa ni employment imetokea kama hii imeandikwa, inaandikwa kwa wingi kama polisi. Kama wangefanya arrangement kila division iwe inachukuliwa watoto hiyo ingekuwa afadhali. Kwa maana sasa ile namna wanachukua watu, watu wengi hawafikiwi na hiyo kazi. Kwa hivyo, sio ati ni polisi peke yake, ni kama police, army, na yale mashirika yanayochukua watu wengi. Hiyo kama wangefanya kama zamani kwa maana zamani ikiwa ni employment ya army, mtu alikuwa anachukuliwa kila location, kila location mtu mmoja. Kwa maana huku unaweza kuuliza kama iko mtu wa police, huwezi kupata hata mmoja, na watoto wamesoma.

Lile lingine ningeguzia ni politics. Politics nayo watu wengi wamesema ati hii ya civic iwe mtu anafika grade... yaani awe na masomo fulani. Lakini, politics ya as a councilor, councilor ni ujuzi wa mtu, ni kipawa cha mtu. Mtu anaweza kuwa hajasoma na anajua kusoma na kuandika. Hajafika ile wanasema Form IV lakini yuko na ujuzi wa hiyo kazi.

Lile lingine ni kama MP, kwanza hiyo ndio ingefanyiwa kiwango ikawa mtu wa kama Form IV hawezi... mimi sioni kama anatosha bunge. Kwa sababu mtu kama huyo akienda huko sijui kama anaweza kutoa msaada. Hapo kama tungesema mtu wa MP awe graduate, hiyo ingekuwa bora kuliko kusema ati mtu wa councilor. Councilor anaweza kuenda mtu hata ikiwa hajui kusoma.

Lingine ni, wazee wale wameretire, unajua zile nchi zingine ambazo zimeendelea kama umeretire unapewa pension hadi utakapokufa. Halafu ukifariki bibi yako anapewa kwa miaka mitano halafu inasimama. Kwa nini inasimamishwa? Yaani ikisimamishwa, huyu mama atakuwa anatomia nini? Hiyo ni lazima aendelee nayo hadi huyu mama afariki ama si kweli? Kwa

maana sasa ukimkatia, na hiyo pesa yake ndiyo anaweza kuwa akila, sasa atakula nini? Si umasikini utazidi? Ni hayo ndio nilikuwa nimeguzia kwa maana mambo mengine yote yamesemwa na wale wa mbele. Asanteni.

Com Mosonik: Asante. David Mwangi ni nani? Hayuko. Joseph Maundu.

Joseph Maundu: Thank you Mr. Chairman. Ninatoka Mathima Location, Mutha Division. Maoni yangu ni kwamba, number moja ni Electoral Commission iwe independent. La pili, President awe chini ya sheria kwa maana ikiwa anakuwa juu ya sheria, wakati wake aki misuse mali ya umma hatakuwa radhi kushtakiwa lakini ikiwa chini ya sheria itakuwa halali kushitakiwa.

Tatu, President apunguzwe uwezo. La nne, wakulima wale ambao wamechukuliwa na NGOs, wakati wanapelekwa seminars kama tour, wawe wanapatiwa allowances kama ma officers wale wengine kwa maana kwa sasa hawapewi. Sheria hizo zinasemekana wanakatazwa, kwa hivyo mkulima ni mtu wa maana sana na nchi hii inaendeshwa na kilimo.

La tano, elimu ya bure na bursaries. Sita, pesa zote za Kenya ziwe na thamana kama enzi za Kenyatta. Saba, sehemu zile ambazo zimepakana na KWS, hawa maaskari wa KWS wanawanyanyasa wananchi sana kwa njia moja au nyingine. Nane, ikiwa kama tuseme kwa mfano sehemu ambayo imefikia kiwango cha kuwa sub-district na kunakuwa na recruitment, inafaa recruitment ifanyiwe katika ofisi ya D.O1 ndiposa ile iwe ya maana sana na kila location itakuwa na representative na watu watachukuliwa bila matatizo yoyote.

La tisa, sehemu za mashambani tunashida sana, pengine kama mtu anajinyonga kwa bahati mbaya ama ameanguka kwa mtu halafu tunapiga repoti kwa polisi, polisi wanakuja wanachunguza, wanachukua huyo mtu wanamfanyia post-mortem halafu baadaye wanakataa kurudisha ule mwili wa marehemu. Wanasema hakuna mafuta na wakati wanamchukua mafuta yako, lakini akipelekwa baada ya kufanyiwa post-mortem wanakataa. Wanasema watu wa marehemu watafute namna ya kuregesha na hiyo Inasumbua watu sana.

La kumi, kwa mfano sasa, kwa kweli waandikishaji wa kura wameendela lakini wako kwa kiwango cha chini sana kwa maana watoto wale ambao wana miaka kumi na nane hawana IDs, na unajua ya kwamba, sheria za Kenya huwezi kuchukua voter's card bila kuwa na ID. Kwa hivyo hiyo Serikali ingerekebisha haraka kwa maana watoto ni wengi sana ambao hawajachukua kura na wanahamu.

Wacha nirekebishe hii. Ninasema ya kwamba uandikishaji wa kura uko kwa kiwango cha chini sana kwa sababu watoto wale wana kiwango cha umri wa miaka kumi na nane hawana IDs, kwa hivyo pangukuwa... IDs kwanza zingetangulia na wangukuwa wengi sana wa kuchukua kura.

La mwisho ni kwamba, enzi za mkoloni kuna wazee ambao wamefanya kazi na kukatokea miaka kadhaa iliyopita,

wakajiandikisha wakaambiwa ya kwamba Serikali imekubali nchi za Kiingereza au za Ulaya. Hawa watu ambao wamefanya kazi nao wapatiwe marupurupu na wazee wakajiandikisha, na wakafanya hiki na kile... *(End of tape)* Na yangu ni hayo machache na kama kuna swali ninaweza kuulizwa.

Com Mosonik: Ulisema nini kuhusu pesa na Kenyatta?

Joseph Maundu: Nilisema, pesa za Kenya ziwe na dhamana kwa maana sasa hazina thamana. Kwa sababu kwa mfano, enzi za Kenyatta hungeona noti ya shilingi elfu moja hata mia mbili au mia tano, zilikuwa zimefikia kiwango cha mia moja. Kwa maana wakati ule ukipata noti ya shilingi mia moja ungefanya kazi nayo sana. Sijui kama umenielewa hapo. Lakini kwa sasa ukiwa na elfu moja, hata unanunua kitu kidogo na... nafikiria pale umenipata. Swali lingine?

(Laughing from the audience)

Com Mosonik: Tumetosheka, asante sana, Mr. Joseph Maundu. Ujiandikishe upande ule mwingine. Mwivia Mutugi?

(Interjection) **Joseph Maundu:** Asante sana, bwana Chairman.

Com Mosonik: Thank you. Mwivia Mutugi? Hayuko saa hii. Titus Kimwele?

Response from the audience: Titus Kimwele.

Com Mosonik: Okay, please, tafadhali.

Mulwa Mutuve Mulwa: Kwa majina ni Mulwa Mutuve Mulwa, area Councilor wa Mutha. Maoni yangu si mengi, kwa sababu yale ambayo ningetoa yametolewa na Wakenya wenzangu lakini nitachangia kulingana na vile ilikuwa maoni yangu, pia wenzangu waKenya wametoa maoni yao kama vile ninaona.

Jambo la kwanza, ningependa kuzungumzia mambo ya National Park. Katika Kenya, tungependa tujue mipaka kutoka hapa na National Park na wananchi inafikia wapi Kenya nzima. Kama vile ninavyojua, ninajua hiyo inawezekana kulingana na Katiba ambayo tunataka kutengeneza ya nchi hii yetu tukufu.

Jambo lingine la muhimu sana huku Kenya ni tuwe na... tuongezwe mashule mengi kwa sababu tuna ukosefu wa mashule, unaweza kuwaona watoto wengine wanaenda about four kilometers or three kilometers na kama tunaweza kuongezewa mashule hapa, Katiba yetu, tungependekeza na tunauliza Katiba ambayo tunatarajia kuwa nayo iwe hiyo maneno ya kama shule iko karibu kwa karibu.

Jambo lingine ni mambo ya mipaka, kupakana. Hata wewe jirani yako, unajua jirani anatoka wapi? Ako wapi? Kwake ni wapi? Kwangu ni wapi? Hata kama umemunulia shamba ama umemuuzia shamba kuna wazee mnajua... tungependa tuwe tunajua mipaka iko namna gani kwa sababu tuna hii tatizo sana. Kuna wageni wengine wanaingia wanasema hapa ni kwetu. Lakini ilifanyiwa hapo mwanzo wakati Katiba ilitengenezwa, lakini sasa tungependa pia nao tujue mipaka namna gani. Nauliza Wakenya wenzangu kama nimeruka point tafadhali mrekebishe, na ninajua mtarekebishe.

(Interjection) **Com Mosonik:** Nikuulize, mipaka ipi?

Mulwa Mutuve Mulwa: Mipaka ambayo ningependa kuongea Bwana Chairman, ni kama ile ya districts. Kama vile... kwa mfano hapa Mutha, tuna Tana River District, tuna Kitui District, tuna ndugu zetu ambao wanatoka Tana River, tungependa wao saa zingine wana complain hapa tuko hapa, hapa tuko pale. Kwa hivyo tungependa tuwe tunajua kidistrict mipaka, sio mipaka ya country, ni mipaka ya district. Wengine wanasema hapa ni kwetu, hapa ni kwetu, sasa inakuwa ni vita na sisi wanaKenya hatutaki vita. Tunataka usalama Bwana Chairman. Sawa?

Com Mosonik: Uendelee kufanya mapendekezo vile umefanya saa hii. Point by point tafadhali.

Mulwa Mutuve Mulwa: Jambo lingine Bwana Chairman, national resources. Tuwe tunajua huu mlima iko ya forest, haiwezi kuingia watu, iko namna hii, hii mambo ya national resources iangaliwe na kama uchimbaji wa madini pengine kama mahali kumepatikana kitu ambacho kinatoka madini pale nao, pia nayo inaweza kutusaidia sisi. Hilo nalo ni jambo la maana sana kuangaliwa katika Katiba yetu tutakayo kuja kutengeneza.

Jambo lingine ni mambo ya security. Security ni kitu cha maana sana hata kwako nyumbani. Tungependa tuwe na security. Wengine tunapakana na jirani, nchi zetu, ndugu zetu na wengine wanavamia sisi. Kwa hivyo security ni kitu cha maana.

(Interjection) **Com Mosonik:** Nchi ama jamii ya Kenya?

Mulwa Mutuve Mulwa: Yes, hiyo huwa. Jamii zingine zinavamia zingine...

(Interjection) **Com Mosonik:** Kama...peana kwa mfano.

Mulwa Mutuve Mulwa: Kwa mfano, kama tuko hapa Mutha, ninaongea Mutha na ninaongea Kenya. Unaona kama hapa tuna majirani na kwenu muko na majirani na sio wote wabaya na sio wote wazuri. Kwa hivyo mambo ya security ya hapa na pale ni kitu cha maana. Sijui kama ninaongea vibaya? Lakini kama nimeongea vibaya mutarekebishe.

Jambo la mwisho ambalo ninataka kusema ni mambo ya hospitali. Serikali yetu iangalie sana hospitali ziwe kila mahali na tuwe na health care, maternity, kama zingine unaweza kuona mwanamke amejifungua ama anataka kujifungua na anaweza hata kujifungua kwa njia. Kwa hivyo tungependa huduma iwe karibu saa zote.

Na jambo lingine ni dispensaries. Dispensaries ziwe kama inawezekana zinafanya kazi twenty four hours, sababu kama uko mashambani, mtu anaweza kuwa magonjwa halafu hospitali nayo imefungwa Ijumaa ama pengine daktari amefunga saa kumi na moja. Tungependa tuwe tunapatiwa huduma twenty-four hours. Na kwa hayo machache ninakomea hapo.

Com Mosonik: Asante sana Councilor. Tungependa sasa kumsikiza Jeremiah Safari, anasema kwa niaba ya group. Atatueleza ni group gani.

Jeremiah Safari: My names are Jeremiah Safari; I am speaking on behalf of Kiongo Sub-Location Area Leaders. Point number one, in the Kenyan Constitution there should be a preamble giving people a say over their country's affairs and a vision of operation and peace, with common experiences of civil wars.

Directive principles. In the Kenyan Constitution, there should be provision for a democratic principle of participation enforceable... on reflecting dress mode.

Constitution and Supremacy. The current Constitution allows Parliament to amend any part of the Constitution through a 65% vote. Therefore, we should adopt a Constitution, which allows Parliament to amend any part by a 35% vote with limited power whereby no part of their amend will be beyond amending power of Parliament. The public should be involved through coming together in amending the Constitution, which has ethical paths under the Commissioners.

(Interjection) **Com Mosonik:** I would like to request that you do not read through the memorandum, just give points only please. Is it 65% or 35%?

Jeremiah Safari: We are proposing that Parliament should amend through 35% vote.

Com Mosonik: Okay, can you highlight the other points please?

Jeremiah Safari: Citizenship, to qualify as a Kenyan citizen, one has to be born by Kenyan parents in Kenya or else be registered as a citizen.

Political parties: Political parties despite their affairs, mobilization; they should ensure fair distribution of resources ideas and attracting more foreign investors setting their way forward for finance whereby political parties with the majority votes and MPs

making the government.

Structure and system of the government: The Electoral system, practice of majority rule should be enhanced with the simple majority rule. The basic for winning elections is a third of women in civil and Parliamentary elections.

Legislature, the Kenyan Parliament should have maintained to settle appointments of civil servants, e.g. judges, magistrates and...

(Interjection) **Com Yano:** You have one minute. Nyamazeni at least apatiane maoni yake.

Jeremiah Safari: Nitarudia hiyo. The Legislature; the Kenyan Parliament should have maintained to settle appointments of civil servants e.g. judges, magistrates and provincial administration. Parliament should have electoral power to control its own procedure through amendments. Parliament should have three full days of work and the rest of the days to meet with their constituents. Candidates' ages should remain as at present, the President's age should be lowered to 30 years to give opportunities for young leaders.

English and Kiswahili languages are a must for Parliamentary elections. Moral and ethical qualification for both Parliamentary and civic leaders should be introduced. Those are my views.

Com Mosonik: Thank you very much, please submit your memorandum to the Secretariat. Titus Kimwelia is he here now? Okay. Dominic Maanzo.

Dominic Maanzo: *Ni muvea Bwana Chairman. Uneni wakwa ne ndeto ile sya thina wa Kitui cha itheo.*

(Interjection) **Com Mosonik:** Na utaje jina kwanza Mzee.

Dominic Maanzo: Mimi ninaitwa, Dominic Maanzo Kimala. *Thina uu ula nonete Kitui cha itheo kana kuu kwitu Bwana Chairman, mutumia akuethya mwana, ula watwa anamutwikite, nukwathawa ni thina na akamosa. Nitwaveniwe kithaka kitu vaya Tiva. Na ngo ila tweeku twavevesywa kandu na ketha nivatontheka andu ala makete kuu na maimite kuku na matuikesya kando. Maindie na thina mwingi na mbui sya kwieya kuku. Keka nikutontheka Bwana Chairman ovoo usu nikutwaa. Andu asu ethiwa nikutontheka kuevwa makaivwa. Makwani mookelaswa ni woi. Na ila twalongilwe twi vaa kwi atumea mai na ng'ombe vakuve maana atano, na angi mena maana atatu, ange mena maana eli, kuma ivinda theu kuvika suo, vakila omwe ena ng'ombe miongo itatu. Ikaya va? Na ikanywa va? Nzaa yatukwata Bwana Chairman.*

Keli thina ula ungi twisie kwona twisomethya syana maskulu na kisoma ni chendeiye chavika vandu. Choka chatwika mundu kwanza uu te ng'ombe, na u te mbui mwana wake nukwekala nthi mbesa ni siingevie skulu. Esoma na ki?

(Laughing from the audience)

(Interjection) **Com Wambua:** *Wenda ata tutavye* (inaudible)

Dominic Maanzo: *Nikikwenda tu ngalikoni ya kisomo moke marekebishe silikale Bwana Chairman isisye ni tutethya asyai ilasi syana undu una. Syana isu syendee kusoma mana.*

(Laughing from the audience)

Dominic Maanzo: *Ilasi ndimantha lakini mukarebisha Bwana Chairman. Ee agenda nikaa kumunenga. Haya. Vee undu ungi. Withewe kana, vee kiveti kikwiye na kitekikwiye kina mume wa koiye, utavalue, na ndona kindu, niuwa mutungi wake wa uki akona munthu nundu mume ndathukuma kivalua. Na indi nacho kiveti kii nichanoiye nikukungutya kiendete wiyoni kivithe polici uki. Indi kiveti kii choindi kiosemba semba oou kivithete police uki, cho kikathi ukintha kimbuva, kiyalike. Muitunengai nafasi Bwana Chairman uvoo usu wambatye nawo Bwana Chairman inengwe nafasi. Iveti situ syeke kwenda ikungutetye na syekia kuu kwo na syekia andu aa moo. Namo andu ala twandekete namo twandekete matusovea masovea maskini. Yo kiveti kiu ethiwa mume niwakwiye, kithukumewe nuu? Kinena mwana une atontha kwika ati, nake usu anvuva mbake anauka. Kiveti kiu nicho kikwinenge. Vu vee kindu? Haya nikekuwa uki chone kamonthu, dawa ya kuitya mwana nayu indi nukukite. Musikali wa polici athela, kuja hapa mama, hebu kwa nini unatengeza hiyo kitu? Beba twende. (inaudible) ujitetee, ujitetee. Aikia ata we yu naniwosiwe? Silingi maana atanonamo nimoombanitye na akaitewe ni mwisukuwe uthukumaa kindu. Kisee kiveti kie kwenda kuuma.*

Vee undu ungi. Katika wandiki ula tukwandika syana situ kuma councilor, kuma minister the...(sentence incomplete)

(Interjection) **Com Wambua:** *Niwise undu tukwenda, tutavye syiindo ila tutontha kukutethya na syo na winena kwa mituki, mituki, mituki. Ekana na ngewa ndasa. Ovoo wa uki, tweke kukwatwa. Uvoo wa kisomo, tunengwe kisomo cha mana mbaka kilasi cha kina, ethiwa ndiese wasye ndiese. Uvoo wa ithika ila syosiwe Tiva, twenda itungwe. Kindu cha mituki, mituki, mituki, uvoo uu nituwise tuminie mituki.*

Dominic Maanzo: *Chairman nikite kumina. Namo andu asu twikwandika, namo ti kwenda kwandika mundu wa umwe twenda kwandika mundu wa andu on the. Isu ni point imwe. Tuikwenda kwandika mundu wa mundu umwe, twandike mundu wa andu on the, auvee andu make on the ta wise ni make. Ti mundu oke twimwandike, na amina*

kwambatila vaya, tukesa kumwona suo ula wamantha kelitu kaa nikaumya nondo. Oka kukulya, ukewaa wiyoni kwaku nga, nga, nga, nga, nga. Ni kala kelitu kaku niko ukumantha. Anaiva? Ni muvea, mbika vau.

Translator: My first issue is about Tiva, there are people who were evicted from Tiva. Their food was burnt, their land was taken, their livestock was also lost. We are asking whether the government can compensate them for that. The other issue is that...

(Interjection) **Com Mosonik:** Who evicted them from Tiva?

Translator (to Mr. Maanzo): *Mwalungilwe nuu? Tiva mwalungilwe nuu?*

Dominic Maanzo: *(inaudible)*

Translator: They were evicted during the colonial period. The other issue is education. Fees is too high, he is requesting the government to assist them. They should at least pick some of the stages in the education system and provide education for free.

The third one is the traditional brew. There are women who are not in a position to fend for themselves because maybe their husbands died or they are too old to work. He is requesting that brewing of the traditional brew be legalized so that at least they can get some income.

The fourth point was in parables.

Translator: (To **Dominic Maanzo**) *Niutontha kumbelesya nesa wasya ata point ino ya kana (inaudible)*

(Interjection) **Com Wambua:** *Vaa ukwasya mwatuma mundue, mzee sisya ngaleko ino. Mwatuma mundu ee, na kweli esa esyoka kusyoka kuka kwosa kala kelitu. Ni mundu musakuete kana ula ukwasya wa andu othee nuu?*

Dominic Maanzo: *Ekai ndikwitha tene ala twandeka tiithwe twandekaa. Wale wanasimama wakitaka kura ni sisi tunaowaandika...*

(Interjection) **Com Wambua:** *Ni ala makusakuwa?*

Dominic Maanzo: *Makusakuwa.*

(Interjection) **Com Wambua:** *Masyokaa mwamina kumasakuwa mesa kusyoka kwosa twilitu twenthu?*

(Murmuring from the audience)

Dominic Maanzo: *Eee mundu aikalile nthi aanya.*

Translator: The last point, he is suggesting they need freedom to elect people who are going to serve them. They do not need people who after the elections, disappear then they come back.

Com Wambua: *(inaudible)*

(Laughing from the audience)

Dominic Maanzo: *(inaudible)*

Translator: His suggestion is if the MP does not function or the elected representatives, we should be able to recall them and consequently sack them.

Com Mosonik: Asante sana mzee. Josphat Simu.

Josphat Simu: *Ninena kikamba nga. Ni mukamba mbene. Nye nitawa Maleve na Maleve uu ni wa simu.*

(Interjection) **Com Wambua:** Just a minute, just a minute... *Konywite we?*

Josphat Simu: *Ekai.*

Com Wambua: *Ndunywete?*

Josphat Simu: *Ekai.*

Com Wambua: *Endea na withima ndeto mituke, mituke tumine.*

Josphat Simu: *Point yakwa niasya ati, toil syakwa niasya atii twina andu aingi Kikatiba kurekebisha. Nionekana twi ulu muno lakini ni yaito. Tesovyee kila kisa kututethesya katika mbunge ila yukite kusakuwa. Ati, kwa maoni ala ngomane namo nakwa mbene ni ati, nina mwaka ngamina ndakomana na Chief. Ngomana na Sub Chief nake Chief akasaniwa, mundu ula tukomana kila ivinda ni motoi. We Chief ni mwandike? Na ethiwa ni mwandike, wei,*

akakomana nakwa indi?

Com Wambua: *Wenda ata, wenda ata tutavie undu ukwenda.*

Josphat Simu: *Nenda ati, silikali ya Kenya nikuyasya kula ma-Chief mekalaa? Nenda kwasya ati ukethiwa ma-Chief nimongelelwa....(sentence incomplete)*

Com Wambua: *Kwamba kweka Josphat Simu, nenda kukulya wenda Chief twikane nasyo ata na winena kwa mituke.*

Josphat Simu: *Chief na Sub-Chief ethiwa maivutwa, maitwa speed withwe kwithia nimotuthukuma. Ee nou.*

Com Wambua: *Nau uvo wa atoi wenda mekwe ata?*

Josphat Simu: *Atoi, atoi maie undu. Atoi tutindaa namo. Na mekalaa naito kwanza nimo matutwelilaa itheka na maitutilila kii na kiya na kiya. Ula unge ni...*

Com. Wambua: *Sub Chief wenda eke ata nake?*

Josphat Simu: *Sub Chief nueta uvoo ni mutoi we. Aya nou.*

Com. Wambua: *Uvoo wa keli ni chao tutavye.*

Josphat Simu: *Uvoo wa keli ni ati, itheka, kitheka cha mundu kitwekie kitavikete kotini, ai ti chake. Nacho ni chake.....*

Com. Wambua: *Wenda ata?*

Josphat Simu: *Nenda ati itheka syinengwe. Mbai ila ise ula watwea vau noo, na ula wekalaa vaa nuu, nake uyu noo andu makimanthana na ala matuanite, matue vamwe.*

Com. Wambua: *Kindu cha katatu nichau?*

Josphat Simu: *Kindu cha katatu (inaudible) usakuani. Usakuani umaa yulu. Ee*

Com. Wambua: *Cha kana ni chau?*

Josphat Simu: *Cha kana ni twikasovye undu utesa kututethya.*

Com. Wambua: *Niwamina?*

Josphat Simu: *Ninamina.*

Com. Wambua: *Haya ikala vau indi nikenda.....(sentence incomplete)*

Translator: The first suggestion is Chiefs and sub-Chiefs, when they are ineffective, the government should devise a system of pressurizing them to serve the people properly or even be sacked. Land, the clan is the one that knows what belongs to who. So in cases of distribution, that should be left to the clan other than the way it is now where you have to go to court. On elections, he said they are done from above.

Com Wambua (to Josphat Simu): *Usakwani uu umaa yulu wasya kwikwe ata?*

Josphat Simu: *Ndikwete kwasya, mungi ena degree yula musakua, nake ndanegetwe kuma itune.*

Com Wambua: *Kwo wenda andu ala matoetye?*

Josphat Simu: *Eka. Mundu ula utoetye, ee mundu akisyoka kwasya uu nutoetye tumunenge kula.*

Com Wambua: *Onethewa ti musomu?*

Josphat Simu: *Ai! Kusoma ko kwi undu.*

(Laughing from the audience)

Translator: He is saying instead of putting conditions for people who are vying for seats, elective posts, we should elect people according to their abilities not academic qualifications.

Com. Msonik: Asante. Joseph K Musya.

Joseph K Musya: Asante sana Commissioner. Majina yangu ni Joseph Kimanzi Musya. Nina maoni machache kuhusu Katiba, juu ya yale yameongewa. Maoni yangu ya kwanza ni Serikali ya Kenya inafaa iwaangalie raia vyema kwa sababu raia wa Kenya wako na tofauti nyingi na wale maofisa wanaofanya kwa Serikali.

La pili ni, masomo ya shule hasa ya msingi imeleta shida kwa sababu, na kumbuka sana wakati niliposoma, tulikuwa tukisoma na wakati wa kufanya mtihani ama wa kuvuka darasa lingine, tunafanyiwa mtihani na waalimu. Lakini siku hizi hata darasa la kwanza, la pili ni lazima tununue hiyo mitihani. Sijui kama waalimu wamesahau kutoa maswali? Sijui ni njia gani inayoendelea.

La tatu ni, Serikali inafaa kununua maploti ya watu. Yaani kwa mfano, kuna pahali kulijengwa na polisi hata masoko ya Council na huko ardhi zilikuwa za watu na hazikununuliwa, zilichukuliwa tu.

La nne, tunataka Council ipunguze malipo ya sokoni kwa sababu ukienda sokoni utakuta Council wanakaza kina mama sana wakilipisha vitu vidogo hata mihogo, wengine wanashona mikeka na wanakimbizwa kibizwa na Council, hata kitu ni cha shilingi thelathini na analipishwa risiti ya ishirini. Sasa hiyo Serikali iangalie hiyo, iwe kwenye Katiba. Council itupatie nafasi.

Langu la mwisho ni, Rais wa Jamuhuri anafaa kutembelea raia wote kwa sababu hata ukutumana kwa mtu wakati unamwona yeye sio kama wakati unapotumana. Kwa maana nina uhakika kama barabara hizi mbaya za huku kwetu, kama Rais anazipitia angeona haya na azitengeneze. Ni hayo tu. Asanteni.

Com. Mosonik: Asante sana. David Mwalimu.

David Mwalimu: My names are David Mwalimu. I have a few points to make. There should be permanent panels to appoint senior government officers like P.Cs, Permanent Secretaries, Chairmen of Parastatal bodies, not individual persons.

Concerning religion; I tend to think there should be free worship. That is the churches should be allowed to worship freely. In the office of the Attorney General, there should be allocation of more registration of the bodies that is the religious bodies that would like to register, they should continue.

On the Commissions. We need the specific commissions appointed to look into certain issues to be honoured by the government as they bring back their findings. That is the commissions that are appointed, as they bring back their views, they should be honoured.

Provide for a coalition government. Land laws should be enacted so as to avoid land grabbing by particular individuals. The other one is secondary and university education; if it is possible I tend to think it should be free.

On the side of health facilities, they should be localized that is at the locational level, at least one health center in every location. A permanent commission should be set up to look into the new Constitution that is after this exercise, so that we may not have done it in vain.

The duties of the President should be defined in the Constitution. I am not going to specify any. Thank you.

(Clarification) **Com Wambua:** Two quick things. One, you said there should be freedom of worship. Should there be a limit because there are all manners of worship, and they are increasing because the churches even insist that we should even worship the devil. So we want to be very clear. Freedom of worship, is it supposed to be freedom, freedom or freedom punctuated?

David Mwalimu: Well, I was talking of interference during the campaigns for the lost souls, if I am to go in-depth as pertains to that and about the devil worshipers, I tend to think they should be known before they are registered and stopped from doing it.

Com Wambua: Secondly, the question of the Commission. What would be the... you said to look into the Constitution. What would be the specific function of that commission?

David Mwalimu: It is to check what has been given out by the public whether it is what is being carried out by the government.

(Interjection) **Com Wambua:** In short to oversee implementation?

David Mwalimu: Exactly, to oversee the implementation as you have said.

Com Mosonik: Thank you very much. Sele Ngau.

Sele Ngau: Asante sana, Bwana Chairman. Jina langu ni Sele Ngau kutoka Isaa Sub-Location. Ningependa kuongea machache tu kuhusu Katiba, sina mengi. Tangu mwaka wa sitini na tatu tupate uhuru, tulikuwa macho. Miaka hiyo tumeendelea na uhuru mpaka tukapata sasa miaka...Nisamehe, nitaongea Kikamba.

(Interjection) **Com Mosonik:** Na tafadhali ufanye mapendekezo.

Translator: Yaani Kile kitu ungetaka turekebishe.

Sele Ngau: *Kila ngwenda Katiba isisye na irekebisha nu undu umwe. Nekala nthi naliana maundu, ningwenda ikuneketele, isovye muvango wa mwananchi monthe nianiwe ni usumbe. Kitumi, kuma twakata wiyathi, mukamba hasa wa Kitui maiyese kana me uhuru. Maiye maendeo monanasya kwonanya usumbe. Kisomo kikela ni chaiye pio. Syana*

ile syambeye kweva phees, kisomo nichathelile. Kwou nienda Katiba ikesovwa, isovwe mukamba wonthe akwate useo wa silikale.

Cha keli ni ati, thina munene pio waile kukunekelwa ti muvango wa ando aa ma biashara anani mayaiwe ni musimamo wa kuiyonea kindu ni kunyanyaswa county council. Syakwa syana uu. Ndina nyinge. Asante sana, Bwana Chairman.

Translator: His first proposal was all citizens should be comfortable with leadership. To most of the people especially in Kitui, it is like it is not yet uhuru and the reason for this is, education standards have fallen because fees is quite prohibitive. The second point was, small business; they are suffering because of Council levies, they are too high.

Com Mosonik: Asante sana. Joseph Munyao.

Joseph Munyao: Asante sana, ninayo machache ya kusema kuhusu marekebisho ya Katiba. Jambo la kwanza, ninaongea kuhusu biashara. Samahani, majina yangu ninaitwa Joseph Munyao Ngondu, ninatoka sehemu ya Katene, Mutha Division.

Jambo la kwanza ni kuhusu biashara, kwa sababu watu wengine wamekuwa wanauwezo wa kufanya biashara, wengine hawana. Maoni yangu ya kwanza ni kwamba, mtu ambaye anabiashara awe na biashara moja. Asifungue biashara ya duka, mara afungue butchery, mara afungue kinyozi, mara afungue kile. Ikiwa ni mwanaKenya, awe na biashara moja na ategemee hiyo biashara ndiposa naye yule hana uwezo wa kufungua ile, apate nafasi ya kusaidika kupitia yule amefungua ile moja, apate uwezo naye afungue yake. Na ikiwa namna hiyo, ninaonelea itakuwa vizuri.

Jambo lingine ni kwamba, ikiwa mfanyikazi ameandikwa, ni wa Serikali na ameandikwa na Serikali, asiruhusiwe kuanzisha biashara kwa maana wakati anapoanza biashara na ameandikwa na Serikali, kwa mfano kama daktari, atapata nafasi ya kufanya magendo kupitia yale madawa ya hospitali na aweze kufungua hospitali yake. Kwa sababu hiyo, ninaona ni vyema tuwe na Katiba ya kusema mtu mmoja, biashara moja. Ikiwa ataenda kufungua mahali popote Kenya nzima ana uhuru.

Jambo lingine ni kilimo. Ninaonelea ni vyema Serikali isaidie mkulima. Impe mkopo. Baada yake kumaliza ule ukulima ama akishatoa ile chakula shambani, Serikali yenyewe inunue lakini wasiruhusu watu wenyewe kwa wenyewe ama watu wengine wafanyi biashara walaghai wawanyanyase wakulima.

Jambo lingine limeongewa ni elimu, sitalizungumzia, nitaongea juu ya mayor wa mji. Ninaonelea ni vyema achaguliwe na wananchi. Wakati wanapochagua Councilor, wachague mayor.

Jambo lingine ni utawala. Utawala wa mikoa unastahili kuanzia, ama mtu kama Sub-Chief, anastahili kuwa na uwezo kiasi ya

kwamba si afinyilie mwananchi bali awe repoti yake inaenda kutoka kwake hadi kwa Chief, mpaka kwa D.O., D.C. mpaka kwa P.C. mpaka kwa President. Kwa sababu Sub-Chief ako pale, hana uwezo. Akijaribu kufanya jambo moja anashindwa. Kwa hivyo ninaona ni vyema ule mtu aweze kuwa na uwezo wa kufanya kazi akiwa na uhuru. Kwa maana wengine wanafanya kazi na hawana uhuru wakufanya ile kazi.

Jambo lingine ni kuhusu wafanyi kazi ambao wameenda kureture. Wale ambao wamefanya kazi na mtu amepewa nafasi ya kupumzika, ninaonelea si vyema arudishwe kwa kazi tena. Ni vyema yule mtu hajafanya kazi achukuliwe aandikwe kwa niaba yake. Kwa maana wengine tumeona mtu anapumzika anapewa ile kazi, mwingine hajafanya kazi, angali anaumia tu kule nyumbani. Ninaona ni vyema Serikali ikitilia mkazo hilo jambo, vijana wengi hatutaweza kuhangaika na kuranda randa huku mitaani, tutapata jambo la kufanya na nafasi za kazi zitapatikana.

Jambo lile lingine ni kwamba, upande wa kuabudu. Mekanisa yale ambayo hayaabudu kwa njia ambayo... yaani kuna mambo ambayo wanafanya kama vile wengine unakuta wanabudu lakini kuna mambo mengine wanafanya pale ambayo hayaeleweki. Tunaona ni vyema Serikali iweze kukomesha kwa watu kama... ikiwa ni jambo limetokea kama wapinga-Kristo, jambo kama hilo lifungwe na ikomeshwe. Katika vikundi ambavyo vinasemekana na wananchi, kuna kikundi fulani hakieleweki, kinaleta shida ama kinaleta balaa kwa kijiji ama kwa mji, kikomeshwe mara moja. Ni hayo tu. Asanteni.

(Clarification) **Com Mosonik:** Nikuulize swali moja. Ulisema kwamba mayors wachaguliwe moja kwa moja na raia wakati ule ule wanachaguliwa madiwani na maCouncils. Ni kina nani watasimama kugombea kiti cha mayor?

Joseph Munyao: Mtu hatasimama Councilor, asimame agomebee kiti cha uMayor.

Com Mosonik: Any criteria? Kuteuliwa na chama ama ni kina nani? Mtu yeyote atangazie tu kwamba anataka kuwa mayor?

Joseph Munyao: Hapana, asimame na chama, ateuliwe na chama, asigombe uCouncilor, agombee uMayor.

(Clarification) **Com Wambua:** Kwa hawa ambao umesema kama mtu ameenda retire asije akipewa kazi. Je na wale ambao wana ujuzi ambao wengine hawana? Na mtu ameretire na hatuwezi kupata mtu ambaye anaweza kufanya hiyo kazi? Hawa waruhusiwe waendeleo ama namna gani?

Joseph Munyao: Wale ambao wameretire wasirudishwe hiyo ndio unauliza? Mimi kwa upande wangu ninaonelea namna hii. Ni kwa sababu, ikiwa ni mtu kama engineer, kwa mfano engineer wa magari au engineer wa jambo lingine. Yeye, shule ambayo amesoma sio yeye peke yake amesoma kuna wengine wamesoma nyuma yake.

(Interjection) **Com Wambua:** Swali langu ni kuhusu wale ambao ni specialized, expertise wa kazi fulani ambao huwezi kupata.

Wale pia waambiwe kaa kando umefikisha umri wa kuretire usikuje karibu, ama waruhusiwe?

Joseph Munyao: Naonelea ni vyema apewe kazi ya... si ati aandikwe lakini wakati anahitajika aitwe.

(Clarification) **Com Raiji:** Ulizungumzia juu ya dini fulani ambazo zinafanya mambo ambayo hayaeleweki lakini hukutufafanulia vizuri ni mambo gani ama ile namna tutatumia au ni dini gani ambayo ingefaa sasa iingiliwe na Serikali.

Joseph Munyao: Upande wa dini, nimesema hivyo nikifananisha, nikipeana mfano na wale watu wanaitwa wapinga-Kristo ama waabudushetani. Wale watu wanakuja kwa njia ambayo wanonyesha ni kwamba wanaabudu lakini watu wakiingia ndani, wakifuata ile imani ya wale watu, inapotosha watu. Unakuta wengine wamekuwa wazimu, wengine wamechanganyikiwa.

Com Mosonik: Asante sana, ujiandikishe tafadhali. Joseph Makau.

Joseph Makau: My name is Joseph Makau. On the Constitutional supremacy, I feel that Parliament should have the powers to amend any part of the Constitution but in order to amend the Constitution, Parliament must vote by 75% in favour of the amendment.

Two, I feel that Parliament should not have powers to amend parts of the Constitution dealing with the term limits that a President should serve and also on the citizenship of the country.

Number three; the citizens should be involved in amending the core parts of the Constitution especially those touching on the existence or the sovereignty of the State. For example, a government may decide that it wants to form a confederation with other States. It should be up to the citizens to approve on that move.

Number four; a referendum should be conducted by an independent Electoral Commission that has security of tenure of office to ensure that it is independent from manipulation by interest groups.

On citizenship, I feel that somebody should be regarded as an automatic citizen of Kenya if that person is born of at least one parent who is Kenyan by birth. That should qualify that person to be an automatic citizen of Kenya. I also feel that a Kenyan should have in order of priority, these documents to prove or as evidence of citizenship. The first one should be the birth certificate then the Identity card and the passport.

On political parties, the Constitution should control, it should set the terms for the formation, management and the conduct of political parties. It should set conditions and it should regulate the parties. That is there are some things that parties should not be allowed to do.

Political parties should not be restricted to a specific number. People should be allowed free association according to interests and views. Number three, political parties should be financed partly from the public funds, fund raisers and donations from bodies, organizations or maybe even countries as long as the donations are made public by the parties and that the donations so made, will not be used to sabotage the State. Number four, for a political party to be supported by the public funds, it should prove membership of at least one million voters to qualify for support from the public funds.

On the structure of the government, I propose that the unitary system of government, that is there now should be retained for at least thirty more years. This is because some regions especially the arid and semi-arid regions are less endowed than others in resources and even the little resources that may be there may not have been developed. In those thirty years, deliberate efforts should be made to correct the imbalances that have been created over the years by allocating more funds and time to these regions.

It is also my feeling that in order to correct this imbalance, an equal amount of money should be given to each district every financial year. A central district assembly...

(Interjection) **Com Mosonik:** Excuse me I would like to request that you do not read through the memorandum you just highlight the points and then you submit the memorandum to the Secretariat.

Joseph Makau: I wanted to say that they are many. Equal amounts of money should be given to the districts and then there should be a district assembly maybe of elected officials under the D.C. to manage and prioritize the projects to be funded through the money. This same assembly should account to the Central Government every year, to explain the way the money has been spent.

On the Legislature, I propose that these people should be... these offices should be vetted by Parliament. One, in the Judiciary, the Attorney General, the Chief Justice, judges of the High Court, the Court of Appeal judges and I also propose that we should have a Supreme Court and those judges should also be vetted by Parliament.

All cabinet ministers should be vetted. We should have only one Auditor General in charge of all auditing of government departments and he should be vetted by Parliament. All heads of government Parastatals, all Permanent Secretaries, all P.Cs and D.C's. we should have a committee to help in the preparation of the budget. We should also have another committee to oversee the implementation of Bills passed by Parliament.

We should also in the use...

(Interjection) **Com Mosonik:** Your memorandum, you keep addressing the Chair, do not look the other way. I have given you enough time. I said highlight. Just say, my memorandum contains proposals on the following and say: Constitutional supremacy and so on. Because we shall study that memorandum.

Joseph Makau: Then I also have the memorandum, which also has the proposals on the Executive whereby just to highlight a few, I feel that the Constitution should also provide for the removal of our President subject to approval by 65% of the MPs. Just a piece of what I said.

Then on the Electoral system and process, I propose as an example that we should have separate elections for Parliamentary and presidential elections. Then on the management and the use of national resources, I will only highlight that all resources should be shared equally and if there is need for additional funding for a project in the same region then it should be debated and passed by Parliament according to the importance of the project to the nation. I think that is all I have, thank you.

Com Mosonik: Thank you very much for your tight memorandum I can see it from here. Could you please submit it to the Secretariat. Daniel Mutua. That is not Daniel Mutua. Okay. Eunice Mwanzi. Where is Eunice Mwanzi? And then in the mean time shall we have Joseph Nzuki.

Joseph Nzuki: Thank you Bwana Chairman. Kwa majina ni Joseph Musyoka Nzuki. Maoni yangu ni machache ni manne tu. Maoni yangu ya kwanza ni... Bwana Chairman, ni katika Katiba hiyo inarekebishwa, ingekuwa iwekwe kwa Katiba lazima watoto wafundishwe Katiba yetu kutoka Standard five up to Form IV, iwe some sections.

La pili, maoni yangu ni ya area zile ambazo zinazungukwa na National Parks. Hizo areas kwa sababu ziko na utajiri mwingi wa wanyama wa porini, wale ambao wanazikaribia wasaidiwe katika Katiba kwa vile ni Mungu aliwapatia hayo mali. Watoto kusoma bure, kujengewa mahospitali standard na kumsomesha watoto kutoka nursery up to Form IV halafu wakienda kwa chuo then wanaweza kuorganize themselves kulipa ile percentage inatakikana.

La tatu vile vile, hizo areas kama hii ya Kitui South sasa, kwa Katiba, kama hii National Park, kuwekwe gate ya watalii ili wakiingia hizo pesa ambazo zinapatikana hapo inakuwa watu wa area wanafaidika. Kama tuseme hii area kutoka Kasaala, Kanziku, Nzimisi na hata hapa Mutha. Kama kungekuwa na gate kama hapa Mutha au Kasaala ya kuingia kwa hizo areas, wenye area hiyo wanagefaidika na hiyo mali ambayo iko kwa kichaka kile ambacho wanakaribiana nacho.

La mwisho, katika Katiba yetu ingewekwa kwa kila Constituency, kama sasa mmefanya kazi ya kwenda chini kwa area ya Mbunge iwe tuwe na the best school, national school. Hata ikiwa kila kabila inakuja lakini hiyo area iko na national school, na kwa sababu iko na national school, the best ones wako na ile quota kwa hivyo watoto wa area hiyo watakuwa kama wanachukuliwa ishirini watakuwa wakifaidika kwa kila Constituency kwa sababu tuko na 210 constituencies. Kuwe na

national schools ya girls and boys kama moja au mbili ni sawa. Kwa boys national school, kwa girls national school, kwa kila Constituency. Na hayo ndiyo maoni yangu.

Com Mosonik: Asante sana. Eunice Mwanzui please.

Eunice Mwanzui: My names are Eunice Mwanzui. I have a few points about our Constitutional process. Kwa vile tungehitaji kuhifadhi utamaduni wetu ningeomba kwamba tuwe na museum in every district.

We have low representation by women in the political arena so I would recommend that we have a deliberate move to have women representatives within the political arena, since we have a lot of discrimination at the grass root levels.

On resource allocation or in terms of inheritance to women. Since we have been marginalized by our spouses, such that it may even be difficult for a woman to sell a goat or a cow because that one belongs to the man or it does not matter the purpose, so I would wish that we have some... a deliberate move to have women inherit these things and to have them allocated even when the man is alive.

Then we have the game reserves. I understand in the year 1999 or some time back, we had a memorandum signed between KWS and the local community. So I would wish that KWS to fulfill their obligation, what they promised the community they would do. Because if we have the gates, there would be enough security and also we will have money coming back because when they were demarcating the game reserve or the national park, people were squeezed to come up this way leaving their inherited land to the park. So we would like to benefit from the national park.

Then we would wish that the government ensures basic rights to our community. Especially, if we have a dispensary like the one we have in Mutha it should be well equipped. We have witnessed many deaths, which are un-called for because of lack of facilities, and we are sure that the distances are too long, there are no good transport and communication facilities.

Then the other one is, that the distance from here to Kitui is over a hundred kilometers where we have our court. So I recommend that we have our court maybe at Mutomo or Ikutha where we have divisional quarters.

The other one is the natural resource preservation. Here we have very precious trees like '*mvingo*', we have '*mukao*' which are very precious to our country and even a resource to us. So, I would wish that the government makes a deliberate move to preserve '*mukao*' and '*mvingo*' which will take very many years to mature.

Another point is that the government should ensure sustainable coping mechanisms to our communities especially in times of famine. We heard people complaining mostly the women about charcoal burning. That is their coping mechanism and we all

understand that it is destruction to our environment but, that is the only way they can survive. Hence I would wish that the government ensures a sustainable coping mechanism for our people.

I also recommend that we have upgrading of Njika and Kitui Multi purpose facilities to constituency campuses. That is all I have.

Com Mosonik: Just a second please.

(Clarification) **Com Wambua:** In regard to women representation, you said a deliberate move and where there are precious trees you said deliberate move by the government. Do you have specific proposals on how we can ensure that there is proper women representation, specific? I mean what do you have in mind?

Eunice Mwanzui: Yes, to start with the women representation because you find that, when it comes to the political parties, men are ambitious to be the chairmen, to be the President of the parties so they will side-line women because they do not want them to lead. This is also aggravated by our culture. So, when I talk about a deliberate move, because these guys will not be willing at the grass root level, the government should have something that is enshrined to help the women come up. Are you satisfied with that? Is my point understood?

Com Wambua: Yes, I think so but I think we would want a specific proposal. Other people have talked of preserving seats for women, others of affirmative action. I was saying you should come out that clear.

Eunice Mwanzui: Yes, on affirmative action on women representation. Then when it comes to preservation of our natural resources and specifically to '*mukao*' and '*mvingo*' trees. Maybe the government sets up nurseries which are specifically to multiply these trees so that as we continue to use them, or for carving, others will continue germinating. At the moment they are only growing naturally and we are foreseeing them becoming extinct with time.

(Clarification) **Com Yano:** I think Eunice, there is a point that you have raised which I tend to think that nobody else has raised. About upgrading of the multipurpose hall in Kitui and also the buildings into constituent college or the university? What really makes you come up with it? Is it maybe you feel that in these regions you do not get enough or you do not get proper university education or just maybe because you do not have any university in this region or availability of these buildings? What is it?

Eunice Mwanzui: We have the availability of the resources because they are there. We have the buildings and we have everything that is there. Two, we do not have colleges at all in our area and we have people who qualify to go to them and for example when it comes to the quota system, you know the nearer you are to something, the easier the access you have. So if we have access to a college, which is nearer, we almost guaranteed that our people will be going to these colleges.

(Clarification) **Com Raiji:** Just something Eunice. I would like to hear your views concerning issues that have been raised here but you have not addressed them. This question of property rights between women and inheritance of property from their parents and so fourth?

Eunice Mwanzui: Boys and girls are all equal, and we would like girls to do better in life than boys. Furthermore, we get married sometimes and we have no room in our husband's places, we have to come back to our parents and then we find no appreciation, no where for us, no where for our children. Therefore, we need equal rights for both boys and girls as pertains to inheritance from our parents.

Com Raiji: One of the issues that was raised this afternoon was the proposition that if you are married to a place, you should not get property unless you are chased away or the marriage breaks up, you can then inherit from your father. Would you advocate that or would you just advocate the policy where both boys and girls inherit their parents' property irrespective of whether they are married or not or whether their marriages are in existence or have broken down?

Eunice Mwanzui: But by the time of marriage there is no guarantee that my marriage will be sustainable even for the next two to three years. So I should get my shares as a child in that family even before I decide whether to get married or not.

Com Mosonik: Kuna watu wachache sana ambao walikuwa wamejiandikisha mapema tukawaita hawakuwepo. Oh! Thank you very much, asante sana, can you just register over there. Solomon Ikuthu yuko? Hayuko. Kyula Kisovi? David Muli? Katithi Kithengi? David Mwangi? Titus Kimwele? Wa mwisho tulimtaja yule alikuwa ni Daniel Mutua. Huyu yuko? Ulikuwa umeenda wapi?

Daniel Mutua: My names are Daniel Mutiso Mutua, member of the 3C's and I would like to give the following points towards our new Constitution.

Transfer of chiefs and assistant chiefs should not be there but they should be elected by wananchi. Mayors and Chairmen of various Councils to be elected by wananchi also. Council Executive officers powers to be limited, maybe their powers to be transferred to Councilors.

Judges, ministers and Parastatal heads to be appointed by Parliament. To uplift and give a challenge to the standards of education, the minimum level should be set in the new Constitution for the civic aspirants. President should not be above the law. Chief and Commander of the Armed Forces to be a trained officer but not the President.

All political parties to be funded by the consolidated funds and all Presidential candidates to be funded equally by the sitting

government and they should also be given security, equal security.

Agricultural sector to be funded equally to give morale to the farmers but not like the current situation, we hear of the... for example the National Cereal Board government raising funds and goes to Rift Valley only leaving the other parts of the country.

Free and compulsory education in primary level and cost sharing in secondary and university level. Direct compensation to deceased and the sick by NSSF and NHIF. The new Constitution should not tamper with the cultural affairs of any community.

Parliament should decide when to dissolve the House and not the President. All village elders to be paid by the government. That is they should be included in the government payroll. Trust land in the range laws to reviewed to accommodate the expanding population with time.

Women to vie for seats equally with men on merit. Finally we should have equal sharing of parents' wealth, both by men and women that is brothers and sisters. Wealth should be shared equally unlike the current practice where women are not counted in the will of the parents. Thank you.

Com Mosonik: A few questions from Com Raiji please.

Com Raiji: Thank you very much. There are issues where I need clarification. You have proposed that all political parties to be funded, all Presidential candidates to be funded and given equal security. Would you put a limit to the political parties or would you be content even if we had a thousand political parties and we fund all of them and all their candidates?

Daniel Mutua: Thank you Mr. Commissioner. I get to understand there are some briefcase parties, which do not operate even an office or do not have even officers or candidates. But some... the liked parties that which have candidates in any general to be funded...

(Interjection) **Com Raiji:** Would you advocate a limitation to the number of political parties? For the purpose of funding or would you propose that they fund everybody who has a political party?

Daniel Mutua: I think we should have a minimum of five political parties.

Com Raiji: There is another question I needed clarification. I do not know whether I got you right. You were proposing that the new Constitution should not interfere with cultural what, values of any community? Does that indicate that we should not

interfere even with retrogressive cultures such as widow inheritance, circumcision of women and other backward and unacceptable practices?

Daniel Mutua: Yes, I got you right Mr. Commissioner. Currently the government is advocating against Female Genital Mutilation but when you go to communities like Kisii land, you cannot get a vote if you go there to say that women should not be circumcised. Over here, it might be we practice the inheritance of women by your co-brother or whoever, so when you go to Nyanzaland we talk of you should not be circumcised. Here if you are not circumcised you become like an outcast, that is why I have said we should have culture after another and the Constitution should adopt what is there in that community. If we say no circumcision, if we say yes...

(Interjection) **Com Raiji:** I am asking is it your proposal? You are entitled to your views that we respect whatever cultural practices that are there and not interfere with them and leave it to the people to do what they want or are you saying that we should interfere with some of the cultural practices that...

Daniel Mutua: I am saying we should have... as we talk of like the current Constitution, we talk of freedom of worship, then I mean we should have freedom of culture in every community

Com Mosonik: Mr. Mutua, I just want to inform you that the Commissioners intervention results from the definition of the functions of the Commission in the Act Section 17, paragraph 10 says 'to examine and review the social cultural obstacles that promote various forms of discrimination and recommend improvements to secure equal rights for all.' That is why the Commissioner is asking, do we interfere with the view to improving or not? But you are fully entitled to your views and thank you for those views, which you have just presented. No other queries, thank you very much please sign up there

Daniel Mutua: Asante.

Com Mosonik: Ladies and gentlemen, kufikia hapo tumemaliza kikao chetu rasmi kwa sehemu hii ya uwakilishi bungeni ya Kitui Kusini, Kitui South and I think on behalf of the commissioners who are sitting in front of you, which was the panel constituted to visit this constituency to collect the views, the panel is here in front.

Tumewashukuru nyinyi wote kwa kutoa maoni yenu kinaga ubaga. Tumeyasikia maoni yenu, tumeyanasa kwa vyombo na tena tumeyaandika sisi wenyewe. Tutayatilia maanani na tunawahakikishia kwamba tutayafikishia Tume Nairobi na tukifika tutaandika reporti kuhusu yale yote tumeyasikia. Tutaandikisha mapendekezo yetu kama Tume kuhusu Katiba mpya, kulingana na mapendekezo yenu ambayo mmeyafanya leo na mwishowe tuandike Katiba mpya vile tumeelewa kulingana na maoni yenu.

Tukiwa tumemaliza hiyo, kuandika reporti na Katiba mpya pamoja na mapendekezo, tutayachapisha katika gazeti rasmi ya

Serikali, inayoitwa ‘Kenya Gazette’, itakuwa kama mwezi mmoja au miwili, halafu tutawasilisha kwenu tena, turudishe hapa, ndio msome repoti yetu, mapendekezo ya Katiba mpya na mulinganishe na maoni yenu na mutoe tena maoni.

Tutayasikiza kwa provincial head quarters halafu mwishowe, wawakilishi wenu watakuja kwa Mkutano wa Taifa, wa Kurekebisha Katiba, unaitwa, National Constitutional Conference. Na nyinyi tena mutawapa wawakilishi wenu masharti ama instructions kuhusu vile Katiba ingerekebishwa.

Mwishowe, wawakilishi wenu bungeni, mwakilishi wa sehemu hii na wa sehemu zingine watakutana na kupitisha Katiba hiyo mpya. Kwa hivyo hatujamaliza nanyi na sasa ningependa kwanza kumuuliza coordinator wa district ya Kitui, Elizabeth Mumbi, yeye yuko wapi? Atujulishe kwa wana kamati wa 3C’s ambao wako hapa; ambao waliofanya hii kazi.

Elizabeth Mumbi: Commissioners na wananchi wote wa Mutha, hamjambo? Hamjambo tena?

Response from audience: Hatujambo.

Elizabeth Mumbi: Yangu ni kuwashukuru sana kwa kufika, mumechangia na mulikuwa munapaswa kufanya hivyo. Ningependa tena kushukuru sana Provincial Administration, Bwana D.O ametusaidia sana, pia the O.C.S., na wale wote wametusaida kuufanya mkutano wa leo uwe umeendelea vyema kama ulivyoendelea, kwenu nyote ninasema asanteni.

Sasa ningependa kuwauliza wanakamati wote wasimame ili niweze kuwajulisha kwenu. Wanakamati wa Kitui South Constituency Committee. Hapa tuko na Geoffrey Kamwila, Geoffrey ndiye Chairman wa Constituency Committee, halafu tuko na Cllr Daniel Mutua, halafu tuko na Joseph Nzuki, Pastor Kavukua, Eunice Mwanzui na hapo nyuma tuko na Naomi Kithome.

Hawa wamenisaida sana, hii kazi bila hawa watu haigekuwa hivi, haingefaulu. Kwa hivyo kwenu nyote ninasema asanteni. Ningependa kumualika Mheshimiwa Kiminza, amekuwa akitusaidia sana, amekuwa akienda kwa vikao vyote na ningependa pengine aseme jambo, halafu baadaye...

(Interjection) **Com Mosonik:** Nafikiri uniachie hiyo, I will gave you a specific assignment.

Elizabeth Mumbi: Asante sana.

Com Mosonik: Asante sana, ningependa kusema Mheshimiwa mwenyewe ni mwanakamati number one kwa hiyo kamati ya 3C’s kwa hivyo tumesema asante. Nikiendelea, sasa ningependa hata kwa niaba ya maCommissioner na wafanyikazi wote wa tume, kumshukuru O.C.S, ambaye ameketi nasi tangu asubuhi na siku ile nyingine tena tulipokuwa Mutomo, Mr. Nkirimo, I think is your name. Kwa kutuhakikishia usalama na kukaa nasi mpaka mwisho. Halafu Bwana D.O wa area hii Mr. Kipkech,

hiyo ni kama jina langu Kipkoech. Tumemshuuru sana kwa kuwa nasi, nitakuomba tafadhali useme maneno machache, halafu baada ya hayo, tumwakilishe Mheshimiwa Samuel Kiminza, MP atufungie mkutano halafu tutauliza tuombewe, tafadhali. Asanti sana.

Mr. Kipkech: Bwana Commissioners wote, Bwana area MP, Bwana Kiminza, wananchi wote walioko hapa, watumishi wa Serikali ambao wako hapa, wanakamati wote wa 3C's, wa Kitui South. Pia nafikiri yangu ni kusema hamjambo?

Response from the audience: Hatujambo.

Mr. Kipkech: Basi sitakuwa na mengi siku ya leo kwa sababu hii ni siku ambayo tumekutana hapa tuone, tutoe maoni yetu kuhusu mambo ya kurekebisha Katiba na vile ninaona tumeendelea vizuri kabisa. Tumeendelea tangu asubuhi, watu wamechangia na kila mtu ambaye alikuja hapa, nafikiri hakuna yeyote atalalamika kwamba alikuja na hakupata nafasi ya kutoa maoni yake. Kwa hivyo mimi ni kuwashukuru kabisa wananchi wote ambao wamefika hapa kutoa maoni yao na pia wale maCommissioners ambao wamekuja kufanya kazi na sisi siku ya leo.

Na pia ningependa kabisa kushukuru commissioners kwa maana ni watu wametoka mbali na wametushughulikia tangu asubuhi mpaka wakati huu. Kwa hivyo yangu ninasema asanteni kabisa, natumai mmekaa vizuri na kama kuna kitu ambacho mliona hapa kile kilikuwa kinaendelea vile wananchi walikuwa wanatoa maoni yao, tumechukua yote na hakuna chochote kimeachwa hata kidogo. Yangu ni kuwashukuru kabisa kwa uvumilivu wenu na ninasema shukurani kabisa kuwa nasi hapa Mutha Division, siku ya leo. Kwa hivyo ninaachia hapo, ninasema asanteni.

(Clapping form the audience)

Com Mosonik: Halafu sasa niwakumbushe tena kwamba maCommissioner ambao walikuwa hapa watu wanne, Com. Mrs. Alice Yano, yuko upande ule wa mwisho, Com. Riunga Raiji, yuko hapa na Commissioner ambaye amekuwa kama mwenyeji wetu ni Com Paul Musili Wambua, wa area hii. Lakini Com Yano nami tunatoka Rift Valley, Com Riunga Raiji anatoka Eastern lakini sehemu za Meru. Na kwa niaba yao na yenu, ninamkaribisha sasa Mheshimiwa Kiminza aseme machache.

Mheshimiwa Kiminza: Kupitia kwa mwakilishi mwenyekiti wa wanakamati wa Katiba, wamepitisha... Bwana Mosonik na wenzako, D.O. wa hapa, viongozi, changu ni kuwashukuru sana the Commissioners for having taken their time to be here. I have been specially privileged to know a few of them at a personal level and I am glad that they got an opportunity to be here together with us today.

As you know, and the Chairman has rightly put, Com Musili Wambua is like our local Commissioner from Ukambani region and I am glad that he has been around today to be together with us. I also know Com Riunga Raiji, who at one time was my

