

CONSTITUTION OF KENYA REVIEW COMMISSION

(CKRC)

VERBATIM REPORT OF

**CONSTITUENCY PUBLIC HEARINGS, MWALA CONTITUENCY
HELD AT YATHUI LEMA GIRLS SECONDARY SCHOOL**

ON

23RD JUNE, 2002

**CONSTITUENCY PUBLIC HEARINGS, MWALA CONSTITUENCY, HELD AT YATHUI LEMA GIRLS
SECONDARY SCHOOL, ON 23RD JUNE 2002**

Present:

1. Commissioner Dr. Mosonik arap Korir
2. Commissioner Mrs. Alice Yano
3. Commissioner Riunga Raiji

Secretariat staff In Attendance

1. Mr. Iringu Ndirangu - Programme Officer
2. Patrick K. Kiptoo - Asst. Programme officer
3. Mary Babu - Verbatim Recorder

Members of the 3 Cs.

1. Rose Kimeu - District Coordinator
2. Mrs. Juliana - member
3. Mr. MacDonald Muli - member
4. Fredrick Nguzi - member
5. Bernard Musau - member

The meeting was opened at 10 O'clock with commissioner Riunga Raiji as the Chair.

Com. Riunga Raiji: Kwa niaba ya Tume ya kurekebisha katiba ya Kenya tungetaka kuwakaribisha watu wa constituency hii katika kikao hiki rasmi cha Constitutional of Kenya Review Commission. Leo ndio ile siku tulisema tutakuja kuchukua maoni ya kila mwananchi kutoka constituency hii. Na tungewaomba wale wameingia na wangetaka kuzungumza na kutupatia maoni tafadhali wajandikishe hapo kwa mlango kwa sababu tutafuata orodha ambae iko na yule karani ametuandikia. First come first served. Na kabla hatujaanza mambo yaleo tungemuuliza kama tuna Pastor au mtu mwingine wa kanisa angetaka kujitolea kutuongoza kwa maombi. Do we have a volunteer to lead us in prayers? If so please come forward and then we can pray and get started. Hakuna mkristo katika nyumba hii yote au muislamu. Mama karibu. Tunaanza kuomba.

Mama: (Name unannounced) Tuombe pamoja(In kikamba dialect)

Tanaslation: (to kiswahili)...

Com. Riunga Raiji: Asante sana mama. Kabla haatujaanza ningetaka kuwazulisha maafisa was tume tunao hapa. Kwanza kabisa on my extreme left tuko Dr. Mosonik K. Arap Korir, tuko na Mrs. Alice Yano Commissioner, Jina langu ninaitwa Riunga Raiji. Kutoka huko katika makao yetu makuu, tuko na yule mzee Irungu Ndiringu Ndirangu ambaye ni Programme Officer, tuko na Mary Babu ambaye anatusaidia kwa kurecord proceedings natuko na Kiptoo, ameenda wapi, tuko na kijana mwingine ambaye ataandika report ya yale yote tutayatoa hapa. Na kabla hatujaanza hii tume mnaona hapa imekuwa katika District, katika upande hii .ya Ukambani tangu juma tatu ya wiki jana. Wametoka Kitui, na wengine wametoka Nairobi na tungetaka kuomba radhi kwa kuchelewa kidogo. Mwenzetu Dr. Korir yuko na kazi zingine za Kirasmi na tutampatia nafasi hii aende na tutaendelea Commissioner Alice Yano na mimi Riunga Raiji kupokea maoni yenu. Taratibu tutafuata kama nilisema ni kulingana na ile list ambayo iko hapo kwa mlango, yule yeyote angetaka kutoa mapendekezo yake akajiandikisha hapo. Wale watu wako na maandishi yaani memorandum, tutawaapatia dakika tano ili waweze kutupatia summary tu. Tungetaka kuwajulisha kwamba ukiwa na memorandum, hio tutasoma tutaiyangalia kwa makini tukirudi Nairobi. Kwa hivyo, kwa sasa tungetaka tupatie tu summary katika ule muda wa dakika tano ambao mmepatiwa. Yule ambae angetaka kutoa maoni binafsi, ambaye hana maandiko yeyote atapatiwa muda usiozidi dakika kumi. Lugha zetu hapa ni rasmi ni kiswahili na kingereza; na yeyote ambae haelewi hizo lugha mbili ako huru kuzungumza na lugha ya kikamba au lugha ingine na itatafsiriwa, tuko na mtafsiri kutoka hapo hapo.

Kama kuna mtu labda hasikii yaani the deaf we make arrangement for deaf interpreters. Do we have, katika hapo mko, mko na hao watu ambao hawasikii ili tuwafanyie mipango maalum ya interpretation. Mkiona mtatujulisha. Kabla hatujaanza nitamuuliza Co-ordinator wa hapa Ruth atujulishe wanakamati wake kwa sababu hawa ndio walikuwa wakifanya kazi hii kwa niamba ya Commission.

Rose Kimeu: Thank you Bwana Chairman, and my name is Rose Kimeu. I am the District Co-ordinator Machakos and I would like to take this opportunity to introduce members of the 3 Cs, that is in Mwala constituency, to the Commissioners and the members of the public. Please wale ni wanakamati wa constituency committee ya Mwala mukaweze kusimama ili Makomishona wawaone. Nitaanza kwa yule ako upande wangu wakoshoto ambaye anaitwa Mrs. Juliana Muli, Juliana Muli is a Women's Leader karibu na Julian Muli. Unaweza kuinua mkono watu wakutabue. Karibu na Julian Muli, Juliana is the leader. Karibuna Juliaiana kunaye Mr. Mackdonald Muli, Muli is representative of the Disabled in the constituency committee, na niko naye Mr. Fredrick Ngunzi, Ngunzi is also a member of that committee na councilor Bernard Musau, Musau is also a member of that committee. So those are the members that we have today and I would like to handle over the mike to the commissioner to continue with the function.

Com. Riunga Raiji: Okay, we also have mkuu wa shule hii Mrs. Mercy, simuoni hapa, ambaye ametusaidia sana kwa kutupatia ruhusa ya kutumia shule hii. Kwa hivyo tutaanza, wa kwanza,... Ile ingine ni kwamba wakati mmetoa maoni yenu ningetaka muwe huru kabisa, msiogope mtu yeyote, just speak yale ambayo iko katika roho yako. Makomishona wanaweza kumuuliza maswali kufafanua labda yale mambo labda hawajaelewa. Kwa hivyo tutaanza na Bwana James Kasuve kutoka Kithaani W.G, nafikiri ni WG women group hatujui. Bwana James Kasuve karibu.

James Kasuve: Yangu ni kusema asante sana kwa kunikaribisha kwa hio Commissioner na ile ambayo ni maandishi ambayo nimeandika kwa karatasi na siwezi kusoma yote ni kamaliza, lakini nitapeyama hio memorandum muende mkasome mkifika Nairobi. Kama nikubgaliwa kwa sababu siwezi kusoma yote nikamalize. Kwa hivyo nikipeana ni vizuri kwa sababu nimeandika mpaka nikafikia kikundi imeandika mpaka ikapitia executive. Ee ni kugusia kila kitu. Tumeandika kama

Interjection. Com. Raiji. Anza na jina kwa sababu kuna record inachukua.

James Nzuva Katule: Jina yangu ni James Nzuva Katule, kama muandishi wa hii kikundi na ile kikundi ya Kithiani Welfare Association. Hio ndio iko sehemu ya Wamunyu Location, na Box yake ni 77, Wamunyu. Hio tumeanza, ya kwanza ni vile katiba inaweza kuwa na tittle, utangulizi wakilishie kama vile yaweza kuwa na utambulizi wake. Okay hio ni, tumeandika maswali matatu na siwezi kuenda through yote. Ya pili, ni directive Principles of state policy, hio tumeandika maswali saba, ile tumeonelea upendo wetu. Ya tatu ni constitutional Supremacy amabao tumeandilka maswali kufikia kumi na mbili, tukaenda ile tunaita citizenship tukaandika maswali machache amabao tumeenda mbele tukaandika defence and national security. Tukaandika maswali mpaka tukafikia ishirini na sita. Tukaingilia upande wa political parties. Upande wa political parties tukaandika maswali mapka tukafikia thelathini na tatu. Tukaenda structure and system of government, tukaandika maswali mpaka thelathini na tisa. Tukaenda administration, appointment ya vile tumeonelea kama kuchaguliwa kwa ministers na wengine tukaandika maswali hamsini na nane. Tuakenda executive, executive tukaandika maswali mpaka sitini na sita. Tukaingia judiciary, tukaandika mpaka maswali seventy eight na tukaingililia election system and progress, tukaandilka kama nne hivi, na

tukaamalizia na hapo. Hiyo ndio programme yetru. Asanteni.

Com. Riunga Raiji: Wa pili atakuiwa Stephen Nzioki atafuatwa na Peninah Mutungi. Kwa hivyo Stephen Nzioki yuko karibu, karibu Bwana.

Stephen Nzioki: Kwanza ni kushukuru Mungu na tume limekuja kuwakilisha upande hii. Kwanza, nina represent individuals na kwa maoni yangu niko kwa upande kwa provincial administration. Sasa kwa upande wa provincial administration, kuna number kutoka juu inakuja chini kwa village elder. Sasa upande wa village elders kwa maoni yangu yangu ningonelea wangukuwa pengine wakillipwa kitu, kama mshahara kidogo kwa sababu wanafanya kazi mingi na pengine wanawacha kazi zao. Sasa upande mwingine niko kwa upande kwa provincial administration,. upande mwingine ni hii powers za chiefs, sasa powers za chiefs angepewa authority kama wangukuwa na baraza, watu wakikataa kukuja kwa baraza angekuwa na authority ingefanya hao watu wakuje kwa baraza na vitu vingine. Okay, sasa niko na hayo mawili ndio ninawakilisha individuals sina mengine.

Com. Riunga Raiji: Asante sana. Peninah Mutungi.

Peninah Mutungi: Let me start by saying that I am very grateful for this chance that I have been given to air my views before this committee. My views are diverse touching on very many areas. I am going to start from the constitutional Supremacy. It is our feeling that the constitution should not be amended by a sixty-five majority votes in parliament. We suggested that it should be done by eighty five per cent because sixty five per cent represents just a few individuals.

We went to the political parties and said that political parties should be limited to two. That is, the opposition and the ruling party. Just like in America where there is democrats and the Republican, reasons many of them tend to be duplicate their policies, and also there is a lot of disunity.

We want the legislature, whereby we said that MP should be paid sitting allowances as per the session attended. This it to enhance participation in parliament. We also said that constituents should have the right to recall their MPs or pass a vote of no confidence on the MP. We also suggested that a procedure whereby the constituents can follow. We said that there should be a limitation of the voting in the age. Minimum eighteen years and maximum fifty-five. We have a reason for that, and the reason is that the middle-aged people tend to understand immediate needs of the country.

Then we went to the executive and we said that the party forming the government should be flexible to allow other political parties and organizations to undertake development project without any bottleneck. .

We said that presidential powers should be trimmed, for example parliament should play a greater role in the appointment of the

senior government officials, and also we said that the presidential should not be the chancellor of the Public University. We need academicians whose input can be felt in the universities. Therefore in summary we said, the president should be relieved of all other duties apart from being the head of state, and in the Commander in chief of the Armed forces. It was through that the security of the country can be enhanced.

We said the post of assistant chief and chief should be eliminated because these people are acted as hindrance in development of the locations and sub-locations, and the post of the headmen should be retained these are.. who tend to be closer to the people at the grassroots and in most cases because they are not paid by the government, they fail on the good will of the people and also the people who depend on their good will, so they tend to be realistic on whatever they are doing. I am going to the right of the Honourable group and mostly touches on the women. We say that the following should be put into consideration, when women are being employed the employer should recognize them as mothers and professionals. So whatever men can do even the women can do to the satisfaction. And we said that all women should have a right to return to work after having a baby because they are some cases where some have lost jobs after going for maternity leaves. We said that there should be a higher family relief for working parents. Also we said in cases of school, if it is girls school both the principal and the deputy should be a woman and the same should apply to boys' school. We said that the employers should introduce a discipline courts and penalty for sexual harassment and especially should impose stiffer penalties against the offenders.

We looked at the cultural or the traditional practices, which tend to affect women and said that there should be an elimination of some a hygienic and dangerous traditional practices, like the women circumcision. We also talked about other unhygienic practices that are carried out in parts of Ukambani like masia whereby people who are used to or they are forced to take a mixture of blood, urine, herbs etc. in order to prevent witchcraft, so some women are forced to undertake those things.

We said incase of rape, the rape and sexual assault should be taken more seriously when penalties compared to crimes against property such as theft. There are many reasons for that; the woman faces social stigma, psychological, emotional, trauma, physical injuries and the like. We also said that rape of the minor, the disabled and the handicapped should be taken even more seriously. So I think it was the feeling of my group that a death penalty should serve as a deterrent to other who may be contemplating to do such kind of activities.

Then we say that abortion is immoral, and it should not be legalized under all circumstances because it destroys an innocent child the chance to live.

We also talked about property ownership, land and property right and we said that legal documents for lands and other properties should bare the names of the two spouses. For example, if it is a Mr. Joseph Mutua Mutinda the name of the woman should be included. For example Mrs. Jane Nduku Mutua. This is to enhance the security incase either the partners passes away or incase of divorce, one of them should not loose. Then we also said that women are entitled to land and .property

inheritance from their parents, whether you are married or not. And then for the others we said that the Affiliation Act should be strengthened. It should not look like abandoned law. So if a man is responsible for a particular pregnancy, he should take care of the girl throughout and the girl should be re-admitted to school without any condition. That is the much the Ikoni Community was prepared to bringing to this sitting.

Riunga Raiji: Commissioner Alice Yano wants to ask.

Com. Alice Yano: Thank you Peninah for that presentation. You said that most of the duties that are being performed by the president should be done away with?

Peninah Mutungi: Yes.

Com. Alice Yano: You did not give the alternative what is the actual bill possible for these duties if you are can really appreciate. Secondly, there is this issue of Affirmative Action you understand it very well, I don't know whether you could share some light on it and whether your womens organizations have been closely following it and whether they are interested in it. Thirdly you talked about the Affiliation Act, I think you are aware that the tail (inaudible) is not there. Do you suggest that may be the same should be made or should be brought back? Thank you.

Peninah Mutungi: Let me start with the Affiliation Act, when we discussed it we and found that it was there but it is not working and according to this particular act a man was supposed to be responsible for a child he bears up to the age of eighteen. So this one is not carried out seriously and therefore, we wanted you to be strengthened or to be revived, so that the child to be born can get all the needs that a child is supposed to have. The other issue is about the powers of the president, it was our suggestion that the legislature should sit down and analyze which duties should be given to what particular group of people within the country. So we suggest that there should be an action committee that should be responsible for giving of these duties to other people. I don't know whether you are satisfied with my

Com. Alice Yano: Affirmative action.

Peninah Mutungi: Have I mentioned that? I mention the Affiliation act.

Com. Riunga Raiji: What the commission is asking you, you know affirmative action whether have been used express that whether a certain number of seats should be reserved for women in parliament or in the local councils.

Peninah Mutungi: Now you have we have seen some light. We did not discuss that as a group but as an individual, I tend to think that around a third of the seats should go to women.

Riunga Raiji: We wanted you to clarify the people doing so, I just want also to clarify something regarding, affirmative action is the law that force every man to take responsibility of the child he fathered until the child was...affiliation sorry. This act was reviewed by men after independence so I will take your proposal to mean that you are asking for it to be brought back.

Peninah Mutungi: That is exactly what it means.

Com. Riunga Raiji: You also mentioned that you want two political parties right now we have more than forty. Do you have any views on how we are going to reduce those to remain with two?

Peninah Mutungi: I think with the current merger, we should come with either opposition, if you want to be in the opposition be in the opposition, if you want to be in the side of the government join the government. So that we can have two, we can even have a name, not necessarily the one that are there now. So if you feel like, you should be in the opposition you join them. To minimize disunity.

Com. Riunga Raiji: Thank you very much for those lady who have very good views. Please register yourself there and you handle over your memorandum. So we want to inform people that anybody who gives view should go and register for a record because we want to have a record of exactly what kind of views we were given so that we can use them during the review. We also want to recognize Mrs. Mate the Headmistress of this school and especially the principal and mwalimu when you are ready signal to Rose we know you are busy and you want to go back to your students. When you are ready to present your views, we will give you an opportunity, just let us know through Rose. Thank you. Now the next presenter will be Lena Benson.

Lenah Benson Kioko: Isitwa yakwa nitawa Lenah Benson Kioko

Translator: Anasema anaitwa Lena Benson Kioko.

Lenah Benson Kioko: Ukulyo yakwa ni inini. Nimutume ni atumia ma ndua meenda umanya kana musaala woo niwambukie kana twaumbuka?

Translator: Anasema ametumwa, anaswali hapa, na ametumwa na wale wanakijiji, na wangetaka kujua kama mshahara yao imetokea ama bado. Headmen wale wa huko kijijini kuna, kulikuwa mkataba mwingine ulikua wa parliament na walisikia na wangetaka kujua kama imetoka ama hakuna.

Lenah Kioko: Twithukuma mwaka wa man, mwaka usu ungi tuithukuma mana.

Translator: Wanasema kama wazee wa kijiji, mwaka ule amejitolea kufanya kazi ya bure ni huu, na ule mwingine hawatafanya kazi ya bure.

Lena Kioko: Tutia mawia maitu tuithi uthukuma wananchi na yila tuendete umathukuma twithithiwa na kindu tiunewa na tutiaa mawia maitu mana. Kwou nitukwenda musaaka na ethiwa uui vo Masub-chief na Ma-chief methukume.

Translator: Wanasema, hua wanawacha kazi zao wakienda kufanyia wanakijiji kazi, na hua wawapatiwi chochote. Hua wanajitegemea, na hakuna mshara itatoka sub-chief na chief wajifanyie kazi.

Lena Kioko: Ithye tinaisye uu twoombana nthini wa kwitu Kivauni atumia ma ndua tinaisye tuithukuma wia wa mana mwaka uu wathela

Translator: Wana sema kama wazee wakijiji, waliungana na wakasema mwaka hii ikiisha hawata fany a kazi ya bure, kutoka kibaoni.

Com Riunga Raiji - Mama tumesikia hilo pendekezo lako, tutalipeleka huko mbele; nipendekezo kwamba wazee wa kijiji walipwe. Tume lipokea vyema, tutaliangalia. Mwingine ni Mathew Muthoka, ambaye ata fuatwa na Robert Musembi. Mathew Muthoka yuko? Karibu Mzee.

Mathew Muthoka: Asante sana makomishona. Mimi ninaitwa Matahew Muthoka. Ninamaswali mawili, ama mambo mawili. Jambo la kwanza, ninaongea katika administration. Naona kwamba hakuna muelekeo mzuri katika lokesheni ama sublokesheni, kwa sababu ninaona wdatu hawahudhuri hii mkutano ya machiefs na masubchief. Ningeuliza kama tungekuwa na mpango wa labda ni kushauri watu ama kuwa na mpango fulani, watu wakaambiwa ama wakafundishwa, ama kukawa na sheria kidogo ya machief na masubchief kutumia ili waeleimishe watu. Waite makutano waelimishe. Ninaona watu hawaelimiki sawasawa katika tarafa zao ama lokesheni zao. Hakuna muelekeo mzuri, kwa hivyo ninauliza.

Jambo linginenina uliza kama Commission inaweza kufikiria sehemu za constituency, ama sehemu za wabunge. Sehemu nyingine kuna sehemu kubwa inawakilishwa na mbunge mmoja. Kama district ya machakos ni kubwa sana. Kwa nini hakuwezi kuwa na ugawanyo ya kugawanya sehemu hizi zikawa ndogo na watu wakapigiwa ni serikali, kukiwa hakuna shida? Na ni hii tu. Sina mengi.

Com Alice Yano - Ume sema yakuwa pengine ungetaka constitutencies, unasema constitutencies ni kubwa sana, unataka pengine igawanywe?

Marko Muthoka: Ndio.

Com: Alice Yano: Unajua wakati huu, taratibu inayo tumika ku gawa ama kupatiana constituencies ni umati ya watu, kiasi ya

watu. Tume elewana hapo?

Marko Muthoka - Hapo nina elewa.

Com: Alice Yano: unge taka ibaki hivyo, hivyo ni yakuwa vile mukona watu wa kutosha kuwawezesha mpate constituency ingine ama ungetaka jambo lingine litumike? Kwa sababu penye tumetoka, pahali penigine wanasema pengine wangetumia maneno ya kigeographia kusema kugawa constituencies. Ungesema nini hapo mzee?

Marko Muthoka: Hii nina sema serikali itutafutie watu kwa urahisi, watu wawe karibu na serikali ama wawe karibu na bunge. Na mini najua ninaaona hivyo..... ni watu. Kukiwa hakuna watu.....

Com: Riunga Raiji: Kabla sijaenda hapo tunge taka kumtambua D.O. wa hapa Bwana Mutahi, uko wapi, karibu Bwana D.O. na hata tumeona Mheshimiwa, Mulu Mutisia. Karibu mzee kea kikao cha Tume Ya Kurekebisha Katiba. You are welcome. Mwingine ni bwana Robert Musembi ambaye atafuatwa na Ngambi Githungu.

Robert Musembi: Ninaanza na kumshukuru Mwenyezi Mungu. Nina sema asante sana kwa kutuweka moyo. Kea jina nina itwa Robert Mutinda Musembi kutioka Kibaoni Kitile sub-location. Yangu ni machache tu ya kuongea. Nilikuwa nilete Memorandum lakini sina, mimi sasa ninataka kuongea ki binafsi.

Kama tumeone, Katiba ya zamani inasema habari ya bunge kuchaguliwa awe anajua kusoma na kuandika kiswahili. Na kama ni mtu anayejua kusoma na kuandika kiswahili, hata mtu wa standard four anajua kuandika na kusoma kiswahili. Tukimchagua mtu ambaye anajua kusoma na kuandika kiswahili, akienda bungeni, akipewa Ministry, si ataharibu kea sababu hajui kusoma? Tunge taka Klitba ya sasa iweke kisomo. Mbunge akichaguliwa, awe amefikia kiwango Fulani. Hapana kusema kujua kusoma na kuandika kiswahili. Awe ni mtu wa university, au aseme ni mtu wa form four. Tujue mbunge anachaguliwa akiwa na kiwango gani ya elimu.

Interjection. Com. Raiji - Una pendekeza kiwango gani?

Robert Musembi: Nina pendekeza degree, sababu, kama wewe hujui kusoma na unapewa Ministry ya Finance, si utaharibu economy halafu, ukiulizwa, huwezi kujibu? Sasa tunaona lazima, president lazima achague Minister. Na kama mnampelekea watu wasiojua kusoma si atawachagua wale tu, wawe maministers? Haya, hiyo, tulionelea namna hiyo.

Ile ingine ni kama Katiba inaandikwa ifikirie sana habari ya unyuaji wa pombe umekuwa mwingi, na tumeshidwa na kazi sababu ya kunywa. Sasa tupangiwe timetable ya kunywa. Sababu, kama mwananchi ana amuka kwa pombe asubui, atafanya kazi gani? Tuwezewe namna ya kunywa. Watu hawakosi kunywa lakini tuwekewe namna ya kunywa. Sababu siwezi kuamuka kwa pombe na niende kulisha ngombe. Hiyo iko namna hiyo. Na ninifikiri yangu ni machache sababu siandindiki pahali.

Asante sana.

Com. Raiji: Ngonja kidogo. Sasa tungekuwa na pendekezo kuhusu hii pombe ya kienyeji. Wengine wamelalamika kwamba unge taka sasa ihalalishwe na wengine wamesema hawataki ihalalishwe. Jee, ukona na maoni yoyote kuhusu hilo jambo?

R. Musembi: Hiyo pombe, pombe lazima watu wakunywe. Lakini sio wawachiwe nafasi ya kunyua. Wapewe saa za kunyua. Sasa unakutwa saa asubuhi ukiinywa uwekwe ndani. Umefanya kazi saa ngapi. Kama unafafanya kazi na saa za jioni unakwenda kunyua, hiyo afadahali kwa wale wana kunyua. Sababu ukiwaambia wasiinywe, wataona mbaya. Lakini wapewe times za kunyua.

Com. Raiji:- Ngami Kilungu ambaye atafuatwa na Raphael Nzili. Ngami Kilungu, karibu mama.

Ngami Kilungu: Mbee nitunga muvea kwa Ngai nikwithiwa nutwonitwonisye muthenya uu wa umuthi na ngituma kwa DO na Minister maitu ala mokie tutwoniya kyama kya Katiba. Ndumitwe ni kikundi kwisila nthini wa Kage the sub-location, Mationeni. Kwou kila ninakyo nikiandike tikya kuneena nikyo kiki kila ninakyo.

Translator: - Anasema ametumwa na kikundi mahali Fulani.

Ngami Kilungu: kitawa Mwaitu Mbitika

Translator: – Inaitwa Mwaitu Mbitika. Mama nishike lakini kwa Kikambani Mwaitu Mbitika.

Ngami Kilungu : Nineena Kikamba kwa ajili Kiswahili sijui vizuri. Kila tinaendesye nikwithiwa ni musomewa asoma kimwe kwa kimwe ngaesya kwianana nondu tinanansya nthini wa kikundini thina witu wa nthini ino yitu ya Kenya.

Translator: Wanasema, kwa sababu ilikuwa imeandikwa na yule imeandikwa ndiyo hajafika, angetaka isomewe, ndiposa nikisomwa kama ni moja, anaeleza kwa kikamba. Ama mpatiwe memorandum yenyewe, ama vipi?

Com. Raiji – Msome, halafu ata translate.

Translator: Jambo wameandika, ya kwanza ni uchaguzi wa president isifanywe pamoja na ya wabunge na madiwani. Iime sema ya kwamba ya kuanza ni uchaguzi wa president ama wa rais usifanywe pamoja na wale wengine wawili ambao ni madiwani, na ya bunge.

Ya pili, wamesema Provincial Administration from D.C. to assistant Chiefs to be answerable to the parliament and not to the

president.

Ya tatu, tuwe na kamati ya kuchunguza watu wale wanazo teuliwa na president, ama wale wanazo teuliwa na rais.

La nne wamesema raia wawe na nguvu ya kusimamia mali yao.

La tano wakasema County council ipewe nguvu ya kuutumia utajiri wao waeneo ambao wamewakilisha.

Wasita watu wasiwe na mashamba makubwa ambao hawatumii, mbali wengine hawana hata makao.

La saba, kuchaguliwe kamati ya kuchunguza mikopo ambayo inakopesha kutoka nje.

La nane, mahakama iwe na na guvu ya kuendeleza kazi yake bila kusimamiwa na rais.

La tisa, Mtu yoyote akitaka kiti cha urais awe mzaliwa wa nchi hii na pia babu yake awe ni raia wa nchi hii.

Kumi, ni kupitia katika kikao cha ukoo cha kinyumbani, yaani, clans. Waatu walikuwa wanaogopa sana. Hawakuwa wanafanya mambao yao ovyo ovyo, kwa sababu ukiwa wa ukoo fulani, na ufanye makosa, kulikuwa na ilke adhabu kali iliokuwa unapewa, ili usirudie makosa hayo tena. Na mambo mengi hayakuwa yanapelekwa polisi. Kwa hivyo, hizi clans, liwe kama zamani. Wakati wa hapo zamani. Hizo clans... sabau ya kuogopa hizi, lakini leo hazina nguvu hata kidogo, na watu wanafanya vile wanavyotaka hawaogopi kitu.

Ukichunguza wakati huu na wakati wa zamani, mashule ya zamani yalikuwa mazuri kwa sababu kulikuwa kuna nguvu na kamati ya kuchunguza mambo kama haya na mtoto wako anaendelea kupata elimu. Lakini wakati huu, ukiwa huna karo za shule, unakaa na mtoto wako nyumbani. Hizi kamati, zimeisha kabisa.

Kumi na tatu. Wakati huu, mahospitali yote ya serikali yamekuwa ni pesa, na watu wengi wankufa nyumbani, kea sababu ukimpeleka mgonjwa wako hospitalini, ukiwa hunapesa, hakuna matibabu. Unarudi na mgonjwa wako nyumbani, bila dawa yoyote.

Kumi na nne. Watoto wa sikuhizi, wansoma na shida sana. Hata ukimaliza shule, hakuna kazi. Unapata ni kama anasoma bure na waqtoto wengii wanakaa nyumbani na mambo mengi mabaya kama ulevi, uvutaji wa sigara, na madawa ya kulevia yamepamba moto. Kwa hivyo, kuwe na courses maa mafunzo za kuwawezesha, ambao zina simamiwa na serikali, au, makazi mengine. Kuna watoto wasiojiweza, wawe na courses ama mafunzo yale wanafundishwa kufanya kazi na mikono yao, na wale wasiojiweza kabisa, wawe na wasaidizi Fulani ambao wanapewa na serikali.

Kumi na sita. Maternity ama vyumba vya kuzalia wa akina mama, zimekuwa na pesa nyingi sana na kitu chochote utakachotumia kiko juu yako. Hakuna kitu unapewa katika hio hospitali, hata iwe ya serikali. Ukikosa kitu chochote, hakuna kuudumiwa, and sasa ndio watoto wengi wanozaliwa nje na wanakufa na wengine nyumbani, na hawapelekwi clinic kwa sababu ya pesa.

Kumi na saba. Kuwe na kamati ya kusimamia haki ya akina mama kwa sababu, wama wengi wanateseka sana. Mama ana olewa , mnazaa watoto kama wanne na mwishowe, huyo bwana anakufukusa pamoja na hawa watoto. Wewe kama mama hawa watoto utawafanya nini na hunanguvu ya kuwashomesha, na kuwatafutia chakula. Sasa ndio wanatawanyika, wana kuwa wezi na wengine wanaingia mitaani.

Kumi na nanae, kuwe na kamati ya kusimamia, kikundi kutokanana serikali kwa sababu vikundi vingi vimeisha kwa sababu ya usimamizi mbaya. Wasimamizi wanasimamia vikundi kama mali yao wenyewe, na kula pesa zote za kikutindi, mpaka kikundui zinaisha kabisa.

Kumi na tisa. Ni kwa sababu gani watoto wengi wa masikini wamesome na hawana kazi na wengine wamatajiri na hawana elimu ya maana, na wako katika makazi makubwa, makubwa. Watoto wa masikini unasomesha kwa shida sana. Unauza mbuzi, ngombe, na hata mashamba na zaidi ya haya yote, hakuna kakazi utapata, ni kwa sababu gani, na elimu yote ya mtoto wa tajiri na wa masikini ni sawa. Ni ukabila au ni nini? Na mambo yao yakaishia pale.

Com. Raiji:

(Inaudible) .

Ngami Kilungu: (In Kikamba)

Translator: Anasema hakuna kitu angeweza kuongeza kwa sababu yale yote walikuwa nayo, wameandika hapa na mashida yote waliopata ama walionayo kwa kikundi chao yote yako hapa. Kwa hivyo hakuna zingine za kuongeza.

Com. Raiji – Tumen sema asante sana mama, na hao akina mama wengine kea mapendekezo haya, tutayaangalia tukiandika katiba. Asangte sana, andikisha haya makaratasi yako uko. Raphael Nzwili halafu atafuatwa na Stephen Muoki.

Raphael Nzwili: Memorandum I am going to deliver is a result of being collected from the six locations, of Yadhui division after workshop conducted by the Legal Result foundation. The first selected point, Constitutional Supremacy; the Constitution should be written with the full involvement of the wananchi, we are asking that should there be any change or any amendment to be undertaken in future, then the same, same citizens should be involved and this should be through a referendum, which after their findings should go to the parliament, and we are opposed to former 65 percent majority vote by parliament to make an

amendment, and therefore, we are suggesting for 75 percent.

The constitution bill should not allow dual citizenship; people would be having citizenships of different countries, because this may entail that the secrets of a government either side. A person who is born in Kenya or outside Kenya by Kenyans citizens, both mother and father shall have automatic citizenship. If one is born of a mother married to a Kenyan father the child automatically becomes Kenyan citizen. Automatic citizenship to be given to a person born in Kenya by parents who have been registered as a Kenyan citizen and already is. However such a person should have stayed in Kenya for certain duration of time.

A person can also become a Kenyan citizen by registration, by naturalization.

The other I also have is defense and national security. The president shall not be commander in chief of the Armed Forces, and this is because the president may misuses such powers and use the service to meet his own selfish and damaging all. The Commander in Chief shall be a professional in the armed forces, either from the Army, the Air Force, and Navy, and such a Commander in Chief shall also work in conjunction with the Security Council appointed by the members of parliament.

The Executive shall not have powers to declare war; that is in case the country is in war. The Executive shall always be involved before that, then the parliament shall also discuss this, then lastly the Security Council shall endorse the undertaking before committing our Armed Forces to war.

The three arms of the government should be fully involved on deciding or agreeing what should be done in case of national disasters in the country. After the final decision, under three main arms, then the parliament shall be given the duty to propose a mini-budget to finance the disaster or war.

Third, Political Parties: The political parties in Kenya shall be expected to play other roles apart for mobilization, they should be serious to practice what their manifestos reflect, they should be seen to participate in development projects of the country, they shall also be seen to encourage nationalism, so that the citizens is able to judge them early enough before giving them the leadership of the nation. The formation of political parties shall be controlled by the government, to check for national risk parties that may bring chaos in the country. However, the management of parties shall be left to the members of the same. Political parties should not be financed with public funds because the funds will encourage formation of many parties, which are not necessary and shall create confusion on the part of the citizens in identifying potential leaders, from such confusion.

Interjection: Com. Raiji – You have two minutes.

Mr. Nzwili – Structure and System of Government – There shall be a government of national unity, we shall have a President, Vice President, and Prime Minister, Deputy Prime minister on cabinet, or the executive to be made by all parties in the country. The president in this case shall be a ceremonial one, and the Prime minister shall be an executive one.

The Legislature: the function of the Legislature shall be expanded so that in the aspects of making laws, they shall always involve citizens through referendum so that people will participate in making laws that will govern them. The function of taking a piece of power and be expanded first of all, to whole arms of government shall have balanced and separate powers so that no arm overrides the other arms, in the power. The function of allocation of natural resources is also so important to be expanded. It shall only be possible if powers are distributed among all the parties in the country, This means that no one region would be ignored because their members of parliament is not elected by party ethics since all the parties will be represented in the executive. The members of parliament shall full time mps, not part-time, to avoid the issue of parliament having no quorum all the time. The Mps. Should be seen doing or representing their electorate. The mps shall have time to move to their constituents, unlike when they are doing their own businesses or employment elsewhere or directors, managers of other bodies. This implies that if one is elected as an mp, he shall drop all other duties and if they are businessmen, shall be declare who shall be running their business on their behalf. My time is over but my memorandum is not over.

Com. Raiji: We want the Memorandum please present it and have it reregistered. We will analyze it very critically. You have very good suggestions there.

Mr. Nzwili: Thank you.

Com. Raiji: Stephen Muoki ambaye atafuatwa na Ngalatu Musau.

Stephen Muoki: First of all, I am Stephen Muoki, and I am presenting myself an individual presentation, not in group form. Kwanza, yangu ni machache, na inahusu economy of the country. Economy of the country is being threatened by wrong doers ama the criminals because the investors are fearing that when they invest in Kenya, their property is not secured. Why I am leading to this is because those criminals come from wananchi, right from the village level and if we can have a way of reducing these criminals ama wrong doers in the village level by enacting the Chiefs Authority Act so that we don't get those people who are becoming criminals to threaten our economy, it will be good for the Constitution to make sure that the Chief's Authority Act is put in place, so that those young people down there, will not grow up being criminals.

Secondly, my personal view is that freedom in our society should be limited to some level. At least Under 18 years, we should not have freedom. We should control the young kids, under 18 so that they grow up being disciplined people who will not be a problem to our society, which if it becomes a problem to our society, they lead us to bring threat to our economy.

Another point is the economy of the country, as you know is being brought about by misuse of public funds. There are (inaudible) for stiff penalties for public officers, or any other person in the government or parastatal who is misusing public funds, so that the mwananchi is not threatened, or is not suffering, as you know we are all here because our economy is not good. That is the reason we have outcry. So if the Constitution shall provide for such fines and penalties, we would be having a good

government, and we should not have any problems like the ones that we have in the present.

There is another point I want to put across. My personal view, I tend to think that elimu ingekuwa upto primary level, ingekuwa free.

Treatment or Medical care should also be free, because of the Kenyans at present cannot afford expenses in the hospitals.

There is also other points on Civil Service in our society, we should have an equal playing ground, and that is harmonization of civil service. Because, we are having a state where somebody is in the same level of work, and one is a millionaire, another is a total beggar. I tend to think that still the arm of judiciary can look into that, because it is becoming a problem to our society. I also have the feeling that due to our present economy, I feel honourable mps are getting a lot of salaries, while we have people who are not employed and a quarter of their salaries, or half of their salaries can employ around four civil servants or three.. So I tend to think that their salaries should be reduced.

I also think that the judiciary should be strict on the fine of court proceedings, because there are acases where, like in drag trafficking. The drag trafficking is becoming a problem to our society. Our children are becoming mad, and when somebody is caught dealing with drags, you hear the next day he has been fined one thousand shillings, fifty thousand shillings or ten thousand. What is ten thousand shillings or one thousand shillings in expense of somebody who is becoming mad? We should look to the society, because in future, may be, we will not have future leaders. I also tend to think that the judiciary, when it make up its laws, there should be a fall out so that criminals who have done something, like somebody is seen stealing, and is sentenced in court, the next day he is seen in the streets, just doing his own business, and he has done something very bad.

Thank you.

Com. Raiji: Asante sana. Some clarifications,

Mr. Muoki: yes

Com. Alice Yano: In this issue of limiting freedom for young people under 18 years, can you clarify what is this freedom you want to be limited?

Mr. Muoki: At the present, our society, we know the youth the way they are. If you don't limit them, or you don't have strict rules to them,

Interjection: com. Alice Yano – like which one?

Mr. Muoki: Like freedom of saying I want to do this. It should not be what the kid wants. It is the parent, what the parent wants. Not what the child may want to do. Although I know that will go against the human rights, but in our society, we have to look in that. Because that is why things are going wrong.

Com. Riunga Raiji: Sante sana bwana Muoki, tulisema mwingine ni Ngalatu Musau, ambaye atafuatwa na Daniel Ndutu. Bwana Musau iko, karibu.

Ngalatu Musau: Mine are written in point form na nitaenda haraka sana.

In the Preamble, All we have had under one party dictatorship should not be forgotten. The fight for the second liberation should be our setting thought, and hour for freedom and democracy and unity of Kenyans should be our guiding principles. The Constitution should not be amended by parliament without the participation of the people and this should be done after every seven years. We should have a parliamentary system of government whereby we shall have a ceremonial president elected by parliament and a vice president. A president should be the head of state. Kenya should also have a Prime minister as the head of government, and his deputy. The Prime minister should come from the party with majority mps, or coalition of political parties, and he should appoint his ministers and especially on merit where there is a minister for health, he should be very much versed in medicine. If it is Finance, the person should also have knowledge of accounts and finance also.

Parliament should have a fixed term of five years and should have its own timetable. We should appoint a person using election dates as the secret weapon. The national assembly should debate and approve the appointment of all judges, senior public servants, ambassadors etc. Approval should be by simple majority. An mp should lose his seat or a party after defection to another party.

The current salaries and allowances for mps are too high and should be reduced by fifty percent. It is quite ironical to find that an mp can pay thirteen councillors and the Provincial administration in his constituency, for ten years and be left with a balance of four million shillings.

We should keep the present system of voting but in some areas, should be based more on population than geographical or political partisan. We should not have a Langata with 120 thousand voters, and an unbearable twenty at least around ten thousand voters.

We should adopt a quarter system for women, youth and the disabled. Women should be reserved at least around twenty percent, youth five percent, and disabled five percent of all elected mps, or councillors respectively. We should also have independent candidates that is standing for parliamentary civic seats without any party affiliation. We should not have any restriction on formation and registration of political parties. Any group of Kenyans should be free to form a political party

regardless of composition of its members.

Central system of government is good but due to the authentic level, which Kenyans ask for majimbo, I would prefer coalition of powers to local authorities. A Central government should have the powers to cash but redistribute the revenue to local authorities for development projects. Local authorities should be in charge of health, education, infra-structure,(inaudible), water, human resources development and natural resources in their areas of jurisdiction. Health and education should be free. Mayors and chairmen should be elected direct by wananchi. The chairman of the county council should be the chairman of the district development committee. The councillors should also be chairmen of development Committee in their locations. Local authorities should be autonomous, without the control of the minister.

In the Provision Administration, we should do away with the D.C. and P.C., but retain the D.O., chiefs and assistant chiefs. The three should be trained in law so that they can act like local magistrates to settle local disputes, which will act like the colonial African courts, and will minimize congestion in our courts.

That is just what I had written because I knew we would be so many and

Com. Alice Yano: Mr. Musau, there is this issue of defecting mps, that they should literally lose their seats and what they say in this country is that where a defecting mp usually goes back for re-election and joins another party and then be elected back to parliament. I was wondering whether you thought just losing a face, that is, may be going for re-election in another party, do you think it is okay?

Mr. Musau: yea.

Com. Alice Yano: If you think it is not okay, there is also this issue of democracy, doesn't this defecting; mp have a right to go back for election for purposes of re-election?

Mr. Musau: If an mp defects to another party and loses his or her seat, joining another party, he should be free to join another political party and go back to the electorate. Might be the party which he defected from is the party of the electorate, then he wouldn't be chosen. But if he moves to oblation over his electorate, then it means, he will be elected back, he should have that freedom.

Com. A. Yano: Secondly, there is this issue of thirty percent seats in local authority even in parliament may be to go to women, youth five percent and all that. How do you ensure, is it by nomination or?

Mr. Musau: That one should be done nomination and should start by nomination in political parties. We should make sure

that at least those seats are reserved for those people to contest and if they don't go through then during nominating time they should be considered.

Com: A. Yano – Then last one, you said that D.C.s and P.Cs should be done away with and I was wondering, is it because that their office has become obsolete or may be, were you going to suggest a replacement of the same by other bodies or other fields?

Mr. Musau: At least without further work of a P.C, or a D.C. and there is somewhere indicated that the D.C is saying that they are the chairmen of Development Committees so, the chairman of the county council should be the chairman of the development Committees. Those are just ceremonial offices, at least they do nothing to the common man, or the common mwananchi. But the D.Os, Chiefs and Assistant chiefs at least they do a lot, because they are the people who are around.

Com. Raiji: Asante sana. We shall now ask Mrs. Mate the principle of this school to give us a presentation, na tukimaliza na Mrs. Mate, tutamuita Mheshimiwa Mulu Mutisya ambaye atatupatia mawaidha yake kuhusu katiba. Muheshimiwa jitayarishe. Ngoja kidogo tukimaliza na mwalimu, tutakuita.

Mrs. Mate (The Headmistress of Lema Girls)– Thank you very much commissioners. I would like on behalf Lema Girls Secondary school to take this opportunity to welcome you all to Lema Girls. Kindly feel at home.

I would like to make just a few recommendations. One is on the rights of vulnerable groups, and here I would like to talk about protection of women and children. There is far too much battering especially where a husband differs with the wife, and women and children are really beaten and in some cases they are sent away from home. I think the constitution should guarantee the safety of children. If a husband differs with the wife and has to send the wife away, can the husband be compelled to retain the children to feed them and cater for their education, while solving their differences with the wife? Then also when divorce takes place or deaths of a husband, sometimes, the next of kin, is the brother to the husband, and sometimes the children really suffer, drop out of school because the wealth is being controlled by the uncle, so I would like to concur with the lady who said that property should be registered in both the husband's and the wife's name so that in case one of the spouses passes away, it benefits the nuclear family, and then children will not drop out of school.

Our girls are really attested especially after school when they are looking for colleges, for jobs. I think the constitution should guarantee the protection of girls especially after school, so that when they go to look for jobs in these offices, they are not given dates, and in the process, they contract aids, and pass away.

On appointment of people in positions of leadership, I would like to recommend that we should strictly follow merit and

conscience so that we have people who are able running the affairs of this land then we can expect efficiency and productivity. On may be farmers, I would like the government to have a system where the farmers are well paid for the crops they produce for feeding our nation, and if there is any excess food, it is properly stored, and sold in other countries so that it can earn us foreign exchange. In the past few years, we have had food being destroyed because of weevils and things that could have been controlled, may be for storage. I think, if that is looked into, may be our country would be a better plaser to live in. Thank you very much.

Com: Riunga Raiji: Mwalimu to hear your views regarding, continuity, I know you have not touched them. One of them regarding ways and one of the possible ways of empowering women to participate in the positions of leadership, that is one of the issues that I would want to hear your views. The other one was with regard to backward practices like circumcision of women, inheritance of our daughters, would you have some views about these subjects?

Mrs. Mate: The first one is empowering woman to take up positions of leadership. I think in this era logonization, we need to educate our women properly, and when I say proper education for women I am saying we should take them to not only primary schools, they should go to secondary schools and also go to the university, so that they can really be qualified, because you cannot lead if you are not properly educated. So, I would like to encourage that education for women, and that is education for girls, be rally taken very seriously that every parent is encouraged and enabled and assisted where necessary to educate our girls to the highest level. Also, may be, we can also consider taking them to adult education, because most of our population is comprised of women. So if the adult education is strengthened so that women gain information and knowledge, may be that the adult education especially encompasses making laws. Most of the women are ignorant about the laws governing our land. So in adult education, we could have a programme, or a unit or a sub-topic governing the laws of the land and the women are really educated on these issues. It would help them to succeed in leadership.

The other one is the types of cultural practices. I think in our communities, we used to have women circumcison, but with education, I think that culture has been done away with in most parts of Machakos,. May be Ukambani. But if anybody feels they must take their girls for circumcison, though I don't believe women should be circumcised, I think if it must be done, then may be we should say, let it be done in a hospital so that it is done, you know, medically hygienically and girls do not suffer, get infections, but it is not really necessary, because we can use other ways like education to prepare our girls for maturity and marriage, without necessarily circumcising them. Thank you.

Com. Raiji: Karaibu mwalimju, jandikishe ili tujue ulipeana maoni. Sasa ni wakati wa kumkaribisha Mheshimiwa Mulu Mutisya atupatie mapendekezo yake kuhusu katiba.

Mheshimiwa Mulu Mutisya: Basi Kwanzaa mimi nina salimu nyinyi hamujambo. Kwanini nyinyi mnaweka makofi sana kwa mifuko, kwani hakuna wale watu wanaongea? (clapping) Tena wageni wanaanza kusema mnasimika, wale wanatoka

Mombasa, Nairobi. Basi Chairman wa mkutano huu, kuongea mambo ya Katiba ni kupeana mawaidha. Tuwapatie mawaidha yetu na nyinyi mtupatie yenu. Halafu utapeleka mbele uende kutengeza. Ile tutasema mzuri na ile tutasema mbaya, zibebe yote. Utajua huko Nairobi, unafanya nini.

Yangu nina anza nikiongea juu ya katiba, si kitu ya kutengezea mtu moja, sababu kesho utakua (inaudible) na mimi kesho kutwa nitakuwa (inaudible). Halafu inarukaruka hivyo. Kwa hivyo tukitembeza unajua, kuna watu wanaongea kila saa na kuongea saa ile wanatembea na saa ile wanakula chakula. Wanasema, saa ile katiba inatengezwa President mwenyeye akatazwe kuwasimamia majeshi. Na hio majeshi ndio ufunguo wa Kenya. Huwezi kusimamie Kenya, na ukatazwe majeshi. Na ni dunia yote. Ukitembea kila pahali ni hiyo tu. Kwa sababu wewe ndio ikona funguo. Kama tunakupatia ukubwa uchukua fimbo, tukupatie fimbo utapiga watu kwa barabara kweli? Hakuna kitu kama hiyo. Kwa hivyo, sasa muangalie ile lugha mnaongea kwa sababu, hii katiba hapana ya mtu moja, nimeona mnasahau na ile ingine, ile ingine.

Ya pili, ni ile tunasema mayor achaguliwe na raia, ama macouncillors. Maoni ni achaguliwe na raia, kwa sababu wanataka kutoa mayor maramoja, kamiti iko moja na kesho wanatupa nje. Lakini kama wanachaguliwa na raia, raia havezi kuonekana kumtupa nje maramoja. Ataendelea na Kazi yake. Hiyo ndio tunaangalia hapa. Lakini ile kitu inasemekana akatafutwe ile mtu awache kukuwa kama yeye ni professor, au yeye ni daktari, akuje kukuwa councillor hapa, ni safi, aangalia. Mshahara ya huyo itapatikana wapi? Utauzi majani au miti? Hakuna kitu kama hiyo. Wale wanao masomo makubwa namna hii, upeleke Machakos, au wengine Mombasa au wengine Nairobi. Halafu wapewe ndovu namna hiyo. Kwa hivyo, wale macouncillor wa hapa ninajua mshahara yao ni ngapi. Yaani, si hapa Yadhui, Kenya wale iko risafu, mshahara ni ndogo, pahala ya kutoa pesa ni vigumu, uwezi kuonekana sawasawa.

Nikiruka upande huu, tumalize hiyo, ni ile zamani, mkitengeza hii, muwache hii. Hapa mbeleni, au zamani tulikuwa tunasema ukizaa mwanamke moja, mwanamume moja, saa ile unagawa mali unapatia mwanamume peke yake, na ndito yako unawacha anaangaika. Katiba hiyo muweke, watoto yote ni watoto. Mpa mwanamke ile lyake na mwanamume ile yake. Kila mtu aangalie atakula namna gani. Hiyo ni kitu ya kuangalia pale mpaka mtoto wako bado kuolewa ana kaa kwako, wewe baba, na ndugu yao, anafukusa, anamuuliza, wewe kwa nini apana fanyiwa harusi kama yule mwingine. Kwenda utafute mwanamume ufanye harusi, hapana kaa hapa, hapa ni kwetu. Yeye anazaliwa na damu yako angalia pande hii na pande hii, ana ngarangara kama wewe tu. Kwa hivyo apana ingia pande ile, ni mtoto kama wewe.

Mambo inafuatika, kuna watu wengine kwa radio na magazeti, wanataka majimbo. Hii mambo ya majimbo nikipeana mawaidha sisi hapana taka. Kwetu hakuna mambo mzuri kama hiyo, Ikiwekwa majimbo ni kuongeza ukabila. Sababu, nikienda hapa Muranga, niende kusimama kwa mlango nipatiwe permit, nikienda masai hapa nisimame kwa mlango nipatiwe permit, saa yote utafika huko lini, na sisi iko karibu karibu. Hii majimbo iwekwe mbali, ya wale watu wa mbali sana, kama mnasema majimbo iwekwa Uganda, basi ni sawasawa tu. Lakini kuweka hapa karibi, nikienda Nyeri, Kiambu Masai, Kule Taita, saa yote ni kupeana chiti sasa mtu anaiba, angalia kipande yangu, angalia kipande huu, paka ionyeshwe mpaka kesho,

ive iangaliwe sawasawa. Raia kila mtu anataka mawaidha yake lakini tuangalie kila kitu.

Watu wa siasa ingine wanasema saa ile tunapaka uhuru yetu, hapana taka machief, hapana taka ma D.C. Nani anachunga nyumbani kama hapana iko chief, kama hapana iko D,C.? Mjumbe au councillor, si anatembea na motoka kutoka Nairobi anapita mwananchi? Wanawacha wale iko na watoto, watoto sita, watoto nane, paka chakula wanakula siku ya njaa, chief ndio anajua. Ana sema kwangu kuna masikini, fulani, fulani, fulani. Kama ni sisi, tunatembea na motoka. Hawezi kushugulikia ile mama ana watoto wengi, ama ni yule masikini wa mwisho, ukuja kugongwa usiku, lazima uende kwa assistant chief au kwa chief. Mambo yamekuwa mbaya. Huwezi kusema uende kwa mjumbe akuje kukamata wale watu. Lazima hawa muweke kwa katiba kama watu. Wanafanya kazi ya serikali. Na hakuna serikali inaweza kutembea kama hawa hawako, Hakuna. Hawa ni kama watu wa biashara, biashara haiwezi kutembea.. serikali haiwezi kusema hapa hapana iko wana hakuna watu wa biashara.

Kwa hivyo hii yote, badala kusema tuambiwe tuangalie, ni kupita hapana maliza watu wengine, na kila mtu aangalie, kitu gani kinaweza kupatiwa na sisi? Na ni kitu gani, sasa kama hivi vyama vyetu, nina sikia ni 44. Yote ni ya nini? Kama mnataka katiba mzuri, muanze vyama tatu tu. Halafu ikikataa hii, ni ingie hii, nikikata hii ni ingie hii. Lakini hizi arubaini, watu wamekwisha haribika kichwa. Na hio iko wapi, sababu kila mtu anakula na chama chake, unasikia hapa professor anakuja, na chama ingine iko na pesa, unatoroka ile ingine na kwenda hii. Ukikaa hapa siku tano unasikia, huyu hakuna. Haya Wambua ana mingi, haya anakimbia upande hiyo. Ukikaa hapo mwaka moja, unasikia aah Kimani amekuja na sanduku mzima, anatengeza chama yake tukimbie huko unapewa ndovu, unakimbia pande ile. Sasa kichwa inaharibika. Moi siku hiyo iko wapi, na ikio tabu nyingi, hapana taka kufanya kazi ya mapepo hii, kukimbia, kukimbia. Kaa upande moja tu. Na hiyo kama mnataka mingi muende kando. Arubanne na nne, ni ya kufanya nini.? Inginge mnasikia inatembea kweli? Unawekwa kwa mfuko, unangojea, unangojea kitu gani? Hiyo hapana biashara. Ni kazi ya kulinda watu, na kazi ya kuongoza watu, ni hii watu ni watu na iko ndamu ya Mungu, hapana taka machezo. Ukitaka kulinda watu, ubebe kitu ya kufundisha wewe. Kwa hivyo ni kaa hivyo, na tujue, tukimaliza hii mambo ya ukabila, tuendelea pamoja.

Mambo haya ya majimbo tuweke mbali yule anataka anaonyesha.... Kwanza kama ni majimbo inaweka, sisi number one, sisi tutaumia, wakamba. Wakamba hakuna pahali iko kama wanafikia university. Na hizi kabila ingine kea iko university. Wakamba watapata wapi? Hakuna reli ya kupitisha gunia, itapitia wapi? Kutoka Mombasa utapitisha wapi? Tunaumia. Ukikula chakula unanglie kama mama yako iko na ngombe ngapi na baba iko mbuzi ngapi. Hapana taka uketu na kucheka na hapana jua ni kitugani kinaendelea. Kwa hivyo siri ni kusema kazi yetu ni mzuri. Nyinyi msitoe mawaidha. Hata mtu akisema, kama mama yake ni kutoa nusu, hapa toa yote. Pande hii nusu, na pande hii nusu. Halafu muende kuweka pamoja. Mimi ninafikiri kazi iko ngumu ni ile ingine nitawaachia ndio zifanywe. Na nyinyi mkitembea mjue kuna mambo ngumu na lazima msikie katiba ikitengezwa uchaguzi ukipangwa, mjue mnaelekea wapi. Hapana kwe zaidi ya kumi na arubaine na nne. Mshike moja tu. Hapana taka kuangaika. Kwa hivyo, mabwana na mabibi, asanteni kwa kusikiza hayo mambo yangu ninasema, ile inapotea na ile unapata weka nusu tu, hii ya mawaidha.

Com. Raiji: Iko swali kidogo.

Hon. Mutisya: Haya utuulize sasa. Panua.

Com. Alice Yano: Asasnte sana mheshimiwa. Majibu, tunavyo jua wewe ume kuwa kiongozi shujaa miaka mingi sana Kenya hii. Kuna sehemu zingine tulipo enda watu wengi huwa wanaongea kuhuzu mkubwa wa nchi yani rais. Wanasema yakuwa ingetakikana rais wa nchi awe na bibi moja na asiwe, wali weka maneno mingi lakini ninataka kukuguzia pahali pa ati awe na bibi moja. Ninataka utupatia maoini yako kea hayo. La pili.

Hon. Mutisya: Apewe nini?

Com. Yano: Wanasema awe mtu wa familia na awe na bibi moja. Ya pili, kuna sehemu ya kubadilisha katiba inasemekana yakuwa kama kutakuwa na mabadiliko yeyote ya katiba isikakuwe kama vilivyo wakati huu, ati ni asisli mia sitini na tano wangetaka pengine iongezwe, sijui kama maoni yako kwa hio ni gani? Halafu kuna hii karobo penye tumemenda mara mingi watu wanaongea mambo ya karobo, sana sana, inaoneka, sana, sana ni wazee ndio hua watilia mkazo ya kua waendeleo kukunyua karobo, lakini wama sasa wengi, na sio wote, hawataki haya maneno. Nina taka pia maoni yako kuhusu hiyo. Ya mwisho ni kuhusu mali ya asili, rasilimali, kama misitu, kama madini, ungetakikana nani azisimamie? Ingetakikana pengine County Council, serikali za wilaya isimamie ama inge takikana ikuwe kama wakati huu yakuwa kama kunamadini na misitu zinasimamiwa na serikali mkuu?

Com. Raiji: Kwanza ni kuhusu kama rais awe na bibi moja ama awe na bibi ama ...?

Hon. Mutisya. Unauliza, kuna watu wanasema rais akae hivyo?

Com. Yano: Hapana, wanasema, awe na bibi moja.....

Hon Mutisya: Sasa maoni hii, hiyo huwezi kuweka kwa katiba, kwa sababu kufanya harusi na bibi moja au mbili ni damu ya mtu. Ana weza kuwa namoja na usikie ukikaa uone uko na mali, usikie huyu hapana kaa na mimi pekeyake. Wacha niongeze moja, na hawezi kukuambia anaongeza kwa nini. Anaongeza kwa sababu labda yule bibi ikona mdomo kali. Na mwanaume jioni anapigwa na mdomo, hapana kula chakula sawasawa. Labda anaona aongeze ingine. Anaongeza ingine. Huyu hapana eleza kuandika kwa katiba, hiyo ni ngumu. Bibi moja anaweza kugonga wewe mpaka upate ingine. Kama bibi moja anafanyaga masikio sawasawa, hapana tafuta ingine. Lete hiyo ingine.

Com Raiji: Hiyo swali ingine – ninafikiri turukie hiyo tutarudi baadaye. Hii ya karobo, tulikuwa tumesikia mapendekezo

kwamba watu wengi kama wazee wangetaka hio karobo isihalalishwe, hiyo kinywaji cha kawaida, kwa sababu sasa imepigwa marufuku. Kama mzee tungetaka kusikia maoni.

Hon. Mutisya: Hii ni mambo ya karobo hiyo ikienda kwa katiba itengezwe, ikifanywa kama zamani hapana mbaya. Zamani kunapangwa watu wanaalika wale wazee. Unawaalika pahali wanaongea kwa mtoto wako. Hapa ndiyo mzee anaanza kula tembo akiozwa ile mtoto wake afanye harusi na mtu. Lakini siku hizi, iko tabu, kwa sababu watu iko na pesa wale wakitoto. Wazee hakuna pesa. Basi wale watutot wanakwenda wanaanza kufika bia huko, saa ile pesa za bia imekwisha, wanaingia kwa karobo. Halafu mzee hakuna majibu, kwa sababu wakifika huko mzee anapewa hapa ni soo mbili, nyamaza. Sasa ni mimi, kwa katiba mkitaka mtengeze hiyo, mtengeze wale wazee hapa fika kwa bar na hawezi kupata pesa za bar, hawa wanaweza kuwachiwa kale kadogo, hapana mingi. Halafu kijana aambiwe, wale iko na nguvu waende kwa bia na tusker. Kwa hivyo hiyo ingine iwachwe kwa sababu hii inaongeza masikini. Kwa sababu ukikula hii hapana weza kwenda tafuta mali. Inaingia kwa ubwongo kama malaria. Mambo yanakuwa mbaya. Kwa hivyo mambo mambo yanatakiwa namna hiyo Wazee tu pekeyao kama zamani.

Com. Raiji: Ile ingine ili kuwa kuhusu hii madini hii mali ambayo ikipatikana mahali kama hapa, unataka isimamiwe na serikali au na watu wa hapa ama namnagani?

Hon. Mutisya: Watu wa hapa. Madini yote. Sasa kama tunaenda kwa hiyo, lazima serikali iangalie kama hapa, labda iko shamba kubwa au iko milima kubwa iko miti mingi au madini mingi, halafu wanaona kama inasimamiwa na mwenyewe kama mimi, serikali itakosa pesa. Lazimi serikali isimamie, halafu ione pesa yao. Saa ile serikali inaona njia mingi ya kutowa pesa ipatie wenyewe. Kama hapana iko pahali hakuna pesa mingi inatokea kwa sababu serikali ikisimamia tunakula sisi wote. Na kama tunasimamia watu nusu hapa, kama ile kiambu huwezi kula hio. Ita zuia.

Com. Raiji. Ile ingine ya mwisho ilikuwa ya hii utaratibu wa sasa wa kubadilisha katiba ni asili mia sisitini na tano. Unge taka tuendeleo na hiyo, tuingeze au to punguze wakati mnapiga kura huko bunge?

Hon. Mutisya: Basi kea sababu tungojea vile tuseme, sisi tunataka kama hiyo, tunataka iongezwe kidogo.

Com. Raiji. Asante sana mheshimiwa kwa hayo mawaidha. Asante sana

Hon. Mutisya: Mambo yatakuwa barabara, iruke iende kwa katiba.

Com. Raiji: Sasa ninge taka kumtambua mheshimiwa wa hapa, mheshiwa John Mutua katuku, alikuja hapa mbeleni, amekuwa na sisi, tutakupatia nafasi mheshiwa nikimaliza na hawa watoto. Natata tusikie maoni ya watoto wenyewe ili warudi shuleni. Kwa hivyo sasa tunge taka kusikia sauti ya watoto. Tutuaanza na Bethseba Moraa Kiyezibo. Karibu.

Bethseba Moraa: (Yathui Lema girls) Thank you very much Commissioner. I am My names are Bethseba Moraa and it is like my voice is almost developing light, but that is not going to hinder me from giving the views on Constitution of Kenya Review Commission. We have noticed that most modern constitutions have a preamble, saying why the Costitution is being enacted. The Kenyan constitution does not have one, so the question is though, do we really need a preamble in our constitution? First and foremost, a preamble is a trust introduction of a Legislature, that is, a Constitution in this matter. It talks about the values, principles and rights of citizens. It has aims and objectives of as the government. It has visions that should be set up in a preamble.

Democratic principles: There should believing in and trusting in the principles of the country. Fundamental rights, and setting economic values. For example, one man, one job. We have noticed that some people have more that one job, whereby others do not have even a single job. This leads to lazy bone status. So the government should also consider these figures, each person should have one job.

We also looked at common of children status should be reflected in the preamble. We should honour those who fought for independence and respect them, for they suffered a lot to build our country, and were are going to do that by recognizing their blood shed. This should just be by setting up a day, and not just setting it, but we can also commemorate and show that we are really appreciating them.

My second view is about directive principles of state policy. We have noted with a lot of concern that some parts of the national anthems are just sang for the sake of singing. Therefore, we call upon the Kenyans to incorporate the words of the National anthem, but not make them just as slogans. We can see abit of justice. The Preacher said about Justice International Conference, but don't do justice just for the name in it. So we should ensure that we don't make the national anthem a slogan.

Democratic principles that we need, we should have democracy and not just a slogan, but democracy, that is government for the people and a government by the people. We also need social virtue. Finally, we need social economic rights that I said earlier on that one man should have one job.

We also had on citizenship. I propose that we have good dual citizenship because I don't see how I can be coming home from abroad, and then the government puts me behind that I should not go to be a citizen. Because this, we shall be made to go abroad, my living standard will be assured that I will have some high living standard. If the government is not going to allow dual citizenship, it should really ensure that we are going to have high living standards in our country.

Police harassment should be banned on a serious note. For example, in Kenya I suggest that the traffic police should have their uniform (inaudible) because it is true that they really harass the driver, making them give them some (inaudible) and this is not

really fair. This is exploiting them, simply because they don't have voice. I am still on police harassment. We have also noted that people who have got identity cards are being taken advantage of. You may just get out of your house in the morning to go and buy milk and that time you don't feel you need to carry identity card. But when you reach to the police, they want you to prove your identity, if the police find you don't have identity card, you are going to fall a victim of being harassed, and this is not really fair. This police at the time just think of taking you to prison, they can say that you have been found with drugs, when in fact you are very innocent, but because you do not have a voice they take advantage of such situations. So the constitution should look at that.

On basic rights, and that is my last point, the current constitution guarantees civil and political rights, but not provisions for certain economic and cultural rights. Let the new constitution provide enough security especially to girls, it should also guarantee security on sexual exploitation. We find that the street children are really increasing because of lack of security and especially on sexual exploitation. So the government should really do something to ensure that security is guaranteed.

Child labour, the children are supposed to be protected from this abuse. There is also forced circumcision that is called clitoris victomy. I also don't see the need of having this clitoris victomy. Education can be provided in many ways. There are also sexual commercial workers. They should be stopped. We feel that the government is also encouraging this, though it might not admit, by giving these prostitutes the license, that they are found out late in the night, they asked to prove whether you have the licence. This is not really fair because; prostitution is in the rise in the country. So commercial sexual workers should be banned completely from the country.

We also need security from the Mungiki group. We have head that they are really threatening us, but we have heard that they have committed a lot of murder. This is not fair, and if it is meant to us, it is meant on human rights, so the Constitution should look at this. Thank you, that is all I have.

Com. Raiji: Thank you very much Bethseba and we want to encourage the children that ladies at the Constitutional Review Process is in safe hands. Shall we ask Ruth Mutinda, she is another student, to present her views. Are you having the same memorandum or it is different?

Ruth Mutinda (Yathui Lema girls) My names are Ruth Mutinda, and I am going to talk about divorce. When parents divorce, the children are left without any option.. The children are driven to disputes they are not part of. Also in the domestic violence the children are the most suffers, as in after such occurrence, whereby the parents have misunderstandings, you find that the mother will leave the father and the children will have to look for ways of survival because they may be denied by their in-laws. So we want the government to seek a law that will protect and give a commission on how divorce can be drafted. The new constitution should also involve the children because they are the stakeholders. They are the future leaders of tomorrow. We want to protected against some of these. When there is divorce, children suffer mentally, as they get affected

throughout their lives, and we find that they might even end up not getting married, reducing the population.

About the rights of vulnerable groups, and I start by explaining what vulnerable groups, are. These include people who are not (inaudible) They include the olds, the children, people with disabilities and minority tribes. Human equality should be guaranteed in the new constitution, e.g., some seats should be preserved to be contested by women. People with disability needs equal rights of freedom. They should get facilities like special telephone booths, special matatus seats; special cars should be assembled for the disabled, local materials should be provided to cater for their survival. They also should participate solely (inaudible) No discrimination or harassment of the disabled should be shown. About the rights of children, the new constitution should pass a law and create children courts whereby children issues are taken care of, like the rights of education. We do not want to see child labour, it is really discouragement. A bill of childrens acts should be.....Concerning inheritance, the women should have the rights to inherit lands, just like the boys. Thank you.

Com. Raiji: Thank you very much Ruth, asante sana. Dorcas Muo

Dorcas Muo: (Kivivo Girls) Thank you. As you have heard, my names are Muo from the Friends School, that is Kivivo Girls. I would like to talk about Review of the Constitution of Kenya Commission. As you know that the current Constitution guarantees civil and political rights, but it does not make provision for social economic and cultural rights. One of these is shelter. The new Constitution should guarantee shelter for the homeless children. These homes in any confusion of may be a tribal clash. We all know that it is not the children's fault, so they should be provided with shelter, to the children bearing in mind that they are innocent and have no any other alternative.

We talked about the issues of formal life without consulting the children. Children should also be given time to discuss his mind and give views about a suggestion, because there is a law that democratic says, we also need democratic family. Because charity should begin at home.

Cultural rights, I believe that I live to eat and eat to live. So the new constitution should also guarantee the provision or distribution of equal, the equal distribution of food in case of famine, natural disaster, and also schools should be given food by the government. The government is not supposed to acquire to children by providing them with food just to please children. In this course when we talk about food, we don't talk about the yellow maize and the staff. We need good food..... show our love for them, giving them food. The new constitution should also consider them for they are our brothers and sisters and. We don't want to see them suffering.

I want to talk about unemployment. The new constitution should also consider them for they are our brothers and sisters, and we will not like to see them suffering.

I want to talk about employment. The new constitution should consider the jobless regardless of colour, tribe religion, background and other things to be considered. We should also guarantee one man, one job, as the former speaker has said. School leavers should be taken for job training so that they can acquire skill which measure to the current standard. I cant see how I can go to an office of which I am sure I should be asking for a job with all the qualifications needed from a to z and instead, come tomorrow is the song, just because I am broke and my hand is not to give where unnecessary. It is not fair. In this case we are not going by the national anthem quotes, as the former speaker stated, justice is our shield and defender.

About corruption: We cannot keep on complaining that corruption should come to a halt. Where the people encouraging it, someone should stop giving bribes. We say that we cannot find a free soap from up, we should start from the bottom. So, we are the people who are corrupt, how come we are going to end corruption, that should be an assignment to all.

As I finish, all people have right of speech. So I cannot see how a person turns to public, talk about his right and other peoples right and when he says he is stopped. It is not fair. We should have right of speech and speak what is truth from our hearts. Thank you.

Com. Raiji: Thank you very much; the next one is Patricia Kavulu.

Patricia Kavulu: Thank you very much. My names are Patricia Kavulu and I am going to talk about basic rights, healthcare, water and education.

Healthcare – The new constitution should give free medical care. In that, some parents are jobless and other children are orphans, and these people cannot cater for some of their basic homes, especially on medical care. If some children who fall sick cannot go to hospitals, hence at long last they pass away. In this our example if every child passes, who is going to be the future leader. Where is the future president going to come from if we all die? So, the government should give free medical care for children regardless of the tribe, religion, creed, colour, culture and social economic status.

My second issue is water. Water is like is essential to every human being, therefore, the government should guarantee clean piped water which is fitted to every home so that children are not burdened with domestic chores that they end up not doing their studies. Given also, the water they take is contaminated by water-borne diseases, e.g., cholera and typhoid.

My last issue is education. The constitution should guarantee free education and basic education, secondary education, and university education; they should try and lower the fees because they are so high to all students, regardless of are poor, or colour creed, sex or religion. And with those few issues, I hope the Constitution will include when making.

Com. Raiji: Thank you very much Patricia. May we have Nikola Namayi

Nikola Namayi: My name is Nikola Namayi, from Serivo primary School. I will start with guiding principles. Guiding principles are a must in the new constitution, because these are guidelines for all leaders who come and go. Leaders should buy them for they have peace for the leaders and the as they help them in their daily operations while they are in their offices.

Democratic Principles. Democratic principles are fundamental rights social, economic and opportunity Rights.

The rights of vulnerable groups on citizen groups. On dual citizenship, Kenyans should all be allowed to dual citizenship of any other country of their choice without giving conditions. This is in case somebody can travel from country A to B, we face the formalities of clearing. Also, it will receive human resources for these Kenyans, when they are outside, they will easily come back without conditions. (inaudible)

Basic Rights-Security and street children. I have noticed that police harassment is on the increase for street children. The new constitution should guarantee children's protection. Some parents the new constitution should address that. The number of children who are employed as workers and abused as nannies is increasing due to economic status of our country. Also forced marriages and circumcision for girls are still taking pace in Kenya. In fact there are more negative problems for children. Forced marriages are increase, and this deny girls opportunities to education and (inaudible)....

Divorce: The new constitution should teach children on matters regarding divorce. Although the government should draft a law to protect children. When the parents divorce, the children are left alone, or in the custody of a single parent. With those circumstances, the children will not go to school and they are affected throughout all their way. Thank you.

Com. Raiji: Mpigieni makofi. Is David Makosi from the same school or he is an adult.? Utangonja kidogo tumalize na watoto. Kamene Kinyae?

Kamene Kinyae: My name is Kamene Kinyae, from Serivo primary school. Kizito primary School present vies to the Kenya constitutional Review Commission. I start with preamble, introduction of the best name. Preamble gives service, gives voice for citizens. Most of this is to imitate the democratic agenda within the frame work passed with those valued, looked between the human rights and social economic opportunities.

Common experiences we should respect. Common shed blood. We should honour those who fought for independence, those who suffered and died to free Kenya from suffering should be given special honour so our generation should remember and recognize them.

Direct principles and state policies, philosophy. Some words which are not in our national anthem should be included.

are (inaudible) The national anthem should be shower all in our heart because we the people of Kenya we are the government and the government is citizen. The grassroots.....Should be discouraged because this is a colonial practice. Than you.

Interjection: Com. Alice Yano – Which class are you

Kamene Kimaye: Standard seven.

Com. Raiji: Asanteni sana watoto wa kutoka Serivo Primary school and secondary. Kuna watoto wengine walikuwa wamejiandikisha ambao hawajapatiwa nafasi. Mlikuwa mumejiandikisha? Karibuni tu.

Semeni Jina lako.

Sisiu Muthui: My name is Sisiu Muthui. I am in standard 8. My first comment is on employment. The constitution should guarantee equal opportunities to all the citizens. The government should give directives which will bar a person from holding two posts, in other words one man one job.

My second point is on vulnerable groups. Students are left behind on decision making. School children should be asked because they are also people and contribute on decision making. The government should allow school children regardless of their age to vote to elect their leaders. Also children must have their representatives to represent on their issues in parliament. Children should be issued with voting cards so that they can elect a leader of their choice.

Land issues. Land and Property rights, children should be given authority to own land, regardless of their age. This will save them from being landless. Title deeds should bear the children's names, which will save them from being subjected to so many formalities incase of transferring of the deed. My issue is equal rights should be both for girls, and should be addressed. Girls should get equal shares with the boys.

My last comment on management and use of national recourses. The new constitution should guarantee equal distribution of national resources to all parts of Kenya and equally provide evenly. The national resources equally distributed will pay children in Kenya school fees, land share certificates, freedom of press opportunities and good government. Thank you.

Com. Raiji: The next one, say out your name.

Charlo Muya: My name is Charlo Muya from Serivo Primary School, standard seven.. Serivo Primary school present truth to the Kenya Constitutional Review Committee. My first issue is Healthcare. The new Constitution should give guaranteed healthcare facilities. Children should be given free healthcare because majority of the children are orphans who stay with single mothers who are jobless and they cannot afford health care. When the government leaves children to fend for their healthcare,

children are left without health only to grow weak and die from the diseases they are suffering without any medication.

My second issue is on water. Children are known by their parents to go to fetch water. This water sometimes is contaminated with waterborne diseases like typhoid, amoeba, etc. The new constitution should guaranteed clean piped water for all the houses which will save children from waterborne diseases and walking long distances looking for water.

My third issue is on education. Basic education, secondary education, college university education should be made free to both poor and the rich, since so many children have failed to go to school due to poverty. The new constitution should give free education to all the children regardless of tribe, creed, religion, and social economic.

My fourth issue is shelter. The government should guarantee shelter for children. In case of land selling, the children should be involved in the land selling so that they are guaranteed of shelter because in the final analysis children are sufferers and they have no what next.

My last issue is on food. The government should feed all the children regardless of tribe, creed, religion, and social economic. In school the children programmes should be placed under the government policy. In case of farming the government should distribute equally, food to every home equally without discrimination. This will produce healthy citizens for the country.

Com. Raiji: Asante sana. I think we have finished with the children from Serivo, then the next one is the children from Musini, they are only two, John Kimanzi. I know you have sitting I thin k very early, karibuni.

John Kimanzi: My name is John Kimanzi from Musini Secondary school, and my emphasis is on the rights of vulnerable groups. Twenty-five percent of the people in the parliament should be reserved for women so the government should encourage and support women. In case of education, parents should educate both boys and girls. Parents should educate their children regardless of sex. Women's rights in the case of inheritance should be equal even though for married women should be under limit. The government should come up with the mechanism of educating of the under aged mothers that is, school girls. There should be a compulsory pension for the old people, that is, above 50 years of age. All orphans should have free education, unless adopted. Anybody who does not pay taxes is a poor person and should be give free education. Everybody, or every location should have a free day school for educating the poor children. There should be free medical services for the poor. Primary education should be also free.

Interjection: Com. Raiji: mnaweza tuzima kidogo tusikie sauti ya watoto wetu.

Kimanzi: I was saying, primary education should be free and compulsory. Once a person retires, he or she should not be given any other job opportunity. That is jobs, should not be done by retired officers. No person should hold more that one job. To reduce poverty, the government should allow people with small businesses to work their businesses without paying any

tax. Examples of these businesses are the ones with capital not exceeding 10,000/- shillings.

The executive, for one to qualify as a president he should be above 35 years of age and not above 80 years old. A president should retire at the end of his second term. The elections should be separated. MPs should be elected on a different day with the president. The president should not be above the law. The president should not be the one to appoint the minister. Headmen should be paid by the government. We do not need the P.C, therefore, his office should be operated by the ombudsman. We need only two parties in our country that is the leading party, and the opposition party. Thank you.

Com. Raiji. Yule mwingine Brigit Wamweya from Musini Secondary school, Brigit Yuko ?

Brigit Wamweya: Thank you very much Commissioner. On behalf of the entire Musini Secondary school, I am going to represent truth to the Kenya Constitutional Review Committee, and I will start with rights of vulnerable group. Brigit Wamweya. As I am going to start with the rights of vulnerable groups, I will start with women.

The government should encourage and support the women to register as voters. Women rights should be equal to the men rights, especially in the case of education. Also women rights in the case of property inheritance should be equal to the men. Government should find a way of promoting the way of educating the under aged mothers. The aged, the government should force a card a compulsory bursary for more than fifty years old people and also orphans should have free education. The poor also should be provided with free education.

Basic Rights; primary education should be compulsory and free. Every location should have a basic school, and the secondary for the poor people, and that should be free. There should be free medical services for all.

In retirement cooperation and rights: one job should have one job except for the private sectors, a serviced public jobs not for the retired officers. The small scale business should be allowed to trade freely. unless the business exceeds per capital of 25,000 shillings.

The executive: the president must a minimum of 35 years and a maximum of 80 years. Should be in the seat for two terms, that is ten years. Elections should be held separately, that hold this as a particular month and then after another month, then the presidential elections should be held. The president should not have powers to dissolve the parliament. Also he should not have powers to appoint ministers. With the official administration, the headmen should be paid by the government. The other concerns, the country should have a maximum of two parties. Balance is measured. The legislature, mps salaries should be determined by a national referendum. Thank you.

Com. Raiji: We want to thank the children for their very focus, and very clear and concise contribution, and we want to assure

them that their views will be taken on board, as we all realize the children will live with the new constitution longer than most of us. So I think they are more than right to make their contribution. Thank you. I think now it is time to ask Mheshimiwa to make his contribution. I will ask Mheshimiwa to limit himself to not more than ten minutes, we have very many of your constituents who are queuing, and we would want to hear all of before we go back. Karibu Mheshimiwa.

Mheshimiwa John Mutua Katuku (MP for Mwala constituency): Thank you Commissioners, I must before I air my views take this opportunity, on behalf of Mwala people to thank you and welcome around you and as the chairman of the 3Cs as well, I welcome you. I am very delighted today because of the turn-up and the views I have heard so far, which are very focused. I want to thank all those who have made it a success.

My views, my names of course for record purposes is John Mutua Katuku, Mp Mwala. On the issue of Preamble, there is need to have a preamble in our constitution, which may cover our history, purposes of document, our philosophy, objective, and the rights, among others.

On the issue of directive principles of state policy, there is need to have rights as settlement in the constitution, capturing national philosophy and the guiding principles which may include needs to promote multi-party democracy, condemnation of executive racism, military rule and protection of individual rights, cultural promotion. Guarantee of order and security, promotion of international cooperation, management of our resources, and among other things uncorrupted principles.

On matters of Constitutional supremacy, it is my view that the percentage required of parliamentarians to amend the constitution should be erased from 5 percent to 75 percent of elected members of parliament only.

On the issue of citizenship and other basic rights, it is my view that any person known who is adopted, or married to or by any Kenyan citizen be a Kenyan citizen. It is also my view that all Kenyan citizens should have a right to acquire passport at any age and also dual citizenship to be allowed to all Kenyans.

On the issue of rights, I strongly believe that we need to have a condensed Bill of rights, which should be part of the Constitution, and should cover all rights of life, freedoms, like freedom of expression, freedom of information, association, assembly, and all other kinds of rights because we have this country such rights is abused where for example you may find, because you are not in the right party you may not be able to have a public rally without interruption. I would also want to see the in the constitution, the rights of the spouse being given a lot of prominent. The issue of ownership of property, all should be given that right, women and men. I feel strongly that primary education should be made free and compulsory for all. Because there are still situations where needy or people from poor background may not benefit from the education and any nation with of course illiterate has no future. I also believe on empowerment for women, and on matters of maternity leave. I think they should be given sufficient, and even where one is married, the husband also should be given, some leave, to assist the wife

when he is on the notification leave.

I am also of the view that in terms of the appointment of ministries, or whatever, even in recruitment in different jobs ought to be given equal opportunities. There should be no discrimination. It is my strong view that all human beings are equal, the duties which can be done by women, can also be done by men, and we should have all equal opportunities, like the provincial administration appointments, where only men were being considered. Today we have a few ladies also, who have performed so well in the provincial administrations and they should be given chance, at all levels.

On issues of political parties, it is my strong view, that registration of political parties, should be made automatic upon ones applications with no condition. We don't want to see situations like where we have peoples rights abuse, for example the parties which applied for registrations, have never been registered like UBM. That is denial of human rights. Any person has a right. You go to America, you find America has about 100 twice parties, but the most active are two or three. So, people should be given rights to apply for these. These parties should be funded from the taxpayers. For a party to qualify to be funded, it at least must prove it is worthy to be funded by at least having five members of parliament in that previous election or that current election. Minimum 5 members of parliament for a party to qualify for funding, because we have seen situations where the ruling takes advantage of state resources. It should be made illegal for any party, whether in power or not to use state machinery for campaign. In case of defection, any Mp who defects from a party to the other or within a given life of parliament should not be allowed to contest in that by-election. It is my strong view it is a waste of resources for Kenyans. Anybody who defects should stay out there until the next general elections. He should not waste Kenyans time by taking them back to elections.

On the structure of government, I strongly believe we need a mixed system of government. Mixed system of government whereby we have a president with reduced powers. The current system we find the president has enormous powers, which need to be reviewed and shared among, for example, with the prime minister, who should be the head of the government and should be appointed from the party with majority seat in parliament. We should have a situation where we have a vice president who should be the running mate of the president in general elections, and these two, the president, and the vice president in my view; they should not be members of parliament. For example, if you take Baringo Central where our president is Mp. Those people have never had an mp since independence and I think it is fair that those people even if he is not doing anything for them, they can be seeing him. But then I am suggesting that the president, the vice president should be non-mp, in other words they should be running mates in their campaign.

On terms of Local Authority, it is my strong view that there is need to strengthen our local authorities, make them powerful, de-link them from the ministry of local authority, review the Cap 265, so that they can become autonomous, and more powerful to be able to deliver to the people.

On the issue of Public Administration it is my strong view that this should be abolished, and instead be replaced with elected representatives who would be dealing with matters, which were handled under the provincial administration. This is not new in Kenya, we used to have the same sometimes when we got independence and the early years, we used to have chiefs elected by people. It is my view that they should be elected for at least five years, or about between, immediately after every election, at least six months, after every general election, we can have provincial administration elected but we don't need to have a PC, a DC. I think my view is that we need to have chiefs and sub chiefs elected and D.O.

In terms of maximum term one should serve in all professions, and this I will suggest to be two terms, and for one to be elected in any position, councillors, parliamentary or presidential, the minimum education must be at least a form four. Of course that is obvious. We need people who can understand what they are doing.

In terms of the president still, the parliament should have powers to impeach any president, and a president should not be above law, so there should be that provision so that in case a president in office messes, he can be impeached. On terms of appointment of government officials to parastatal positions, even to government positions, for one to be appointed to any position even to head a Board of a school like this one, he must have at least form four education. Even to head a parastatal you need to have quality leadership.

In terms of legislature, I am proposing that we retain the 210 elective positions in parliament, but there is need to review the boundaries, because the current boundaries have shown a lot of gerrymandering where by constituencies got to represent people but rather size. It is my strong view we should make it clear that a member of parliament or a councillor represent people, but not sizes of land. Therefore, there should be much as equal enforce in terms of population.

I also propose that we have at least 40 nominated members of parliament, you know what we are calling or what I am calling proportional representation whereby these people who will be nominated will costarize the party strength in terms of the votes they get. Not the number of the seats a party gets in parliament, but in terms of the number of votes, a party gets like by election so that they is a proportional representation. One man, one vote, should be equal in all. They should take into consideration, women youth and minorities and professionals.

In terms of the appointment of the speaker he should garner at least 65 percent of all elected members of parliament. Affairs of parliament should be run by Parliamentary Service Commission, they should be declined from central government so that the institutions of parliament, judiciary and the legislature are seen to be separate and operating as separate entities.

Mps and Civil servants should be allowed to engage in harambees. These harambees have made most of our leaders corrupt. You find that when you want to go to harambee, you have no money, you have to get involved in corruption deals if you are the engineer, you want to go and impress people somewhere you give a hundred thousand, yet you have stolen

from the tax payers. It is my strong view these people should not be allowed to conduct harambee, and this would reduce corruption in this country. Once one is elected he should declare his wealth, for example when I was elected to Mwala I should have been told to say how many goats I have, how many cows I have, how many pieces of land I have so that when wananchi feels they are increased at a very high rate, then they can be questioned.

On the terms of development funds, it is my strong view that ten percent of the growth tax revenue should go into an account which should be referred to as Constituency Development Funds, whereby it will be distributed to the 210 constituencies and each constituency will plan for the development of that money. They will put priority on this.

Com. Raiji: Mheshimiwa try to summarize.

Yes I will summarize in fact I will summarize because I have a written document, which I will give to you. On the issue of salaries on the members of parliament, I must touch on that because it is a major issue in this country. It is my strong view that for any party office salary, the salary must be determined by a commission. It should be set, and seek views from members of the public. On dissolution of parliament, I think it should not be the prerogative of the president to do it, but rather we should have a calendar, whereby at the end of five years, parliament stands are dissolved, unless otherwise. Parliament should approve all appointments.

On the matters of judiciary, I must also mention this, that it is my strong view that to be a judge or magistrate, you must have a degree in law. We don't want Nziokas being involved in electing (inaudible). I also feel strongly that we should have at least one court in every constituency, to ensure quick dispensation of justice. Because we believe strongly that justice delayed is justice denied, and we have so many people's cases pending in court. Somebody goes to remand for two years, at the end of the day he is released, it is said he has no case to answer.

I have also proposed several constitutional offices which I may not want to go through like the electoral commission, land commission and all that; and corruption authority that is in my document, but I must indicate that the office of the Ag, should be made very independent and the Ag should not be a member of parliament. He should be represented in parliament by the Chief Justice. There should be a (inaudible) which the Ag should be represented in that. I agree with those who have said that mayors and chairmen should be elected directly. Councillors of course should not elect mayors, and such.

On electoral laws system, procedure, of course, Mr. Chairman, I am proposing that you have a commission today. Electoral Commission which has about 22 Commissioners. It is my view that it should be reduced to nine. We need to have an office of director of elections who should have a professional secretariat to run elections and to be a Commissioner, in my view, your minimum education must be a graduate, so that you will be able to run the affairs of... because I believe where we have no proper election, we will never have a good government.

I.D. VIDA-avid voters card. I strongly believe we need to have only one document. The information in voters registers should be indicated in one ID, such that when you get an ID, you have all that information, and when you want to change, you can change later.

On matters of cultural diversities, we should promote it. We should make sure we promote our culture and all that is important to our culture. For example, on traditional drinks like karobo, mnazi, which have been outlawed. It is my strong view that they should be licensed, and men to be sold between 6 pm and 10.00 am. There should be license for the government to get the revenue. There will be control, because there will be ban, but when you find in the village, in the homes where this karobo is so diligent, children in those families end up being brought up in a bad way because of the influence of these.... going to the family, to be made illegal when not to do business karobo in his home but it should be licensed at the market. After all, even as we talk, like the area I represent, in fact karobo is just normal drink. People are drinking like hell, and what has happened now is that a few people are benefiting from the process. The askaris, the sub-chiefs, the DOs, I think it should not be allowed, I think it should be made official because those wazees have nothing to drink, they can't afford tusker, they can't afford all that. After all it is a traditional item, which is used in a wedding and that kind of thing. It is crucial to also reserve firewood. I have also information on environment, natural resources. It is my strong view that the state should own natural resources but where natural resources is being exploited the community must benefit to a certain percent. Because of time, Mr. Chairman, I would like to end my presentation by strongly appealing to you commissioners to do your best to make sure before we go to the next election, we have a constitution in place. Thank you.

Com. Raiji: Thank you very much mheshimiwa for those very detailed and well worked out proposals, I am sure you have going the copies, but I need to benefit from wide experience in these matters. You have proposed a system of devolution of powers to local authorities and the abolition of the PC and the DC, you proposed the retention of the DO, and direct election of chiefs, and the assistants, but I didn't hear you propose to us how the DOs is to be appointed, do you also elect him?

Hon. Katuku: Yaa, it is my view that the D.Os should be elected by the wananchi themselves, not by anybody else by the wananchi themselves.

Com. Raiji: There is also another issue that I wanted, because, as you know one of the one of the devolution is the conditions we have to deal with. Now the question of sharing resources between the strength of local authorities, that you proposed, and the central government, what is your view, how do we share the resources from a particular region?

Hon. Katuku: It is my strong view that resources in this country must be to some extent shared between the central government and the local government, in the sense in terms of where, for example sales and service charge is being charged from people in that given area, that kind of revenue should be drawn back in total to the same people, so that they can use it to develop the area. Where such is not possible there should be proportional allocation of resources, that is why I was suggesting

that there should be a bank, and this bank in the constituency would be given some percentage out of the total revenue in Kenya like 10% should go to that bank and then it builds constituencies. But the local authorities should be given more powers. They should be charged with the development in that given area because they are the people who are on the ground, and the central government should be allocating special allocations to authority so that they can operate independently. Actually, it is my strong view that they should even replace these provincial administrations in a way so that they can be in charge of development activities, where we have a chairman for example in every district, we have a chairman who is elected. That chairman should be given more powers. The powers beyond the DC. Powers of coordinating development should be vested on this person who is elected on the district level.

Com. Raiji: Thank you very much for those views. If you would kindly register yourself. The next one Daniel Nduku, followed by Juliana Muli.

Daniel Nduku: Mimi ni Daniel Nduku, sub-chief wa wakati huu. Mimi ni mkulima. Kwa maoni yangu nitasema mambo matatu mainne hivi, halafu nimalize. Jambo la kwanza nitaongea kuhusu education ama upande wakusoma, ya waalimu. Na sheira katika nchi hii, wakisheria unaendelea saidi ni kama 85 kwa mia, na unatoka katika jamii kule nyumbani na pia katika mashule. Sababu yake, mashule zamani, kama wakati mingine, waalimu walikua na fursa ya kurekebisha watoto tabia. Lakini kwa wakati huu, watoto wanaendelea hata wakifika university, wanaendelea na kufanya mambo yasio sawa kwa kua kutoka utoto wake, hakurekebisha hio tabia. Na hii ni epande education waalimu wakipatiwa fursa wawe wakipatia watoto tabia watoto wa Kenya, na watu wa Kenya wa miaka zijayo kama miaka 50, 60 hivi watakuwa watu wazauri na uwizi hautakuwa nje.

Kwa upande mingine ni upande wa ukoo, ama clan. Wakati wa zamani, clan ama ukoo, watu walikuwa watu walikuwa wakirekebisha na jamii yao,. Na kwa wakati huu, hakuna hiyo, ndivyo uharibifu unatoka nyumbani mpaka tena uizi inakuwa mingi inashindana na sheria. Lakini watu wa clan kama ukoo wakipatiwa nafasi ya kurekebisha watu kule nyumbani, hata wanaweza leta wazee wa miaka thamani, wazee zaidi, wale ambao wanadai family iwe. Hua wakirekebisha na wazee wengine. Pia ninaonelea kwa maoni yangu, hawa watu wa clan, tuseme, kama Machakos, Makweni, Kitui na Mwingi, ukamabani kuna district nne. Wakilipa pesa yao, wanaongozi hawo, kwa sababu kila district iko na viongozi vya town, watatoa maoni yanayo faa kuifadhi jamii, na tension inafukuswa. Hio ni maoni yangu.

Kwa upande mwingine, ni upande wa sheria. Upinzani wa sheria umekuwa mwingi sana hata wakati nilikuwa kazini miaka 15 imeisha. Kwanza ni kama usiku, au mchana, unaweza kuuliwa, au wakati huo usiku unaweza kugongewa mlango na jiwe, na umtambua huyo mtu, ama akungojee katika njia, ukienda nyumbani kutoka safari zako, ama mahali popote. Na huyo mtu unamtambua ni fulani. Lakini mkifika kotini, anataka shaidi alieona. Hukujua utagongwa na mawe ama utapigwa na fimbo, wewe hukujua. Wewe ulikuwa unaenda tuu nyumbani. Na huyo mtu akifika kotini anaachiliwa kwa sababu hakuna ushaidi, na haukujuwa kama unangojewa uende na ushaidi. 8. Huyo mlegevu huyo nao akifika kotini, anafaa atalala hapo prison watatumia sheira vile wawezavyo lakini kufika kotini, mambo yanakuwa mwingine.

Kwa upande kwa ofisi ya administration, utauwawa katika katika mukowa district division, location na sub-location, machiefs wanaweza kuwa vile walivyo, lakini D.O, au chairman kama walivyo sasa, sababu D.O. utalala, chief utalala subchief utalala, lakini wakichaguliwa na kura, itakuwa vigumu, kunichagua nakesho nikuweke pingu, halafu tusikie kadhongo. Hawa niko kando kwa maoni yangu. Kwa hivyo sheria imeamurisha saidi ni kutojali kutokana na siasa ku-overule, yaani kuwa juu wale wako huko nyumbani, watu wa clan, ama ukoo, utofanyia watu wao shatia kila kitu wakikimbisha kotini.

Cha mwisho, wananchi wangependelea wawe na koti katika division. Kwa sababu kama sasa ni Machakos, Kawala ama maali mengine, na garama ni kubwa ya kusafiria, na wengine wanaweza kuumia.

Kile kingine ni ndoa. Kama ni kuowa ya kiafrica nina weza kuwa na bibi kuma kumi. Lakini ajabu ni hii, na hiyo ukiweka katika sheria itakuwa bora. Hawa bibi kumi, amamwatatau, ama wawili, sana sana wazee wanaokoa kwa tumaini fulani. Akiwa na bibi mbili anowa watatu wakati amefika miaka hamsini ama sitini. Na hilo ulinzi kwa mali yake. Ana hakikia yule bibi na yuko na mtoto moja, na bibi wa kwanza ikona na watoto nane na wapili ikona watoto kumi. Na hivyo, hiyo stabu iko katika Kenya kila mahali iko watu, kila province. Kwa maoni yangu, mali kama ni ya mzee ni uridhi kama mama ndiyo anaweza kugawanyiwa watoto ambao wamezali, kamavile waliolewa, lakini sio mzee, achukue kama sasa title deed nini, kumpatia mtu moja na yeye anakufa, na anasema shria iko namna hiyo. Hiyo sio sheria ya kiafrica, hiyo ni kutoka katika uzunguni, sio waaingereza au nini. Ya Africa tukaona mali yake. Sio sherial ile inasema ati wabibi wakiwa watatu wagawane hio uridhi katikati, na hhuyu moja iko watoto nane, mwengine iko moja. Watoto vile walilelewa wagawiwe mali ya baba zao. Kwa hivyo, nitafika hapo kidogo.

Com. Raiji: Asante sana. The next one is Juliana Muli

Juliana Muli: Kwa jina nina itwa Juliana muli. Sasa tunaazia kwa hii katiba inatengenezwa. Hii katiba ni haki ya binadamu na kila mtu, kwa nchi hii ya Kenya. Kwa hivyo, vile wambunge wanasema katiba inanza kumalizika baada ya hii mwaka kuisha, hiyo ni uongo tupu kwa vile kama mimi member wa 3C, hapa, watu wengi hapa wajajua katiba ni nini. Tunaendelea kuwafundisha, na hivyo mtu mwenyewe anajitetea makuu. Anataka kwa mtu fulani, fulani, ndiyo ni nyoroshe ikuwe namna hii ndiyo yeye afaidike kwa njia zingine.

Pale pengine ni sasa ninaingia kwa president. Sasa kwa president yuule yuko saa hii, president antakikana aendela, kwa vile mimi vile ninaangalia chama zote zikiwa arubaine na mbili, hiyo ni mapenzi ya mwenyewe, wanajitakia kuhesabia watu siasa, ndiyo mtu aseme tuwe na two times, hiyo mimi sitaki ikaonekane na papers. Wacha wananchi wajiamuliwe wenyewe.

Ile ingine ni hii. Tukiingia kwa tuseme, sasa mimi ninaingia kwa president. President akiwa hana madaraka kwa nchi, nchi inakaa kama, hata sielewi ni nini tunaweza kuongea juu yake. Kwa hivyo, awe na ile awe head of state, lakini kuwe na

commissioners, yaani huyo sio mtu wa chama, ndiyo nchi iendelee vizuri. Commissioners, yenyewe uwa ni mtu akona akili na wanachunguliwa na watu. Ikiwa ni 8 provinces, kuwe kuna, kila province, watu wenyewe wachague ni mtu gani anaweza kwenda kuwa na ile commissioner ya president. Kwa vile, kama ni mps, mps anaweza kuwa anabeba upande moja. Hata hasiwe akichaguliwa na watu labda mimi simtaki ama ninamtaka ama ni namna hiyo tu. Inakuwa namna hiyo.

Tukuje kama Mps. Mps. Wakichaguliwa na watu iwe secret ballot, kwa vile mimi ninaweza sikutaki, lakini kwa vile labda ni relative yangu, nitakupigia hiyo mustari kwa vile ninaona haya. Lakini ikiwa ni siri, mimi ninaona kwa roho yangnu ninaweka hiyo ikiwa sikutaki ninaweka hiyo kura pahali mimi ninataka. Hiyo ninataka namna hiyo. Mp ama kansela akichaguliwa na awe hawezikazi baada ya miaka mitatu tuwe tunawaita na tupige kura tuone kama huyo councillor kama mp watu wakimkataa sawa, ndiyo tutakuwa na mp mwingine anaweza kuleta maendeleo kwa constituency yetu.

Ile ingine ni hii, tuseme affirmative action ya wanawake. Kama mimi mwanamuke yule amesimamia hapa Mwala ninataka namna hii. Sasa sisi hatuna tuseme kama wabunge, tunataka kwa kila district kuwe kuna mwanamuke wa kuwakilisha wale wengine, hata ikiwa wamechaguliwa, nomination, yaani ninaongea juu ya nomination, ndiyo ni clarify, Kuwe kuna mwanamuke yule anaweza kuwakilisha mahitaji ya wanawake bungeni.

Disabled, kile district, like Uganda, I am talking like Uganda, kunatakikana kwe na disabled wakuwakilisha wale wengine bungeni. Kuwe na mtu wa kuwakilisha huko bungeni. Tukuje kwa youth, hata youth wakona mahitaji yake kwa kila district. Kunatakikana moja youth wa kuwakilisha wale wengine huko bungeni.

Tukuje kwa hii tuseme tunasema inaitwa nini, mkuu wa sheria. Huyu mkuu wa sheria mwenyewe, hata ikiwa ni mkuu wa sheira sio president mwenyewe awe ati anasimamia, kwa vile saa ingine mambo yanaweza kwenda mbaya pahali. Kuna takikana commissioners inakuwanga vizuri commission ya kila njia ndiyo inaweza kuleta nchi ikuwe kama tuseme America wanakuwanga na commissions in different places. Lakini ikiwa tuseme kama mkuu wa sheria, huwa kuna walewatu kukiwa kuna mambo fulani, fulani, wanakaa na hio commission wanarekebisha hizo na anarudishiwa kama vile, yaani wananchi wamekubaliana na hawa commissioners kwa vile wamechaguliwa na watu, sio mps. Mps kwa vile hawa watu ni wa sehemu mbali mbali hawawezi kupeleka watuvizuri. Nchi ikiwa namna hiyo haiwezi kuwa mzuri.

Tuiaangalie hapa commissioners hapa kwa, tuseme armed forces. President hata akiwa ndani, akiwa na commissioner yake. Vita ikianza kwa vile huwezi kujua kama ni chama ingine inaleta hii vita kwa hii nchi, hiyo commission inaweza kutuambia tunataka namna hii. Commission hiyo ndiyo inaweza kuwa nchioinaendelea vizuri.

Tukuje kwa hii resources kama hapa Ukambani tukona hii mchanga, nini, nini, tunataka hiyo hata tukiwana minister hiyo mchanga ikiuzwa hiyo pesa iwe inasimamiwa na serikali lakini ikuwe nayo commission inayosimamia hiyo, ikiwa ni ya chama fulani, fulani. Wenyewe wajichagulie, wakuwe hapo lakini ikuwe na minister wa hiyo laini. Lakini serikali ile inaingia saa hii,

tunataka prime minister, ile inaingia saa hii. Awe awe anachukuliwa pahali pengine sio kila mambo ikuwe ya mtu moja. Sasa tunataka iwe madaraka itagawiwa hata wabunge wakigawa nao kuwe kuna prime minister hapa kando.

Sasa ingine ni hii. Akina mama sisi tunasomesha watoto, na tukiwasomesha sisi, Hatuwaoni. Ninaona kama sivyo. Sasa tunataka mtoto akiwa anaearn ten thousand kuwe na helufu tatu ya akina mama na baba yake wawe wanagawana wenyewe. Wawe wanaenda kuchukua kwa account. Hiyo sitaki, hata mimi nikiwa na moja, kwa vile nimeona mengi.

Ingingine, kuowa ni kupenda kwa mwenyewe. Bawana yangu akiona mimi sio mzuri, hiyo customary law au upande hii ingine, mwanamume ako na ruhusa ya kuowa mabibi wale wanatika, hata ikiwa ni ishirini nyuma yangu, nikiwa mimi sio mwanamke anafaa kwa nyumba yake, labda mimi ni mwanamke wa kelele, hiyo ni shida yake.

Ile ingine, sasa tunaingia kwa administration. Mimi siwachi kitu nyuma. Sasa kama chiefs and assistant chiefs wengine wanaitiwa kwa district level. Halafu hapa nyumbani hata hawasikizani na watu. Hata tukiwasimamiza tunataka president mwenyewe. Sasa tunataka sisi wenyewe mnawafanyia interview na mwarudisha hapa sisi tunachagua yule tunataka. Hiyo tunataka namna hiyo. D.O huyo elimu yake ndiyo itamweka pahali yuko. Councillor naye akikosa kufanya kazi mzuri hapa, hata sisi tunarudisha malalamiko yetu huko juu. Tuseme kama yule anaitwa chairman wa council, sasa chairman wa council saa ile tunachagua tunataka kuwe na nafasi yakuweka ninani tunataka. Majina kuwe na yote. Tuweke ni nani tunataka. Ndiyo sio hawo macancellors wenyewe wanapenda. Wanasema ni fulani, fulani. Hiyo ni watu group kidogo hiyo hatujui sana, ndiyo tuwe tunakazi inafanyika mzuri hapa. Asante sana kwa hayo yote nimeongea.

Com. Raiji: Iko maswali kidogo.

Com. Yano. Juliana umesikia wacha tuongee hapa juu, ya kuhusu uridhi ya mali kati ya watoto, wavulana na wasichana. Ukona maoni yao utafanyia?

Juliana Muli: Ehh, niko nayo sana.

Com. Yano. Basi utuambie.

Juliana Muli: Maono yangu ni hii. Mimi kwa watoto wangu wote mali yangu watapatikana wagawane katikati. Report ndiyo ninataka, andika report hapo, ni ulize ingine.

Com. Raiji: Iko swali ingine.

Juliana Muli: Ehh niulize.

Com. Raiji: Sikusikia vizuri hiyo ulisema sijui akina baba kuowa bibi wengi. Tuseme wewe sasa unaunga mkono wanaume waendeleo kuowa bibi wengi?

Juliana Muli: Ndiyo kwa vile wasichana wetu wanakosa watu wa kuowa.

Com. Raiji: Asante sana Juliana. Mwingine ni Waki Wilson ambaye atafuatwa na Peter Nguku.

Waki Wilson: Mimi ni Wilson Waki nimechukua maoni mbali mbali kuyake kaitika karatasi hii ambapo ninauliza commissioners watauyaweka mahali ambapo inahusika. Sikuweza kujibu mengi katika ile ile booklet yenyu ambao mume pambaza ili kutusaidia kujua ni hali gani inatakiwa.

Nilikuwa nimeandika na nilisema namna hii, Commissioner, chairman wa commission hii, ya marekebisho ya katiba ikiwa katika Yadhui tarehe 23, May, 2002.

One, mimi ni mwenye kiti mkuu wa jamii moja wapo ya jamii sishini na mbili ambazo ndizo zimeunda kabila la wakamba. Jamii yangu ikiitwa Sangwa clan. Jamii hii inatambaa na kuwa na makao katika Tanzania, Uganda na ndiyo sababu sisi tumejiandikisha kwa Societies kama Muu Sangwa Clan East Africa.

Nilichukua tu haki za wanajamii na tafauti za kitamaduni kikabilila na kieneo. Baada ya kuonana na viongozi wengi wa Ukambani ambao ni wenye viti wa jamii zao, na hata jamii za makabila mengine kama vile Wakikuyu, na Waluo, tumegumbua ya kuwa haki za wanajamii, na tafauti za kitamaduni, kikabila, na kieneo, hazikushugulikiwa, na katiba, ilio kuwa. Huu ndiyo wakati wa kujua sababu na kuomba tume ya katiba itilie manane na kuirekebisha. Sehemu za kurekebisha in kama inavyo onyesha hapa chini. Wana jamii wali pokonywa sheria zilizo kuwa zikitumiwa na wazazi na jamii ya ukoo wao, juu yakurekebisha watoto na hata watu wazima wanao puuza wazazi na jamii wa ukoo wao.

Pili, wasiotii sheria za watumishi wa serikali, na kutenda maovu kama vile kutumia madawa ya kulevia, kuunywa pombe sio halali, na kutia doa jamii inahusika.

Number ya tatu ni kukataa kuheshimu hata sheria ambazo Mungu alimwekea binadam ili apate tojirekebisha. Wamekataa hizo.

Nne, katiba iruhusu tofauti za kitamaduni, na kikabila zilindwe kikamilifu. Katiba ya sasa kushaenea utamaduni wa kikabila, kama vile:

(a) mali kwa kuabudia kwa desturi za kile kabila. Michezo ya utamaduni, ifaidi kwa kuifanya sehemu moja wapo wa utalii.

Harusi ya kijamii itiliwe maanane, kama vile ya kikristo, kiserikalina kiislam.

Number six, Katiba ipeane uwezo wa jamii kuzungumuza na kujadiliana juu ya kabila kusudi juu ya jamaa yao, ambaye amefanya maovu, na yawe si ya kutumia nguvu, ile basi baada ya uchunguzi jamii itoe mawaidha kwa serikali kama ni kuuliza arekebishwe kijamii au nikupelekwa mahakamani.

Interjection: Com Raiji. Mzee tafadhali ujaribu kupisha, kwa sababu tulisema hapa hawali hatutaki isomwe yote tunaenda naye na tutasoma. Tunaye taka ni yale muhimu

Waki Wilson: Basi nitaenda mahali nilikuwa nilienda ili niweze..... haya, ni juu na mabaraza ya wilaya. Mabaraza wapewe uwezo za kujiendesha yenyewe na madiwani wawape uwezo na maofisa wao kuendesha kazi zilivyopitishwa na madiwani lakini maofisa wafanye kazi hii chini ya kamati zinazohusika, kwa njia ya kuungana kwa mkutano. Diwani awe na elimu kidacho cha mne au awe amewahi kuwa diwani kwa wakati mrefu. Wananchi wawe na uwezo na haki ya kumrudisha nyumbani diwani. Njia itakuwa kuandika kumbukumbu ya vile ameshindwa kuwafanyia kazi wananchina kila sehemu anayowakilisha na kuwe na wananchi wanaoweka sahihi kudhibitisha matakwa hayo ya wananchi. Yawe ni bado awe ni kushindwa. Kuwe na madiwani walioteuliwa na ulingane na uwingi wa chama kilicho na madiwani wengi.

Interjection: Com. Raiji: (inaudible) Tutasoma hiyo memorandum sijui kama komishona wako na maswali, asante sana jiandikishe na utuwachie. Sasa tungetaka kumuita bwana D.O. Kawaida tunawauliza bwana D.O. hatufungie lakini D.O. wa hapa iko na function ingine, shughuli ingine kirasmi na kwa hivyo tutampatia nafasi hii bwana D.M. Mutahi. Karibu bwana D.O.

D. M. Mutahi: (District Officer Yadhui) Asante sana, Jina langu ni D. M. Mutahi, District Officer Yadhui. Karibuni, Bwana Commissioner, Madam na bwana Commissioner. Yakwanza nitaongea juu ya dispensation of justice. Dispensation of justice, ninge omba kwamba VSV, zile Police Commission iwekwe ndandi ya katiba ijayo, na mamlaka yake. Katika ijayo iwe na jury, international of the jury ili kusomea manane ya capital offenses, and offenses committed by holders of public offices, and even the public. Ningependekeza, vile vile kuwe na kadhi appearance court, ambayo ita sikiza abilities za kadhi kutoka lower court kupanda. Lakini lazima za high court awe ni muislamu. Ningesema vile vile kwa sababu ya courts vile imependekewa iwe decentralized. Iwe katika eneo la constituencies. Ningependekeza vile vile kwa hii maneno ya justice, kadhis ambazo lawyers huuliza wananchi ziweticked. Ningependekeza vile vile wafungwa wawe wanapatiwa their rights. Kama mtu ako na bibi, na bwana au kama ako na rafiki kupunguza sodomy kwa jela, wawe wanapatiwa on quarterly basis wapenzi wao wanafanya mapenzi

Ningependekeza vile, vile, possession of fire arms iwekwe kama capital offence.

Ningependekeza vile vile taxation iwe simplified. Isipelekwe kotini, Nairobi na kurudishwa wengine hawasomi gazetti za

serikali. Kwa mambo hupitishwa bila hawa kujua. Ninapendekeza vile vile, kuwe na supreme court ili iwe inasikia kiliyo cha watu. Ninapendekeza vile, vile uridhi wa mali, uwe sawa kwa wanawake na wanaume, lakini mwanamke akiolewa, shria ifunge yeye asiuze shamba , kwa sababu shamba ni ya ukoo.

Nina pendekeza vile, vile, rape iwe ni maximum sentence, life sentence. Lakini rape and infecting of HIV iwe ni capital offense.

Kwa upande wa education, ninapendekeza quota system itolewe katika elimu yetu na iwe free kama vile wengine wamependekeza. Hospital vile vile kwa health itowele, kwa sababu wananchi wengi hawawezi itikia ile pesa inatowewa kidogo.

Kwa upande wa provincial administration pahali niko, ninapendekeza kuwe na provincial Education Act. This is the only department in the government, which has no act. Hii Act itaonyesha the role the power and limitations. At the sub locational level ningependekeza kuwe na council, clan elders ambao wanasaidia chief na assistant chiefs kwa kazi yao. Ile wa mwisho ni kutendea kila mtu. Ninasema kwamba kuchagua chiefs and, assistant chiefs na ma D.O. it is going to be top post of police nation. This is a young nation, electing assistant chief in each province who have got one thousand is going to be a very very expensive affair. If elected, Officials watachukua mamlaka ya macouncillors, because they are both civil servants and elected officials. They will be answerable to the people, not civil servants.

Local brews ambaye inasemekana watu chukua kitu kidogo. Hiyo ni uongo, na ningependekeza a stiffer penalty. Ile kwa Chief Act, ile penalty warranting 50 shillings, so controlling these brews is not easy. The penalty should be stiffer, to discourage illicit brews.

Upande wa civic council, our council, ningependekeza councilors wawe na minimum ya C+, or position two and above, ile ya zamani. Ningependekeza, remuneration, and I notice ya coucillors ziongezwe, ndiyo ioneka pia wanaongeza nyama kwa miti zao angalau. Ningependekeza council wapatiwe their own Act to be more independence, na wawe na ma offisi zao. Councillors hawana maofisi, I don't know where they operate from ini the locations. Wawe na ofisi zao katika ofisi zile zingine za serikali.

Ningependekeza kwamba coucillors waendeleo kuchagua chairman wao, kwa sababu chairman of the council, election itakuwa very expensive for those who are funding, it covers a whole district, it is not feasible. Vile vile ningesema financial management za local councils ziwe more, it is not clear how they manage their public accounts. The so called DDC, they want to know what they do with their money. Upande wa municipality ninge sema mayors should be elected directly, they should not be councilors, na wawe wanachaguliwa every four years, by wananchi.

Parliament, parties should not be funded from state coffers because they don't add anything to the economy. We don't need a

prime minister or a these are just services which are going to consume our profits. Hatutaki kwenda ku Kuomba pesa kutoamini hii ofisi. The salaries and allowances of mps should be reduced drastically. Code of conduct for mps should be enacted, like all other civil servants. Parliament privileges itolwe. Ile maoni mutu ambaye alitowa akiwa kwa bunge akitoka nje anaweza kustakiwa. Wajumbe sio wao wanamaofisi katika kiwango ya constituency ambao itatengenezwa na serikali, na iajiriwe clerks na serikali. Tunataka kuwe na performance ya mps. Those mps who don't perform they can be called through a system to be set up. We want them funded from their own parties, not from public coffers. If a party revokes the economy on nomination of mp, that mp losses his seat automatically. Nomination should only be for special interest that is proposing cases is 8 for women, 8 for youth, 2 for non-black Kenyans, and two for those people with disabilities. In this election, the president not to be an mp. There should be various parliamentary comities to vet senior government positions, before they presidential assent. We need a powerful president to because our nation is young, and may collapse like other weak countries. Awe na direct elections, na ninapendekeza kwamba uchaguo kama inafanywa sio siku moja, presidential parliamentary and civic ifanywe siku kadhaa or miaka kadhaa.

Kubadilisha katiba iwe ni za wananchi. Ipewe jukumu ya kubadilisha katiba. Ningependekeza, hata kama tunasema freedom of everything, freedom of the devil should be outlawed by the constitution. Devil worshipping should be defined by the constitution so that cannot be mixed with traditional religious belief. Ningependekeza, badala ya ofisi ya pioneer, itakuwa na ofisi ya ombudsman, itakuwa na anticorruption body, with various powers. The parliamentary Committee should be strengthened. Auditor Laws Committee, PSC, ziwapatiwe meno zaidi. Ile report wanapata, wanaweza kupeleka pahali ile, whoever is mentioned anaweza shtakiwa. Controller and Auditor General awe parliamentary appointee. Uwa anashtaki wale makosa kwaniaba ya parliament, Parastatal bodies or that body which will be accountable. In proper crimes, I am saying that when the government acquires land from somebody, it should pay three times the market pay of all the land and the property on that land. Any head-over should be axed, na hiyo tax ambao inaokotwa zipelekwe to the local council, isipelekwe kwa serikali.

Shares of title deeds, inatakiwa iwe decentralized to constituency level. In the management of resources, we want all expenditure, and development, iwe published for public openings. It should be called public domain. Saa hii development, watu hawajui sasa ni pesa ngapi inatowela.

NGO: we want them to be accountable to the DDC. Hakuna mtu anaenjoy hiyo pesa inakuja kwa NGO, and we know they use them. There should be members of the DCC, so that they can be accountable to the DDC.

In agriculture I am proposing that the government should set measurers to protect agriculture, that is agriculture, wheat. Even if it means outlawing them. We want the person farm input to be reduced to zero. We want the government to make sure that this one is the opposition that we ant values to be added to our tea and coffee. So that at least you can give coffee who cannot afford coffee in every growing. We want a seal which will accept countries to be added varsities. We want to add our virtue to that tea so that we can export it.

When it comes to citizens, I am proposing that those married women who want to change their names, from their father's to the husbands, the progress should be made easier, currently it is payable 300/- you have to bet affidavit, it should be free. The letters who are not married in church, the letters from the parents should stand for everything. Finally, we should have a central body to regulate all profits and remuneration, of all people faces from coffers. Constitutional offices, those people get their money from perforated funds directly. That provision should be removed. So as this body should be regulating all the salaries of the public officers. It is not possible for an mp to earn a half a million per month while a teacher, who minimum mp is only earning five thousand per month. It is not logical.

Finally commissioners, in the suspension, I am proposing that the outgoing incoming process should, the out coming, in-coming president should take over office within a month's time. The Chief Justice, to control police and once parliament is dissolved, we want the mps to not continue being mps, and they lose their income automatically. Powers should be transferred in an open area, Uhuru Park, and then I am saying that a retiring president should be like all pensioners.

Com. Raiji: Thank you very much bwana Mutahi, I assume were those views or is it from, those are your personal views. I would just like to seek some clarification regarding these local brews. You have heard the various proposals that we have received, a person who is on the ground, would want to hear views on whether we should legalize, if so, what condition should be attached to legalization of this local brews.

Mr. Mutahi: Thank you Mr. Commissioner. I am proposing that we should not legalize traditional brews. Where traditional brews were legalized before, the effect was adverse. In western Kenya, police there were the so-called busaa clubs. Most homes were deserted, women and men drunk from morning till evening, in the name of taking busaa because they are legalized. There were a lot of family breakdowns because of these brews. Currently, where there are illicit brews, it cannot even be controlled because the law is very weak, and where there are illicit brew there are a lot of sexual social problems, relating to these local brews. I am proposing that the penalty for these brews should be increased. It is only professional project, not otherwise.

Com. Alice Yano: Bwana D.O., there is this issue of the headmen, I think were here when a lady talked very, she was almost, she gave issue about the headmen, and that they are not being remunerated. How is it, is it that bad that may this remuneration or non-remuneration of headmen is really bringing problems? What the lady said, is that if the headmen are not going to be remunerated, they will stop working and give the work to the chief. Can we get your opinion, and how effective, are the headmen.

Mr. Mutahi: Thank you madam. These headmen play a very important role in the sense that administration and the order of goods is the way they should be. Normally in other circumstances, I will also support that these headmen are given an allowance, because I cannot say where they get their allowances from but of course this is open to whoever now atapitia pale anatoa ile mabariko yao. This opens an avenue for corruption, because when they sit down to hear a case of course they are

paid by those parties. I also suggest that the headmen in conjunction with the clansmen, the clans are very very powerful in every community. The clans chairmen are paid by the people. They have their own set fees, so they should assist these headmen, in the performance of their duties. Whatever the clan chairmen get from these people they can be sharing because they are doing only one thing, in fact their ways are duplicating. When an issue goes out of hand, we refer it to the clan. That is the headmen. They should be given an allowance, the government does not pay them.

Com. Yano: That is, you suggest they should be given some allowance

Mr. Mutahi: Some allowance, not payment.

Com. Raiji: Thank you very much Bwana Mutahi, it is a pity you will not be with us the whole day, we would really have liked to stay with you. Thank you, you are welcome. Peter Nguku, atafuatwa, na Katundu Nzioka na Munyao Muthoka. Peter Nguku.

Peter Nguku: Kwa jina ni Peter Nguku, town chairman wa Munyu Yadhui. Yangu ni machache. Na kwanza nitaanza na president. President ile kifungo ambao inasema miaka miwili, mimi ninapendekeza iondolewe na akae awe akitowela na kura na wananchi wenyewe ambae wanampenda. Ile ingine ni ya clan, hawa wa family, au kwa mila ya kikamba. Zamani wakamba walikuwa na ile kitu ambao wanaogopa, na hata sasa iko katika koti, kizito, ama kiapu. Ningependekeza iwekwe katika katiba kwa sababu ndiyo inaogopewa na watu wakianza kubishana, ndiyo inaamua. Kile kingine ni each group ziwewe nguvu, iwekwe kwa katiba kwasababu ndizo ambazo zinaendeza maendeleo ya sehemu na ikiwa haziko kutakuwa hakuna maendeleo meengi kwasababu, cases zimeungana zinasaidiana zinasomesha watoto, hizo ziwewe nguvu, hata serikali nao itakuwa na nguvu.

Kile kingine ni kama vile member of parliament wanakaa. Parliament isipewe ya kujitetea mashahara yao. Iwekwe kwa Service Commission ndio wawe wakiwalipa kwa sababu hata wao wameiweka zaidi kushinda vile ilivyo.

Kile kingine ni habari ya rais kua amri jeshi. Anastahili kwasababu hakuna mtu anaweza kuiongoza bila kuwa na mwingine. Amri jeshi hata katika nchi zingine ambao zilianzia hii katiba, rais ndiye ako na mamlaka.

Kile kingine ni kufanya kazi kwa mjumbe. Awe na ofisi katika constituency yake na awe akifanya kazi full time, si part time. Awe akifanya kwa siku yote akitumikia watu wake. Akiwa hafanyi vizuri, wnanchi walalamike watoe yeye. Na kati ya kutoa yeye lazima kuwe, tusiwe kunaambia watu wanaandika malalamiko, kuwe na kamati katika constituency, ambao itakuwa ikishughulika na vile mjumbe anafanya sasa. Hata vile, vile kwa council, namna hiyo councillors, tuwe katika location na kamati ambayo itakuwa ikishughulika na vile anafanya kazi. Akiwa asili kabisa ni kuandika na kuleta.

Kile kingine ni bunge iwe ikikaa kwa miaka mitano, na ikimaliza hiyo, ifungwe, tuingie kwa uchaguzi. Hiyo ndiyo maoni yangu ambao nilikuwa nikitaka kutowa kwa Commission hi. Asante.

Com. Raiji: Asante sana bwana Nguku, mwingine ni Katundu Nzioka, halafu watafuatwa na munyao Muthoka.

Katundu Nzioka: Nineena Kikamba nyie. Kwe isitwa nitawa Katundu Nzioka na nikalanasya na ikundu kana myethya

Translator: Anaseme kwa jina anaitwa Katundu Nzioka, na yeye uishi pamoja na kikundi au hizi major groups.

Katundu Nzioka: na ila nina andu asu nithiwaa nainenga mavata kana mathina ma undu kutonya ithiwa kuilye.

Translator: Na kila wakati akiwa nao huwa wanampatia taabu za hicho kundi zao.

Katundu Nzioka: Munomuno kuu kui kisomo kwina thina mwingi wa kisomo na masukulu tui namo muno na syindu sya usomethya nasyo iikwo

Translator: Anasema sana, sana kikundi chao uangalia maslahi yao. Huwa na taabu ya masomo kwa sababu shule haziko, vitu vifaa haziko na mambo mengine ya kishule.

Katundu Nzioka: Kila kingi tiiwa tuinge uzazi kana kusyaa na nengi ven athina ungi twina eeitu kana asyai aingi na tene kikamba yila kwai eetu mayasyaia kwoo nimamanyikaa mesyaia kwoo niki? Na umunthi mesyaa syana ukethia ni mbingi na ina ithe

Translator: Anaseme kwa sasa Kenya yetu ya leo inasema watu wapange uzazi kulingana na watoto wale wanazaa, lakini ni ya ajabu, wasichana wanao zaliwa sasa, zamani hawakuwa wanazalia kwao, lakini sasa wanazalia kwao. Zamani walikuwa wanaangalia kwa nini wazae wakiwa kwao, lakini leo hawajui ni, nini?

Katundu Nzioka: na maina aamuume. Kau nutonya itano sya mwiiu na ina ithe. Syithiwa syiinengwa o musyai ula usayite uu mwiiu thina

Translator: Anasema kuwa kwa wale wanao zalia kwa unaweza ona musichana akiwa na watoto watano, ingawaje aliambiwa afanye uzazi, ameanza kuongezewa mizigo wakuwa na watoto watano wa msichana na hawana baba.

Katundu Nzioka: na tene mwiiu asyaa inwakulawa ivu ni yau akatavanya mwanake akoka mbaka akoka eelesya ivu ni yake akaea kana kau

Translator: Na zamani kidogo, (noise from the P.A) na zamani,

Interjection: Com. Yano: Endelea tu, tunasikia

Translator: Walikuwa wakizalia kwao anasimamiwa, mwenye mimba akishajua ni yake, m halafu ajue ni yeye responsible for that case.

Katundu Nzioka: Kuvika vau. Niasya ivinda yii ya Katiba nineena yiulu wa Musumbi kana President . President asakuwa ni andu na ethiwa nivatonyeka aile ikala miaka te ikumi na athukya maundu asyoka Katiba ndikamutunge kana ndakasakuwe ingi.

Translator: Anasema kuwa kwa wakati hiyo, ambapo tunaenda uchaguzi ama kila wakati bada miaka tano uwe tunachaguana, raisi angekuwa anachaguliwa na wananchi halafu baada miaka tano, kama hakuwafanyia viema atolewe, kama amewafanyia vyema achaguliwe mara ya pili.

Katundu Nzioka: nake o Muyumbe vile vile nota uu na nengi nundu andu ma nthi nimasyasya mungu niasya kethiwa ni vatonyeka vakethiwa kamati kana kamitii ya kusyisya Muyumbe woo undu unuthukuma na ethiwa nde uthukuma nesa kamati isu itonya uvanga.

Translator: Anauliza kwa upande wa mbunge, mbunge hata yeye vile, vile awe anachaguliwa kwa vikundi viwili, cha kwanza ni miaka mitano na cha pili pia, lakini kuwe na commission ambaye itakuwa ikichunguza mambo yake na kama hawezi atolewe na kama anaweza, iwapatie wenye nchi nafasi ya kuwafanya aendelee.

Katundu Nzioka: Kila kingi utawala mo muvaka twithiwe naw'o nundu kwina thina mwingi kwi andu ma kunywa vangi, alevi ma mithemba na nengi nundu wa silikali ithye twiwaa tuyiwa twieanie.

Translator: Kwa upande wda utawala tungefaa kuwa nayo kuanzia pande kwa naibu wa chief, chief na kwenda juu, kwa sababu mambo huku chini yameharibika, ni kwamba kuna madawa ya kulevia, kuna pombe na vinginevyo ambavyo ni lazima hawo watu waangalie vilivyo.

Interjction. Com. Raiji: Saa yako imeisha mzee, maliza maliza tu dakika moja.

Katundu Nzioka: Vala vangi ni yiulu wa Councillors. Ma-councillors namo nimalwe o kusiwa tou na nengi tusakuwa Councillor wiosiwe nesa nuu kana e vata na andu.

Translator: Anasema kwa upande wa councillor awe pia awe ni wa kuchagulwa lakina achunguzwe, vile ana umusiliano mazuri na watu ama ni muingiliano mbaya na watu.

Com. Raiji: Okay jiandikishe huko. Muingine nilikuwa nimentaja anaitwa Munyao Muthoka.

Munyao Muthoka: Kwa jina ni Munyao Muthoka, ninatoka Ngatwa sub-location Mweu location. Nina kuja kujaribu kurekebisha katiba, na nitaanza. Upande wa uchaguzi, ningependekeza miaka mitano rais, na hata mbunge.

Interjection. Com. Alice Yano- endelea

Mr. Munyao: Kwa upande mwingine, ningependelea tuwe na utawala kama vile ulivyo sasa. Upande wa maendeleo Kenya ama kugawa mali ya Kenya, ningependekeza mali ya Kenya ugawe sawa kila sehemu kwa maendeleo.

Upande mwingine ningependekeza maono, kama watoto wasichana na wafulana, wakizaana lakini watoto hawana shamba. Kwa hivyo, hapo ninge sema ingewekwa sheria, kuhusu watoto hawa. Maana yake wakati tunasema ukimwi iko hiyo inaonekana ni njia moja ya kuinga ukimwi. Kwa hivyo ingewekwa sheria kuhusu hawa watu. Kama kuna yeyote anapatikana na mtoto au na mtu muingiwe, anatupiwa na sheria hiyo.

Com. Raiji: Endelea.

Munyao: Na upande mwingine, tunasema hatuowi mabi mengi ama tunaowa bibi moja. Lakini tunaonekana tumeowa mabibi hata kumi kwa njia hiyo, hiyo tuna kanya. Hivyo iwekwe sheria hata kama, sita amua ni sheria gani lakini itachunguzwa, hata ikiwa ni ya kufinya mtu ama ni ya kufanya nini, hapo watengenezaji wa sheria wata jua.

Kwa upande mwingine, upande wa urafiki, tunaona maranyingi tunaweza kuwa na bibi, halafu baada kukaa naye na kuzaa hata watoto, tuna kodsns, na hapo ninasungumza bila kujali hata akiwa na watoto watatu, au ni wanne au ni moja. Hapo mimi ningependekeza serikali ama katiba ijayo, mtu kama huyu akifanya kitendo kama hicho amgawie huyo bibi maali yake. Hapo mimi ninasema amgawie sisemi amgawie aende nayo, hapana, watoto ni wa mzee, lakini amgawie na hata ampe mahali ya kujenga akae pale. Hatujali aende huko ama asiende, lakini awwe na kitu cha kumsaidia kuliko kumfukusa hovyoy bila kitu.

Interjection: Com. Raiji: Injine?

Munyao: Injine, ningependelea kusema habari ya kuni ichunguzwe. Kuni ikiwa ina utafiti kubwa, ipewe mikopo, iendelea na kazi, ni njia moja ya kumaliza umasikini. Tume ya Katiba mimi sina mengi, ni hayo tu.

Com. Raiji: Asante sana Mzee, tuko, mwingine ni Willis Kimeo, akifuatwa na Katama Kalii.

Willis Kimeo: Thank you Commissioner, my names are Willis Kimeo, I am a retired civil servant, but currently I work with the Electoral Commission. For my experience of work, Madam Commissioner, and Chair Commissioner, there are things I feel that my proposal are worthy. The presidential election should be separated from parliamentary and civic election. They are very expensive, they

Interjection: Com. Raiji: Nina fikiri ninaona tumechoka kidogo, tukimalize na huyu mzee, tutachukua break kidogo lakini kwanza tumalize halafu turudi tena.

Willis Kimeo: Wakati tunapiga kura tatu kwa wakati moja, kwanza seriali inatumia pesa nyingi sana. Pili hiyo kazi inakuwa ngumu kwa ma officials wana fanya. Kwa hivyo nine omba hii kiti cha president iwe inapigiwa kura wakati wake peke yake. Na tuwe na set calendars, set dates. In USA every four years, fourth of November, ua kuna election, na hiyo ua inajulika. I was proposing in Kenya tuwe na election ya president after five years, the first week of September. I have reasons, October, November December, ua kuna a lot of rains in Kenya. And these things have been a nightmare to Electoral Commission. in fact I think when you get to the official proposal for ECK, they will come up with the same thing.

The parliamentary and civic should follow a year later, exactly a year. Before I go out of that, in USA when they elect the president on 4th November, always the swearing in is the following year, January 29th. Here in Kenya, I propose after the election the first week of September, the handing over to the new coming president should be either Kenyatta day or possibly on the second week of October. Halafu similar thing to be done for the parliamentary and civic, the following year, exactly a year later.

Jambo lingine ni ile nimesema ya term ya president. I strongly propose that the presidential terms should be two terms of five years, and there should be no language used in between either because of reason or want. It should be two five-year term. The only thing that can remove the president could either court of law either through impeachment or death. Nothing else. Watu wakichagua president mbaya, tusiwe na mambo ya kutuletea tupige kura. Jambo lingine I would wish to suggest is that a president should be elected by 61 percent of total votes cast in the whole country. On top of that, 25 percent of over 50 percent of all provinces. What I mean is watu wengi wame kuwa wakisema five provinces. Are we going to stay with only five provinces throughout our lives? So fifty percent of the provinces of Kenya should have at least 25 percent imepigiwa, yule president amepigiwa. Anything short of that, there should be a run-off, between leading and the second candidates within 30 days, not 21 days. Twenty-one days is too short.

Ile kitukingine nilikuwa nikiuliza Commission itufanyie, all presidential appointees, they are very many bwana commissioner. They should be, like you people your appointments were approved, but it should not be, hii parliemat wana kuketu watu arubaini, halafu wale wako wanapiga kura wapitisha, it should be 50 percent. They should be approved and vetted by 50 percent of all sitting mps. When they are in the debate, for approval of presidential appointment it should be the entire number,

50 percent.

Interjection: Com. Raiji (inaudible)

Willis Kimeo: The other thing I was going to suggest is that I would propose that all elections in Kenya zile za cooperative, ya board of directors, hata za political parties, ziwe zikisimamiwa na Electoral Commission. you know this where we have shorter lines in winning. We shall have very clear winners, because in my opinion

Electoral Commission is a very open constitutional body. All elections should have a common constitutional requirement. Calendar zake, Kama kwa mfano, cooperative fulani, it should not have a different bi-laws. They should have common bi-laws; there should be elections on this time after this time. Kile kitu kingine bwana commissioner, kuna hii issue ya provincial administration, inaongewa sana, me I think it should be retained at all levels, but chiefs and assistant chiefs should be vetted, by the people they are going to represent. Some of these appointments have been to favour some power brokers. There is something which has been said especially by the school children. There should be a government policy, one-person one job. That one should be emphasized, and the other thing, which has been causing problems here, I am winding up, the other thing that is causing problems; all civil servants and public servants have been politicized. What I mean they seem to be politicians while they are civil servant's, and they should be very impartial and independent. The law should cater for that, so that if a civil servant like a D.O. makes a decision which is possible not popular with some powerful people, he should not be punished for that.

Finally, when this constitution which you are writing is passed I hope it will be a very good a very good constitution, it should not be amended at least for another ten to fifteen years, it should remain in hold for at least ten to fifteen years, and bwana Commissioner, I would to talk about these traditional cultures. Sheria za kitamaduni zipatiwe nafasi mzuri sana, kwanza kama wakamba kulikuwa na kitu kinaitwa kizito. Kizito kilikuwa hata kinaruhusiwa kwa koti. Mtu akinifanyia kitu, unajua kama mimi sina pesa, na wewe ukona pesa, na unaninyanganya because of your powers the way you can maneuver, mtu alikuwa anakuwa allowed, penda kupewa ruhusa atumie kizito. Ile kizito ilikuwa ya haku ya kutambua uhaki uko wapi. Ningeuliza iruhusiwa na katiba so that mtu akinikosea niruhusiwe kwenda kuitisha kizito. I am a very grateful commissioner.

Com. Raiji. Asante sana kwa hayo maoni, hasa kushusu election kwa sababu wewe unajua hii kazi ya election sana tutatia maanane na tutangoja ile memorandum. Hii ilikuwa maoni yako sii ya Commission?

Willis Kimeo: Yes, ni yangu.

Com. Raiji: Lakini tunangoja memorandum ya Electoral Commission. asante sana, jiandikishe. Kwa sasa tutachukua 30 minutes break. We will take a short break of 30 minutes, before you leave, let me tell you the people who are next on the line ili wasiende mbali sana, that is Katam kalii, Kisingu Makau, Stephen Musyoka, Danie Nzivo, Eliud Katiku, Stephenson Kativo,

John Mutua, na John Mutua, and Patrick Ngandi. Tutafuata utaratibu, lakini kwa sasa, we are taking a break kidogo, tutarudi hapa saa tisa na robo. Three fifteen, tafadhali. Take a short break, thank you.

Com. Raiji: Karibuni wananchi, tutaanza kikao cha alasiri na tutaanza na wale watu ninikuwa nimetaja kama wako. Tuko na Katama Kalii, karibu, tukona Kisingu Makao, okay sawa. Karibu mzee, Katama Kalii.

Katama Kalii: Isitwa yakwa nitawa Katama Kalii

Interjection: Com. Raiji: Interpreter ni wewe.

Translator: Jina langu ni Katama Kalii

Katama Kalii: Ninatunge pole kwa Tume ino ya Katiba

Tanslator: Ninawashukuru wakatiba wote.

Katama Kalii: Na ndyasa nthini wa Katiba niyaile kulilya nesa nundu ithiwa mundu nthini wa uthukumi ta President yila uthukumite nesa wiana uu ethiwa nuthukumite nesa niwaile kutungwa ingi vo.

Translator: Kama president anafanya kazi mzuri, anafaa arudishwe kiti tena.

Katama Kalii: Na ethiwa ni muyumbe wa Parliament twithiwa twasakui no uyithia ndathukumaa nesa na ndatethasya wia division yi tayali kumulea

Translator: Kama m.p. hafanyi kazi mzuri na amechaguliwa na wananchi, anafaa arudishwe tena achaguliwe na mwingine.

Katama Kalii: Ona Councillor nota uu nundu aingi Ma-councillor twamina kumanyuva na twamina kumosa minatia wia wol kuu makai kuthukuma kundu kungi na taituekea thina kuku

Tanslator: Na hivyo hivyo iwe, kama coucillors, wakikataa kufanya jukumu yao, wachaguliwe wengine, na hawa waachwe.

Katama Kalii: kila kingi ni uthukumi ula winbithawa wi wa silikali wa athukumi ma silikali. Niasya uthumi ula silikali wambie kuu nthi wambie musyi. Ukambia mutumia wa ndua ukoka Sub-chief uaki Chief indi kwambata yiulu ukai uvikia DC na PC. Uhtukumi uu ute vo silikali ndyona uthukumi museo.

Translator: Kama vile wafanyi kazi wa serikali kama D.C., D.O. chiefs and sub-chiefs, and the headmen, wawe wakiangaliwa sana kwa sababu wakiwa hawako, kazi haiwezi kuendelea vizuri.

Katama Kalii: kwou thina ula wi nthini wa ene nthi wina andu ala tunyuvaa nimo maetae thina ula mwingi muno.

Translator: Tabu ambayo iko kwa hizi inaletwa na watu wale wanao chaguliwa na wananchi.

Katama Kalii: Na andu asu nomo maendeo nthi nyingi mataendea nesa.

Translator: Hawa watu ndiyo wanapinga maendeleo kwa nchi.

Katama Kalii: na mamina kuvinga maemdeo nthini wa nthi nomo maendaa kuneena matie maananga kuu. Na ni maile kusevya kuuu mundu niwaile kusevya kwanza akasevya andu make aithi uneena uulu.

Translator: Kwa hivyo wabunge wanapaswa kuangalia watu wao kwanza badala kwenda kuzungumuza kwa bunge bure.

Katama kalii: Ona aingi nimatie misyi kuu ona ukakulya nadu angi noithiwa matesi Muyumbe woo nuu

Translator: Ana faa watu wawe wamemjua. Awe anarudi na kutembelea watu ili watu wana mjua sawasawa.

Interjection: Com. Raiji: Labda umulize, na tungetaka hata kuwajilsha wengine, tunge taka mapendekezo, proposals ya vile ungetaka sasa, na kuwe na matatizo na utueleza.

Translator: Uenda vethiwe vailye ata?

Katama Kalii. Nienda vethiwe vailye uu kati ka silikali ila yivo tuenda vethiwe Katiba kayo kekaseo na andu maisuviwa ni Katiba wise ithia Katiba kala kekwithiwa vo kethiwe ni kaseo.

Translator: Anasema katiba wanao sasa anataka iwe inatumikia wananchi.

Katama Kalii: Kila Kingi vethiwa thina muno nthini wa andu. Kundu kuu kwina mateso maingi na kindu kimwe kiitwa uki – kaluvu. Kaluvu nikanangite yiika yingi na nikatonya kuvunguzwa ukethia Katiba neyekia mwiao mumu muno.

Translator: Anasema karobo itiliwe mkazo wate hawatumii ovyo ovyo, kwa hivyo serikali inafaa katib a iangalie juu ya karobo, ama local beer.

Katam Kalii: Ethiwa nikukwendeka nesa kanenganwe masaa ti ngamukaa kwakya mundu akalika vo akesya inuka utuku aivuaa syana

Translator: Ikiwa inapatiwa ruhusa, iwe ikona wakati, sio kila saa kama asubuhi.

Katam Kalii: Na ngavika vu niasya ni useo kwa Tume ino ya Katiba

Com. Raiji – Jiandikishe hapo. Sasa tulisema mwingine ni Kisingu Makao, Kisingu Makao, Stephen Musyoka. You have five minutes, please try to summarize.

Stephen Musyoka: Asante kwa kuwa mbele ya hii Tume ya Marekebisho ya katiba ya Kenya. Maoni yangu ya kwanza kuhusu katiba, katiba ni ya mwananchi, na ni lazima wakati wowote katiba inarekebishwa, mwananchi ashirikishwe, yani maoni yake kwana ichukuliwe. Kama vile tunajua Kenya ni nchi ya kidemocrasia, ambavyo ni uongozi wa watu ambao itafanywa na watu, na inakubaliwa na watu. Kwa hivyo wananchi waambiwe sana wakati katiba ina geuzwa.

Kuhusu rais wa Kenya, rais asiwe na mamlaka juu ya sheria, yani asiwe above the law. Pili, president asikuwe mkuu wa serikali, na pia awe amri jeshi mkuu. Kwa vile kama mwana chama hangeweza kutekeleza haya yote kwa usawa. Kwa hivyo commander in chief of the armed forces, awe mtu ambaye akona elemu ya kivita na kimasomo. Awe na security council ambao watakuwa na mamlaka kwa mbunge. Kwa vile mbunge, ndiyo mwananchi wa kawaida kutoka (inaudible) na huo ikienda namna hiyo hatutakuwa na njia yoyote.

Upande wa education, ni lazima masomo ya msingi yawe free, na ni ya lazima.

Kuhusu mashamba, kama huku kwetu Yadhui ama Wamunyu, survey ilikuja huku zamani sana, wakati watu hawakujua vile watafanya, ama vile wanafanya. Utakuta watu wametolewa katika boma wakiwa watu kama kumi, na tunaakilisha mtu moja tupewe haka ka-title deed. Tumesikia sasa watu wengine wamenyanganya wengine mashamba kwa vile ndiyo wameandikishwa huko. Kwa hivyo sasakatiba lazima iangalie hayo mambo watu wasiende kunyanganya wale wengine. Kwa hivyo kwa haya machae, ninakoma hapo.

Com. Raiji: Okay, asante. Bwana Daniel Mvivo, yuko, Eliud Katiku, karibu.

Eliud Katiku: Kwa viongozi wa Tuume ya kukebisha katiba ya Kenya, jina langu ni Eliud katiku, wa..... location, kwa tala sub-location. Ingawa tunazungumuza mambo ya katiba na katiba ni ya nchi nzima ya Kenya ninge guzia kidogo juu ya mila ya wakamba. Tangu zamani, wakamba walikuwa, mkamba akiwuwa na mwingine kwaw bahati mbaya walikuwa wakitumia malipo ya ngombe. Ikiwa ni mwananamume na ni mtoto, kiasi cha ngombe ambacho alikuwa akilipwa, na yule aliyemuumiza, kupitia kesi inaitwa mambo kwa kikamba, ilikuwa ni ngombe kumi na mbili, mtoto. Akiwa mzee kidogo, ngombe tisa, wengine ngombe sita upto ufika tano. huyo ni mwanamume, wazee ngombe tano. akiwa ni mwanamke mtoto, alikuwa ngombe sita.

Na yule mzee sana ngombe tatu. Hiyo, ninge onelea kwa sababu watu ni sawa kwa mungu, na serikali, ningeomba wanawake na wanamume wawe wakilipwa sawasawa. Pia ningependeke wawe wakilipwa ngombe ishirini ikiwa ni terms of cows. Kwa hivyo sionelei tafauti iwe juu ya binadamu. Ningependekeza hayo.

Pia uridhi wa wakamba. Ikiwa mkamba ana wanawake wawili ama watatu, akifariki mali yake utagawanywa kw hawa wanawake hata ikiwa mwanamke ana mtoto moja wa kiume, na mwingine ana watoto watano ama kumi, mali igawanywe kwa hawa wanawake watatu, bila kufikiria mwanamke huyu ana watoto wanagapi. Kwa hivyo ninge onelea amali iwe ikigawanywa kwa kila mtoto sawa na yule mwingine.

Upande wa siasa. Tunaposikia wakati tunaposikiza leo katika bunge, mara nyingi tunasikia hakuna forum katika parliament, na ikiwa kulikuwa wanazungumza mambo ya maana, hiyo itapita kwa sababu wabunge hawako katika nyumba. Kwa hivyo ninge uliza katiba ya Kenya iweke mkazo wanabunge wao wakihudhuria, vikawa vizuri. Wasitumie mali ya uma bila kufanyia kazi. Pia hivi karibuni miaka miwili mitatu ulio pita, tulisikia, na tuka shuhudia kwamba vijana wengi wameondolea kazini, kwa serikali, kwa sababu hakuna pesa, na wabunge wanajibandika mshahara kubwa. Kwa hivyo hiyo ni hasara kubwa kwa sababu hawa vijana wanaondolea wengine wao wana watoto shule, na watoto wanatabiika, na mtu moja awe ana funga pesa, kama nusu milioni na vibaya sana na mwingine atolwe kazini na mshaharfa y miezi sita tano na kwahivyo ninge onelea mshahara ya wabunge uwe na kamiti ya kuchungua, sio wao wajibandika pesa wanatka. Vile vile, tunafahamu ya kwamba, mtu ambaye anafanya kazi nzuri, tuseme dactari, ingeer na viongozi vingine wanatetea shule. Hiyo ni kazi ya waalimu. Waalimu wafaa wafikiwiwe kwa sababu wanafanya kazi nzuri sana. Kwa hivyo ninge pendelea katiba ifikirie mshahara ya waalimu. Kwa hayo machache asanteni.

Com. Raiji. Asante sana: Stevenson katitu, tafadhali ukimaliza kutoa maoni ujiandikishe upande hiyo. Stephone katitu hayuko. John Mutua, karibu. Ni Mutiso, sorry.

John Mutiso: Kwa majina ninaitwa John T. Mutiso, ninawakilisha vikundi inaitwa Ume wa Muthoka Self Help Group. Ningeomba kidogo kwa sababu ninawakilisha watu wengi uniongese dakika moja isiwe tano iwe sita.

Com. Raiji: Moja umepokea.

John Mutiso: asante, thank you so much. Kikundi chetu kimeonelea kwamba katika katiba ya Kenya kwa vile haina mwanzo vizuri, iwe na mwanzo mabao umetangulikana kikatiba, na wakapendekeza kwamba katiba ianze pale wananchi walipo anza kuitisha uhuru. Kwa sababu walipigania uhuru kukawa na watu wengi wali kufa, akapotesha maisha yao, kukawa na chana inaitwa Mau mau. Wakapendekeza hicho chama iwe registered katika katiba ni kitanguliwe katika katiba ya Kenya.

Ya pili kile mtu awe chini ya katiba hata kama ni nani, kusiwe na maoni kwamba huyu hayuko chini ya katibe na huyu yuko maali pengine. Kila mtu tumchague kiti na wananchi apwe heshima na katiba, na katiba ya Kenya iwe ime tambua wajibu wa wananchi. Katiba isiwe ikitengenezwa na bunge pekeyake. Badala ya bunge, iwe ikitengenezwa na time kama hii iliyo nayo sasa, na hata wananchi. Mbunge wasiwe waki badilisha katiba ikiwezekana. Katiba inaweza kubadilishwa wakati wowote, ikiwa inahitajika kwa hivyo. Wakati wa kubadilisha katiba, tume ilete katiba vile vile kwa wananchi kama vile ilivyo sasa. Tukiwe na tafauti kwakuwa mwananchi kuwe na yule, maana yake inamaanisha kwamba, kuna watoto wetu uwa wana endea kuowa non-citizens, na wakifika kwa mpaka kama huu, anapokonywa mtoto, anaambiwa huyu citizen, anarudishwa kule kwao.

Kikundi chetu kimeonelea, mtu amezaliwa na mwana Kenya ni mwana Kenya kamili. Kikundi kimeonelea kwamba amri jeshi mkuu awe ni rais kwa nchi, kwa sababu yeye ndiyo anaweza kuamua vita iwe ama isiwe. Askari wa jeshi awe chini ya sheria kama mwananchi wa kawaida. Kwa sababu wakiwa na koosa kama hapa kuchukuliwa anakwenda kufanyiwa case katika ofisi zao, na huko sisi hatujui kama ame uuliwa ama amesamehewa. Lakini tunauliza katiba waweke wale watu kama mwananchi wa kawaida.

Kikundi chetu kimeonelea vyama vya siasa zi si zidi vyama vitatu, kwa sababu vikiwa vingi, vina confuse akili za wananchi na tuta kuwa watu ambaye hawakuweza kuunga raia. Vyama ya siasa vikiwa viwili ni safi. Lakini kile chama kitatufe pesa za kufanya campaign, isiwe paid na pesa ya wananchi. Mbunge ana stahili kuwa kazini wakati wowote. Asiewe kazini kwenda kupiga report kwa bunge na kuaandika kwa kitabu halau anaondoka. Kuwe na uwozo mbunge akikosa tumtoe mbungeni sisi wananchi, kwa njia ya kuchagua tume ya constituency na hiyo tume itakuwa inapendekeza na amri yao. Mbunge awe na umri wa miaka 19, asiwe chine ya hapo na kwenda juu, ni akiwa ni rais awe na miaka arubaini na kwenda juu.

Interjection: Com. Raiji- you have one mininute.

John Mutiso: Sisi kupendekeza, kuwe na mbunge maalum katika serikali, lakini inachaguliwa na kile chama kinacho tengeneza serikali. Kuhusu wabunge, bunge wasiwe wanaweza mshahara kama vile walivyo fanya juzi, hakuna maajiri anaweza kujiongezea mshahara yeye mwenyewe. Muajiri uongezwa mshahara na tajiri wake , na sisi ndiyo tajiri. Ikiwezekana tuwe na tume ya kutuengeneza mshahara. Koti tuwe na koti mbili katika Kenya. Sasa koti ni moja tu ya Kenya, maana siku hizi kuna courts zina itwa third courts ambaye iliregistered katika katiba ile ilioko. Lakini courts kadhi inatumiwa kabila moja tu peke yake. Kwa hivyo courts iwe ni

Katiba ikitengezwa, tunaomba iwe imeandikishwa na lugha mbili kiingereza na kiswahili, na wakati wa kumaliza tayari, turudishiwe tena sisi nasi kama vile mlivyo kuja ilimconfirm ville tulivyo sema kama ni hivyo.

Karobo, hii pombe ya kienyeji, ipewe masaa ya kutumia, na ikiwa inapeana hiyo karobo kutumia isiwe inapigwa kule vijijini, lakini ipewe license saa ambayo na ile inaweza kuendcelea. Za mwisho kamisha maana nimegongewa, chairman wa county council awe akichaguliwa na wananchi lakini sio macouncillors. Katiba ikimalizika hata kama inamakosa, isi tengezwe na

mbunge, irudishwe kwa wananchi. Thank you very much.

Com. Raiji - Asante sana, Patrick Ngandi, akiwa na kundi chake, Patrick hayuko. Sasa tutawaita hawa watoto kutoka Mulu Secondary School, George Mumanzi. How many of you are presenting? Can you organize because we have a long list, if you could organize one to present on behalf of the rest, because we don't have enough time for all of you, we give you two minutes each? Okay.

George Mumanzu: I am George Mumanzi from Mulu secondary school presenting views on the executive on behalf of my fellow students. I will my view on the executive. The constitution should specify qualifications for presidential candidates. The qualifications should be, must be married, the age should be reduced to thirty years, but should not exceed 60 years of age. Should have a degree in a recognized university. The constitution should limit the powers of the president so that he is not like a legal dictator. The president should not have powers over the parliament, for example the presidential access should be done by the judge of the high court. The president should not be a member o the parliament; in other words, there should be a bi-election in the president constituency after he is declared a winner.

The provincial administration should be retained but if the provincial commissioners by the parliament but not the president. There should be a law that would force any parliamentary passed bills to be signed by the president. Thank you.

Com Raiji – Miriam Kioko, same group, after Miriam tutakuwa na joseph Mutie, na Catherine Mutuku.

Mirima Kioko: I am Miriam Kioko from Mulu secondary school. I will begin my views with the legislature. The parliament should unlimited powers to consult some procedures through..... A member of to be the first time occupation. Point three, parliament made to have requirement for contesting parliamentary, that should be 25 years, and presidency seat should be thirty years. Nobody should be made to the language test for parliamentary elections for they are sufficient. There should be a committee to set examine the members. The salaries of the mps should be determined by the Public Service Commission.

Saba. Systems of government. We should retain the presidential system of government.

Political parties. Political parties should.....Sita; the number of political parties should be limited to two. Sita, The political should not be financed by the public funds. There should be no close relationships between the political parties and the state. We find some lack of security. The president should b the commander in chief of the armed forces. Executive should have exclusive powers to declare, because if we have it for the president, yet in this case he is the law, and he might not with the executive body.

Com. Raiji - Asante Miriam. Nilimuita Joseph Mutie, Catherine Mutuku ata kuja.

Joseph Mutie: Thank you, I am Joseph Mutie, on behalf of Mulu secondary school students.

Interjection – Com. Raiji – just wait there, you are next.

Joseph Mutie – I am talking the basic rights. The death sentence should be abolished since there is right to life. The constitution should provide protection security, health care, and free education to all basic rights for all Kenyans. Three, there should be a free and compulsory education especially for primary schools. Kenyans must be informed about the possession of the state or any other agencies or organs of the states. The constituitions should guarantee all workers the rights to trade unions and representations.

The rights of vulnerable groups, women's interest should be guaranteed I the present constitution. The current constitution is trying to obey the interest of lthe disabled, for example, it is providing schools for the blind

The constitution should reflect those who are incapacitated in the country.

The constitution should guarantee protection of the street children and the poor, in the country.

Under the electoral system process, we shojd still continue with the current representative electoral system. The students feel that whoever has majority votes should be declared the winner. There should be no specific percentage that a ward constituencies and presidential candidates in order to be declared the winner

d. The last one, candidates who fail to be nominated in one party should be allowed to seek nomination from other parties.

Thank you.

Com. Raiji- Asante sana, Catherine Mutku, you are next.

Catherine Mutuku: I am Catherine Mutuku, from Mulu secondary school, representing constitution review for my colleague students.

Under suspension and transfer of power – President should resign of executive during the presidential elections. The election results of the president should be declared through mass media live, through radio. Incoming president should assume the office as soon as the election results are out. Incoming president should be sworn in by the Chief Justice, attorney General and the East African judges. The instrument of powers should be transferred to incoming president immediately after he is sworn in to the office.

Lands and property rights – land should be owned by individuals but not the government. The government should have powers to occupy a person's private land the purpose, on condition it will resettle the owner of the land somewhere else.

Women and men should have equal access of land that is the sons and daughters should have equal portion of land from their parents. Women should have a right to own land anywhere in the country without restriction.

Com. Raiji – Asante sana Catherine, Mr. Samuel Ngugi.

Samuel Ngugi- the Commissioners, distinguished guest, ladies and gentlemen, I wish to present the views on behalf of Mulu secondary school teachers. The first view is on the executive;

1. The president should be accountable to his deeds, that is he should not be above the law
2. The ministers should not be appointed by the president, instead there should be a parliamentary committee responsible for vetting the appointment of the ministers with good credentials. Ministers should be appointed from all parties, in other words, they advocate for coalition government. There should be exchange of government powers. A prime minister is needed to share the powers with the president, and both of them, both the president and prime minister should be elected by the people.

Then the other item is the judiciary. Judiciary should be independent from the executive arm of the government to avoid being manipulated by the president and the other executive members of the government.

The other item is on the Legislature. The parliament should have powers to remove the president if he messes up with the affairs of the country. Secondly, appointment to higher offices must be vetted by the parliament. for example appointments of the directors in the ministry and the permanent secretaries. Being an mp should be a full time job. For example, lawyers and doctors who become mps, should be barred fro practicing.

The other item is civil service, there should be one commission to employ and determine terms of services and salaries of the civil servants and the teachers. Salaries should be reviewed after every three years to avoid things like teachers calling for strike or civil servants calling for strife.

Then the other items, the provincial administration, that is PCs, DCs and DOs should be elected by the people and the election should be held after every three year. Then the government officers who should b e eliminated from the towns and municipal councils, unless the elected mayors and councilors, run the towns, cities. Inn other words the towns and municipal councils should not be run by the ministry of local government. Instead the councillors and mayors should be given autonomy. Due to the problem of unemployment, graduates who do not get employment should be given loans to start businesses.

There is another issue on land and property on land. It is important to review land reforms in areas such as re-distribution, tenure reforms, land utilization, taking into account regional and local factures.

I have my personal view, and this is about changaa dealers. I propose that those people who sell or make changaa or any other alcoholic drinks, should be given more severe punishment than what is provided in the current constitution. I will give an

example of the area where I come from in Thika district. There is a lot of changaa brewing. Those people do not stop because when they are arrested they are just given very light punishment; they are fined two thousand or ten thousand. Then after very few days they resume the brewing of changaa because the punishment is not enough to make them stop. Those are my humble submission, thank you very much.

Com. Raiji. – I thin I may need a clarification here. Bwana Ngugi you are a teacher?

Mr. Ngugi; I am a teacher yes.

Com. Raiji – Yes one of the issues that people are talking about is system of education. I have had no views from you regarding that. Do you have any views regarding whether or not we need any reforms or changes, to the system of education?

Mr. Ngugi: I only give my personal view as far as that is concerned. I feel that there is no much problem in the current 8,4,4 system only that the government has not been able to establish the system according to the original plans. For example, you find that in primary schools, there are workshops, yes the structures are there but there is nothing in the workshop, nothing is being used there, so that technical education is not provided because the initial purpose of lthe 8,4,4 was to provide the basic skills which can make students become self reliance after school. I think the government should intensify the system, provide more facilities and also in-service, teachers who are serving and also provide more services like computers in both primary and secondary schools.

Com. Raiji – we agree on that, so thank you very much, you can register you r memorandum over there. I thin the last student we now have is Amina Ramadhan from Tone Mbee secondary school

Amina Ramadhan: I am Amina Ramadhan from Tuone Mbee Secondary school, and I and here to present some views on the constitution. First I will start with the constitution supremacy.

The current constitution allows parliament to amend any part of the constitution by a 65 percent majority vote. This procedure should be replaced by national referendum where by citizens participate in a vote of yes r no, and will be empowered to make their own decisions instead of having 210 mps debating on national issue which concerns a population of more that 30 million people. Any part of the constitution should go beyond the amending bill after referendum. The referendum should be conducted by citizens.

My second issue is citizenship. Automatic citizenship should be for the ones who are born, and citizenship should also be acquired by registration or naturalization. A child born of one Kenyan parent regardless of gender should be entitled to automatic citizenship, or may be held for registration.

My third issue is basic rights. The constitution guarantees the death penalty for a murderer. This should be replaced by life imprisonment since a number of murderers can change, and one can live his or her life. The constitution should also provide the following: security, it should be given to all citizens, regardless of their race, religion background and class.

On girls, girls should be given special treatment to protect them against rapping, battering special exploitation, forced marriages, and FGM. Equality of both a boy and a girl in cases of pregnancy at school in that if a girl is sent home, a boy should go too.

Health care – health care facilities should be given equally to all citizens regardless of colour creed tribe religion, political background. The government should provide freely without charging its citizens, because the cost can be met by the taxpayers money.

Water – government should provide clean piped water for its citizens, this will also eaten the burden of children going to fetch water for along distance which will also affect their studies.

Education. Basic education, secondary and college education should be give freely to all students because we have so many orphans, jobless parents, and also job opportunities are hard to get, unless you give kitu kidogo.

Shelter, governments should provide to their citizens shelter incase of tribal clashes, disasters and also at time s of land selling.

Food – equal distribution of food should be given by government at times of famine.

Employment – at least for equal distribution the government should make sure that in every home there is one employed person to cater for the rest of the family to make a healthy nation. Thank you.

Com. Raiji: Asante sana, Daniel Mutinda, ata fuatwa na Musembi Jonathan, na Kiilu Sebastian. Five minutes Daniel.

Daniel Mutinda: I am Daniel Mutinda, from Kibaoni. People know they have been given things by God to serve ourselves firsts, serve our families and therefore, serve the community at large. Wee should therefore, reason. First I will talk about the basic humans rights.

Education, the system of education so far has proved to be poor, simply because for instance, what somebody has talked about providing very limited facilities. The constitution should put inconsideration that education in primary school should be free, and also reduce the school fees both in secondary and may be chancery education like university and colleges.

Let me talk also about the powers of the president. The president in my view should not be above the law. Also he should not appoint government officials like ministers and PCs and even D.Cs. Those should be appointed by the people themselves through voting or whatever appropriate means they can use. There should also be coalition government, where by the ruling government provide their own ministers and also the opposition parties be given a chance to provide theirs. The new constitution should be reasoning at distributing human resources countrywide. You go to some parts of the country, you find that they are fully developed, while others like here electricity, water, roads are very poor.

Interjection: Com. Raiji. Daniel I there are others who have not presented. It would help us if you will actually; give us the specific recommendations or proposals that you want us to put in the constitution instead of giving us the background and all that. What is all that is, we want this and we want this, because that is really what we are looking for.

Daniel Mutinda: Okay, we want electricity and water to be provided in all parts of the country. The government should also employ people who are specialists in certain fields. It should be mindful of we have talked of where the government is creating new job opportunities yet it is retrenching people. Now the question is, where shall we end, if they are retrenching people instead of creating new jobs? That is enough.

Com. Raiji: thank you very much. The next one is Musembi Jonathan.

Musembi Jonathan: Thank you very much, yangu ni pendekezo. Jina ni Jonathan Kasinda Katuku.

Com Raiji: Wewe ndiyo Jonathan Musembi?

Mr. Musembi: Ndiyo hio. Maoni yangu ni juu ya assistant chiefs, chiefs, administration. Assistants, chiefs, chiefs na wazee wa kijiji. Pendekezo langu ni hawa watu tuwachague kama wabunge, ama ma councillors, kwa sabu tukiwachagua, watatufanyia kazi yetu mzuri, kwa sababu watajua hawatarudi. Hiyo ni pendekezo langu la kwanza.

La pili ni masomo katika primary schools, iwe free kabisa kwa sababu kuna watu hawana nguvu na watoto wao wanaweza soma lakini wanamaliziwa huko chini. kwa hivyo, education on primary schools to be free. Ile ingine ni vile hawa watoto wetu wakisoma, wanasoma, wanapita mtihani, na wakipita hio mtihani wanakuja kukaa na sisi huko nyumbani. Pendekezo langu ni, hawa watu watatufutiwe njia ile wanaweza kufanya wakitoka shule, sio kukaa nyumbani.

Pendekezo ile ingine yangu ni ya president. President should not be above the law. He should be below the law. Awe kama hawa watu wengine kwa sababu ni mtu wa kuchaguliwa. Hiyo ndiyo pendekezo langu. Nina fika hapo.

Com. Raiji: Kiilu Sebastian, Duncan Waki, Duncan aliongea? Teresia Katitu, Jeremia Musyoka, Julius Maluki.

Julius Maluki: Thank you very much the constitutional review of Kenya and those who are here. Mine, ama langu ni pendekezo tafauti tafauti, sina mingine, nitatumia hiyo muda haraka. Kwanza nita anza na uchaguzi. Mps should be educated including the president, that is, there should be education level, and I feel that they should be form four and above, people of good quality leadership, good intentions, high integrity, competent in works and capability. They should have those qualities in their capacity, and the mps should be full time workers, and they should represent divisions, that is, their constituency should have at least one division. Coucillors also should be form four and above. They should represent, these wards should constitute of one location but not merger. The mayors and the chairman of the county councils should be elected directly by the wananchi. About the duration in parliament, it should be that five years, but the president himself, if possible, should have at least, if he is capable and a worthwhile person, he cannot exceed 75 years and more than four terms of five years. That is my view.

Also presidential powers should be retained because nobody, those who will be the president, but if the powers are there that means there will be solidarity government that is very well.

About the provincial administration, that one should remain and a code of regulations that they should work on. They should also be answerable to a certain body, public or civil servants, and be free from any political influence, so that they may implement the government policies and see on the work for the common wananchi. So he is the link between mwananchi and the government. The chiefs authority should be enforced because most of the times people are negligent and althey ignore most of the things.

About education, there should be free and compulsory education for primary leve., and the secondary level I think if grants are not available, they should be given food, that is if they will be given free food and other necessary facilities, the government should lower the fees for secondary schools and also there should be free medical care for all.

The fourth and the last, I say no the side of job opportunities, gender equity or equality should be re-enforced. But when it comes on the side of domestic issues, that man should be the head of the family, and the points that I could say that for the type of marriage, men are the one who go for women to ask for marriage, but since the world is changing, you may find that a woman needs to be married and the constitution or according to the custom, no woman goes for a man, but if the constitution can make that provision that women if she is ready for marriage, she can approach man for marriage, if that provision is given, it would even assist the women of getting a husband. Most of them, they meet somewhere where they cannot afford men. That is all what I have. Thank you very much.

Com. Raiji: the next one is Nelson Mutinda Kiseli. Uko na dakika tano.

Nelson Mutinda Kiseli: Mimi ninaitwa Nelson Mutinda Kiseli. Mimi ninashukuru Mwenyeshi Mungu kwa kuwatoa Nairobi mpaka hapa ili muweze kuja kusikia sisi. Maoni yangu ninaanza kwa uchaguzi. Uchaguzi wa councillors uwe, hata kama councilor anajua kusoma na kuandika, lakini siwe awe form four, maanake mnaweza kuwacha mtu mzuri anajua kuongoza watu, tukitaka masomo.

Interjection: Com. Raiji. Unapendekeza ama?

Nelson Mutinda: Nina pendekeza, awe kama anajua kuandika na maanake anaweza kuwa kiongozi mzuri. Upande wa mayor achaguliwe na wananchi. Nina ingia kwa upande wa rais. Rais asiwe na uwezo sana, uwezo wa kawaida tu. Waziri wachaguliwe na wabunge, wasichaguliwe na rais ndiyo wafanye kazi vile intatakikana. Kuna watu wengine unaweza kuonelea wanaweza kuwa hawako kazini pale, kama DC, anaweza kuwa.... Huyu PC kazi yake sijui ni nini. Anaweza kuwa DC badala ya PC, na badala ya sub-chief, abaki chief, na walae wazee walikuwa wanalia kwamba wanataka mshahara sasa, wawe wanapelekea chief vile imetendeka. Hiyo ndiyo ninaonelea kama serikali inaweza kuwa nzuri.

Kwa upande mwingine, vile sasa, Kenya igawanywe kila upande, yaani Kenya yote, sio iende upande moja. Upande mwingine, ninaona Katibu mkuu achaguliwe na wabunge, badala ya rais Moi. Hapo ninaona serikali itakuwa nzuri.

Kwa upande wa hospitali, ninaona hawa mawaziri hawatembezi kama zamani. Wakichaguliwa na wabunge, watakuwa wanatembea kama ni hospitali, utakuwa ukisikia ameenda hospitali kuangalia ni nini iko, utaona akienda kama ni wizara ya elimu, kutakuwa ikisia ameingia shule gani anaangalia kama shule anafanya vizuri, lakina siku hizi hawafanyi namna hiyo, lakini akichaguliwa na wabunge hiyo pendekezo yangu itakuwa sawa, kama wabunge wakiwachagua.

Maoni yangu ninaona yatakomea hapo. Kwa upande wa wabunge, wabunge wanaweza kuchaguliwa form four, kama anaweza kuangalia wananchi. Sio lazima degree ni watoto wadogo, hawawezi hiyo kazi. Kwa upande mwingi, ninona kwa upande wa

Interjection: Com. Raiji: Saa ime

Nelson Mutinda: Hiyo nitasema halafu nita ondoka, kwa upande wa mabi, bib asipewe uwezo mkubwa sana kama vile watu wanasema. Bibi ametolewa ubafu moja na mwanamume, na akipewa uwezo, hiyo itakuwa maneno ingine, watu wengine hawatakuwa na mabibi.

Com. Raiji: Sasa tutasikia maoni ya akina mama, Phibiana Kasyawa, yuko. Ameondoka. Hutu mama amekaa hapa, iko mama angetaka kuzungumza? Wewe? Karibu. Na wale wengine wametoroka, kama kuna wako karibu, tafadhali wakujee, nitawapatia nafasi.

Anastasia Lombi: Jina langu ni Anastasia Lombi, kutoka upande wa Mwala Kadhama location. Ninataka kuongea juu ya the new constitution on the side of the pre-amble. For the preamble I would wish that we have the women who fought for independence also recognized. We have heard the men all the time talked about, but not women who were very good CIDs those days. Hata kazi yetu ilikuwa ni kupikia watoto ama familia that is also participation, so they should also be included in the new, preamble. Also those women who have been participating in the second liberalization or in politics, they should also be recognized. In the new constitution, my suggestion is that In future we should have a 50 [percent representation of women at all levels. Now in the new constitution also, should be written in simple and very clear language. If you have managed to have the Bible written inn our mother tongues so many of them we should also have the new constitution translated into all the local languages of all Kenyans.

Street children and destitute should be considered under the vulnerable groups. The disabled should be represented at all levels starting from the grass root level.

On the side of the judiciary the state should hire a lawyer for those who cannot afford one, that is lthe poor the disabled, and the helpless. Cases take too long before judgment is passed. Criminal cases may be a maximum of three months, while the investigation is going on, other cases, a month or so. Children's bill to be implemented to the letter and as soon as possible.

I also have something for employment. We hear whenever these people who are qualified, they have good certificates, when they go looking f a job they are told we need some one with an experience which cannot be got from tar-macking. I would suggest that every institution that can offer employment should have provision where by the newly qualified can be on probation in the same institution on for sometime before still on half pay, to keep them going, after which may be they should also get a certificate for experience. That is my last point, about employment. Thank you that is all I have for now, I don't want to repeat myself.

Com. Raiji: are you suggesting that the employers should be barred from requiring experienced people?

Anastasia Lombi: No, not so, but when we have more people who are qualified, so you have been at training, you have come out to a really changed custome. You go to an office, you are told we need somebody with an experience. So I was suggesting that if such institutions whould have provisions for upholding them those without an experience, and are training for some time, may be on half pay, to keep them going, after which they give a certificate of experience. That will make them feel better and look better also. Thank you.

Com. Raiji. Than you very much, that is a very good suggestion. James Munguti, Elija Kiilu, David Makosi, I think those who have not given view, for I can see you are few, lift up you hands and come and tell us your names. We will give to all of you. You can all come and sit in front here so that we can...

Daniel Mutuku: Kwa majina ninaitwa Daniel Mutuku.

Com. Raiji. – Unaitwa Daniel Mutuku? Okay endelea.

Daniel Mutuku: Sasa maoni yangu ile ninataka kutoa ni masikini tukona tabu sana. Ukiwa na kesi, huwezi kujilipia, na hauna. Ya kwanza, hauna chochote cha kutowa. Kama unauliza mtajiri, hawazi...

Com: Alice Yano. Toa pendekezo.

Daniel Mutuku: Pendekezo langu, mtu kama amefanya makosa, awe ni masikini, ashtakiwe. Mtajiri anaweza kuiba mamilioni ya pesa lakini anawachiliwa na dhamana lakini, masikini angepigwa hawezi kulipa. Lamwisho ninataka mahakama ilipie watu wote. Asante.

Richard Musau: My name is Richard Musau. My first view is concerning education and I was saying this that primary school teachers should be transferred to different areas of the country but most of them are being posted in the areas of their rural hoes. About the inspectors of schools, the school inspectors should seek and enquire register attendances of schools by the teachers, and also to both primary and secondary schools.

About health – cost sharing has to be thrown down since most of the patients in the local dispensaries are paying almost everyday, since the government promised to cost share the amount to the bills. Duty bills should be legalized, that is license.

About the government and the people governed. Presidential vehicles should be reduced to about 50 percent because you find that when the president is moving to different part of the country there is this clause of so many vehicle on the roads and then they are disturbing the transport of other vehicles, whereby only some few cars to be seen and not so long on the line.

Kenyan laws to be written and in very simple languages that this is written to the citizens that we may know our rights, since most of the askaris are, will just arrest you because you don't know your rights, but if had the book of the laws, you will simply know what you are not entitled to do. That is also, you are going to give us leaflets, where like in eastern province, they are doing a lot of less, than what they are supposed to do. If we are going to allow defected vehicles, they are going to make accidents as they pass through traffic officers.

Intgerjection. Com. Raiji. Unataka tuwafanyie nini?

Richard Musau: They should be strict and they should not allow any vehicle with any of the roads problems. Voting should

be done separately. The presidential seat and the parliamentary seats and the civil seats should be done separate days of the same month or the same week. Chiefs and assistants should be elected by the people and they should come from the areas of their own location. Dual citizenship should not be abolished since it brings new economical benefits, and social organizations.

Interjection: Com Raiji. You have one minute.

Richard Musau: abortion should also be abolished. A person to be as a citizen of Kenya should have an ID card, or a school ID card, birth certificate, school leaving certificate, or a Kenyan passport, to make him a citizen of Kenya. Thank you, that is my views.

Ciom. Raiji: thank you Richard. Next. That lady wants to make her presentation, okay.

Peter Nzioka: My name is Peter Nzioka, coucillor. I have a few points to put across for the review commission. Number one, I think the constitution should have a preamble this time. Constitution should be changed by the public through a referendum, to be voted by 65 percent in parliament.

Political parties, this must be funded from the public funds. The parties to be funded should be a countrywide party, but not one of the syndicate groupings.

Government system, we should retain the parliamentary system. Power should be shared between the president and the prime Minster.

Legislature, parliament should appoint public service officers, and in endorsed by the president. Nominated mps and councillors should be from the disabled, and under-privileged people. President should not have powers to dissolve the parliament. Elections should be separated, that is president must be voted first and then the others later.

Executive. President should not be a member of parliament. He should be elected after every five years, and for two terms. Local government- mayors and the chairmen should be elected directly by the people. Councillors should at least be form four leaves. Councillors should be paid from consolidated funds, and the councils should be made autonomous. Electoral commissioners should lawyers by profession. They should be appointed by parliament, and endorsed by the president.

Basic human rights – education and medicine should be made free in all government institution. Kenyans should be taxed a little more to fund these essential things. All basic rights also should be observed rightly.

Provincial administration, this should be abolished and their place to be take by the elected councillors, and mps. Police force

should be increased and be trained well and be paid well to handle the crime. They should also be well trained.

Lands and resources should be under the custodian of the county council. The constitution also should take care of agriculture, which is the backbone of this country. Now Kenya poor that it was in 1963 due to poor quality on agriculture. Jobs, they should be given by merit, by not by who knows who. A person should be appointed a job he is trained for. One person, one job should be adopted. Harambee should be minimized especially those for building schools and others because the government should fund development instead of giving wananchi to fund them through harambees.

Finally Kenyans should go for polls under new constitution. Thank you very much.

Com. Raiji. Thank you councilor; because you have been here for a long, long time.

Frederick Mutua Ngunzi. My names are Frederick Mutua Ngosi. At least remember. I will start straight with a preamble and say there is need for a preamble in our constitution. The preamble should set out values and aspiration of the Kenyan people. of the state, which should appear in additon to the preamble. I will also talk on the constitutional supremacy. The current constitution that allows parliament to amend the constitution by a 65 majority rule should be amended to allow parliament to amend any part of the constitution of the vote of nine tenth of all the members of the house.

Also in the bill of rights, the right to stand for or vote in elections for the presidency or for the national assembly should be included in the bill of rights. Most rights in the present constitution are given in one hand and taken away in the other by too many limitations. The new constitution should give citizens full rights so that the movement cannot justify disturbing from the protection of these rights. Other human rights have been violated by the government of individuals. The new constitution should try to make improvement in the competent and the independence of the judiciary. The state should also be published to provide a lawyer to poor and. Persons where the death penalty may be involved. This will access all accused persons to the rights to fair trial.

Some customary laws disadvantage girls and women, because of their exception to equality rights. The new constitution should balance cultural land gender rights, by allowing incorporation of cultural and customary values, which are consistence with fundamental rights and freedom, and in the constitution in absence of Kenyan rights.

To propose and enforce rights, the new constitution should create bodies like the ombudsman, or the human rights commission where members can complain. All Kenyan children should have the right to all educational opportunities and facilities, and the constitution should provide that basic that basic education be free, compulsory and available to all. Two, secondary be made generally available and acceptable to all by progressive introduction of free education.

The elderly should have the right to economic security, and the provision of housing. By this I want to mean that the Kenyan government has plenty of resources and it can afford to pay the elderly some pension at the end of the month, whether they worked with the government or not. They should also be provided with housing facilities.

On citizenship, spouses of Kenyan citizens regardless of gender should be entitled to automatic citizenship. Quickly I want on systems of government.

Interjection Com. Raiji. I think you have exhausted your time, just highlight the main issues because we have run out of your time.

Frederick Ngunzi: Kenya should adopt the highbred system, in which the executive authority is shared between the president and the prime minister. And the president be elected directly, by universal suffrage. The constitution should restrict the powers government prorogue or stop parliament. The legislature should regain the power to pass a vote of no confidence in the government. The powers to appoint judges, senior public servants, ambassadors, members of public authorities be vested in the national assembly and the president need not be a member of parliament.

Vacation: if the term of office of the president comes to an end due to death or after election, election to fill the vacancy should be held at the earliest opportunity. During this period, I suggest that the speaker should act as the president to oversee the election and the subsequent takeover. The speaker should not be an aspirant to the president himself. If the term of office of the president comes to an end due to retirement, the constitution should require the government to vacate office and the dissolution of parliament, and for a interim must be in session headed by the speaker of the just concluded parliament to take responsibility of government and conduct the election.

Lastly, restriction should be put in place whether registering political parties. Parties which lodge an appeal partly to members of a particular ethnic group should not be registered. Political parties should not be restricted on where they get their money from, but to be made to publish their audited accounts annually. Parties which qualify for registration and which are able to capture ten percent of seats in the national assembly should need some funding from the public funds.

Lastly I will talk on deception members of parliament who walk in deception in the support, all nominations by a political party and wishes to cross the floor, to join another party in the legislature should be forbidden from contesting a seat in the legislature until the following general election. This is because forces deceptions are self-serving and suits the personal conveniences and ambitions from the defectors. Political parties must show a national spread of support, though this has been mainly possible by individuals or groups trying to reserve certain areas for a particular party by letting them know go zones for other parties wanting to campaign in these zones. That is all.

Com. Raiji. Thank you, another gentleman. If you can speak louder please so that we can record it. Harry?

Harry Muli: Harry Muli. I would like to talk about

Interjection: com. Raiji. Bring it closer to him. The mike, put it close to him.

Harry Muli: I would like to contribute views on the system of government. We should accept the parliamentary system of government in which the prime Minister is ascended from the majority parties, in the parliament, and the president remains less ceremonial. When it comes to that president, and the prime Minister should have minimal powers. The powers should be assumed by different committees enacted in which the prime minister is the chairperson. The president must not have massed powers, all he has to do is to guide the prime minister and assist in decision-making. The prime minister should be in the access to the people, access to the outside world. and not the president. Thank you.

Com. Raiji: Is there anybody else who wanted to give views? With that we have come to the end of today's session, we take this opportunity to thank the administration of this school, in particular the Head Mistress, Mrs. Mati for having availed this facility to us today. We thank the members of the 3Cs, for the excellent work that you have done in mobilizing the people. We have had a very good turn out, although some people have left, but we can see we have managed a get a ve4ry wide diversity of views so we are very grateful for your sacrifice.

Perhaps before we leave, we would ask one of the members of the 3 Cs to just say a word and introduce us to other members of the 3 Cs who are not here this evening, and provide if they are any, and after that we will ask somebody to lead us in prayers, so that we can depart. We just want to hear a vote of thanks.

Mr. Mutua: (member of 3Cs). Let me get this opportunity on behalf of the 3Cs and on behalf of the coordinator. On behalf of the coordinator to pursue another business at Masinga, I am saying we were very happy that you turned up in large numbers for this very crucial exercise. All those who turned up, and I will not forget our area D.O. who has been with us since morning, and is still with us now. Thank you so much bwana D.O., and I have known you for being much available whenever we have functions. I also want to thank all the staff who have been with us since morning and are still with us now. With that I wish the commissioners a safe journey and wish that our memorandums would go along to make the new constitution. That is all. I wish you a safe journey home.

Com. Raiji: thank you bwana Mutua, it has been a pleasant privilege for us to be hear and privileged of having one of having one of the senior citizens of this area, Hon. Mulu Mutisya, we also had the mp and the D.O. and we are satisfied with the attendance and the quality of the contribution that we have received today. We should like to ask a volunteer to lead us in prayers, so that we can formally close day's session. We want to remind you that the present legislation, we are required to

come back once we have prepared the draft report and it shall come to you again so that you can discuss it and give us your in pout on whether or not the draft contains the views that have been given. So the work of the 3 Cs the providers of the commission is not complete and it will continue until we have the new constitution in place under the present act as it stands. So ladies and gentlemen, from the commission, commissioner Alice Yano, myself Riunga Raiji, and the officers from the secretariat, we want to say, thank you very much for all your corporation and support. Can we have a volunteer to lead us in prayers?

Prayers: Anastasia Lombi: Lets us pray. Our dear Heavenly Father, we are here before you to say thank you for being so kind to us, to say thank You for being with us throughout the day and Father, for all that we have presented. We pray that whatever we have done, whatever we have said is in accordance to Your will, in making a new constitution, to up a better people for you, a better Kenya and a better nation. As we depart to go to different places, we ask you to grant us your journey mercies. For Commissioners who have been so good to us we ask you to be with them, guide them, and protect them. Let the Holy Spirit guide them so that as they continue to the next session Father they may do a wonderful job.

As we go back to our sections, also Father be with us. As we wait for the draft to come back to us, give us the courage, give us the will, that we also join hands and come up with a better draft which will then become our new constitution, Father and we shall be happy and we should say thanks to You communicate that to our situation. In Jesus Christ our Lord and Saviour we do pray, Amen.

Meeting ended at 5.30 p.m.

