

**CONSTITUTION OF KENYA REVIEW COMMISSION
(CKRC)**

VERBATIM REPORT OF

**CONSTITUENCY PUBLIC HEARINGS,
ELDAMA RAVINE CONSTITUENCY,
HELD AT RAVINE CATHOLIC HALL**

ON

FRIDAY, 5TH JULY 2002

CONSTITUENCY PUBLIC HEARINGS,
ELDAMA RAVINE CONSTITUENCY, HELD AT RAVINE TOWN HALL
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Present

Com. Salome Muigai
Com. Domiziano Ratanya
Com. Riunga Raiji

Secretariat Staff in Attendance

John Watibini	-	Programme Officer
Lynne Sigei	-	Assistant Programme Officer
Grace Gitu	-	Verbatim Reporter
Paul Tuikong	-	District Co-ordinator

Meeting was called to order at 10.00 a.m. with Com. Riunga Raiji in the Chair.

Riunga Raiji: Kwa niaba ya tume ya kurekebisha Katiba ya Kenya tunafuraya sana kuwakaribisha wananchi wa District katika kikao hiki rasmi cha tume. Leo ni siku ambayo nafasi ya kutoa mapendekezo na maoni kuhusu Katiba ambayo tuanaendelea kurekebisha yatachukuliwa. Na kabla hatanjwanza kama kawainda ya Wakenya wote tungetakwa kumwomba mmoja wenu Rev. yuko hapa atuongoze na maombi ili mwenyezi mungu abariki kikao cha leo.

Rev. Moses Kigen : Ningeomba tusimame ili tuombe.

Prayers: Baba katika jina la Mwokozi wetu Yesu Kristo tuko mbele yako tukushukuru kwa anjili ya uwongozi wako ambaye umetuongoza katika Taifa hili la Kenya, kwa miaka hiyo yote thelathini na tisa ambayo umekuwa pamoja nasi, tukiendelea kuishi kwa amani na kwa mapenzi yako umetuongoza kwa kutupatia Katiba ambaye imetuongoza kwa muda huo an imefika wakati ambao Taifa hili, limeona la kwamba inafaa iwangaliwe tena. Kwa hivyo tunakuchuru kwa anjili ya kuongoza tume hiyo ambayo wamejitoa kutenda kazi hii. Tunakushukuru pia kwa wananchi wote wa nchi hii ambayo wamejitoa kutoa maoni jinsi wanavyopaswa kuongozwa katika taifa hili. Mungu tunajua ya kwamba hili si jambo geni kwetu, kwa sababu hata wakati wana wa Israeli, Mungu uliwachukua mlima wa Sinai, ili uweze kuwapatia sheria hizo kumi ambazo waliongozwa nazo na bado zinatungoza pia katika Kanisa na sehemu mbali mbali, kwa hivyo Mungu tunakushukuru kwa anjili ya kuwaleta hawa watumizi wako ambao wamefika kwa wakati huu, Mungu tunajiweka mkononi mwako wale wote ambao wako tayari kutoa maoni yao waongoze, wabariki wapatie unjasiri kila mmoja na uwezo wa kuweza kusimama na kunena maneno ya haki, maneno yanayofaa kuongoza Taifa hili. Mungu uwe pamoja nasi siku hii leo katika District, uongoze kazi hii kutoka mwanzo mpaka mwizo ukiwa pamoja nasi. Tunaomba pia kwa sehemu hizo mbali mbali ambako watu wako wanaketi wakisikiza maoni ya

watu, sehemu ya Eminem Sehemu ya Mogochio , na mahali tulipo utuongoze ua utubariki maana we ni Mungu wetu, wewe ni Baba wetu na unatuhitaji tuishi kwa amani na kwa mapenzi wakati wote, kwa hivyo tanakuzukuru na tunaonba uku uweze kuwa pamoja nasi, maana tunapenda tujiweke mkononi mwako katika jina la Yesu, aliye mkombzi wetu, Ameni.

Com. Riunga Raiji: Asante sana Rev., nafikiri sasa kabla hatujuanza kupokea maoni tungetaka tujuane na hapo mbele tuoko na macommissioners ambao wametumwa na tume katika sehemu hii, katika constituency hii. Ninafikiri nitawaomba macommissioners kila mtu anjitambulisha na aseme jina lake ili muweze kusikia sauti yako.

Com. Domiziano Ratanya: Hamjamboni wananchi Mimi Jina langu ni Domiziano Ratanya mmojawapo ya Commissioners.

Com. Salome Muigai: Hamjambo wananchi, mabibi na mabwana mimi Jina langu ni Salome Wairimu Muigai.

Com Raiji: Asante sana na jina langu naitwa Riunga Raiji, na mimi ndiye nitakuwa mwenye kiti wa kikao cha leo. Kila siku iko na mwenye kiti wake. Na pamoja na hawao commissioners watatu, tuko na maafisa wengine kutoka makao yetu makuu, ambao watusaidia kwa mambo mbali mbali tuko hapa na programme officer John Watubim Hamjambo wananchi.

Tuko na Assistant Programme Officer Llynne Sigei, na tuko na mwingine Grace Gitu ambaye ni Recorder, yuko ha nyumba hii ndiye ataendelea ku-recordi kwa sababu kila neno unatoa hapa we are tapeing all the proceedings, ilili hakuna hakuna at akitu kidogo kimetokea wakati wanaanza kua-analyze.

Kwa hivyo hao ndiko tuko nao siku ya leo na tufuraha sana kwa makaribisho tulipatiwa hapa, tungetaka kumtambua DC ambayo tayari tumenda kwake, tumewakimbisha na kumwambia akunje angaalie vile tunafanya . Bwana DC.

Na tena hapa tuko na wale wenyenji ambayo tutayarishia mambo ya leo Bwana Tuikong, ambaye ni Coordinator. Nanitamwita atjulize kwa maafisa wake wa constituency committee. Ili tujuwe ni nanani mwenyewe manasaidiana nayo katika hii kazi, kwa sababu tunaona mmfanya kazi kubwa kukusanya watu. Na kutayarisha kikao cha leo.

District Coordinator : Chairman ya kikao hiki cha leo, Com. Riunga, na Macommissioner wale wengine, mnakaliimbishwa tulikwa tumewakaribisha nyinyi bado na kusema karibuni. Siku ya leo niko na kamiti members ambao wako hapa, wengine hawako na sisi walienda safari Mombasa, hawa ni ma councillors. Tuko na councillor waweili ambao wako katika timu yangu ya committees.

Kwa leo niko Rev. Moses Kigen, ambaye tumepatia awe acting chairman kwa siku ya leo. Reverend simama ndiyo huyo. Tuko na Civic Education providers ambao wako pale nje wale wamefaa kofia za white na wako na budges hawa ni Civic Education Providers. Bado na tarajia ya kwamba committee members wengine bado wataungana na sisi. Niko na apologies

ya committee member, Simon Kiptim, ambaye alipoteza relative yake. Tulikutana na yeye asubuhi akasema hatakuwa na sisi. Wale wengine naamini wataingia wakati wowote kuanzia sasa. Asanteni.

Com. Riunga: Asante sana Bwana Tuikong. Sasa kumwambia utaratibu tutafuata ili kufanya kazi yetu ya leo. Kwanza kabisa ni lugha. Unaweza kutumia lugha zote mbili za kitaifa yani Kiingereza, au Kiswahili na kama uko na shida na hizo lugha, uko tayari kutumia lugha yako ya mama, ni wajibu wetu kupitia kwa coordinator na sisi kama commission tutakuwa na watu wa kutafusilia. Kwa hivyo kila mtu tunataka azungumze na atoe maoni yake. Tena tungependa kuwajulisha kwamba kama nilisema hapo mbeleni hiki ni kikao rasmi cha tume. Kwa hivyo wakati unakunja hapa utakuwa ukipendekeza, ukitoa maoni kwa tume siku ya leo si ya baraza si ya siasa au mambo mengine. Kwa hivyo utaaddress the commission through the chair. Huo ndiyo utarabu tunafuata. Kwa hivyo utakaa hapo au usimame uwangalie commission and utoe mapendekezo yako.

Iko jinsi tatu za kutoa maoni, kwanza kabisa unaweza kuwa uko na maadishi na hutaki kusema lolote, sasa utatoa maadishi yako au na nakala yako kama nimmemorandum hapa kwa hii sasa hapa ni ofisi yetu. Kwa huyo programme officer utaandika details na itachukuliwa na tutaipekeka Nairobi, na utatumika wakati sasa tuna rekebisha Katiba. Kama maoni ambayo tumepokea sehemu hii. Hiyo ni njia moja.

Tena unaweza kuwa uko na maadaihi lakini unataka kusema maneno machache, hata hiyo inakubaliwa. Ie labda ningetaka kumwambia kwa sababu ya saa, hatutaki mtu asome, kwa sababu kusoma saa yako itaisha bila kusema lolote. Tungetaka unje utambie ile yale ya muhimu kwa sababu hata sisi ni wasomaji, tutasoma, tuta-analyze na ndiyo tunachukua hiyo memorandum. Kwa hivyo kama uko na memorandum utapatiwa dakika zako, kila mtu ni dakika tano, utafafanue tu yale ya muhimu au highlight au summary, halafu utpatie kwa sababu sisi tutasoma pamoja na wale Commissioner wengine, kwa sababu hii unaona ni tume ya watu tatu. Kwa sababu hizi sasa ndizo materials tutatumia kurekebisha Katiba.

Nikunja kutoa maoni yako bila maandizi kwa mdomo tu, hata hiyo inakubaliwa. Na baada ya kutoka tungeomba kila mtu apitie hapa kwa tume ili ajiandikize na aweke sa sahihi kwa sababu tunataka kuwa na arodha, za kuonyesha kweli tulifika, tulisikiwa maono na maoni yalitolewa na kina nani na nani ili wengine wasije wakatengeneza maoni ya uongo.

Na tena tungetaka kuwajulisha kila mtu kwamba, hiki ni kikao cha dharura kila mtu yuko free iko na uhruru kuingia na kusema lolote. hii ni shughuli ya kiserikali. Hakuna nmtu atakusumbua au atakufuata kwa yale maneno ambayo umesema. Kwa hivyo tungetak mtu awe huru. Kama ungetaka kusema lolote, lisiwe neno la matusi kwa watu wengine hayo yanakubalishwa. This is a free session ile tunataka ni hesima na mtu asije kudharau wengine.

Nafikiri mwisho ni saa, nimesema kila mtu kama unazungumza, au una unatupatia summary ya memorandum yako, utapatiwa

dakika tano. Na orodha tutafuata ni kuilingana na vile watu walijiandikisha. Tuko na list hapo kwa mlango, kila mtu akiingia anandika jina lake. First come first served. Hiyo ndiyo principal yetu. Lakini tukiona kwa sababu tuko na sheria inasema ni lazima kila mtu ahusishwe. Tukiona tu ni wanaume, tutarukia tutafute wanawake, kwa sababu akina mama katika shughuli, hata wao in sawa na akina baba. Hata tukiona vijana wenyewe, ni wazee tu tutaangalia pale iko kijana, tumuite au walemavu au wale watu wengine ambao kawaida wanasahaulika. Kwa sababu hii ndiyo tunaita an inclusive process. Kwa hivyo mkiona nimeruka, msiseme kwamba Commission imeingiliwa na mambo mengine. Ni kwamba huo ni utaratibu tunafuata. Na sasa bila kupotesha wakati tutamwita mtu ambaye amejandikisha akiwa number one Councillor Moses Tanui, tafadhali Bwana Councillor ukalibie hapo dakika chako ni tano. Mimi nitakuwa nikihesabu, utatupatia yako ya muhimu na kama uko na memorandum utatuachia ili tuende tukaisome na tutie maneno yako maanani. Karibu Councillor.

Councillor Moses Tanui: Asante Bwana Chairman, Commissioners, wananchi kwa jumla hamjambo, kwa vile saa inapimwa, nitachukuwa nafasi hii kuwakaribisha katika kikao hiki Commissioners, kwa vile hii sehemu ni yangu, ninasimamia nikiwa Chairman wa Town Council na kwa niaba ya wananchi wote wa Eldama Ravine Constituency.

Bwana Commissioner niko na introduction, na singelipenda kusoma introduction kwa vile itachukuwa muda, kwa hivyo I would like to present the introduction to you so that I may go to Now I would like to say something about land tenure. Bwana Commissioners, the current constitution must not direct preference to land tenure other than as part of the production of fundamental rights and freedom of individual under Section 75 of the Constitution, where it is stated “that no property of any any dispute shall be compulsory taken possession of” So in other words what we are trying to say Bwana Chairman, tungelipenda mambo ya lands iwe iko kwa chini ya Local Authorities. Isiwe local chini ya Commissioners, kwa vile Local Authorities wanaelewa mambo ya the Community. Bwana Chairman this is what I am going to give you because you, are going to read that one.

Another thing Bwana Chairman, is about the devolution of Power to Local Government Authorities: Pending a comprehensive review of the various forms of devolution and the suitability and viability of each form of devolution, it is recommended as an interim measure, that local government for which a frame as a system independent be strengthened and operationalized on a viable basis. Bwana Chairman what we are saying is that mambo of Eudcation Services, Air Services, Public Works including minor roads, Water Supply, Rural Power Supply and Public Buildings should be transferred to Local Authorities.

The Central Government will retain a role in University Education and national schools and on finances of Local Government the transfer of services to Local Authorities should be accompanied by a location of adequate sources from the Central Government, so that the Local Authority can be able to deliver services effectively to wananchi.

Bwana Chairman , I think since I am also the Chairman of the Council and I think I should be given ten minutes myself.

And then mambo ya staffing of Local Government: Bwana Chairman it is very important that those officers who will be running the activities of the local authorities because it will be should be strengthened, professionally qualified, especially the Chief Executives, the Treasurer, the Engineers and their respective supporting staff. On raising of Local Government Standards, from 1963 to 1970, Local government was responsible for major services including education, health and public works. So in other words Bwana Chairman, we are trying to say the class and the treasurers and the officers should actually be experienced in these fields, so that they can run Local Authorities properly. To restore the proper role and functioning of local authorities, it will be necessary to overhaul the entire management of the Councils including the quality of councilors, we need also councilors who are educated with a minimum of form IV.

Qualification of Chief Officers, the Town Clerk of council or municipal should be fully qualified in law and should be mature with extensive experience in managing a large organization.

The Treasurer should be a fully qualified Accountant with extensive experience in managing the accounts.

Chief Engineer should be a fully qualified engineer with extensive experience and also the Town Planner should be also fully qualified. Bwana Chairman the town planning function stated above, the town planning will be a key strategic function. So that one should be followed, especially for the council to deliver the expected services, they will need adequate infrastructure schools, hospitals, roads, housing and social amenities will all require to be fully catered for. In brief, these definitions has made the following submission with regard to the revolution of power in an interim period, pending the completion of the Constitution Review.

An elaborate and a well tested frame work exist in the Local Government Act Cap. 265. whatever that of devolved political power at the local level throughout Kenya and that framework should be entrenched in the Constitution. Bwana Chairman, I think I don't need to go further than that, I think I can present a copy.

Bwana Chairman, I wish to say something on the introduction, sorry I have gone very fast because you told me five minutes and I thought five minutes could not be enough.

Com. Raiji: Just carry over.

Councillor Moses Tanui: So Bwana Chairman may be I would also like to touch something on the Election of the Mayors and the Chairmen: I think in my own opinion as an individual I think it is perfect for them to be elected through the voters wawe wanatafuta kura kutoka kwa wanachi directly.

Bwana Chairman mambo ya Land, I would like to say something again Land Board should be under the Local Authorities, it

should be formed under the Local Authorities, the Land Board. Bwana Chairman because I have written fully all those are contained in this paper. Thank you Bwana Chairman, may God bless you, thank you.

Com. Raiji: Just a minute, Chairman of County Council. Ma-Commissioners wako na haki ya kualiza maswali kidogo ili waelewe saana yale mapendekezo yako. Na sema asanti sana hiyo yalikuwa maoni dhabiti tutaiangalia, tutaisoma.

Com. Salome Mungai: Asanti sana Bwana Chairman, na kwamakalimbizo yako. Mimi nina swali moja. Pahali pengi penye tumeenda wananchi wamekuwa ha shida la kusema madiwani wetu ndiyo wenye wanachukwa plot zetu zote and wanachukuwa mashamba yenye iko kwenye mikononi yao baadala ya kuiyangalia na kuyatunza wanayachukuwa wenyewe. Kwa hivyo swali langu ni hili, umependekeza kuwa tuweke mashamba kwenye Local Authority. Local Authority itahitaji kupandilishwa vipi ili iweze kuwa ndiye yenye kutunza mashamba badala ya kuwavile inavyonekana sasa kwa wananchi kuwa ndiyo yenye kuchukuwa .

Councillor Moses Tanui: Thank you very much commissioner. Shida ambayo imekuweco ni kwamba watu wamekuwa corrupt. Anyway everywhere, it is not even the councillors alone, everybody has been a corrupt person, everybody, everybody that is one.

Councillors wanapata allowances ndogo sana ambapo haiwezi saa zingine kuwawezesha kuendesha kazi zao. So what we are trying to say here na nimetoa pendekezo, ni kwamba Councillors wapewe pesa ambazo zitawezesha waendeshe kazi zao na hawatakuwa na tamaa ya kupata plots na kuuza hapa na pale, so that is very important. Otherwise especially my town councils now, we have no problem there is nobody who is greedy so I think we tried our level best in the council.

Com. Raiji: Nafikili sasa Commissioner ameelewa hapo. Iko Com. Ratanya alikuwa na swali.

Com. Ratanya: Bwana Councilor kuna swali ingine, pengine mawili hivi, umependekeza kwamba councillors wawe na masomo kama form four. Maoni yako gani ya Mayors na Chairman wa County Councils, masomo yao ni kama kiwango gani?.

Kuhusu chief officers, chief officers hukutwambia wangukuwa na masomo gani, umesema wawe experienced, lakini hukusema wawe kiwango gani cha masomo na wachaguliwe na nani, kwa sababu mpaka sasa wanachaguliwa na Public Service Commission, chief officers, na wameletwa kwenu. Sasa unataka waendeleo namna hiyo ama ungependekeza nini ili kusaidia kurekembisha katiba hii?

Councillor Moses Tanui: Asante sana Bwana Commissioner. Mambo ya masomo, it should be form four. Hata wale wabunge wengi wao wako form four. So kama tukiseti ya kwamba mtu lazima awe degree holder, hata tutasema President lazima awe na degree holder. So if we can go by that we may not, watu hawawezi kuwa sawa. Pia somebody may be educated, anaweza kuwa na strings of degree and whatever, lakini he may not be a good leader. So mtu akiwa amekuwa form

four, atakuwa na uwezo wa kusoma na kuelewa and he can be a good leader.

Com. Ratanya: Sasa hiyo umejibu. Nafikiri nafikiri na ingine ni ya kuhusu appointment of chief officers.

Councillor Moses Tanui: Appointment of chief officers ingekuwa vizuri councillors wawe wanatangaza nafasi kwa hiyo local authority au watu wanaweza kuja, they are interviewed there and employed directly and then they will be answerable to the Local Authority, the Chief Officers.

Com. Raiji: Asanti sana Chairman na tumesukuru sana kwa maoni hayo tumekuuliza maswali mengi kwa sababu tunajuwa wewe kama chairman uko na mengi na kuchangia, hasa katika sehemu ya Local Authorities. Asante sana. Jiandikize hapo. Sasa the second person Bwana S.K. Chemilmil. Bwana Chemilmil karibu dakika zako ni tano. We are tapping, kwa hivyo tafadhali ni lazima tutumie hii ili ingie.

Chemilmil: Thank you very much Mr. Chairman and Hon. Commissioners. Hamjambo. My submission Mr. Chairman, is based on the booklet and I have itemized my submission page by page. As we agreed I am going to leave my handout after this, but I will highlight the salient points from my submissions.

Of Late the conduct of the Kenya Police has been questionable Mr. Chairman. Security lapses the rise in serious crime has shaken the confidence of the public on the Kenya Police. For these reason Mr. Chairman, I wish to suggest the police be placed under the operational control of the Local Community, in which the Police Station is situated. That way they will be able to be accountable and answerable to the consumers of their services.

The Military has adequate disciplinary process which has withstood the test of time. There is no reason why they should be interfered with. Similarly there should be no reason why the Constitution should not permit the use of extraordinary powers in emergency situations.

I submit that political parties should play other roles such as the establishment of schools, commercial undertakings, building and running of hospitals, construction of real estate, running of media houses, and launching of harambee projects. The Constitution should regulate the formation, management and the conduct of political parties but each region should decide as to how many political parties should be allowed, provided each political party like any other society finances itself and not from public funds.

Structure and Systems of Government: Right from the time of uhuru, it has been generally accepted that a Unitary System of Government is unsuitable for multi – ethnic communities, such as in Kenya. This is because small tribes felt that the big tribes were out to recolonize them as the British has done. Since then, the feeling have been more or less vindicated. Evidence of this can be seen in some parts of the Rift Valley where whole tribes, where whole districts have been overrun by immigrant

tribes. It is a feeling that small tribes of the Rift Valley have little or no education. They have no wealth, most of their lands is arid or semi arid, their only heritage is land which is now in danger of mass occupation.

Small tribes therefore believe they can protect their lands through a federal system of government. Furthermore in a Unitary System there is a tendency to mis-allocate resources or to disregard priorities. Like in every family unit we believe that each family should be independent and is capable of handling its own peculiarities.

Com. Raiji: You have one minute left.

Chemilmil: Legislature: Mr. Chairman I believe that all vacancies in the public service should be advertised and candidates who believe they are qualified given an opportunity to apply. Even those posts which require Presidential appointments, should undergo a preliminary selection by an established service commission and shortlisted those who have been short-listed be given to the President.

I believe recommend Mr. Chairman. I recommend that the Executive should devolve power up to the sub-location level and if the Provincial Administration was to be faced out as recommended by others, if that recommendation is accepted I suggest that chiefs and sub-chiefs be retained, so that they can arbitrate local disputes which the law courts cannot handle. If the chiefs were not there, local courts would have been jump by little guards seeking legal redress dressed for every conceivable complaint. The chiefs should elected and hold offices as chairman as locational councils which should be revived and strengthened to provide grassroots' participation in governance.

Com. Raiji: Thank you, I think you have run out of your time and of extra time commissioners have question.

S.K. Chemilmil: May I request two more minutes, Mr. Chairman.

Com. Raiji: I am sorry it is not possible because what we do is that you have done well to write the memorandum and I hope that we are go read ourselves together with other commissioners, we just wanted your highlights and I think Commissioner anataka umfanulie kitu kidogo .

Com. Salome Mungai: Asante sana Bwana Chemilmil. Mimi nitakuuliza swali ambalo hukuzungumzia tungejaribu, we are trying to pick your points because some us are aware of your great experienced. We have been given suggestion that voter registration should be continous. That when a young person is old enough to get an ID we should find a way of giving and ID as well as a voting card. Or I have an ID which on other side is a voter card, this is some of the recommendation which we have been given. I know your extensive working in national registration and I would like to pick you for a minute your brain on the possibility of these proposals that we have gotten.

S.K. Chemilmil: What is the question?

Com. Salome Mungai: We have been asked by people whether – it has been made a proposal that whether every time we give an ID we can also register the same person for voting, so that the voter registration becomes as continuous as, registration – the normal registration and because I know you have extensive work in the registration, I thought golden chance for me to ask you to share with us what your thoughts are on this?

S.K. Chemilmil: it is a very good question Madam, thank you for that question. It is my suggestion and very strong one that each person going into registration office should come out with two cards. Identity Card on this and Voters card of this side. By that I mean that the same people who are registering voters should be registering identity card applicants. Does that answer your question mum? Thank you.

Com. Ratanya: It is just one clarification here. You have talked about the systems of government. You have touched on the federal system and you have touched on Unitary System. But you have not given your proposal. What is your specific proposal?

S.K. Chemilmil: So what is the question Mr. Chairman?

Com. Ratanya: You have only touched on the two system. Federal and Unitary. That you have not clearly given your proposal. What do you propose, the Federal system or the Unitary system.

S.K. Chemilmil: I propose the Federal System Mr. Chairman.

Com. Raiji: Okay thank Mr. Chemilmil and we are grateful for having picked your ideas even on issues that you did not direct some needs. We shall be benefit greatly from your memorandum. I am sure we would have discussed interesting on this issues. Please register yourself and kindly led us your memorandum and then we call Mr. Joseph Aiyapei.

Joseph Aiyapei: The Chairman of the Commission, Commissioners, my name is Joseph Aiyapei. I want to present a written memorandum from the residence of Lambus Location. I will not go into details but I will read some of the important points.

Political Parties: Political Parties to be added other responsibilities like Economic Activities. The Constitution should provide regulation for political parties so as to provide proper conduct for each political party. This will enable and encourage national parties. The government should fund the political parties. State and Political Parties should relate fairly.

Structure and System of the Government: We need a Government whereby the President distributes the powers in his office. We should adopt a Parliamentary Government System. We should not adopt a coalition government. We should adopt federal government where there is a central government. Local authorities should be at district level. That means it will be under the district level and not under the ministry.

The Executive: Presidential term, should be two terms under the system of five years each. The President should not be an MP or go to the Parliament, since the President will be a National elected. That means all the voters in the Republic will elect the President directly.

We should retain the provincial administration. The Provincial Administration should be incharge of the security in the district. We should remove some of the powers of the DCs from the DC's office. That is the DC should not be a councillor as it is now. He should not be the Chairman of the Land Control Board. In this case, a prominent person from the locality should be elected to chair the land board and also the DEB (District Education Board).

Local Government: The people should directly elect the Mayor and the Council Chairman. The current two years term for the Mayors and Councillors Chairmen is adequate. They should not continue to operate under the Central Government. The minimum level of education should be at least form four. There should be a commission to determine the salaries and allowances of the Councillors. We should not retain the nominated councillors. The minister should not be incharge of dissolving the Council.

The Land Property Rights: The ownership of lands should be owned by the local community i.e. the indigenous community under individuals. The government shall have no power to acquire lands compulsory from the owners, unless with proper negotiations and compensation. The government and local authority should not control the use of lands by the owners or the occupiers. Every community to handle the transfers of land and inheritance according to their own customary laws. There should be no limit of owning land but the Ministry of Agriculture should assess utilized land and tax it.

Com. Raiji: Bwana Aiyapei we shall read the rest. We need to give chances to others please do us a favour and give us the memorandum na halafu ujiandikishe hapo. After Bwana Aiyapei tuko na Mr. Albert Chamitei ambayo atafutwa na Jimmy Kitony.

Albert Chemitei: I am presenting this memorandum on behalf of the Town Council of Eldma Ravine. I am Councillor Chemitei, Chairman Town Planning and I will touch only to save time on few issues.

Indigenous Rights: We find a boy and Judicial Intellect Scientific Research and Creativity a direct outcome of first legal ignorance of communal rights e.g. Trust Lands Act Cap. 288, Forest Act Cap. 385, Government Act Cap. 280 and Local

Authority Cap. 265. All these Laws are mixed up. It directly – its ideally to borrow a leaf from Fiji Islands one of the Pioneer Countries who recognize the rights of its indigenous people including rights of ancestral land.

Na penda kusema hivi, sheria hizi au vipengele hizi zimelete utatanishi sana ambapo Local authority is the Planning Act kwa mahala ilipo. Lakini ukija, unakuta sheria hii inarukia hii, hili jingine, mara unapata Local Authority inakuwa kama rubber stamp.

Na ni ile authority wenyeji wametoa ili isimamie mambo yao. Hapa nikielekea serikali ya mitaa. Katika serikali ya mitaa, Cap. 265 inataka sana kufafanuliwa. Sababu unaweza kuta Planning Act Number 6 of 1996, ikifika mahali pengine, inasema Chairman wa Location Committee in DC. Planning Act is the Local Authority. Sasa hii Local Authority inabaki ikipeleka vitu vikifika kwa meza vinabaki hapo harizongezi. Mimi nasema Local Authority ipewe ile mamlaka ya kutenda kazi hii yote ya kupanga na kupeana na kusimamia.

Mazingara na Mali ya Asili : Hii Cap. 385 ya Forest – tukiangalia katika misitu yetu the Local Community hawana usemi, hawana usimamizi. Unakuta officer ye misitu ana mismanage hali ya misitu na mahala catchment areas, mpaka imefika hali nchi inaelekea kuwa jangwa, hakuna yule ambaye anaweza semekana amehusika, hakuna yule anaweza elekewa kusema ni msimamizi kamili. Hii vitu imekaa vibaya na ukiona hii misitu, kuna watu wale walioishi hapo wakati wa ukoloni walisongezwa ndio hii misitu ikatengwa. Na hawana usemi. So pendekezo langu tunataka wenyeji, the indigenous wasimamie haya misitu, ili wawe wanawajibika.

Waandikishaji sababu nilijaribu kuangalia angalia Public Service Commission. Tumeona mambo yanatendeka kama juzi tu, hatujaenda siku nyingi advertisement of these job opportunities imetumiwa vibaya. Kama junzi ya majeshi mimi nikiwa captain au lieutenant mimi nakunja andika mtoto a shangazi yangu, mtoto wa mjomba, mimi nakuja kuwaita nje. Wale wapiga misitari hawaonekani. Lazima kuwe na muwelekeyo katika hii vitu. Sababu hii vitu imefanyika miaka nenda tunarundi tunarundi miaka ingine imefanyika hivyo na hatuna pahali pa akujitetea. Hivi tukuwe na mwelekeyo. Mimi nafikiri nimemalizia hapo.

Com. Raiji: Tumesema asante sana Councillor Chemitei kwa hayo mapendekezo yako. Tafadhali tupatie hiyo memorandum ili tutaisoma na tuitumie katika kazi yetu.

Jimmy Kittony: Commission Chairman, Commissioners, Coordinator District, Ladies and Gentlemen, I will read I will go direct My names are Jimmy Kittony.

Political Parties – The Political Parties in this country are so many. There are 42 registered parties, in this case Mr. Chairman we propose with my team that we can have only two political parties. The ruling party and the opposition. For example America, and Britain have very few political parties but there is no need to have the 42 political parties, they continue until 100.

These political parties Mr. Chairman, should not be funded by public funds. They can go to their members or even their friends, to finance their party.

Structure and System of Government: We propose the federal system of government in which the Executive and Legislative Authority is split between the Central Government and Provincial Region, that is Senate. In this case, we found that regions will take care of their resources and second when (inaudible) fund from the Central. Mr. Chairman, I will go to the Legislature. No appointment should be vetted by Parliament, instead a panel should set from the Provincial to deal with appointments. Members of Parliament to remain part time the way they are now, with the arrangement from the National Assembly they can open offices in their Constituencies to help the constituents.

Voting Requirements: The voting requirements should remain the way they are now that is the age of 18 years and above. At the same time when they are getting their ID they can get their voting cards as well. MPs - the Members of Parliament should be at the age of 30 years to go to Parliament and up to the age of 75 years. From there they should retire and go home and rest there. The president of the Republic of Kenya should be at the age of 35 years the way it is up to the age 75. That means the age of 70 will be the last time for anybody to go to Parliament to stay for five years there and at then the age of 75 years to go home.

We should call our MPs by using the party's which sponsored them to Parliament. We can go by the party delegates system whereby, they call recall him and we can have a have of no confidence. MPs should act on the basis of instructions from their constituencies. It is us who voted them in and we are up direct – they cannot even go to other parties without our blessing. The salaries benefit should be done by Public Salary Commission for everybody in this country. Not members of Parliament whereby they take their salaries up to 500,000/= while others like teachers, doctors and the rest, they are not given anything there. The nomination of MPs should not there, because we don't see their work. No special treatment for women, they can get ready to contest like men in the forth coming general election.

The removal of Executive through a vote of no confidence is not enough, there must be impeachment also. Any Kenyan who has attained the age of 70 and above should be taken care of the government.

Executive: Qualification for a Presidential Candidate – a University Graduate, must also be popular that is 25% per province and have qualities of leadership. Removal of a President for misconduct while in office should be through impeachment by Parliament.

Chiefs: We can have our chiefs through the Barazas elected by wananchi presented by Counsel of Elders to get two names, forwarded to the DC's Office for recommendation.

Councillors: Form Four and above. We can also recall them through the same system like the MPs.

Succession and Transfer of Power: The Attorney General should be in charge of Executing Power during Presidential election.

Electoral Commissions Chairman to declare election results of the Presidency. Incoming President to take over the office as soon as he is declared the winner. The Attorney General to be in charge of swearing in the incoming President. I will call President to hand over power to incoming President in the same ceremony of swearing in. Thank You.

Com. Raiji: Asante sana Bwana Kittony kwa kutumia muda wako, you have exactly used five minutes and some seconds. Judy Birir to be followed by Peter Amdani.

Judy Birir: Thank you Chairman na Commissioners. Kwa majina ni Judy Birir kutoka Simatwet village. Na wakilisha akina mama wa Eldma Ravine Constituency. Mengi imepitiwa kwa hivyo nitapitia machache. Naanza kwa miundo ya aina za serikali. Machifu and Manaibu wao wawe wakichaguliwa na wananchi na wawe na umri wa miaka thelathini na tano na kuendelea bila kujali jinsia. Pia wanawake wahusishwe. Na pia they should be morally upright. Katika ubunge, kazi ya bunge iwe ya kila siku ili mbunge awe na siku ya kuwa mbungeni na pia awe na ofisi katika maeneo anayewakilisha bungeni. Hi itamwezesha mwananchi aliye mchagua aweze kumpata anapomhitaji kwa urahisi.

Wanawake pia wapewe nafasi ya viti mbungeni kiasi cha robo ya viti vilivyoko. Tunaona ya kwamba tumetengwa sana. Pia katika serikali za mitaa, Mayor na wenyekiti wa baraza waongezewe muda. Wawe kazini kwa vipindi vya miaka mitano ili waweze kutekeleza kazi zao kikamilifu. Kwa vile tunaona hii kipindi cha miaka miwili, Mayor anaaziza a project kabla hajamaliza, hajatelekeza tayari chance yake imeisha. Pia tuwe na viti vilivyotengwa haza kwa minaajili ya akina mama na pia watu wasiowejiweza.

Haki za Kimsingi: Wakenya wawe na haki ya kupata habari zilizoko mikononi ya serikali au shirika lingine lolote au tawi la sherikali. Kwa mfano Katiba. Wengine wetu nikisimama hapa sijaona Katiba, siwezi kukwambia iko colour gani najua tuko wengi. Katika Section 17 masilahi ya Walemafu yalindwe kikamilivu na Katiba. Haki za watoto zilindwe na mayatima na wanaoranda randa mitaani wajengewe mabweni.

Masilahi ya wanawake yahakikishwe kikamilifu na Katiba. Kwa mfano urithi wa wanawake hasa wajane usikubaliwe kamwe na Katiba. Wanawake wapewe haki sawa na waume kwa urithi. Mila na desturi ambazo zinawanyanyaza wanawake zitupilizwe mbali. Kwa mfano mume anapokufa - if your husband dies today unaona mtangangania mali yake na nduguze ama na jamii yake. Lakini mimi nikiwa mama, nikifa it is guaranteed ya kwamba mume wangu anarithi kila kitu changu. Kwa hivyo pia kwa upande hii it should be equal.

Katika utawala wa kushirikiana kuwe na ushirikishaji wa Katiba katika utawala miongoni mwa wanawake kwa asili nimerudia hapo kwa robo. Na pia Walemavu vijana na wazee.

Kwa Section 24 tume za Kikatiba tazizi na afisi – tuwanzize afisi za upokeaji malalamiko ya haki za binadamu, tume ya jinsia, ufisadi, ardhi na wanawake wahuzishwe katika afisi hizo. Uhuru wa kuabudu jameni uchunguzwe kabisa nchini kwa sababu umeleta madhala mingi kwa mfano kuwabundiwa mashetani ama siku hizi kuna wanaopasa tohara wanawake wakihuzisha ndini. Kusiwe na mtindo wa kurithi wanawake humo nchini. Nakomea hapo.

Com. Riunga Raiji: Iko swali kutoka kwa Commissioner.

Com. Salome Mungai: Asante Judy Birir kwa maoni yako. Mimi nina maswali mawili kwako. Kwanza wewe ndiye mama kwanza kutoka nje wa Rift Valley kuona mama mwenye ulemavu. Ningetaka sana kusikia kutoka kwako kumwona akutuzungumzia sio kumwona akipita. Nimeona wengi. Ningetaka utuweleze hii Katiba ingelindaye haki za mama mwenye ulemavu. Kwani tukisema walemavu kwa general haki hizo zikinja mara ingine tunaona zinahuzisha wanaume wenye ulemafu tukisema kitu kimoja cha bunge kipatiwe walemafu naona huyu amekuwa baba. Tukisema kiti kuhulisha walemafu unaona ni wanaume. Kwa hivyo hii nafasi ya wewe kutuelimisha sisi kama tume vile tunaweza kutumia injao kuhuziza haki za mama mwenye kwanza amekuwa yeye ni mwanamke, pia anashida ya kuwa yeye ni mlemavu. Kwa hivyo huyu mama tutamlindaji kwenye Katiba ijayo.

Judy Birir: Nikikujibu kwanza, let me correct you kwanza ni ajali tu nilipata I am not permanently like this, it is only for a short time and I believe that God will help me. Anyway umeniuliza swali ambalo I think I was not prepared for. But nadhani tungetilia mkazo ya kwamba disability is not inability. Na sasa vile unachukuliwa wazee wanaume wakiwa walemavu naona ndio wanahuzishwa - the same way should be taken, tukiona kama mahospitalini kuna walemafu wanafanya we have secretaries who are disabled. I think the same criteria ambayo wanafuata wanapo elect or select wale ambao watawakilisha watu wengine pia wawachukuwe the same wale ambao hawajiwezi. Kwa vile nadhani hawajiwezi kimwili lakini akili I think they are better – much better.

Com Raiji: Asante sana Judithi jiidikisha. Peter Amdany halafu atafutwa Ndoka.

Peter Amdany: Mr. Chairman, thank you very for calling this opportunity to air my views. As far as my age is concerned I have done alot of work. Tafadhali

Com. Raiji: Tafadhali Peter, wananchi tafadhali tuwapatie nafasi wale wanazungumza ili hata sisi wenyewe watupatie nafasi wakati tutaitwa. Asante.

Peter Amdany: Thank very much Mr. Chairman, we Kenyans I believe we need one another. If you are in Machakos you need somebody from Elgon, if your are in Lodwar you need somebody from Kiambu to assist you to live. We started with

Majimbo, it could not work. It became very expensive and we abolished it. What we have to day, is the Local Government Authority. This Local Government Authority is our Council, it is the government next to us, it should only in power to get goods laws, good councillors and officers so that we develop our nation without mambo ya majimbo. Unitary Government is the best in this nation.

Plots in our Districts or Provinces: Districts Allotment Committee is the best whereby the Chairman of the Council, the Clerks with members of that particular committee to do all the allotments of the plots in the District and settlement in the District of their people.

Commissioner of Lands should keep off from the District Centres, Towns, let him deal only with the three Districts, Kisumu, Nairobi and Mombasa and the issue of title deeds only.

Appointments of Controller and Auditor General – He should be appointed by the President but approved by Parliament and the Auditor General should have his assistance in every Province, to look after Government money for Project in every district.

Drinking of Alcohol and smoking in this country – It should be put in our Constitution that if you are not twenty years you are not allowed to drink, your are not allowed to smok and where ever sells alcohol to any person under twenty years should be imprison and licence cancelled. Also whichever deals with drugs, because it looks like if you are going to have mad people in this nation because drugs and heavy drinking. So a law must be very strict indeed and there is no mambo ya kusema tusamehe.

Chief Act should be brought back to the chiefs, for them to govern their people well and they should be given what we call Police Adminstrators, to be in the offices to take care of the money within their locations.

Public Service Salary Commission is very important, we are tired of having so many Commissions of different departments and differences it should be in our Constitution Public Service Salary Commission so that when the economy is well, people are given salary all of them but not sections.

Parliament should impeach the President if he does any crimes.

Free education should be from Primary School to Secondary and in my view payment of fees should only be in the University.
Thank you much.

Com. Raiji: Thank you very much Mzee, tafadhali jiadikishe kwa haya maoni yako. Jiadikishe hapo kwetu. Daudi Doka atafuatwa na James Rono na Victor chebor.

Daudi Doka: Mimi naitwa Daudi Doka na toa shukrani kwa Commission hii kunipatia nafasi ya kupresent hii memorandum yangu. Sitasoma wala sina neno ya kusoma kwa sababu ninasumbuliwa na macho.

Com. Raiji: Okay Daudi umepeana memorandum yako.

James Rono: Asante Mwenyeketi. *Korok ko mokose kipoili komie Mongen ang'alalen Kiswahili komie.*

James Rono: *Ahek boisiek kemoche ko u ni.*

Translator: Sisi watu tunataka hivi.

Translator: Tunataka watoto wetu wawe sawa.

James Rono: *Kimoche lagok koachin ko kwoyechin kokergeit*

Translator: Tunataka wasichana waolee na wakae pale.

James Rono: *Kinemite kemoche tibik koba korikwak ak kotebe korikwak.*

Translator : Kuna kitu kimoja kinatusubua.

James Rono: *Kogeny komite kit age ne kakoimech.*

Translator: Yule msichana hajaolewa, mzee pale ataangalia masilahi yake.

James Rono: *Ko lakwet ne mosich nafas en kap sandet, ne moche sandet kekere boisiek en gaa.*

James Rono: *Mokingen tibik a makingen mureenik, ng'etik.*

Translator : Hatujui wasichana hatujui kwa wavulana.

Translator : Tunataka nguo ziwe tofauti ili tutambwe.

James Rono *Amun kicolach ingoroik che kergei.*

Translator: Kwa sababu wavaa nguo sawa.

James Rono: *Kalya si makiisto ngoroikab tibik kobor kole bo tibik, kibor chu kele bo ng'etik.(Applause). Ten choton chechuk, motinye ng'alek che chang. Asante.*

Translator: Hana maneno mingi. Asanteni.

Com. Raiji: Asante mzee kwa maoni yako kuhusu hilo jambo moja.

Victor Chabon: Commissioner Chairman of this Commission and your colleagues, my names are Victor Kibiwott Chebon. I want to present the following views to your Commission Sir. First I would just summarize because I will leave the memorandum with you.

The first one is Structure and System of Government: I want in my remarks that Kenya being uniquely endorsed with such ethnic diversity which is not found in any other country Continent, the people of Kenya today are very privileged to have this reform process. I want to suggest in our constitution there is a Federal System of Government in which the Executive and Legislative Authority is split between the Central Government and Regional Government. In the above structure, Mr. Chairman I propose that we have a President Head of State without executive powers and have a Prime Minister with Executive Powers as Head of Government. I want to propose that the Central Government be composed of two chamber legislature, the Senate and the House of Representatives as we have sometimes after Independence before it was killed somewhere along the way.

I propose that the President be elected by the two Chamber Legislator from among three or four candidates proposed from the Party with majority seats in Parliament. The Prime Minister, I propose the Prime Minister to be appointed by the President from a proposal from the Party with majority seats. He or she should has to be a person with a backing from the grassroot level that is directly elected by the people at Constituency Level. The two chamber Legislature propose when electing the executive that is the Minister, the Attorney General and the Solicitor General.

I would like also to propose into a new Constitution, a Central Government to control three things: Defence, Currency and Foreign Policy. And then the Regional Government Mr. Chairman, to handle local affairs like Education, Health, Energy, Tourism, Communication, Agriculture, Prisons, Lands and Settlement Industry etc. I propose Mr. Chairman, Regional Government which is based on the current political provincial boundaries, to be headed by the Governor. The Governor should be elected in the Regional Parliament by all the elected representatives drawn from all the Constituencies in the given region. I propose the Governor to form and head a Regional Government whereby each District in the given region be evenly represented.

These Federal System will allow each region to pursue economic development priority that are relevant to the needs of the people in that particular region. Each state will have a Parliament, Civil Service, and a Cabinet headed by the Governor. These arrangement which are proposed will promote ethnic cohesion within the given region, will promote national pride and promote patriotism. The current unitary system set up is not patriotic. People feel that they are not part of Kenya many says they are marginalised and they are neglected by the Government, they require a President from another Region and tribe that is why each tribe today want the Presidential candidate from their region and tribe.

If the system proposed works the Federal president will be confined to common issues that affect all the states. In essence each state will not have to worry who becomes President of Kenya as long as their Governors are performing their duties well. The

issue of insecurity for example says cattle rusting, bank robbery, clashes etc. will be local issues of the Governor and his team to handle, failure to which they face the wrath of the electorate in the given region.

I want also to point out something on Education. Education activities should be decentralized with each state having and a developing university, secondary and primary. The education will be guided by a national curriculum and examinations headed by a National Examination Council.

The current spring up of FM Radio Station that are promoting regional vernaculars is a clear point act to regionalism. It shows a mood, a feeling of the people sent up on ethnic or tribal interests. It is only fair to give these people what they want. Then KBC will be decentralized also to the state to allow them to programme for individual ethnic groups within a given region. Thank you Mr. Chairman.

Com. Raiji: There is just one question.

Com. Salome Mungai: Thank you very much. These are very well pointed and focused views. I have only one question may be being a teacher. Because you have said with Centralized Education and that in the same way we have a National Curriculum some of the problems that have happened we have been told that we have had a child who comes from Pastoralist Programme to answer questions that are featured, suited for some who comes an Agricultural region. So after the decentralized what good would the national curriculum do. And two the national exams that are more or less uniform wouldn't they still be bringing back the disadvantages that we are trying to run away from or find other strategies to deal with.

Victor Chabon: Thank Madam Commissioner, what I am proposing here is that the Education Curriculum should be uniform in the whole country. But what I am proposing the management of education itself and the running of education programmes and the management of the affairs of education only, but the curriculum should be unified.

Com. Raiji: Yes you have answered the question very well please register yourself there. Mr. Michael K. Cheruiyot to be followed by Maxwell David Kariuki.

Mr. Michael K. Cheruiyot: Mr. Commissioner, Chairman wa mkutano huu, kwa vile sitasema mengi, jina langu ni Michael Cheruiyot, nitapeana tu kikaratasi, na nitasema machache. Vile tunaona katika sehemu ama sehemu ninakotoka kati yaani sheria za Kenya iwe na haki ama Mkenya yeyote awe na haki. Kama kulingana na Elimu kutoka standard one to form four watu wasomeshe watoto wao na wasaidiwe na serikali.

Kuna shida mahali ambapo hadi waleo kuna shida mahali, watu wengine hawajiwezi hata kusomesa watoto vile ingetakikana. Na watu kama hao wata waangaliweingefaa Kenya hii, kila mmoja awe na haki na uwezo vile ingetakikana hata kuishi kimaisha.

Hali ya matibabu, ndiyo ni shida kuu sana, ingefaa serikali yetu kulingana na Katiba sehemu hiyo iyonekane isaidiwe yaani watu wasaidiwe, lakini hata huisha kabla ama huondoka nchi kabla kufikia siku, kulingana na kutokwa na pesa za kulipa katika hospitali wengi hukufa nyumbani.

Kuwandika watu kwanjia ya usawa sio njia ya kujuana, yani mtu akiwa na mamlaka unaona anarundika laini yake na wale watu wengine wanangamia huko risafuni. Na hiyo ni vibaya sana. Sheria itumike na sheria isike watu wote kwa njia ile inatakikan.

Bahati ingine kwa vile kulingana na Assitant chief and Chiefs ingekuwa ichaguliwe nyumba kibaraza kama zamani. Maana hii mambo imesidi sana. Assistant Chiefs na chiefs huchaguliwa vile tunaona na hatunjui nani anachagua hawa na baadaye anangunika raini yake na family yake. Na hunjui hii mambo huchaguliwa mahali gani. Sijui ni wa wanasiasa. Hiyo ni shinda sana. Hiyo ikiondolewa mambo yatakuwa bam bam.

Inafaa ichaguliwe katika baraza na kuna njia ambayo ilikuwa inafuatwa na wazee na hiyo njia ilikuwa ni safi. Maana walikwa wamechaguliwa mbele ya watu ikijulikana ya akwamba family fulani walikuwa na fimbo ya kuongoza watu. So hiyo ilikuwa ni jambo moja ilikuwa ya muhimu. Akiwa ni kijana ama akiwa mzee.

Tuko na shida kutojua sheria ndani ya reserve. Mtu anakaa hata akindanganywa hatajuwa ya kwamba hii iko namna gani. Watu wetu wako na shida hata kujitetea. Ingefaa hiyo neno ichunguzwe. Watu wafundishwe namna ya kujua sheria katika nchi. Mpaka hapo ninasema asante.

Com. Raiji: Okay Asante jilandikize Mzee Cheruiyot. Maxwell David Kariuki, ambaye atafuwatwa na John Kibet.

Maxwell David Kariuki: Thank you Mr. Chairman, Sir. My name is Maxwell David Kariuki. I am the founder, Director of G21 on Fire Ministries International. It is an organization that out to preach the Gospel to the young people. Thank you. It is based in Nairobi. First and foremost I want to acknowledge your work and the hard task of Mr. Yash Pal Ghai who is not here together with us may God Bless him.

Mine is only to deliver what I think it should be considered is my views. I would like the Commissioners to talk to these people to keep quiet so that I can ...

Com. Rainji: Your job is to present your views, it is our job to maintain order so proceed.

Maxwell David Kariuki: Bill of Rights for Kenyan's citizen, there is a need for a clear and a transparent bill of rights for

every Kenyan which will protect the rights of the citizen . For example when should the police arrest somebody and why? For how long should somebody be kept behind the bars before being arraigned in Court? The police should not force him or her to confess on things he or she never did. All police officers should be morally upright. Act of indiscipline and lawlessness should not be mentioned among the parties.

Com. Raiji: Excuse me, Excuse me, David please we are trying to record I think go slowly although we are under pressure of time hata tunataka hata kusikiza. Kwa hivyo enda pole pole ndiyo tunasema ufanye summary, kwa sababu ukisoma hiyo utaimba na haitaingia hata kwa sisi. So just highlight what is important tunataka tu ile muhimu you don't have to read it, we certainly would be able to read but take your time but is five minutes.

Maxwell David Kariuki: All right, I apologise. Harrasing innocent civilians or beating them for no reason. Misuse of fire-arms by killing people anyhow e.g. mistaken identities. There should be regular patrol of police in our streets for security. The police should not go arresting or sweeping people in our street who have do no wrong. That is not the way to crub crimes. There presence should be felt by civilian among them and appreciated instead of their present causing panic, tension and fear it should be bring assurance of security to Kenyans. Any Police Officer who kills somebody who is innocent should be sacked and jailed for about thirty years in prison.

There is a great need for a private body in Kenya that will have to arrest and prosecute the police officers when they somebody or kill somebody. With the rising cases of police gunning people down innocent Kenyans and having no action taken against them, it has been very painful, very very painful when we realised that the culprits thought being told that they arrested have not been arrested neither any action taken against them.

MPs should make regular visits to their constituencies to meet with their people and discuss vital issues. MPs should be concerned for their people and they should also be close to them in times of needs. When there is a fund raising the MP should attend or send a representative, the same case when there is a burial, a wedding, or any other crucial function. Before being elected, they should have the following characteristics at least: they should be God fearing, accepted by the people, should have a clean report among the people.

Com. Raiji: Sorry to interrupt you again I think he has a point. Tafadhali tulisema hapo mbeleni tafahali tusikize kila mtu. Hatukoka mpaka kila mtu apatiwe nafasi ya kutoa maoni yake. Continue please.

Maxwell David Kariuki: They should seek the ways of other people not there only. They should speak the peace to his people. The MPs must have the church where he or she attends the services.

The President: There is nothing wrong with having a President who is 25 years old up to 60 years old. I am saying this because

I am looking forward may be to lead the country. He must be God fearing and loving. He should rule for a period of two terms that is 5 years each after that, he should step down peacefully and we should hold general elections for President. He must be married and must have a clean report from his family. He should not be above the law. He should be like any other citizen liable for prosecution in case of any act against the law. He should not be tribalistic. He should not incite but rather love all Kenyans, treat them the same and encourage. Partiality must not be shown by him or her.

Freedom of Worship: we appreciate the freedom of worship has been there and should be there. The Attorney General should register as many churches as possible as there is nothing wrong with it.

Corruption: Anybody caught giving or receiving a bribe should be sentenced to 20 years imprisonment without fine. Anybody who is caught asking for bribe should be reported to the KACA and immediate action taken against him. Anyone who refuses to serve any Kenyan in need in any office should be reported to the High Authority and immediate action taken against him. This include hospitals, Doctors, Teachers, Police, Immigration offices.

Land Grabbing: Every grabbed land must be restored and a double restitution must be made by the grabber himself or herself. An Acre for an Acre, a hectare for an hectare, failure to do so the grabber should be prosecuted for an act of stealing and he must pay, it should be like a Biblical Law of Moses.

Commonalism in Provincial Commission Offices: DCs offices, DO offices and PCs offices, and chief camps and even police station. I have not been very happy with what has been happening in town council grounds and DO offices and these Administration Police. It is a behaviour that must be abolished. It is a sign that Colonialism has not ended. When flags are being raised although people should not be made to stop or standstill. If at all we claim to have freedom in Kenya and I don't think this is freedom. We hope that Mr Yash Pal Gahai and its team will consider these views without any partiality God bless Kenya, May Peace and Unity dwell with us.

Com. Raiji: Thank you register yourself. Your views have been noted and tapped. The next one is Mr. John Kibet.

Mr. John Kibet: Thank you Mr. Chairman. My names are as you said is Mr. John Kibet and I don't have my memorandum here yet, but I will just highlight what it will have. I will send it before the 15th.

The New Constitution should actually provide actual free education to all under 15 years and that education which will be paid for at the higher level be it the University or the Middle Level Colleges please make it cheap to most people because the same person there is no need to provide free education to someone who is not going far. You provide free education to a child when he is supposed to pursue that same education to higher level is grounded by in ability to meet the high cost.

Place all elective posts be limited to two terms. Here I am saying all elective posts from the President to that of Principal Chairman. There is no need to limit the President only to two terms of five years each and let the chairman of town council or councillor to reign for a life time.

Define the role of an MP. What is the role of an MP it should actually tell us who is who, what is the role of the MP and what he is supposed to do. Parliament is supposed to be the legislative arm of the Government and therefore we should require all our MPs to make the laws. So I don't know whether an MP who stays in his village attending funerals and harambees and wedding throughout the five years will have actually served as a legislative member.

The new Constitution should compel the president or who ever to release all reports, a report of any commission that is formed, any commission of inquiry to any project the president or who ever shall have formed it be compelled to release that report within a reasonable period of his reading the same.

Parliament sometimes conflicts the executive arm of the government. We have Parliament making laws, and the executive making some policies. Sometimes they conflict. We have a case where the executive is advertising the jobs of foreign investors. They want promoting investment in the country. Then Parliament make some prohibitive laws for the same investment to be done. So I think it conflicts, they kind of conflict that it compliments. They should make the cost of investment become cheaper and the regulations become cheaper. Thank you Mr. Chairman.

Com: Raiji: Okay please register yourself here Bwana John Kibet by the way that was a very focused submission. Thank you very much. After Kibet Job K. Kandie.

Job K. Kande: Bwana Mwenyekiti, mbele yako ni mwenyeketi wa Koibatek Retired Persons Association Kipkonga Kandie. Now tumetrap tuko na memorandum ningependa kumwita mwandishi wa Association yetu Mr. Alexander Tubei , na members ambao tuliketi chini ni David Kiozi, Anna Chebet, na wengine ambao hawako hapa. Kwa heshima zako tumeomba dakika tisa.

Com. Raiji: As we said before it is the commission that has the mandate to control these proceedings. If you want more time your apply for and you may succeed. For the time being your have five minutes like the rest of us if it becomes necessary we shall you a few more.

Alexander Rubei: I am presenting a report on behalf of Kobatek Retired Persons Association and because I am speaking on behalf of most of them the Chairman I may request for a few more minutes because we that agreed it is better to have one report. So as a group we sat and put together.

I present my proposals or memorandum on the following:

Preamble: Mr. Chairman, we believe that the preamble, our Constitution should have the preamble and the main text of the preamble is to show that Kenya is a nation in the making. Ni taifa linaloundwa. Kwa sababu hiyo message ikishatolewa ujue ni taifa tunaliunda ile uzalendo inayosemekana inayokosekana kwetu itaongezeweka, itatuingia tutakuwa wazalendo. Na itakuwa ni bora tujuwe kwamba kabla ya ukoloni taifa linaloitwa Kenya halikuwako, tulikuwa tuna fragments ya ethnics groups about 42 of them. And then it was after that we were just included in the colonial era, so that we now have what we call Kenya Colony and Protectorate. Pia nyakati hizo kila taifa ilikuwa na lugha yake, desturi yake, na sheria zake. Baada ya hapo tumehamia mijini kutafuta kazi, mashamba zilizokuwa za wazungu, kufanya kazi mbeleni na sasa tunaishi huko tumechanganyika. Na message ni kwamba wakati huu haitawezekana kwa kila kabila au kikundi kuishi na kukaa vile wanataka wakisema lugha yao. Hii ndiyo sababu lazima tuhesimu lugha ya taifa, as a unifying factor na mambo mengine.

Com. Raiji: Alexander much as I most likely increase your points it may be of great use to you if you have made the proposals because then we will be able to get the actual recommendation that you want us to write into the Constitution, The rest the background materials I am sure we can read.

Alexander Rubei: So one we should promote the principles of living and identifying one as Kenyan rather a member of party ethnic community. And these should form the basic of the new nation and philosophy. It should also focus on our aspirations for the future, peaceful, prosperous, and united nations in which freedom of association, worship and protection of life and property is guaranteed through hard and total obedience to all the laws of our nations.

We also said knowledge on the Constitution of Kenya be taught in all schools. These should promote patriotism au uzalendo. Pia tunasema katiba iyandikwe kwa lugha inayoleka na inandikwe kwa lugha mbali mbali main languages itakuwa rahisi watu kuelewa. Na pengine vitabu hivyo ikiwa tutaunda ofisi za kudumu za Review Constitution ziwekwe pale. Kama hatutaunda ofisi hizo basi the Constitution books/document should be available in District libraries.

Jambo la pili ni kuhusu directive principles of state policy. We have decided to call them objectives of the constitution pengine hiyo ndiyo lugha tunaelewa kidogo. Na chapter on the objectives should be there na iyandikwe kwa njia ambayo mtu akisha soma ataona vile nchi hii inataka kutawaliwa. Halafu ukiingia tu ndani ndiyo unaona details of the structures and measures put in place, on how to given and rule this country. Kwa hivyo katika hiyo chapter ya objectives tumesema ya fuatayo yanayonyesha ya kwamba nchi iko ndani ni kuendelea umoja ya nchi through symbols, side boards with national language, national anthem, hiyo ndiyo sababu tunasema national anthem kazi ya kusimama kwetu ni njia ya kuonyesha heshima kwa njia hayo, ni kuonyeza uzalendo. Kwa hivyo national anthem, court of arms, and usawa wa raia wote mbele ya sheria. Pia ionyeze kwamba sherikali iko ready kulinda maisha na mali. Ya katika nchi mzima. Pia serikali ihakikishe kwamba imetoa uhuru kwa watu kutembea kutoa maoni yao kwa uhudu na kujiunga na vyama vyote vya halali.

Pia Katiba itoe protection au ulinzi kamili ya minority groups. Groups ndogo ndogo kama Dorobo, Emolo, Chelangai, Echams na wengine.

Com. Raiji: You have one minute, you have used seven minutes I am adding another one minute.

Alexander Rubei: Okay, now constitutional supremacy – Ningesema hivi, the rights of Kenya Citizens should be include available of shelter, food, health care, freedom of expression, worship, movement and association.

Ulinzi – tunasema askari wetu wote wafuate sheria, wawe disciplined kutumia sheria zao za Marshall Law, lakini wakiwa nje ya barracks, wafuate sheria za nchi to the later.

Wakati wa emergency, Parliament should not have any role in effecting emergency powers because it is possible for the members of Parliament to be part and parcel of chaos necessitating the use of emergency powers. Hence Parliament may be become a stumbling block in the restoration of peace and public order. For example it is on record that some members of Parliament have stated that they would make their country un governable in order to bring about change.

Com. Raiji: Thank you very Bwana Tubei much please give us your memorandum and at this juncture we want to welcome Mheshimiwa Hon. Sirima. Karibu kwa kikao cha tume ya kurekebisha Katiba. We are very honoured to have you with us. Mr. Commissiona Domiziano Ratanya, Comissioner Salome Muigai, na mimi ni Comissioner Riunga Raiji. Welcome mheshimiwa.

I just wanted to say that mheshimiwa is also a member of the constituency committee which we introduced to you in the morning and he is in his capacity as a Kenyan and as an MP therefore he has a right to air his views if wishes to. So karibu mheshimiwa tutaendelea. After Bwana Kandie the next one is Richard Chelimo, ambayo atafuatwa na Michael K. Kiptoo.

Richard Chelimo: Bwana Chairman ya Review Commssion nimenda kwa sehemu sehemu kidogo kwa sababu ya saa. Jina naitwa Richard Chelimo.

Sehemu ya kwanza - Citizenship: Uraia wa nchi hii ambaye inasema ni nani raia wa haki. Nafikiri ni yule mtoto amezaliwa na Mkenya ambaye Baba yake ni Mkenya hata mama imetoka nje.

Sehemu ya pili – Ikiwa kuna mtu anauliza citizenship au kuwa raia wa nchi hii ni lazima afike kwa wale wazee wanasehemu angetaka kuwa mwenyeji wa hapo.

Sehemu ya tatu – Maandizi ambaye mwana Kenya anastahili kuwa naye wakati wote ni Birth Certificate baadala ya ID card.

Siasa – Vyama vya siasa: Political Parties wanatetea vyama vyao, lakini ningependa waingize elimu informal education, mambo ya uchumi na mambo ya hospitali, mambo ya discipline, mambo ya project katika vyama vyao. Katiba iwe ikifanya recreation, population and the conduct of the political parties. The number of political parties be limited because they are too many and I propose three will be required for Kenya. They should be financed by Government in the sense that their objectives be directed to National building. The funds should be from Public Accounts. They should not get funds from foreign . The state and political be friendly working together towards the goals of deveopment check and balances, the state affairs regardless of their political affiliation.

Legislature – The appointment of ministers, chief officers, MDs, Institution should be vetted by the supreme house which is Parliament, so that who ever occupies a place should have the blessings of the MPs of the Parliament. The function of Parliament should be extended to cover all other arms of the govenrment, that is Education, Agriculture etc. they should have a limited power but apporved by voters. That means whatever should have referendum of their voters or the constituency.

With the high salary, remuneration, the Parliamentarian should be full time workers. They are earning enough and the should full time workers for the state. There should be changes on age requiring voters. The age should be brought down to 15 years from 18. The Parliamentarian candidates should be above 18. The Presidency should have a candidate of 55 to 70, that means he should be above 55 and he should not be beyond 70.

The language test should be abolished, only graduates, from the university because, if there is education there should be no language test. They should be paramount requiside for one to contest , to have upright or morals. The people ov voter should be allowed to recall their MPs because they are their employers and they should be able to check and balance the work of the MPs, the ex-presidents and even the councillor if possible. MPs are employees of the people so should consult people for any move not parties. They should not take their move to the political parties, but they should take to voters who give them the employment. The reference to the people should be determined or the people or the referendum should determine the salaries of their workers who are MPs. Thye should not be making the salaries to schedule but without the tax payers taking part.

There is no need for Provincial Administration one way or political party. Women should contest the seats not to wait to be favoured because they are equal like men. They can contest.

Conduct of the following in Parliament: No defection should be allowed once somebody has been elected. Defection has cause alot of problems to the country until we don't know who is who tomorrow your are in Kanu, the following day you are in the other party and the members who voted the man don't know what he is doing. So he should stick to the party which he has elected.

High morals should be seen in the MPs. The MPs we should expect to be the best man in the decision making in approach to the Public and the approach to any institutions so that we don't get the scare.

The Constitution should allow coalition government when it warrant for a good of the nation. When it has come to a state they should have it for the goodness of the society. We better change system demand multi-party to presentation at all levels. At the moment it means we need change of the system. We demand equal representation of all parties. We should ask two chambers in the Constitution that means we should ask the Parliament as a supreme and instead of having these local councils we should have district government where we have all the activities and all finances in the District.

Local Government – The Mayor and the Council Chairmen should be directly elected to the offices directly. It is adequate for Mayors to be there for two years to allow check and balances. The council should be made district government to work independently from the Central Government. The minimum education should be graduate or above secondary school. Language tests may be necessary for the civic to update their knowledge. They should be moral, ethnical, qualification to root out corruption. The people should have rights to recall their councillors and check the progress and deliver. The electorate should determine the nomination of their elected councils. They should not be nominated councillors unless they represent the disabled group. The Council should be dissolved by the Chairman but not by the Minister. I think for the short period this is what I was able to read. But you will get more from the memorandum.

Com. Raiji: Thank you I think that one is very focused presentation thank you very much Mr. Chelimo. Michael Kiptoo; to be followed by Pastor E. Chebet, and David K. Kilos.

Michael Kiptoo: Asante sana mwenye kiti, yetu tumeweka kwa kikundi na imesomwa na Kittony. Asante. Kwa jina naitwa Michael Kiptoo.

Com. Raiji: Pastor E. Chebet.

Pastor E. Chebet: Nashukuru Chairman na wakati huu nimekuja hapa na kwa jina ni Pastor Ezekiel Chebet wa Kanisa la AIC Kenya. Nashukuru Mungu kwa nafasi hii umenipa ama umetupa wakati huu ambao umetupatia tutoe maoni yetu. Kwa hivyo ningependa tu kusema kwamba katika representative yetu hakuweza kukamiliza yale tuliongea juu ya hiyo, lakini tumekunja, ama nimekunja kuwasema tunasukuru mpango huu ambao umetufikia na naamini ya kwamba mtapokea hivi karibuni yale ambyo tutaenda kujadili na itakuwa bora tumepata knowledge hata kwa wengine ili tusiandike tu mfululizo. Kwa hivyo jambo ambalo nilikwa nataka tu kusema ni ya kwamba, kwa maoni yangu kwamba wakati wa uchaguzi kuna kuwa tunapata shida kama wakati mwingi, kuna njia nyingi. Wakati Mbunge ama Councillor anavyomba kura anawapatia watu pombe sana mpaka macho hawezi kuelewa kiongozi ni nani. Kwa hivyo nataka sema hivi ningekuwa ni bora kwanza watu wachaguliwe

kwanza na ikiwa nataka kumpatia pombe , ampatie pombe baada ya kazi na wengine wanazoroteka wanapeana mali zao, wanauza shamba, wanauza kila kitu na baadaye jamii wanaangamia. Kwa hivyo hiyo ndiyo nilikunaona ni heri kama ingewekana wasaidiwe kwanza wafanye kazi maana mtu akisha lewa anafanya vile anataka na badaaye atajuta. Kwa hivyo ndivyo nilikuwa nasema asante watu wa sehemu hii tukisukuru serikali yetu kwa wakati huu. Ambayo wanavyoendelea tunahitaji umoja, tunahitaji upendo tunahitaji kushilikiano pamoja asante.

Com. Raiji: Asante Pastor, Jiandikize hapo na memorandum yeny ikija bila shaka itapokelewa. David K. Kios

David K. Kios: Mr. Chairman Commissioner yetu nilikuwa kwa group na nimepatiana kwa kama Retired Person kwa hivyo sina za zitapatikana huko.

Com. Raiji: Asante sana Bwana Timothy Sirima karibu.

Timothy Sirima: Asante sana Bwana Chairman, Commissioners ambao wako hapa siku ya leo viongozi wetu wananchi yangu ni machache Bwana Chairman nimeandika repoti yangu kwa lugha ya kimombo. Naitwa Timothy Sirima. Mimi hapo awali mkuu wa mkoa wa pwani sasa mimi ni mkulugezi wa Betting Control and Licencing Board and I am here to present this report as an individual and as a local resident of this place.

We the citizens of Kenya and the Republic of Kenya as a sovereign state should have the right to be protected under the Constitution of Kenya.

Fundamental Rights for all citizens of this country including the majority, minorities and local members of societies should be distributed equally depending on common and customary laws of respective communities. The following is my contribution on the direction of the Constitution Review Process.

The Executive – Where the President ceases to hold office, he shall entitled to receive a pension, gratuity and other allowances together with such other benefits and facilities including adequate security, office, staff and travel allowances as may be prescribed by or under an act of parliament.

The pension and allowance payable to the President who has ceased to hold office and facilities and benefits available to him, shall not be varied to his disadvantage during his life time.

The salary and allowances payable to the President and any pension or gratuity payable to him on retirement, shall be a charge upon the consolidated fund.

Structures and Systems of Government: We should adopt a Federal System of Government in which Executive and Legislative Authorities is split between the Central Government and Regional Authorities. We should introduce Regional Assemblies with representatives to the National Assembly.

Federal Authorities should in charge of Social Cultural Economic and Political Development in their respective regions.

Basic Rights – any citizen of Kenya being a member of community which is the subject of personal law shall have the right to restore such laws on matters prescribed in the Constitution.

The Constitution Provision should allow the citizen to follow their specific customary law.

The rights of citizen must be guaranteed and protected.

Kenya should maintain the current method of identification.

The Constitution should protect citizens on security, health care, water, education, shelter, food and employment as basic rights.

The Constitution should provide for free education for Primary Schools.

No religious community or denomination should be prevented from the finding religious instructions for peoples of that community in any place of education.

Any citizen of Kenya should be entitled to all freedoms that are necessary for the upholding of his human dignity.

Non Government organizations should be empowered to coordinate development activities of community based self help groups.

No citizen should be denied admission to any education institution receiving aids from Public Revenue on the ground of race religion, cult or place of birth.

Local Government – Mayors and Council Chairmen should be elected directly by the people. The council should not continue to operate under the Central Government and chief officers should be employed directly by respective councils. The minimum qualification for councillors should be O'level of education. Parliament should determine the remuneration of councillors. We should retain nominated councillors but only people representing special interest should be nominated. The councillors should

be governed by the rule of law regardless of their party affiliation. Parliament should be given powers to dissolve councils but with strong recommendation from the Auditor General.

Cultured ethnic and Regional Diversity and Communal Rights: Cultured and ethnic diversity should be protected and promoted in the constitution.

Ethnicity should be dealt with by the distribution without discrimination of cultural and communal and have one national language at the same time recognizing indigenous languages to provide cultural values.

The Constitution should cater for the interest of district social groups.

Every person shall be entitled to manifest and propagate his religion or belief in worship, teaching, practice and observance.

Land and Property Rights: The ultimate owner of lands should be an individual.

The government should have powers to acquire private lands which is not put under useful purpose.

The procedure of transfer of land among women and men should depend on the custom of a particular community.

The constitution should guarantee access to lands for every Kenyan.

Restrictions should be put on non citizen owners of lands.

The Community should be involved in the issues concerning transfers and inheritance of land rights.

Environmental and Natural Resources: To enforce laws on the protection of environment should be on the government in collaboration with the local community.

Natural Resources should owned and managed by the Government who should walk hand in hand with the local communities.

The Natural Resources which should be protected by the Constitution should include among others water, forests, range lands, minerals, wildlife etc.

The role of local community in the management and protection of the environment should be controlled by the Local Authority

The appointment which should be vetted by Parliament should involve the offices of the Attorney General, Auditor General, chief Justice , and parastatal heads.

Parliament should have powers to control its own procedures.

Being a member of Parliament should be a full time occupation.

Parliamentary seats should be contested by any Kenyan citizen. Apart from minimum academic qualification of O'levels parliamentary aspirants should suit the language test.

Moral and ethnic qualification for Parliamentary candidates is necessary.

Members of Parliament should act on the basis of instructions from the constituency.

The Remunerations for members of parliament should be determined by a committee of experts.

The concepts of nominated members of parliament should be retained, but only people representing special interest should be retained but only if representing special interests should be nominated.

The conduct of Parliamentarians should be governed by special house disciplinary committees. Thank you very much.

Com. Raiji: Just a minute Bwana Sirima I think the Commissioner may want to ask you on or two things. We begin with Com. Salome Muigai.

Com. Salome Muigai: Thank you very much Mr. Sirima for your very focused proposals. Mine is on two proposals that you made. That the Constitution should guarantee access to land for everyone. Then just before that you had told us that access to land by men and women should follow customary laws which a lot of time keeps women away from owning land, so if this Constitution says that everybody should have access to land and then you tell us you follow customary law would you see a conflict between these two.

Timothy Sirima: Thank you very much, Bwana Commissioner, what I actually said is that in some communities land normally registered in the name of head of the household. When this person dies the children and the wife should also be considered. Otherwise I don't think there is any controversy here.

Com. Raiji: Okay you have answered that very well, but just one more. I think this may not come directly from your memorandum because you read it very first. But you had had a lot of recommendations and here I am taking the liberty to follow from extensive experience as an administrator regarding the position of provincial administration. We have received recommendations that we are very short together others suggested we retain the chiefs and abolish the DOs, other we abolish the PCs and retain the DC. As somebody who has an extensive experience would have any views on this particular issue?

Timothy Sirima: Thank you very much Bwana Chairman. Having been an administrator I think these people actually should be there because how would we run the government. We are still a young nation one may be trying to compare us with one of the developed countries e.g. in UK the councils are running the government. But here in Kenya it is the Provincial Administration we are still a young nation, we need these people because these are the people who act as a link between the government and the wananchi. Therefore I would say we retain the structures.

Com. Ratanya: There may be one clarification here for you to make Mr. Sirima. It is on land. You have said that ultimate owners of land should be an individual and then you go ahead that the idle land can be compulsorily acquired by the Government but you did not clarify how that one should be acquired and how it should be idle. Whether it is sold by someone and on what procedure.

Timothy Sirima: Thank you very much Bwana Chairman. Two issues: ownership of lands: As you might have realised a Kenyan owns lands up to 6ft anything below there belong to the Government and then an individual for example minerals may be discovered in a given area and then an individual is only paid for arable land, not considering below 6ft. So what I am saying here let that individual be compensated adequately so that he can also when he is moved elsewhere he goes and put up structures which will make him and his family comfortable. The issue of idle land you may come across trust of lands which are not utilised, what I am saying here is it should not be acquired compulsory, but the Government can actually ask the individual to allow willing Kenyans to till that particular land because of the lands we have here in Kenya that are idle, so if an individual has some money to invest in farming, he should be given an opportunity to till that land and then at the time of the harvest, he should also consider the owner of the land by giving him a small token.

Com. Raiji: Thank you very much Bwana Sirima that what a very enlightening thing and we the commissioners have received your recommendations on issues that obviously you are an expert. The next person is Esleve Talum.

Esleve Talum: Kwanza na toa shukrani kwa nafasi hii ambaye nimepewa ili niseme hata nami machache yale ninaona ni vizuri kama inawezekana iwekewe kwa Katiba yetu.

Kwanza mimi naona yangu zijasikia mtu akitaja lakini inahusu watu wakiwa nyumbani, naona watu wengine wanaonekana hawafanyi kazi kwa manyumba yao. Watu wengine wale wadogo kiasi ya wale ambao wangukuwa na nguvu ya kufanya kazi wanatoka nyumbani asubuhi na wanatembea mpaka jioni, na wakirudi nyumbani hawa wanahitaji chakula huko nyumbani. Kwa hivyo kama ingewezekana wale watu kama hawa ikiwa ni watu wa umri mkubwa ama katikati hivi, wote kama ingewezekana wakionekana wakitembea hivi bila kazi kutoka asubuhi mpaka jioni washikwe waulizwe kwamba hawana kazi huko kwao, ambayo wanaweza fanya kuliko kutembea hapa bure.

Vilevile kama watu wanasena ya kwamba hawana kazi, naamini serikali wako na kazi yakumpatia watu kama hawa. Wanaweza kupelekwa kufanya kazi ya usafi katika maofisi ya serikali ata hapo town waonekana kwamba hawa ndiyo watu ambao hawana kazi. Wakifanywa hivyo, watu kama hawa muda wa mwezi mmoja namini kila mtu ataondoka na kufanya kazi yake huko nyumbani.

Tena naomba viongozi wa watu kama hawa town yoyote ikionekana watu wengi ambao wazurula hawafanyi kazi viongozi wa ahawa na town kama hiyo wako na jukumu si vizuri wanaongoza watu ambao unaonekana wanaendelea kupokea ingekuwa vizuri hata hao wachukuwe jukumu ya kuona ya kwamba hawa watu wanajaribu kufanya kazi ya mikono yao huko nyumbani. Ninaamini kazi huko nyumbani si kazi nii kwa maofisi kazi inaaza kutoka huko nyumbani. Tuseme Kama chakula, wakitoka asubuhi na kuja hapa nani analima kama chakula nani analima?

Ninaomba viongozi wowote kama inawezekana wawe macho kuona hawa watu wanarundi huko nyumbani kila afanya kitu. Mpaka sasa nane watu waweza kuonekana wakitembea huko town.

Tena najuwa ya kwamba wale wanazunguka hivi ni wale wanatumia pombe. Ninaona kwamba, inawekwa Kwa sheria kwamba wale watu wa umri wa nchini nina amini ya kwamba hata zamani ilikuwa hivyo watu a umri wa chini mpaka miaka arubaini wasionekane wakitumia pombe ya aina yoyote. Naamini ikifanywa hivyo watu wananenda pole pole watuwatafanya kazi huko kwao.

Tena kuna pombe ambayo tumesikia watu wakitumia wanakuwa wazimu kweli. Unaona yule ulikuwa najua si yeye, kwa sababu ya pombe kama hiyo. Tunaomba kwamba mwenye anafanya hiyo kazi akipatikana afungue bila faini kweli kwa sababu wametesa watu wengi, wametesa maisha ya watu wengi.

Hospitali: Tumeona kwamba magonjwa yamekuwa mingi na ikiwa mingi hivyo watu hawana pesa ya kutosha kulipa mahospitali kama ingewekana serikali wangesaidia watu wapelikwe hospitali tena hata na fees kama ingewezekana serikali yachukuwe hiyo jukumu ya kuwafundiza watoto na waone afya watu wa nchi yake. Kwa hivyo hiyo ni yangu ambayo nilikuwa nayo siku ya leo.

Com. Raiji: Asante sana Mama kwa hayo maoni sawa tutajaribu kumwita mama mwingine. Salome Sodi.

Salome Sodi: Asante sana chairman, kwa jina ni Councillor Salome Sodi. Nina fikiriri siwezi kusema maneno, kwa maana nimeandika memorandum ambayo nitapeana. Nitasema maneno machache. Ya kwanza ninaunga mkono yale ilisomwa na mama mwezangu ambaye anasimamia wakina mama katika Eldama Ravine. Kwa hivyo ningeuika mkono ningependa kusema maneno machache ambaye kwa memorandum. Ya kwanza, ni uchaguzi wa Parliament au Council: ninapendekeza kama ingewezekana, itolewe sehemu wamama watasimama wakati wa uchaguzi. Tusemam kama sasa katika District tukiwa na wambunge wanne iwe moja ni kiti ya akina mama na itengwe kabisa iwe ya akina mama. Ili wamama wasimame wakingangania hiyo kiti moja. Kwa maana tunaona ya kwamba ikisemekana tusimame na wanaume inaonekana wanaume watachukiwa hiyo kura yote. Kwa maana wametunyanyasa miaka na miaka. Wakati ule tunapiga kura ni 65% of 70% na tunapigia wananume. Ikisemekana mama hii wanaume saa hiyo wanatoa macho kali ukimwambia akupigie hata kupiga kula kwa hiyo mama huwezi kurundi nyumbani leo. Kwa hivyo tunaomba serikali ikiwesekana iwekewe kwa katiba kusema ya kwamba sehemu moja iwe kwa akina mama. Na wanawake watajitokezea kujipigia hiyo kiti moja imepatiakana. Kwa maana isipotengwa hatutafaulu hata ikiwemwa namna gani. Chairman ukitazama kwa nyumba hii ni wanaume wote wapi wamama. Kw ahivyo sisi wamama itafika siku ambayo tutakoma bil kupiga kura bila kupiga ugali, tumechoka na hiyo yote.

Kwa hivyo ombi letu ingie kwa katiba isemekane kila sehemu iwe na moja. Katika Kenya yote. Sisi tunataka kusimama kama watu wengine, tumechoka kuwa nominated kila mwaka.

Elimu: Mwenyekiti mambo ya elimu tumeshindwa. Tunaomba kama ingeweze kana iwekwe kwa Katiba isemekane watoto kutoka primary mpaka secondary school serikali iwasomeshe, Kama maoni yangu ninaonelewa ya kwamba kama shelikali ingefundisa watoto tunasukuru hata kwa anjili hata wakati huu. Oprimary inadenelea vizuri. Tunaomba hii Secondary School hata serikali wafundizwe hayo. Ikifika university basi kila mtu ajitahidi na wanachukuwa loan na watoto watasoma.

Tunaona ya kwamba wamama wanambeba mtoto kwa tumbo mwishowe analiza mwishowe anaingiza kwa shule hata kwa secondary, wanaume wengine wanazaa bila ya kujitahidi kwa school fees ya watoto wao. Kwa hiyo wanasema unisadie school fees, afisi ya mhesimiwa, afisi ya nani tumechoka kwa hivyo tunaomba serikali ingize katika Katiba ili watoto wasome.

Mambo ya uchaguzi: tumeona mambo ya uchaguzi izipolekembishwa kwa Katiba hii uchaguzi utakunjwa kuwa baya.

Kwa maana umesekana uchaguzi ha raisi pande hii, pande hii ya Parliament, Panda hii ya council na inatolewa siku mbili au siku ya tatu. Na hiyo haiwezi kufanyika jameni. Ombi langu ninaomba kama ingewezana ifanywe uchaguzi ya macouncillots ka ni juma tatu. Kufika ka Wednesday iwe hata ya Parliament. Kufika ya Friday iwe ya President kuliko kuchukiwa yote mfuuluzo a huwezi kujua wengine watu wetu hawakusoma. Wengine hawawezi kufahamu na piga Parliament au ya President. Kwa hiyo ombi iwekwe tofauti.

Hii mambo ya mlolongo jameni hakuna kura hapo. Msiseme tumepiga kura. Wacha kura zote zingie kwa sanduku hata kama hii ya chama. Kwa hivyo tupatiwe sanduku ya kuweka kuwa kwa Katiba. Siwezi kuongeza maneno, ile nimeandika iko kwa memorandum.

Com. Raiji: Asante sana. Iko mama mwingine alikuwa amejandikiza hata akiwa ako nyuma. Sasa tunarundi kwa akina baba. Rev. Nicholas Rotich.

Rev. Nicholas Rotich: Asante sana Bwana Mwenyekiti nashukuru sana nimepewa nafasi hii niweze kuleta mapendekezo yangu binafsi. Ninaitwa Nicholas Rotich Rev., mimi ni Vicar wa Anglican Church of Kenya, Eldama Ravine Parish. Naninatoa mapendekezo mawili matatu hivi. Moja ni kwamba Katiba mpya iweze kuongea kuhusu mambo ya preamble au utangulizi. Iwe na utangulizi. Sisi kama taifa makabila yote kwamba tunatambua juhudi zetu za zamani pamoja na kupigania uhuru wetu, tunatambua hata mwanguko wetu our witnesses and where we are and we are looking forward for a better future. Kwa hivyo huo utakuwa utangulizi.

Pili ningetaka bendera ya Taifa imbandilizwe. Rangi zake ziweze kubandilizwa. Baadala ya nyeusi ambaye ni very recreational kwa wakati huu madawa ya tread ambayo ina hatari badala ya spear au mkuki ambao unatumiza nataka Bendera yetu iwe Green. Halafu kuwe na Nyota katikati nyeupe, halafu kuwe na Nyota nne ikizingira Nyota hiyo ya katikati itakuwa kubwa, nne zitakuwa zikizunguka itakuwa ni ndogo. Halafu wimbo wa taifa utakuwa ukiibwa E-Mungu Nguvu Yetu ilete baraka kwetu

ambayo ni mbichi, greenness halafu tutakuwa tikiendelea hivyo.

Halafu jambo lingine Kenya's Seal ama Crown ya Taifa sisi tunasimba ambaye nu hatari haleti amani na huyu simba ni kwamba ni simba wawili ambao wana mikuki na wana ngao. Na serikali ambayo inatiza na kuogofia. Ningesema badala ya kuwa na hawa simba wawili wakutumaliza simba marara, sisi tuweze kuwa na ndege ambao ni doves wale ambayo wanaleta amani. Badala ya kuweka jina Harambee kama neno pengine neno mwaraka ambalo tunafahamu sisizote. Na ningependekeza ya kwamba hata tukiweka mchango ni vizuri.

Hivi leo ninapendekeza kwamba katika Katiba mpya tuweze kuchukuwa mfumo mpya Federalism forms of Government na sisi tuwe na State nne. Tugawe Kenya mara nne. Ambayo itakuwa ikisimamimia nyota kila sehemu ama eneo ina nyota katika bendera ya Kenya.

Central Form of Government: There will be two sets of Laws form of Government. Katikati hapo by Central Government itakuwa na Executive Legislature and Duty Culture. Katika maeneo yale ni kwamba kazi ambazo zitakuwa zikifanywa na Central government ni kuwagalia maswala ya katiba constitutional affairs, Financial Affairs, Foreign Affairs, Security Affairs, and Citizenship Affairs. Na maeneo yale yatakuwa yakiangalia kuhusu Health, Education, Infrastructure, Sanitary amenities like water, and lands.

Na hapo ni kwamba sisi zote tutakuwa tukiendelea tukifanya ama tukiangalia that Central Government wanaweka maswali ama wanweka utaratibu wa mwingozo na kila mtu katika maeneo atakuwa kuizi kataika maeneyo yale mengine provided atafuata sheria ambazo zitawekwa katika eneo lile. In as much as the Government should guarantee freedom of worship napendekeza ya kwamba sisi tuweze kusema who to worship katika katiba, ili kusiwe na watu tu wanasema the are free to worship but may be they worship in their way tunanza sisi kutatizika, kwa hivyo tuweze kuweka who to workship. Naningependekeza ya kwamba pengine kama kanisa ama kama dini yoyote iweze kuangaliwa mambo yote ambayo ni imani yao. Asante.

Com. Raiji: Asante sana Rev. kwa hayo maoni yako tafadhali jilandikize kutoka Rev sasa tuko na Bwana Dickson K, Yator.tukimaliza na Bwana Yator tutamwita clement Kariuki ana atafuatwa Colin Kirwa.

Dickson K. Yator: Bwana Commissioner, napenda kutoa mapendekezo kwa ufupi. Kwa jina naitwa Dickson Yator vile umesema. Kwanza kwa Katiba ningependa Kenya yetu iwe na vyama vya siasa ambayo ni limited. Kwa maoni yangu ni usizidi kumi. Na naada uchaguzi kama chama chochote haina wajumbe kwa mbunge na hawana councillors, vyama wakomeshwe au wafutwe katika Register.

Serikali iundwe na chama ambacho kitafaulu atakuwa na wingi wa kula na serikali yetu iwe serikali ya Federal Government na iwe na muundo na Upper House kama jinsi waingeleza wana nyumba ya House of Lords, tuwe na nyumba sisi Upper House na

tuwe Regional Assembly na Legislative Council na Local Authorities.

Qualification ya wale ambao wachaguliwe wawe na elimu ya juu kutoka form four na kwenda juu ispokuwa tu kwa local authority kama urban area na kwenda chini bora mtu aelewe lugha ya kiswahili. Na wawe na composition ya wale wana interest kama wamama na walemavu na wale ambao wamefikia miaka kumi na sita.

Land: Mchanga usimamiwe na Board. Na Board ianze katika kiwango cha division wawe na Board, mpaka District wawe na Board, Division wawe na Board. District isimamie mchanga na iwe tu serikali Central Government iwe ni mdhamini kwa upande wa kufanya registration kama Office ya Commissioner kwa kupeanan title deed. Lakini mambo yake ya shamba isimamiwe na District Land Board.

Tukienda kwa upande wa Elimu ningependa iwekwe katika Constitution yetu au katiba yetu. Syllabus ya Education iwekwe mother tongue. Lugha ya mama iwekwe syllabus kutoka darasa la kwanza au nursery mpaka darasa la nne. Ili na lugha yetu isimamame na ikae isipotee. Basi na Kiswahili pia iwe lugha ya taifa katika nchi yetu, hata ikiwa kwa ile manyumba yetu ya upper house, lower house mpaka region, mpaka local authority, iwe ya lazima. Iwe lugha yetu ya taifa. Kwa sababu inaonekana tutakuwa watumwa wa lugha zingine ya kingereza na lugha zingine. Na baadaye tuwe na lugha hiyo katika Nation na hata itumiwe katika kikundi kingine.

Kuhusu employment au kuandika watu kazi tuwe na commission kutoka kwa District mpaka huko juu, mpaka Central Government tuwe na commission ambayo wanatoa recommendation kwa kuandika watu kazi.

Kuna moja Bwana Commissiona singependa kuwacha ni ya kwamba kuona siku hizi inahitajika certificate. Na watu wachache wanaoa na ningependa certificate ya kuoia itolewe mpaka daraja ya division au location, wapewe na wale watu wanahusika kama makanisa, na pia hata administration ikiwa kuna Masenior chief wanaweza kupewa nafasi ya kupeana certificate ya kuona, ili natupate watu wengi ambao wanaoa tusio wachache. Na iwe lazima kila mtu aowe hata kwa desturi lazima kila mtu afanye arusi.

Uhuru wa kuabudu – kuabudu kikwetu hakuna mtu hata zamani anaabudu shetani. Kwa hivyo tungependa kuwekwa katiba ya kwamba, mtu ambaye anaabudu shetani aweze kutowekwa register dini yake.

Ya mwisho kuhusu ni ya salaries. Ningeonelewa ya kwamba iwekwe katiba ya kwamba mshala ya wale wajumbe ambao wanachaguliwa kwa kila kiwango iwe allowances hata ikiwa nyingi namna gani, lakini isiwe mshahara. Kutoka bunge council hata bodies ile ingine kama commissioners ama wengine wapate allowances hata kama ni nyingi. Na allowances ya kila aina ya travel allowances, ya malezi, na hayo yote iwe kwa watu kama hawa isiwe mshahara. Asante sana.

Com. Riunga Raiji: Iko swali

Com. Salome Mungai: Asante sana Bwana Yator, kawaida allowances hazitozi kodi na umetweleza serikali kubwa yenye tunataka kugharamia tunahitaji kugharamia kwa kupata mapato kutoka kwa kodi yenye itaenda kugharamia hii serikali za kila jimbo. Sasa watu wakipata allowances yenye haitozwi kodi tutatoa wapi pesa za kugharamia hii serikali yenye tunataka kuweka kwa Constitution ama kwa Katiba mpya.

Dickson K. Yator: Kwa kodi hata kodi inafanywa mpya kulingana na sheria ya sasa kodi haiko lakini tutaweka kodi za sheria mpya kwa allowance ndiyo

Com. Ratanya: Bwana Dickson kuna swali hapa kuhusu marriage certificate. Unasema kwamba kila mtu apewe marriage certificate. Sasa hawa ni wakristo peke yao ama hata wazee wa nyumbani wakioa kwa customary law.

Dickson K. Yator: Asante sana Bwana Chairman. Ningetaka wakristo wapewe na wakristo kulingana na dini yao. Na wale wa customary wale wakinyumbani wapewe kulingana na administration. Wapewe na administration.

Com. Raiji: Asante sana sasa tulisema tutamwita Clement Kariuki. Tafadhali asaidiwe na Colin Kirwa atafuata baadaye.

Clement Kariuki: Kwa majina naitwa ni James Clement Kariuki na nilikuwa mwalimu sasa ni retired teacher na upande mwingine, I am visually handicapped. Ile memorandum nitakayopeana hapa ni kwa niaba ya wote wasiojiweza, katika Wilaya yetu ya Koibatek. Nitaongea kidogo tu kwa sababu yote yameandikwa hapa kwenye hii memorandum. Katika sehemu ya kwanza ni huzuni sana kwa sababu watu wasiojiweza kufuatana na Katiba iliopita au ambayo tunataka kurekebisha walichukuliwa kama second hand citizens. Hakuna wakati wamekuwa wakijaliwa wakiwa na sinda mara nyingi wanapuuzwa. Serikali yetu kuu kutenga pesa kiasi fulani za kusadia hawa watu. Lakini kwa kweli haziwafikii kufika kwa Locational Level.

Kwa hivyo kuna vitu ambavyo ningependekeza machacha. Kama serikali imetenga kwa mfano shilingi elfu mia moja ije isaidiwe wasiojiweza katika wilaya ya Koibatek. Haijulikani ni watu gani wanakuja kusaidiwa. Hiyo pesa ikifika kwa Bwana DC hakujulikani kuna location ngapi, Division ngapi, watu wale wanaenda kusaidiwa ni watu waina gani, umri wao ni miaka gani, wana background ya education namna gani, wangesaidiwa kwa njia gani haijulikani. Hizo pesa zinaishia kutofikia wale watu.

Junzi tulikuwa na mpango wa Reduction of Poverty. Mimi nilikuwa mkutano huo. Na wasiojiweshwa hawakukumbukwa na yeyote. Kulikuwa na utaratibu mwingi na ni mimi nilikubuza wale ati kuna watu wengine wanaitwa wasiojiweza. Wamesahaulika katika sehemu nyingi na nchi zetu. Wale wanaokumbukwa ni wale wachache ambayo wanachukuliwa na wamissionary na kupelekwa katika institutions fulani fulani. Wale wako risavu hawajulikani. Ningeomba kama ingdwekwa kwenye Constitution kufanywe preliminary survey kuanzia sub-location kwenda juu ijulikane katika sub-location fulani kuna

wasiojiweza kiasi fulani wale ambao pengine wanaulemavu mbali mbali. Ili wakati wa msaada wanaweza fikiwa.

Katika kila Wilaya ningeomba kuwe na institutions ambazo zina jali hawatu wasiojiweza kulingana na walemafu wao. Kwa sababu tuna imani kuwa disability is not inability. Hakuna mtu ambaye hana kitu kidogo ambacho anaweza fanya. Unaweza kuwa una kipawa cha kuimba kistawishwe, unaweza kuwa una kipawa cha aina nyingine hata ingawa wewe ni mulemavu.

Tukirundi pande mwingine tunaona hata wazazi wetu katika vijiji wanatupuuza. Mtoto ambaye hajiwezi, mtoto aliyeremaa ni mto kama yule mwingine na unaona mzazi anamficha. Anamchukulia kama yey ni laana katika familia ile. Ni vizuri makanisa yameweza kugeuza fikila hizi za wazazi. Wameaza kuona kuwa katika mtotokuna kile ambacho kina maana, yaani roho ya mtu.

Huyu mtoto asaidiwe na serikali hakuna mwingine wa kumsaidia. Institutions ni kama hizi zikianzishwa kutakuwa na mafunzo ya elimu kama huko kuingine. Nikitoa mfano mimi nilipoteza macho, nikiwa Secondary na hakuna mtu aliyenijali mwaka wa 1963. Isipokuiwa padri mmoja wa kicatholic na kabla huyo padri hajafika, nilikiwa nimepanga nijinyonge kwa sababu niliona hakuna mtu anayenitaka. Hakuna mtu anahaja na mimi. Kwa hivyo kufikia wakati huu kwanzia 1963 mpaka sasa, kuna maendeleo mengi sana yameingia na serikali yetu ingetujali sisis wasiojuweza na tuwekwe kwenye Katiba ya nchi yetu tuwe tukikubukwa kama watu wengine. Kama ni job opportunity isiwe kama ni privelege iwe ni kama rights ya huyu asiyejiweza kupewa kazi.

Serikali inaweza set aside percentage ya kazi, ili kuwasaidia hawa wasiojiweza. Serikali ndiyo matumaini yetu hadi dakika hii hatuna tumaini lingine ila serikali yetu. Nitapeana memorandum na itaeleza haya yote.

Wakati mwingine naangalia ni kwamba mimi nina haja ya kuwa na familia kama mtu mwingine yeyote. Nikiwa na familia sitazaa wale watoto ambao hawaoni, nazaa watoto kama wale wengine wakaida. Namimi nasindwa na kuwasomeza hawa watoto, serikali kama ingetoa nafasi, hawa watoto wasomeshwe free kwanzia standard one mpaka university. Maana mwenye kulipa hii school fees ni mimi mwenyewe ambaye sijiwezi na mapato yangu ni duni. Ikiwekwa hii katika Katiba watoto wetu wakiwa wakubwa wangeweza kutusaidia sisi tusiojiweza. Lakini kama watapuuzwa watoto wetu wanaenda kuwandikwa kazi ya kuchoma nyama, kazi ingine huko hata kazi mbaya mbaya lakini nasikia uchungu tu ndani yangu na sina la kufanya. Tuingiziwe kwenye Katiba na tukumbukwe na serikali yetu maana hatungojei uhuru mwingine, hatungojei Kenya yetu iwe na uhuru mwingine itipokuwa ule tunao chini wa Raisi wetu. Asanteni.

Com. Raiji: Kuna maswali

Com Salome Muigai : Asante sana Bwana Kariuki kwa maoni yako. Mimi nina maswali machache kwako kwanza ni kwa hii shida za watoto walio na ulemavu kufichwa kwani wanaonekana kama ni laana. Wewe mwenye unaona Katiba inaweza kuweka yenye itaweza kuwakinga watoto na hili jambo. Pia umetueleza kuwa serikali inaweza kutoa kiwango fulani cha wandikizaji wa kazi ili uwandikishaji watu wenye ulemafu. Wewe ungetupa pendekezo lako ungependa kipi kwa mia ili watu

wenye ulemafu wahushishwe kwenye uajiri wa kazi. Tena ningetaka kuuliza je ni uandikishaji tu kazi na masomo ama kuna pahali pengine kwenye kuhushizwa kwa jamii kwenye watu wenye ulemavu wangetaka kuhushishwa ?

Clement Kariuki: Swali la kwanza mtoto ambaye anachukuliwa kama ni laana kwa familia hii ingetokana au ingesuluhiswa kwa njia ya kuelimisha katika vijiji kupitia kwa chiefs katika mabaraza na assistant chiefs. Na pia lingizwe katika kanisa. Hiyo ingesaidia hawa watu kuona kuwa mtoto ni mtoto ukipewa aliyelemaa na asilelemaa ni mtoto wako.

Ningekuja kwa hii ya kazi. Percentage fulani iwe set aside for these people. haiwezekani hawa watu wapewe kazi ambayo hawaja qualify. Yaani job, they have not qualified for and to qualify one needs basic training that means huyu mlemavu apewe nafasi ya kuenda shule na kusoma. Na hii shule wakati mwingine tukionzisha institution kama hizi katika District nilisema pale mwanzo kuwe preliminary survey ya kuhesabu hawa watu kutoka sub-location. Waone wale ambao ni wa school age. Wakipelekwa shule watapewa academic training halafu watarudi wapewe professional training sio yeyote ambaye hajiwezi anaweza kuwekewa kando, lakini hakosi aina ya kazi ambayo anaweza pewa ile ambayo ame qualify.

Com. Raiji: Hiyo swali Kariuki umejibu na tusesema asante sana.

Clement Kariuki: Kuna lingine, tafadhali nikumbushe lile lingine la tatu.

Com. Salome Muigai: Nilikwa nimekuuliza kuwa ni kwa kazi tu kwenye tunahitaji kuweka watu walio na ulemavu nafasi fulani ama kuna – are there other areas that we need to involve people with disability or is it just in employment and education.

Clement Kariuki: Funguo ya kila kitu ni education, na asiyejiweza pia education hawezi ku qualify for a professional job. Wakipewa training hizi ambazo tunasema wapewe, nafasi sio wote ambayo watafaulu hata katika shule zetu za kawaida, unaona kuna mtoto kama ni form four amepata D+ c, mwingine amepata A hata wasiojiweza ni hali kadhalika. Wale ambao wame-qualify bora tu wapewe il nafasi. Asante sana.

Com. Raiji: Tumemwita Bwana Colin Kirwa.

Colins Kirwa Yator: Asante sana Bwana Commissioner na wenzako ambao mko hapa mbele. Kwa majina naitwa Collins Kirwa Yator. Niko na memorandum, nasimama kwa niaba ya waliolema hasa katika mambo ya mikono au miguu. Nikiwa nasimama hapa nasema kwamba Katiba ambayo iliundwa miaka iliopita, haijui mtu ambaye anaitwa mlemavu. Lakini la kuandikwa iliandikwa. But in practical deeds, hakuna mtu anaitwa mlemavu lakini kwa Katiba imeandikwa hapo. Nikiwa nasimama hapa leo, nasema kwamba Katiba ya sasa iandikwe ikiwa kwa ukweli inasimamia mtu ambaye anaitwa mlemavu.

Kwanza ningesema katiba ya sasa ambayo tunajaribu kuwaindika mzazi yani the parents. Wale wazazi ambao wanakataa

kusema kwamba wana watoto walemavu washitakiwe na serikali. Sababu nasimama hapa najua wale wazazi ambao yangu nyuma kuna wale ambao wana wazazi waliolamaa lakini katika jamii tunajuwa wako lakini katika jamii tunajuwa wako lakini hawasemi kwamba wako. Labda anakaa pale akiwa na shida zake lakini yule mlemavu angeletwa na yule mzazi naakuje afanyiwe chochote na afanyiwe chochote ambacho ingewezakana ni na imani angefaindika kwa nji moja au nyingine.

Tumesema education – wengi wamekunja wamesema education free kwa kila mtu. Lakini sijasikia mtu ambaye mzazi yuule mwingine ambaye amesema education hii ambaye tnajaribu kuiunda hii education tupatie wale walio na ulemavu. Hiyo ni ya buiriri. Kwa sababu labda unasema yule mlemavu apatiwe education kwa free halafu atafaidika kivipi. Kuna njina nyingi ambao mlemavu anaweza kufaindika akiza pewa ile elemu bila chochote. Pia kuna mwezangu ambaye amekuja hapa ni ameguzia mambo ya kazi itengwe kwa wanalemavu. Pia nasema kwamba hata katika mambo ya local authority kuna seats ambazzo wamachairman, na councillors wanapizania pia walemavu wapewe likewise mpaka ile ambayo iko ya MP. Pia wapewe na hata wakiwezekana kama mlemavu ambayo anataka kusimama akiwa President pia inaweza tengwa apatiwe.

Kuna mambo ambayo wanasema mambo ya employment enyewe employment, yenyewe ina shida sana kwa mtu ambaye ni mlemavu, mimi nafurahi kwamba mimi nilipokuja nikanjitafutia katika Local Authority, jambo la kwanza ambao wengi waliuliza ni je ataweza? Mbona ulize je ataweza na hujampa. Sasa ajaribu akishindwa basi ole wake tukasema ameshindwa. Lakini akijaribu basi amefaulu. Na ikiwa wewe unaona ni vigumu kumwandika yule mlemavu, kuna wazazi ambao labda wakiwa wanasoma katika primary ama secondary walikuwa drop outs hawakuweza kuendelea sana, lakini wana knowledge ya kufanya kazi ile ama ingine. Mimi lile ambalo naweza shauri kwa mambo yanayohusu kazi ikiwa wewe employer unaona ni shida ku-employ aliye na ulemavu, basi mchuwe mzazi wake, umwandike umpe kazi, ilikusudi asaidiye yule mlemavu ambaye amewachwa nyumbani.

Nafikiria jambo lingine ni kwamba, katika institutions nyingi inajali masilahi ya wale ambao wanaweza . Sasa mimi ningepomba katiba ambayo tunajaribu kuiyandika kwa sasa. Zile institutions ambazo ziko zina-cater for these, the disabled people, hajambu kuimprove kulingana na wakati unavyozidi kwenda mbele.

La mwisho ningesema ya kwamba kuna walemavu wa aina nyingi, kuna mlemavu wa miguu, kuna mlemavu ambaye haona na kila aina. Nataka serikali ijaribu katika kila district ikiwezekana wawe na an institutions that caters for these people. La mwisho ningesema kwamba mlemavu sio kikwazo katika jamii. Mlemavu ni mtu kama yule mwingine. Ila tu anahitaji usaidizi. Asante.

Com. Salome Muigai: Asante sana Bwana Kirwa mimi bado natafuta viwango kwani the more concrete our recommendations are the easier it is to implement them. So even when it comes to employment unapotwambia habari ya wakihitaji wa kazi, viti katika council na sasa Parliament nimi ningepomba unipatie numbers, recommendations zako hiyo ni jambo la kwanza.

Jambo la pili ni kuwa tumeelezwa mara nyingi hata hiyo masomo yenye tunasema iwe free kwa mtu ako na disability, hata kwa hii syllabus ya 8-4-4 kutoka ianzishwe hakuna mtu mwenye haoni mwenye amepita University. Kwa ajili hawahuziswi, mambo mengi yake ni practical. Kwa hivyo ningetaka leo ama siku nyingine mkurundi kule mnakaa mfikirie jambo ua syllabus zenyewe, yale masomo yanayofunzwa na vile yanavyomwezesha mtu mwenye ulemavu kuendelea ama vile navyoupa upingamizi, ili mueleze ama mtuandikie memorandum yenye ni very focused and with very concrete recommendations that come from your experience as a group, so that we are able to implement. Otherwise if it is just general it becomes very difficult. So before you leave I would like your recommendations for numbers for example in employment, in the local councils and in Parliament and if you can tell me a little bit about the syllabus if you can please write something for us later on.

Colins Kirwa Yator: Kujibu swali la kwanza umeniuliza ya kwamba umeuliza ungitaka nikupe the number, we would wish to have as many as possible but we can't be able to get it. If in Civic body we are given two, it will be very nice. Parliamentarian's body we are given one fantastic Parliamentarian if we are given another one it is nice.

Com. Riunga Raiji: Bwana Kirwa kama vile Commissioner mwenzangu amesema pengine mtakuwa na memorandum ya kueleza masilahi ama mambo mengine ya wasio jiwenga. Kwa sababu yale pengine munasema sana ni education, mambo ya electoral posts, employment lakini pengine utangaka kuingilia kwa mambo mengine kama maslahi mengine kama equipments, kama wheel chairs, ama mijengo ambao yanaendelea ngoroba, ngoroba, hivi, pengine kama sign language, ama telephone services, Pengine wakati mtakuwa na memorandum mtatueleza zaidi, kwa sababu hata hiyo ni taabu nafikilia ama unasema je?

Colins Kirwa Yator: Nafikiri ni taabu kubwa hata kubwa sana. Hata katika mambo ya buildings at least watu wanapojenga zile buildings, wanajenga wakiwa wana consider wale watu wengine. Nakumbuka hapo mbleni kidogo kuna wakati tulienda kukuta Provincial Commissioner sometime back last year, huko Nakuru. Sasa kuna mlemavu mwezangu alienda pale halafu ngoroba ambayo tulikuwa tunaenda kumwona Bwana Commissioner ilikuwa ni mbali sana sasa katika huu tulikuwa tunaongea na commissioner tumweleza wakati unazidi kwenda na mambo mengi ku-come up sasa tumueleza katika ile consideration wakati anapojenga ile nyumba pia to consider kuna mlemavu. Asante.

Com. Rainji: Asante sana Bwana Kirwa kwa hayo maoni na hata ile oengine mtatuletea sasa tutamwita Bwana Ronald Ansanse, atafuatwa na Stanley K. Changuoni.

Ronald Ansanse: Professor Yash Pal Ghai thank you. My names are Ronald Ansanse, and I am here on behalf of the 7th day Adventist Church. (inaudible) because I am representing a church and make a mistake if I present my own views. As a church it is our sincere hope and prayer thecontribution helpful and pertinent to the review of the current Constitution and system of the Public Governing. Father it is our prayer our might God that he grant us all peace ensuing from him peace and knowledge to leave a Godly life on earth and to do his will always. Amen.

Freedom of worship – Freedom of worship should be maintained as it is. Stating of one religious belief shall not be required either in running institutions , workplace or social undertaking.

The state shall be separated from the church and one religious beliefs should be respected. Allowing a person one day of worship each week as demanded by religion. No person shall be discriminated upon on ground of religion and/or faith either in the society at large or learning institution, in work places, in social interruptions, otherwise(inaudible)

Public Undertaking should be on regular working days.

Sponsorship of schools shall not be allowe, but there shall be state and private. Be privately owned and all wages shall be paid by the owners. State schools shall be state maintained. There should be no cases of state schools sponsored by churches or something like that.

There shall be no official schools or rallies institutions on Saturdays.

No shall there be compulsory games, graduations, prize giving etc. on Saturdays because it belong to the living God.

There be established a Constitution Court with the responsibility of interpreting the Constitution and hearing Constitutional related cases.

That the Constitution shall proceed the law in all cases and in any case where the law and regulations or directives or such an order may be interpreted to be in contravension of the Constitution the Constitution shall prevail.

That the State shall provide Primary Health Service to its people without requiring payments from them.

Levy of duties, fees and less in agricultural produce be bolished. That there should be zero tariff in some inputs and machineries.

That the pay of Public Servants shall be in consideration of economic times, commensurate with education and should be an Act of Parliament. Thank you very much.

Com Raiji: Asante sana.Stanley Changuan

Stanley Changuan: Bwana Commissioners, I present my views:

Concerning Structures and System of Government: We should remove the Presidential system of Government and adopt

Parliamentary System of Government. The Parliamentary System of Government should have a Prime Minister appointed from the majority party in Parliament. The President should be a ceremonial ruler being the Head of State having been elected on the rule of 25% representation at least 5 provinces out of eight.

The Prime Minister should be the Head and the Controller of the Government.

The Powers of the President should be shared with that of the Prime Minister. Here I have written 11 powers of the President and on the Prime Minister I have written 7.

We should adopt a Federal System of Government in which Executive and Legislative is split between the Central and Regional Unit. This is to involve regional people participate more in the running of the government and control services nearer to them.

Local government: Mayors and Council Chairmen should be elected directly by the people.

The current two year term of Mayors and Council Chairman be changed to 5 years service.

The councillors should have a minimum education qualifications form four, KCSC Examinations.

The Councillors Service Commission should established to determine the remuneration of councillors instead of using revenue.

Treasury should established in Local Government Ministries Headquarters to be receiving 20% revenue from every council nationwide gathering for salary remuneration for councillors through Councillors Service Commission.

8% remaining revenue in each council to be used for providing service repairs and maintenance, construction of projects in the Council concern etc.

Nomination of Councillors should be retained with following criteria. Should be from anyone apart from those who contested and failed.

Should have a minimum educational qualification of form four like the other elected winners.

Should hail from the indigenious majority dwellers,

All elected and nominated councillors should serve for a maximum of two terms, of five years each.

Abolition of use of money in campaign should be stopped to enable those political losers to have harmony in their homes instead of encouraging starvation after selling their properties and encouraging begging and poverly. Instead the solution to that they campaign only in laying out strategy for the people without using money and people can assess the best out them.

Basic Rights – the Constitution should keep protection of on security health care water education shelter food and emplooyment as basic rights for all Kenyans.

The Employment on Government Departments of Ministries conducted should be in the locality for the privillage for the indigenious dwellers.

Land and Property Rights – the The State of Government should or Local Authority should have no power or right to issue concerning transfer and inheritance of land. should be vested on District Control Board.

Any new vacant land for the Government to give out should be demarcated and registered to the same number of people in a common register. This should be done without additional names or intereferece by the physical planners, surveyors, civic leaders, politicians, provincial administration and non-citizens.

Representatives of Local Communities on Land Right should have rights on motions concerning picking of vacant lands by should not be left to the local authority.

Management and use of National Resources – the government should apportion benefits of recources to the central government and communities where such resources should be shared in the following order:-

30% of the remaining goes to the District for The Community.

10% should go to the Province.

6% should go to the Central Government. .

Public Officers are required to declare the assets and liabilities in the court of Law. The rest I will give out for you to file.

Com. Raiji: Asante sana Stanley. Na sasa ni nafasi ya Mheshimiwa Sirma – MP Assistant Minister ata yeye atumie haki yake kama raia wa hapa.

Hon. Sirma – MP: Mwenye kiti wa kikao hiki Com. Riunga, Bi. Muigai Com. Bwana Ratanya ambaye alikuwa DO wetu hapa, kwa muda huko nyumba karibu nyumbani tena watu wa Ravine walikupenda na bado watakupenda.

Mr. Chairman, I would like to take this opportunity on my behalf and on behalf of the people whom I am representing in Eldama Ravine Constituency to welcome you and have good session in Eldma Ravine we are privileged by the Constitution Review, that we shall have a chance and I am proud of that I will be part and parcel of those people, who pass the new constitution the way people have been proud of, in the years when they mentioned about Lancaster. Lancaster now is here. So we have brought Lancaster and and it is here with us and you are the people whom we have appointed.

Mr. Chairman I would on the onset to dwell on very few areas but first I would like to talk about your secretary because he mentioned something yesterday, I don't know whether he was carried away by ufungamano or the national alliance for change, when they went to Limuru yesterday and said we shall be able by September whether it was a statement meant under duress or he made it willingly. We are surprised that Commissioners you are people of high integrity whom we expect you to stand by what you have said. We hope what he mentioned was just to please the people around then at that time I hope Lumumba is not serious.

Bwana Chairman I will dwell some sections. First I will talk about the system of Government. Secondly I touch on the Executive power of the running of the country. I will talk on that is section two and I will talk of section 5 the human right Aspects, insertion of the new section which does not exist in the new constitution. And I talk also on section 58 and 59 which is a contentious issue right now in Parliament and finally talk on general issues which need to embody into our Constitution.

Bwana Chairman first and foremost I would like to talk about the system of Government which we want in this country, we have a presidential system of Government at the moment where all the powers are vested on the Presidency as per the current dispensation of the Constitution. I would like to say that the President will have his executive powers but limited to certain areas, Mr. Chairman. The President will be there as an lend of tape word skipped) Section 58 and 59 of the Constitution of this Country so he can be able to put in place discipline in Parliament.

Mr. Chairman I will say that they will be also a vice-President who will be elected or selected by the President. He will be the principal assistant of the President. Down the line we shall have a Prime Minister, who will be head of the Government and being head of Government, he will be lead a Government business in Parliament, head all the ministries, and be able to appoint cabinet in consultation with the President . He will be one with the majority members of Parliament in the House but not on coalition basis.

We should have two Deputy Prime Ministers, one will be heading the Internal security and the government matters. The other will be incharge of Parliamentary affairs and and regional assembly. Mr. Chairman the other Ministerial position will be held as selected by the Prime Minister and all Ministers will execute executive powers in their various Ministry. At the current presentation Mr. Chairman there is Minister there very few Ministers who are executive. They are only two. The Finance Minister and the Local Government, all the others are being – they have no powers in this country. So we want to have executive powers, so that they can be able to run and be accountable to the people who they represent in that field. Mr. Chairman, I would like also to talk about the harmonization of the system of Government within our East African State. Kenya I think is the last to adopt the Prime Minister's position. All the others have already a dispensation of similar proposals and I hope that as we go into a joint Confederation in East Africa we shall have a uniform dispensation of the Constitution.

Mr. Chairman, there are sections of the Constitution which are really being violated butnot enshrined in the Constitution of

Kenya.

The issue of employment, we still have a lot of nepotism in this country. Mr. Chairman, we need to remove it. For example, which is fresh in the minds of the people of Eldama Ravine, how the Kenya Army recruited their staff here, two days ago. A lot of nepotism and there is no fairness, we don't even know how many they wanted, we don't know where they were brought from. What we want to say is either they either recruit and I will challenge, even the Army Commander what he did here was a big shame to our forces that Human Rights was totally violated. That our rights as a constituency or as a district here was totally violated Mr. Chairman. If there is a recruitment, it must be advertised and the number of posts known. We should have a District Selection Committee in this district, as per the new Constitution if we are to be fair to all. Uncompetitive selection to take place. I should never even as a member of Parliament, be involved in the selection. Everybody should have his own rights in selection.

Mr. Chairman, I have liked to dwell in this insertion of the new session in the Constitution of Kenya. Mr. Chairman as you know the Local Authorities in this country, have no place in the Constitution of Kenya. They are just at the mercies of the Acts of Parliament. They have not been enshrined into the Constitution of Kenya. They can be put away at any time at even my will if I were the President. But if we are to have real democracy in this country, we need to enshrine or put the Local Authorities section which is not there into the Constitution. I will say that we need a Local Authorities which has power, which is able to address the many problems of the community down the lines.

On top of that, we shall have the Regional Assembly, we need the Regional Assembly where we need the representation from every district. We shall have a senator out of every district to represent in the Regional Assembly and will be elected directly by the people.

Mr. Chairman on the Local authorities I would like the abolition of urban authorities which are within the country. Which are not viable economically or financially. For example are, we have urban councils which are created possibly politically, we have Town Councils are created politically and Municipal Councils which are not viable. We would like to have District Councils.

There is the contentious issue of the role of the Provincial Administration. The Provincial Administration will be there on behalf of the Government and represent the Government in the District Council as the District Secretary, but not a District Commissioner. He will represent the government interests and be able to be the Accounting Officer in the District Level. They will be posted by the Central Government. All the other staff below, which will be the workers of the council in day today running will be employed by the civic body, the civic body or the Mayors and the Council Chairman will continue or should continue being elected by the Councillors who have been elected by that Council.

And we want those Chairmen or Mayors, to run for five years on those seats but we should have a provision of no confidence

vote by half of the councillors. There must be that check and balance on the chairman, but we want to give them five years.

Mr. Chairman, I will finally talk about the resources which are in the areas of jurisdiction of the various councils. Mr. Chairmen us the Community we have sacrificed quite a lot by providing certain areas to be forested, we have certain areas for water catchment areas. But our inhabitants of the District which have such resources, have not benefitted at all. To be able to develop, we need a direct control of the resources within the jurisdiction of the council. We need sharing of revenue. If we have a forest, if we have a water intake which would come out of that water, if the water is to be sold there should be about a certain percentage say 10 – 20% for the councils where that water is coming from. If there is forest being harvested 10 – 20 % of that revenue from that area should go back to the Council to be ploughed back. When we have an area Mr. Chairman I want to put it clearly that the environmental act, actually violates the rights of the inhabitants of the area.

There are too many complications for them even to acquire land for a school. We need that provision, that when there is need the local residents will decide at that given time what is required by those people. We do not need that authority from above. We need authority from within.

Mr. Chairman, the issue of citizenship I am sure that each and every other person would like not to run away from their country, but we also to protect our sovereignty and we want to protect the rights of every Kenyan. We need, if we can't be able to be given dual citizenship it will be right. But on agreement with the country which we actually go for the dual citizenship.

Mr. Chairman, there is the issue of political parties, The political parties which should be allowed in this country should not more than four. The current state of tribalism being perpetrated by the political parties of this country Mr. Chairman has really brought a lot of hatred among Kenyans. You will be this tribe and you will vote not even for the party. You will vote on this party and it is must that you will vote that so we need not more than four parties so that we can be able to have one Kenya.

The issue of the. It was illegal for the IPPG which was set in the 1997, to actually amend certain certain section of the constitution without the authority of Kenyans. If we are serious now why don't we ask Kenyans for a referendum on contentious issue like the term of the presidency. We know each and every other person either within Nairobi or the people something they call themselves, or whoever who does not want President Moi will always say that thing should not be touched. What we saying is that it was illegal that no Kenyan were involved.

Mr. Chairman, I am sure Miss Mungai was one of the real people who brought this issue of Affirmative Action and I am sure she is a true believer.

Mr. Chairman to me I don't believe in affirmative action. I believe in competitive I believe in competitive politics we can only put affirmative action where the disability comes. We put affirmative action areas we think really there is no lady, let say we have

a council or in Parliament that we elect all men. What we need is we can even decide to say okay, if it is nomination that is nomination to women, that one we can accept. But when we go which constituency, you are going to antagonize Kenyans, because out of lets in Kobatek we have only two constituencies, which one can we say should be run by the lady and the other one be run a man? How can we balance that it an impossible thing to implement and I said we should be really be serious on that because it really elope the democratic principle which we do believe in.

Mr. Chairman, the qualification I think should put forward we should continue having councillors who have already served in not to be tested because when they are re-elected of course the electorate has seen them as wise leaders and so we need that kind of - it is not just academic which is a requirement for leadership. It is the wisdom, in each and every other person that is required and not so much of academic.

Mr. Chairman finally we want the issue of budgetary provision – the sharing of finances from the Central Government to the County or the regional bodies. Regional Authentities down the lines to the district authority we want sharing of resources such that in every provinsion or regional body they will have their priorities put in place. In the District level as in the case of say Koibatek level or any other district. No residence of this district will know how much money has been sent by the central government to a particular Ministry for a particular project. All the money which comes from the central government should be discussed by the local authorities here to know what I has come so they can be able to prioritize. There should know meant for something it should come as pool the councillors should decide what projects are a priority in the District where they.

Mr. Chairman that the roads of the NGO – they should exist in their ways but what I can say is the cease actually accepting the soverity of our country, it is really antagonizing the government effort. The people who are bringing in money, Kobatek has not received even a cent from the NGO has not received even a cent of the NGO’s money. The 109 billion shillings for the last three years which have come into our country, has not been sent to Koibatek so why should we need them. If those country that have that money should bring through the regional bodies, the district councils or to the central government.

Com Raiji: Asante sana Mheshimiwa kwa hayo manoni na kukutumia haki yako kama mwananchi yapa na kutoa maoni yako. Sijui kama Macommissioners wako na maswali? Asante sana tulisema hiki ni kikao huru, kila mtu yuko na uhuru ya kutoa maoni yake. Asante Mhesimiwa kwa kufika leo. Sasa na tunaendelea na wale wengine. Elijah Cheserem. Utapatiwa dakika zako tano utafikiria kile utafanya. Karibu. Halafu Elijah atafuatiwa na William K. Omwaya.

Elijah Cheserem: Kwa majina ni Elijah Cheserem. Ningependa kutoa hoja kuhusu Constitution. Kwanza ningegusia upande wa uvutaji sigara. Kwa maoni yangu uvutaji wa sigara ungekataliwa izivutwe hadharani. Kwani wengi wanachagua hewa na warahiri hewa.

Pia ningependa kuuliza upande upandaji wa nguo (dressing) wasichana wangeruhusiwa kugaa longi kwa sababu tunajua ya

kwamba wakati huu tuko katika hali ya dot.com. wasichana wapewe uhuru wa kuchagua nguo zinazofaa. Kwa sababu sana sana tunajuwa wakitembea wakiwa na nguo zenye zinaonekana mwili wao, wanaume wanapatiana nafasi ya kusema labda mtego ndio huo.

Upande wa wale wamefutwa kazi, tunao wanajeshi wanafutwa kazi labda kwa makosa ya kuiba ama makosa ya kutenda makosa kazini. Yeye baada ya kufutwa anaenda nyumbani anaachiliwa huru, baadaye tunasikia uwaji, wizi, hii mambo a burglary, kuimba kwa bengi, wao wanapatiwa ujuzi mwingi wa kuchunga kutumia bunduki, wakitumia kile njia ya technology ya akili, baadaye akitupwa nje anatumia riziki yake ya kujinufaisha na kupata maisha baadaye. Ningependa kama Constitution ingewezekana watoe hoja, iwekwe ya kwamba mwanajezi wote akifutwa kazi achungwe apelekwe nyumbani awekwe ndani ya provision.

Pia ningependa Constitution mambo ya utenzi. Sawa sawa kwamba watu wengi wanashikwa na wanaingizwa gereza. Baadaye hata ile minor cases watu wanafungwa ndani ya gereza, na nafasi ikawa ndogo. Naomba Constitution ingewezekana, watu wewewe katika hali ya kesi ndogo ndogo wafungwe provision.

Mambo ya pombe , tangu mimi nizaliwe nimesikia pombe ni halali, lakini punde si punde watu wanaenda kwa beer house wanakunywa beer, wengine wanakunya ile ya kienyeji. Naomba ya kwamba pombe iwe illegal hata beer. Naka kama nikuwa legal pia hata busaa iwe legal. Kwa sababu imeshindwa kukatazwa.

Kuhusu upande wa (inaudible) Constitution to protect the right of the whole Kenyans regardless of their culture, and ethnical background. The Constitution to provide free education to all Kenyas up to A'level.

The school teacher should be recognized and the TSC to pay them.

Free health service one man one job.

Clean water and preserving water resources.

Street Children to be protected by village elders and feeding them and educating them.

Disabled people should be protected kwa kujengewa makao. Na Constitution wapewe maghari ya kutembea kama vile vilama kwa miguu. Constitution wachaguwe ni kazi gani walemafu wanaweza kufanya. Na watenge nafasi ya kazi nao pia wapate pahali pa kufanya kazi yao kama secretary kama nini au nini..... Asante.

Com. Raiji: Asante Elijah. William K. Orwaya

William K. Orwaya: Asante mwenye kiti. Kwa jina naitwa William Orwaya. Yangu ni additional of person number 5. I would like to express my feelings this way. That women should have rights to express their feelings right from family, communities, and nationwide affairs. Both men and women are should be considered in responsibilities according to quality and

ability without discrimination.

People with various disability should have government consideration in training institutions, according to their disabilities. Disabled who don't walk properly should be given training in line to what he or she can do in line of disability and be productive to the country and the government should see to that training: typing, telephone operators, announcement they can do that. Even when they are sitting. We have a preacher who can preach and we are okay with him.

The government should give free education to all children as one of their rights from nursery to form four.

Street children should be provided with relief food while they are undertaking training before they could provide themselves.

So that we should not have another more street children, serious training for youth to see that there is need of avoiding early child marriage and avoiding bearing children outside marriage and the same to get rid of HIV.

The government should check to see there are no children being thrown along the streets. The moment they are found, they follow and find the concerned and they are returned to their area.

Because many things have been said to the constitution the question is whether we are going to stick to what we are saying.

Corruption is coming to be number four problem. We have poverty, illiteracy, disease corruption is coming to be number. So let's just love each other as Kenyans. Thank you.

Com. Raiji: Swali kidogo.

Com Salome Muigai: Thank you very much Mr. Orwaya. You have said that we should train the youth not to have children outside wedlock. What do you do with men who are in a family situation but they are still having children with young girls.

Elijah William Orwaya: We want Kenyans to work as our generation, we should bring this generation not in terms of standardization but in terms of years. Generations should take care of their groups and see who is spoiling the other generation and the affairs of the community.

Com. Raiji: Asante sana juadikishe. Evans K. Bomet na atafuatwa na John kwa sababu naona ni saa nana, na kuna watu wengi ingemwomba labda tukubaliane tupunguze muda kidogo na tunjaribu kunena yale ambao ni labda ni mpya au yale muhimu kabisa. Ili kila mtu akiondoka hapa wawe hata yeye amechangia hii Lancaster kama mheshimiwa alivyo jana kwa hivyo tungekubaliana dakika tatu. Asanteni.

Evans Bomet: I start with Preambles. We Kenyans consist of 42 tribes. So I think that, we should make a government of – we should recognize that we are a tribal country and we are 42 tribes. I say that the government that is good for the Kenyans, is Majimbo, Federal System of Government where we have the central government I come back to that.

Political Parties: Political parties nimekuwa tuwe na vyama vya kisiasa na wasikweke viwe vingi iwezekanavyo. Serikali ipatie pesa political parties, ya kuweza kuzunguka kunya mzima na kila chama kiweze kuomba kura kwa usawa.

Mambo ya legislature, ningesema kuwa the head of state should not be appointing the head of parastatals, solicitor general, ambassadors. These should be vetted in Parliament.

The MPs should be doing their work from Monday to Friday. Vote of no confidence through the referendum should be conducted naikipatikana yeye hawakilishi watu wake sawa sawa yeye anaweza kurundishwa.

Mambo za lands and Property rights nimesema kuwa the procedure ambao tunaye kila siku ya administration ni nzuri, lakini ya kuwa tu ningesema the DC and the Administration wasiwe the chairmen of Land Board. The Community should be in a position to elect local people who represent them in the Land Board. Communities should be identified ya kuwa hawa ndiyo wana-own lands.

Local Government – nimsema ya kuwa Mayor aweze kuwa anachaguliwa directly. Raia wamchague yeye na pia ikiwa kuna vote of no confidence kwa Mayor pia through referendum Mayor can be voted out

Nominating councillors – we should not nominate councillors. Mimi nimesema ya kuwa kwa kuwa they don't represent anybody. Sasa tuwe na elected councillors not nominated.

Pia ningesema ya kuwa we empower the Local Authority hawa wenyewe watengeneze sheria zao na kusiwe wanaongozwa kutokana na huko mbele.

Com. Raiji: Let me add you extra 30 seconds. I want to read something about the basic rights.

Evans K. Bomet: I want to read something about the basic rights.

Com. Raiji: No. You see the reading and this what we have said. May be you came late. The reason why you have prepared the detailed memorandum is that we can study it in detail. That is why we normally we are asking for really something you want to highlight. We are collecting and recording.

Evans K. Bomet: Go to basic right nitasema tu off head. Concerning Basic Rights nimesema kuwa kama inawezekana tupate free education, tupate free health, na pia tuone ya kwamba Natural Resources within the Local Community kama maji, yenye ambao inatoka kama Ziai, watu ambao wanaishi hapo wasikuwe kama tax ambao wanatoka Nakuru, hizi tax zetu zikuwe flat rates na zaidi ya hao nimeandika mambo mengi kwa memorandum yangu na nimesema self-explanatory Asanteni.

Com. Raiji: Asante sana. John Kip kutoka 448 Eldama Ravine. Ni wewe. If you can please pronounce the other names so that we can record. It is not written properly.

John Kipket Sai: My name is John Kipket Sai. I think I don't have much Sir, your honour because my fellow who have just left immediately we were with him in our writing in our Constitution. We are only refering to what he has written and I don't have much to add on except that we are only talking what he had emphasized here was about the Federal Government which he had written that it be divided into five regions. Our MP had shown that we wanted four. But with ours we wanted five regions. That is where I can only emphasize. Thank you very much Sir.

Com. Raiji: Okay Asante sana John Mathews Owino to be followed by James Kariuki alizungumza nafikiri. Mathews Owino.

Mathews Owino: So my names as you have heard Mathews Owino, Commissioner, Ratanya, Riunga na Salome I say thank you for giving me this chance to present my views to our constitution views. First there is a direct principle of state policy – I think if I am very fast you can stop me.

The New Constitution should have natural philosophy and guarding principles.

The Democracy principles which we should have in the new Constitution are Social Economic and Political.

Kenyans have important values of Customary Laws which should be included in the new Constitution. This principles should be enforced in the new law. Like Constitution Supremacy. The current Constitution which allows Parliament to amend any part of the Constitution by 64% majority votes we should retain this position. But we should have retained this procedure, but the public should be involved in these amendments throught a referendum.

Defence and National Security: I am in shock. In the current Constitution we have the National Security States falls under the President as it is written. But: the disciplined forces, the military and the paramilitary police prisons etc. should be(inaudible) by the Constitution.

The disciplined forces should be recruited from all 42 tribes in the country.

The Constitution should re-establish the Defence Ministry to maintain the Armed Forces.

The Constitution should permit the use of extra ordinary power, in the event of war, national disasters, insurrection breakdown of Public Order,

Executive: The Constitution should specify qualification of Presidential candidates which should be form four and above.

The President terms should be fixed to two terms as the present Constitution has stated. The function of the President should be defined in the Constitution. The President is the Head of state and the Republic of Kenya and as well much concerned with all Public Holidays and Jamhuri, Madaraka, and other National Holiday.

The Constitution should set limit of Presidential Powers as part of the Executive powers as per section of the Constitution. By changing this section, the Constitution and the creating of office of the Prime Minister which is in that section. We should have Prime Minister in that section. I didn't specify two or three but I said only one Prime Minister who should be in that position.

The Attorney general who is the legal advisor of the Government should be elected by Parliament through(inaudible) led by parties or other defections in the Constitution. The(inaudible) the fact which we should have a Member of Parliament.

Political Parties (no)

Structure and system of Government: Kenya should retain Presidential System of Government. Kenya should adopt Parliamentary System of Government in which Prime Minister is appointed is appointed from the majority party. The Parliament and the President remain more a ceremonial.e.g. Jamhuri Day and other National holidays. I think there is that part of institution but it is no problem.

Appoint Cabinet Ministers through Parliament and approved with the Prime Minister who will be the day today running Government affairs.

We should retain the Unitary System of Government in which all affairs of the state are controlled by Central Government, but the Executive should have the President and Prime Minister offices.

Government such as we can not remove this assistant chief, DO we will use – in the present constitution the system we have, we should retain it.

On the Economy and the New Law. The New Constitution should establish either welfare state or come up with state that tames the political club and especially those in power from abusing it (inaudible) and seeking must always be balanced in a moral and ethnic consideration, in this institution of a stable society. Thanks Commissioner. Thanks.

Com. Raiji: Okay asante sana Bwana Owino jiandikishe hapa tafadhali. Richard Kiptech, halafu atafuatwa na Joshua Korir. Hayuko. Okay. Na Joshua Korir Karibu.

Joshua Korir: Asante Mheshimiwa. Maneno kwenye nimesikia karibu zote imesemwa. Kwa jina mimi ni Joshua Korir. Maneno nimesikia imesemwa, mimi sina haja ya kurudia. Ni jambo moja tu napenda kusema. Hili jambo tu ni kuhusu serikali isaidie sisi kwa hii maneno ya kupanda miti ya forestry. Yaani ipewe watu seedlings, watu wapande. Kwa sababu ukiangalia siku hizi hii nchi yetu na naona miti hakuna. Watu wanaongeseka na kuwa wengi, wanamaliza miti, kuenda kununua miti unaona kama ni kali, sasa ninaomba serikali hiyo isaidie Iwape wananchi miti wapande. Ili hii maneno ya ukame vile unaona inakuja inasonga songa ipotee ili watu wasipewe(inaudible) porini peke yake. Hayo tu asanti.

Com. Raiji: Asante kwa hiyo pendekezo. Franklin Kipketich kutoka PCASP. Yuko? inaonekana ametoka. Colin Kirwa aliongea, William Kaptich. – karibu.

William Kaptich: Jina langu ni william Kaptich vile umesema. Na mimi nashukuru. Yangu ni machache. Kitu tu mimi nataka kusema, ni mambo ya mchanga au ardhi. Nimeona kwa muda mwingi hii ardhi ama kesi ya mchanga ikipelekwa kotini hatitatoka ukweli. Kwa sababu huko wanapigwa na unashindana na pesa mpaka ukweli hautatoka vizuri. Kwa hivyo kesi ya mchanga imalizwe na wazee au chief .

Kitu lingine mimi nataka kusema ni meona kabisa hii mambo ya kuwa. Hii mambo ya kuuwa imenea katika nchi mpaka saa hii inaonekana maisha ya binadamu sasa iko hatari. Zamani alikuwa kama mtu ukiuwa anauwawa italipwa zile pesa zinaweza tosha ama sijui zilikuwa zinaita nini pesa zile za kutosana na kuuwa. Maana sasa kama hii mambo ya kotini na ma wakili wanadanganya mpaka maisha ya binadamu sasa yanaonekana ni kama kuku tu unauwawa tu. Lazima kuwe na sheria ile kali ambayo kama mtu akiuwa kuwe na adhabu kali. Hata maisha, hata kuwawa.

Mambo ya Shule: Siku hizi unaona ma shule inaporwa pesa, ma society inaporwa pesa hata masirika pesa hakuna sheria ya kufunga mtu, unaona tu unaliwa tu mali ya shule, mali ya society, hakuna mtu anafunga, inaonekana hii kitu itakuja zorotesha mashule, hata masociety zingine. Basi naiwekwe na sheria kali. Na fikiri sina mengine. Hayo tu. Asante.

Com. Raiji: Asante sana. Isaac C. Kipasi kutoka Box 336, Eldama Ravine. Hayuko. Inaonekana watu wengi wamechoka kidogo. Benjamin Kimitei. John C. Rotich. Niwewe, karibu mzee.

John Cheruiyot Rotich: Habari gani Bwana DO. Nafikiri wewe bado unakubuka mimi. Huyu alikuwa DO yangu ananijuwa sana (Laughter). Kwa hivyo sina mengi isipokuwa ni ile kuangalia, kueleza mambo ambaye tunaona katika maisha yetu. Jina langu naitwa John Cheruiyoti Rotich. Mheshimiwa hata nimechagua junzi haja kaa hata. Kwa hivyo Bwana DO asante kwa kuja kunitembelea.

Kenya sina mengi ninasema mambo ya Kenya. Sisemi kuhusu mambo yangu. Ninasema kuhusu maslahi yetu ambayo sisi Wakenya tunapata. Naninanza na chief wale watu wanaitwa chief na sub-chief wote. Wewe unakwenda kwa sub-chief unakwenda kumuona sub-chief akusadie jambo. Anakwambia kuja kesho, kuja kesho. Lakini wewe ukienda umuone sub-chief umwambie twende tukunywe soda akunywe soda mbili soda ya tatu basi mambo itakuwa ni siku hiyo. Hii ni Kenya? Hii ni Kenya?

Kuenda kwa Police. Mimi naingia kwa Police kwanza. Ukienda kwa Police kwenda kushtaki mwenye mtu mwenye amepiga wewe, tayari amekuumiza kabisa, unaambiwa kwenda chukuwa P3 tafuata shilingi mia moja, wewe unahangaika unakwenda maskini ya Mungu umepigwa sasa shilingi mia mpja ustatoa wapi? Tayari utaulizwa unajuwa huyo mtu? Hii ni Kenya? sasa mimi nitakwenda kuleta muuwaji mwenye ameuwa mimi akuje tena nimlete kwa police. Kwa nini police wanasumbua sisi. Mimi nimepigwa bwana officer, mimi nakwenda kwa police, kupeleka malalamiko yangu, nakwenda nambiwa wewe unajuwa yeye? Sasa mimi najuwa yeye namna gani na amenipiga. Ndiyo namjuwa lakini amenipiga? Mimi nitakuwa naleta yeye? Si police waende wamchukue. Hiyo kwa Katiba tuangalie tuwangalie mambo ya shilingi tano, mama ya soda ya kwa police, mambo soda kwa chief, tafadhali, tutoe katika Katika katika jamhuri yetu ya Kenya, sababu hatutakuwa wananchi wenye kudumu katika jamhuri hii. Tutakuwa watu fake tu yaani sababu hakuna kazi mimi nakwenda kwa mhesimiwa, mhesimiwa hataki kujuwa maneno yangu mpaka ninunue kalama. Mhesimiwa nipe kalamu. Kwani kwa ofisi hakuna kalamu vile kuna kitu kingine inawekangwa makaramu inajaa hapo, sasa mnataka ninuwe karamu. Hii kalamu ni ya nini jameni?

Kwa hivyo mimi sina mengi ninasema nadhurumu sana serikali, kwa upande wa AP, na Administration tuseme Adminsitration na police. Hakuna kazi inafanyika siku hizi bila shihagi moja au shilingi mbili. Kama hakuna soda kwa police, hakuna kazi wewe unafanyiwa. Kama hakuna soda kwa chief, hakuna kazi wewe unafanyiwa. Sasa serikali iko ya nini Moi alilete hii watu, msahara ina pata ya nini, hii mshahara. Kwisa manemo yangu. (laughter).

Com. Raiji : Asante kwa hayo maneno ambayo mzee amelenga pointi yenyewe. Halafu akarudi kukaa.

John Cheruiyot Rotich :Kama umejuwa ungeniuliza.

Com. Raiji : Kwama. Ile kitu ilieleweka vizuri. Stanley K. Mwaura. Iko akina mama ambao angetaka kuzungumza. Inua mikono nitakupatia nafasi. Iko mama mwenye ulemavu? Kama kuna mama au mlemavu ambaye angetaka kuzungumza ainue mkono huyu Bwana Mwaura akimaliza. Ni wewe. Wewe ni mlemavu. Hapana tunafuata orodha, tunataka kurukia.

Speaker: Kabla hujaenda tutaongea.

Com. Raiji: Hiyo ni sawa.

Stanley Mwaura: My names are Stanley K. Mwaura. I wish to present the following views. My colleagues have said about preamble, it is very necessary in a new Constitution. I would also want to touch on sovereignty of the nation. We all know that Kenya is a Sovereign State, but this sovereignty in the current Constitution does not state who bears this sovereignty. It should be we the Kenyan people. Nothing should become above the people of Kenya and nothing including that Constitution. The New Constitution should not come above the people.

I also want to touch on one thing that has not been touched on. The current Constitution does not give a section on fundamental duties. The people of Kenya need to have – to carry some duties and these duties includes: Abinding by the Constitution and respecting its ideals and institution like the flag and the National Anthem.

As Kenyans we should cherish these and follow the normal ideas which inspired the struggle for independence. We should also have a duty to protect our sovereignty and the unity of Kenyans and the integrity of Kenyans.

Touching something on the Fundamental Rights. People have talked on Rights and Education and whatever, but they have not emphasized, the need for affordable and standard and qualitataive kind of education.

On Health, I also want to touch on health. It should also be affordable and quality kind of health standards. On International Treaties and Conventions, we should enshrine these treaties within our Constitution.

On the Fundamental Rights as well it should be a right to be free from discrimination on the basis of Health especially in cases of people living with HIV Aids.

On the Supremacy of the Constitution, the current procedural 65 Parliamentary Votes of amendments should be done away with and in its place we should have the process go through a National Referendum and if need be the devote has to be cast in Parliament, the votes percentage should go up to 80 per cent.

On Political Parties: The number should be restricted to only three and their duties should be:

They should improve health welfare among the people apart from only mobilization. They should also adhere tot he Constitution and enhance democratic principles.

They should enable the Government in Power to run the Government of the day.

For Finance – they should be financed by the Ex-chequer.

Defence and National Security

Com. Raiji: one minute.

Stanley Mwaure: Let me go to Food Security- it should be the role of the government to set funds constitutionally to cater for food in times of disaster, floods and drought.

On the Judiciary, I think it is high time now we have a Supreme Court, established a Supreme Court where the Chief Justice can sit and we should also create a position of Deputy Chief Justice who should sit in the High Court. We should also establish a Constitutional Court that could deal with Constitutional issues. It should also be the Government obligations to develop all areas of the country equally. Thank you. I have Finished.

Com. Raiji: Okay jandikize. Niko na jina lingine hapa inaonekana hata haikuwandikwa vizuri. Sasa inaonekana kama Pascap Sinino kutoka Box 398 Marigat. Lakini nitauliza wale waliandika watusomee. Tutaendelea. Sammy Komen Cherop. Ametoka. John Mwangi. Wewe ni Cherop sorry ya Samuel Koimen Chetop utafuatwa na John Mwangi.

Samuel Komen Cherop: Yangu Bwana Commissioner ni machache. Na ya kwanza ni kuhusu mambo ya ID cards. Tungependa kwa Katiba ya sasa Identity Cards sababu hiyo ndiyo imeleta in security katika nchi hii, iwe kabla ya mtu kupata ID card kwanza awe na documents ya Birth Certificate. Birth Certificate iwe ya kwanza, iwe one of the requirements na hiyo Birth Certificate ningeonelewa iwe signed by one of the elders, yule elder, yule mtu anatoka pale pamoja na assistant chief na chief na finally the DC ili mtu yule apate ID card.

Jambo lingine ningependa katika Katiba hii ni mambo ya Project ambayo zinaletwa, zinakuwa proposed katika Districts, ama ambao inaendelea, ningependa iwekwe katika Katiba hii, pesa yeyote ambayo itafanya kazi katika any district itangazwe katika notice boards zote katika kiwango ya village mpaka district notice board ya DC. Na ijulikane ni pesa na ni project gani hiyo pesa inaenda fanya na tender ambayo ilifanyika ijulikane ilifanywa kwa njia gani. Na pia hiyo miradi ifuatiliwe mpaka hiyo pesa ziwe zimeonekana, kazi ile ilifanya.

Nyingine ni kuhusu Education: ningependelea katika Katiba hii mambo ya elimu. Kati ya syllabus ama zile subjects zinawekwa katika elimu ama institution yeyote patriotic yaani patriotism iwe one of the subject ambayo inafundishwa katika nursery schools mpaka hata university ili Wanakenya wapende nchi yao. Asante.

Com. Raiji: Asante. Nimesema John Mwangi atafuata. Yuko hapo? Yuko. Eric Wachira, nilikuwa nimeita mama. Yule mama nilisema akunje. Karibu mama. Mama akimaliza tutamwita nafikiri Dominic Bitok.

Julia Kiptanui: Kwa jina ni Julia Kiptanui. Nataka kumuuzia maneno machache tu ambao akina mama wezangu hawa kusema. **Interjection: Speakers: come nearer.** Okay sorry. Kwa jina Julia Kiptanui. Nataka kuzungumza juu ya

citizenship. Kama msichana akizaa mtoto hapa Kenya na pengine mwenye mtoto anatoka ngambo, ningependekeza huyu mtoto apewe citizenship pia.

Nataka kuongea juu ya polygamist family. Pengine mama ya kwanza amepata peke yao. Na pengine ya pili ana vijana. Naunaona yule amepata wasichana peke yao pengine hawatagawanyiwa hata mali wapate chochote. Kwa hivyo naomba kama inawezekana pia ipitizwe ya kwamba wapatiwe pia mali kama wale wengine.

Saa ingine mtu anaweza kufariki, watu wananganyana maiti mpaka wanaenda kotini. Kwa hivyo ningomba kama ingewezekana irudishwe nyumbani ili watu wa local wazungumze juu yake au the clan. Then the entire clan they talk about it na kumaliza hiyo kuliko kuweka maiti mpaka mwili unaharibika. Kwa hivyo sitaongeza mengi, ni hayo machache. Asanteni.

Com. Raiji: Asante mama. Tulikuwa tumesema nafikiri ni Dominic Bitok kutokaYouth Group, 24 Eldama Ravine. Huyu mwenye hayo mambo ametoka kidogo? Hussein Amin, Hussein Amini, haonekani. Philip Ngetich ambaye atafuatwa na Bishop Wilson Kigen.

Phillip Ngetich: Thank you Mr. Chairman. Honourable MP, Ladies and Gentlemen, I will start by presenting our proposal as Lembus. I want to present the proposal on behalf of the Lembus Youth Group. First I want to start with the citizenship. All those born in Kenya with Birth Certificates should be citizen. Through naturalization one should have stayed in the country for not less than nine years. Kenya Citizen should have any government issued documents e.g. National ID, Driving Licence and Passport.

Political Parties: Political Parties should not be limited, register as many as possible so long as they are able to stand for their affairs and get their own finances. Political Parties should not be financed from public funds.

Legislature: Members of Parliament be a full time occupation since they have from our proposal, members of Parliament have given more responsibilities so we feel that should full time occupation. The current ages should be to contest for Parliamentary seats is sufficient. The one to contest for Parliamentary seat should be professional, moral, ethical upright. The contra top nominated MPs to be retained but these seats should be meant for marginal groups e.g. the youth, women, and the disabled and some professionals.

To increase women participation in Parliament, women should be nominated.

Traditional norms which hinders women from participating in politics to be scrapped. Women should be encouraged to be elected as chair-ladies, secretaries, treasures in schools, co-operate societies, etc.

A sitting MP should automatically lose his seat when the parties that sponsored him to the Parliament cease to exist through

defection, dissolution or merger. He should sent a mandate from the electorate.

The Executive: Presidential Qualifications: Age – minimum of 35 years, maximum of 70 years. One should have been a member of a sponsoring party for at least 12 months at the time of election. Presidential Tenure should be maximum of two terms of four years each. President function should be defined in the Constitution.

To be the Head of State; be Commander-in-Chief of Armed Forces; appoints the Cabinet; and sign Bills in Parliament to become laws.

Last and not least, I want to talk of Education. Primary and Secondary Education should be free and compulsory and the Government should to subsidize colleges and university level education, in order to be affordable for all Kenyans. Thank you very much Mr. Chairman.

Com. Raiji: Okay Bishop Wilson Kigon. Should be Kigen

Bishop Wilson Kigen: Commissioners, on behalf of the United Pentecostal Evangelical Crusade, Koibatek, and Ufangamano Initiative, Commissioners because I belong to Ufungamano Initiative, I want to say that, we want to have the General Election after we have completed the Constitution Review in place, either by October or December 2002.

From Mr. Ghai and Commissioners are trying to finish these reviews on time, and if not let the Commission finish their work and we will have our General Election. The current Constitution is not good for us. It is we the Church who requested time to have our ten commissioners in this exercise. Therefore we cannot say, we want to have election with the current Constitution. No. If the Parliament and MPs want to extend the period until this Constitution is ready fine. But I know Ghai can finish at the right time without extending the life of Parliament. Why hurry the election? Why challenge the Parliament and the Parliament can do anything in this land. If they want rush for their salaries they can go. If they want to do anything they can do. So don't challenge them, let them do their work.

Why are you pushing President Moi to do the Election without a new Constitution? The Constitution we are looking is the people driven Constitution. That is why you can come and say we want this and that.

Com. Salome Muigai: What kind of a Constitution you want us to have? Because that is the exercise that has brought us to this sitting, is to decide on the kind of Constitution we want for the future. Can you start telling us what kind of

Bishop Wilson Kigen: All the speaking that Kenyans have been speaking here and there all over it will be a new Constitution.

Com. Salome Muigai: Agreed. But what the Bishops contribution towards the new Constitution? Me or all other Bishops?

Bishop Wilson Kigen: Okay, what the people are warning, we call this one people driven Constitution. All the issues that are governed together from the Churches, from all other people, regardless of the religious or whichever, let all to be brought in at least in a Constitution.

Com. Salome Muigai: So are you telling me you have nothing more to add?

Bishop Wilson Kigen: I am still having some. You people of Koibatek and Kenya, this is why your sign you have to come together and say what you want in our Constitution as our people have been signing here and there. Next years or some years to come, we may not have people driven Constitution, it may be only lawyers, Parliamentary and Professors, but not people like we are now. Therefore let us not trust things which may harm our people in our in future. The time of election will come then December or whichever, and even last year or next year it will come early.

But I have here, is that we should have a new Constitution before the General Election. That is all.

Com. Salome Muigai: Asante sana Bwana Askofu na sasa ningetaka kumuita Benjamin Rotich from Department of Special Education. is there Benjamin Rotich from Department of Special Education? No. James Muna Mbuthia. Colin Kirwa has a chance to speak to us. Didn't. Kirwa alituzungumzia Colins. Okay. Sasa ni Mbuthia.

James Muna Mbuthia: Okay asante sana, commissioners, kwanza ni kumshukuru Mungu kwa kupata nafasi hii ya nyinyi kuja hapa, vile vile wananchi wengine wote ambao wamekuja hapa ili tuchangie Katiba ambayo ilituchangie Katiba ambayo itatusaidia katika maisha ya baadaye. Mimi naitwa James Muna Mbuthia.

Kwanza mimi ningetaka kuzungumzia kuhusu ardhi ambayo inayonekana ndiyo ni mama ya kila kitu ndani ya nchi yetu hii na ambayo inafanya hata sisi tuishi kwa sababu kama hakungekuwa na ardhi hatungekuwepo.

Kwanza ningependa sana katika Katiba ambayo imetengenezwa sasa, iwe na

Com. Salome Muigai: Hebu rekebisha micro-oophone ili ikufikie ndiyo tuweze kunasa sauti kwenye vyombo vya unasaji wa habari.

James Muna Mbuthia: Okay asante. Ningependa Katiba ambayo inaudwa sasa, kuhusu ardhi iwe na usimamizi ambao watakuwa wako karibu na sehemu ambayo watu wako. Kwa mfano katika sehemu kama hii ya Eldama Ravine, kuwe na

uangalizi au wazee ambao watakuwa hapo ni nani yupo. Sababu hii imeleta shida nyingi sana katika nchi nzima kwa jumla sababu kuna kuwa na kitu kama double allocation. Na hizi double allocation ambazo inafanywa vinachangia sana hata umaskini. Kwa mfano ikiwa mimi nina pahali ambapo nimepewa, au mahali ambapo ni nilikuwepo tangu utotoni, baba yangu ameniwacha hapo na mimi niko hapo na watoto wangu, imekuwa kuna nafasi nyingine ambao kuna watu wainachukuwa wanaenda huko juu wakisafika huko juu anaenda ancholewa hiyo sehemu, akisa tolewa hiyo sehemu, anakuja tu na makaratasi direct. Wale physical planners ambao wako hapo hawajakwenda kwa ground kuona. Wanachukuwa hiyo wanaingiza katika system ambayo inatakiwa procedure wewe unakuja kuondolewa. Na ukisha kuondolewa na njia moja ya kuchangia umaskini. Sababu tayari wewe utakwenda barabarani na hata machokora watatoka hapo, kwa sababu watoto wangu sasa nitawalishia wapi? Nitakaa na hao wapi? Machokora ambao mnawaona wengi wanatoka katika sehemu ya aina hiyo. Kwa hivyo ningependa kuwe na wazee ambao watakuwa wakiangalia wanasema kweli huyu ni wahapa, amekaa hapa, kwa hivyo haifai kupewa mtu mwingine. Vile vile hawa watu wenye kufanya double allocation ningependa Katiba ya leo iwachukuliwe hatua kali sana ya kifungo wafungwe kabisa sababu hawa ni watu ambao wanachangia umaskini ndani ya nchi yetu. Sababu yeye haja yake pengine amepewa pesa basi yeye kumpitizia hajui ground inakaa namna gani kwa hivyo kuwe na physical planning, wawe wakiangalia ground kabila hawajadhirisha chochote.

Ili kumaliza squatters, ningependa Katiba ya leo imalize squatters ambao wanaitwa squatters ndani ya nchi yao. Kwa mfano wanapatikana kwa njia moja hii, mimi naweza kuodoka niende kwa chifu, na niembie Njenga hapa kwa sababu hakuna mtu. Mwingine aondoke hapo aende kwa Councillor, Njenga hapa kwa sababu hakuna mtu. Wakati umerudi kuwa ati inaaza kugawanywa, hapa inasemekana hakuna watu inagaiwa huko juu. Sababu it is nopt demarcated. Kwa hivyo ni free kwa mtu yeyote. Sasa ambao wanatoka huko, wanakuja wanasema hawa waondoke waende wapi. Hao wataondoka waende wapi? Walionyeshwa na chief, wengine alionyeshwa Councillor kwa hivyo inakwa ni machango wa squatters. Watu pahali wako wagawiwe ikuishe na ikoshe pahali ingine pa kuonyesha ati mtu hujenga hapa, iwe hakuna. Na masquartters wataisha.

La mwisho, ningependa kuwe na usawa wa mambo ambayo yako katika nchi yetu hii. Na usawa huwo uwe ukichangia kama ni rasmali ambazo ziko katika sehemu fulani ziwe zikitumiaka kwa jumla kwa sababu watu wote ni wa Wakenya. Mimi nikwa Mkenya ni we nikisema ninakaa katika upande wa Marigat huko chini. Huko hakukui chochote. Na pandehii kunakuwa na mahindi au pahari pengine kuna kahawa, kuna nini, vile raslimali serikali kutoka kwa hiyo nini, iwe ikichangia kila mtu ambaye ako hapa Kenya sababu yeye ni mwananchi wa Kenya, yeye ni mwananchi wa Kenya. Yeye ni citizen na yeye ni mwananchi wa Kenya, yeye ni lazima asaidiwe na nchi yake, sababu pahali yenye yuko hakujiambia aende huko alijukuta yeye yuko. kwa hivyo mali zigawe sawa kwa sawa. Sababu serikali ikisha chukua hizo pesa zote ambazo zinapatikana au vitu ambazo vinapatika, ni vigawe sawa kwa sawa au kila mtu awe akifaruahia nchi yake. Ni yayo tu. Na ni Asante sana,

Com. Raiji: Ulikuwa na dakika moja lakini kama umemaliza ni

James Muna Mbutia: Haya ningechangia mambo ya elimu kidogo. Nipe tu nafasi hiyo. Ningetaka elimu hiyo imesekana

ya bure, tafadhari iendelee. Sababu tumeimbiwa na Katiba na zamani, elimu ya bure, elimu ya bure, na mimi sijaona. Sasa mimi nikiwa mzee namna hiyo sijaona elimu ya bure

Ya pili Ningependa kamati zote ya mashule, Primary Schools hawa ndioyo wanajua sinda ya watoto ambao wako katika shule ile. Wawe wakipewa nafasi ya kuawangaliwa ni mtoto gani anastahili kupewa bursary ambayo akienda secondary kuanzia form one wawe wakiandama na huyo mtoto mpaka secondary ambayo wanaenda sababu wajua hali yake. Lakini sasa mtoto akipita vizuti anaenda Secondary wale wa secondary hawajui yule mtoto, lakini huko grasstoot ndiyo wanamjua wawe wakifuata huyo mtoto wanaenda yeye mpaka wahakikishe kuwa ameamliwa.

Com. Salome Muigai:(inaudible) Mimi swali langu ni hili, wazee.....huko kwenye vijiji huko ni akina mama na akina baba pamoja ama ni akina mama peke yao ama ni kina baba peke yao?

James Muna Mbuthia: Wazee kwa jumla, wazee ni wazee hata awe mama ni mzee ana haki ya haki ya kuwa mzee kwa sababu uzee hauna kusema huyu ni baba au huyu ni mama usha zeeka ushazeeka. Vijana wanaitwa vijana iwe ni msichana iwe ni mfulana kwa jumla wanaitwa vijana. Kwa hivyo wazee ni wazee kwa jumla wakina mama na wakina baba.

Com. Salome Muigai: Mimi nauliza wazee walioko pale wenye kutambulika kama mimi nikiambiwa neenda kwa mzee wa kijiji chako hawa wazee wenye nitaenda kwao ni wazee wenye mchanganyiko akina baba na kina mama wako vipi ulitwambia twende kwa ground tuone chenye kiko, sasa nakuliza wewe mwenye huko kwa ground unieleze wazee ni akina nani walioko leo?

James Muna Mbuthia: Wazee walioko leo kuna tuseme kwa mfano mzee wa IRika la baba yangu, wazee wa kijiji kuna wazee warika la baba yangu hata ingawaje baba yangu amefariki na wanajuwa vile waliishi.....

Com. Raiji: Nafikiri ile jina com. kwa ile swali ni kwamba sasa tukitoka hapa tuseme tunaenda kwa wazee tutakuta wazee wanaume tu au tutakuta mchanganyiko wa wanaume na wanawake?

James Muna Mbuthia: Wako, wako mchanganyiko.

Com. Raiji: Tumesikia. Inaonekana wakina mama hawakubali..... sasa ile mwingine atakuwa ni Bwana K.H. Biwott ambaye atafuatwa na James Maina. Bwana K.H. Biwott karibu.

K.H. Biwott: Asante sana. Mimi naitwa Hosea Biwott. Maoni yangu ni nafikiria ni kama tano hivi:-

Ninataka kwa Constitution ile iko, ama ile itakuja tujue functions za councillors za functions za MPs. Sasa hivi wanafanya

general work. Na tukiona hawa akina mahali tunaita watu tunataka shilingi, tunataka shilingi, tunataka shilingi tunataka hii na kwa kazi mingi sana mpaka hawa wanataka pesa nyingi saidi kuliko ile iko kwa Ex-chequer. Sasa functions zao zijulikane vizuri.

Electoral disputes inatakikana kama mtu ni councillor wameshindana na moja anasema kulikwa na shida hapa na pale. Ijulikane kabla ya miezi sita ijao kwa wabunge ijulikana ya mwaka moja ujao kwa sababu tunaona saa zingine inakaa mpaka kama junzi nafikilia mwezi jana kulikuwa na councillor alisemekana is not validity elected. It is very interesting. Vile inakaa mpaka mwaka tano mtu anasemekana hakuchaguliwa.

Kuhusu Constitution making: Maoni yangu ni hivi inatakikana isiwe iki change kwa Parliament ama wabunge peke yao. Kwangu ni hivi maneno ya constitution inakunja tengenezwa na wananchi halafu inaenda Parliament kupitwa tu. Maneno kuhusu shamba ama mashamba ama ile tunaita natural resources, nafikilia maoni yangu ni hivi, kama mtu amepewa title deed nafikilia ni jukumu la selikali kuangalia ya kwamba huyu mtu ako na title deed, naye ako na jukumu ama responsibility kuwa anatengeneza uma ama serikali hiyo what we call resource so that baadaye mtu atasemekaana ana-produce tusiwe tu tukisema tunataka serikali itufanyiwe hii, tunataka watu wawe wakifanya kazi. Mtu akipewa shamba na hatumii vizuri na hiyo irundishwe kwa serikali halafu ama apewe shamba kidogo kama alikuwa na shamba acre mia moja na hawezi kutumia vizuri, apewe shamba acre kumi aonekena anaweza kutumia.

Freedom of Religion: Mimi ni Mkristo. Lakini kusema kweli tulazima tuangalie freedom of Religion ya watu wengine na tuchunge tusiwe watu wengine in the process ya kusema tunataka maendeleo ama development. Sasa tutengeneze in such away that constitution hiyo inachunga kila mtu, inachunga hata Ngonya wa Gakonya in a way tukipeleka yeye kotini kwa sababu ya kusema au kufanya kitendo fulani anaweza kufungwa. Lakini isiwe ili awekwe anawekwa huko anatolewa, anawekwa anatolewa, kwa sababu hakuna kifungo yenye inaweza kufunga yeye.

Education: Inatakikana tuwe na basic rights za watu wenye wanaonyesha ujuzi mwingi wawe hiyo innovations iwekwe katika Katiba. Halafu ifanye maendeleo yetu iende juu.

Ya mwesho elections ya mwaka huu na comission, hiyo si kuhusu Katiba. Election ya mwaka huu au mwaka ujao na kazi yenu commissioners, zisihusikane. Kazi yenu ni tofauti na kazi ya Election ni tofauti. Election ifanyike vile inatakikana na kazi yenu muendeleo kufanya mpaka sisi turidhike. Asante.

Com. Raiji: Jiandikize Bwana Biwott. Jiandikize hapa tumesema asante. James Maina. Atafuatwa na Kenneth Sang. Halafu na Pastor nafikiri ni kimagure or something kutoka sigoo. Asante.

James Maina Ngari: Asante. Jina naitwa James Maina Ngari. Na yangu ni tofauti na maoni ya watu. Tofauti kabisa.

Yangu ya kwanza ni kushukuru wanakamati hawa wazee wameteuliwa, waje watusikilize. Mimi yangu nilipigania uhuru wakati wa Mau Mau. Ama sisi tulipigania uhuru. Lakini serikali ilikuwako ya marehemu tulisahauliwa na wakakti tuliposahauliwa naye ya mzee wetu tumesahaulika. Sasa si tunauliza sisi tulipigania uhuru na sherikali ile ya mwingereza ilisema ya kwamba sisi tungepatiwa pesa ambazo za kutulipa vile tulikiwa tumekaa katika detention. Wengine walihamishwa na GDO, na wengine wakahamishwa na DCO sasa tunauliza pesa hizo na tunasikianga serikali ya iingorezaililipa zilienda wapi?

Mimi nina akiliza Koibatek, mkubwa wa Koibatek katika wale watu ambao walipigania uhuru. Na ningetaka kuelezwa kwa sababu nitawarudishia majibu.

Ningesema hivi chiefs act ama machifu hawatakiwi kuisha. Maana yake ni hii mimi ni mwanakamati wa chief. Natunasuluhiza macase mengi sana, kwa mfano kwa mwezi tunazuruhiza kama kesi thelathini. Zile ambazo zingeenda kotini na tunaona chief ikikuiza chief act ikikuiza ama chief akuize, watu wengi sana watakuwa mikora. Na hakuna mwenye duka atakaye uza dukani hapa itanyanganywa vitu na mikora. Nanikisema hivyo najua ya kwamba watu wengi wanajua hiyo ni kweli. Kama hakuna chief mtu atakunyanganya mali yako na hakuna mahali utashitaki. Kitambo ufike police kilo meter ishirini, wewe umeuliwa.

Yangu ya tatu na ndiyo mwisho, ni mashamba katika Kenya watu wengine wana mashamba hectare 6,000. Na mwingine hana.

Hata point. Sasa nilikuwa nauliza hii commissioner, nyinyi mmekuja kusikiliza sisi mimi maoni yangu ilikuwa nataka kutengenezwe sheria mtu asifikisha acre hamsini katika Kenya. Ikiwa chini ya hiyo basi sisi zote tutapa ma acre haidthuru angalau mpate acre kumi mwingine apate acre ishirini kuliko mtu moja katika Kenya awe hectare 6,000, hapo tunaona ya kwamba huyo ndiye alipigania uhuru. Na sisi tunapojiita uhuru tunapigania uhuru hatuna hata msumari ya mchanga. Hata nikisema hapa tulipigania uhuru wengine ni kucheka. Kwa sababu mimi hata ukininagalia watoto wangu hawasomi kwa sababu sina kitu. Mali nilikuwa nayo wakati wa ubeberu ili kwisha. Sasa yangu ilikuwa ni kuwashukuru na kwa hivyo kama hii sheria itapitishwa ni vizuri sana. Kwa sababu sisi tuliumia na hatuna kitu tulipewa. Kwa hivyo mkitukumbuka ni sawa. Asanteni wazee.

Com. Raiji: Jiandikize. Kenneth Sang nilikuwa nimekuita. Halafu utafuatwa na Pastor nafikiri hiyo ingine sijui lakini wa kutoka sigora Box 104

Kenneth Sang: Chairman ya hii Commission, Joint Secretaries, kwa majina mimi naitwa Kenneth Sang kutoka Turongo. Yangu ni kuhusu mambo ya rent. Mimi naweza sema hivi, any minerals and national resources found in the land should benefit the community residing within.

Land ownership should not change, but planning should be effective in that any land found not fully utilized should have a penalty or taxed. Hiyo itamaanisha kama wewe kama uko na shamba na hutumiwi haina maana kuwa na shamba kama hutumii hiyo shamba kamilifu. Na itaamuzwa watu kama watu wanalima kama wanawekwa tax ni lazima kila mtu sasa atatumia shamba lake

mpaka liwe kamilifu. Kwa hivyo ningepomba katika hii sheria iwekwe dani any unutilized farm should be taxed so that people should wake up and fully utilize the land. Sababu unakuta mtu alipewa shamba na inakuwa msitu hakuna kitu chocho katika hiyo shamba na yeye anasema mimi ni mwenye shamba. Na kuna mtu mwingine iko pahali ingine hana shamba na angependa kufanya kazi na hana shamba. Kwa hivyo ikiwekwa tax or certain penalty mtu ataamuka na kufanyia shamba kazi. Kwa hivyo ningependa kwa hii sheria mpya inatakikana iundiwe hiyo pia iwekwe ndani.

Mashamba yaliyotengwa na serikali: Kuna mashamba yanaitwa Public Utilities ndiyo unakuta sasa watu wanafanya grabiosis. Watu wana grab everywhere. I know in Kenya hata tungeganyiwa mashamba haiwezi tosheleza sisi. Hata tukigawizwa hata Mount Kenya kwenye snow, shamba haiwezi kutosha. Kwa hivyo reserve hii mashamba, haya maplots in town ziwe za regulation plots or public amenities in future. It is not a must that we must share everything at this particular time. Si lazima tugawanye mpaka tumalize. To those the future will be there and they will also require to use for that time. Kwa hivyo tukigiwanya kwa wakati huu kila kitu na taabu tunaendelea kuzaa watoto hiyo watoto wetu wataishi wapi? Kwa hivyo mambo ya shamba hata tugawanya Kenya yote haitatutosha. Kwa hivyo tutenge hizo maplots kwa towns ziwe ya regulation somebody will come up with an idea on how to utilize such a plot in that period. Kwa hivyo tuchunge sababu ni lazima tuendee kupate hizo maplot ziwe za kwa town ziko, kwa rizafu au centres for future use and plan. Hata iko research ina kuta resaeach inaweza kosa plot ya kufanyia research. Sasa nani atatowa shamba lake. Hakuna mtu atasema hii nilipewa na ni haki yangu. Kwa hivyo yangu nimemaliza hapo.

And areas in land which cannot be , may it is rocky or it tilted in a way that it cannot be developed should be planted. There should organizations such that would oversee such areas. Tupande miti, au tuone tumehifadhi kwa njia mzuri.

Ya mwisho Bwana Commissioner ni kuhusu serikali. Mimi ningependelea tuwe na majimbo. Maana yake hata ukichunguza katika historia majimbo ilikuweco lakini sababu watu walikuwa wamependelea kuwe na chama moja ili kuunganishe Wakenya wote, lakini sasa tuwe-adopt mambo ya multi-party whereby we have so many parties. So I should feel that even Majimbos should be tried, hakuna makosa, maana yake najuwa watu kusema majimbo, watu wanaona ukabila. It does not mean that we should we should be displaced. Other brothers and sisters who are with us hapana inamaniza kufuata zile kanuni za majimbo. Kama we ni mtu ulitoka Rift Valley na ulienda Central Province sasa ulipendelea hiyo region unaenda huko. Sababu tunaambiwa ya kwamba(inaudible) proposals of Regional Assemblies, Regional Governors, na hiyo inamaanisha kuwa na services closer to the people. Sio mambo ya ukabila hatutaki hiyo. Tunasema tu services ziwe karibu – zikaribie wananchi. Otherwise Bwana Commissioners thank you very much for that time you have given me.

Com. Raiji: Thank you very much. Please register yourself. Pastor.

Pator Paul Ruto Kimaiwa: My full names are Pastor Paul Ruto Kimaiwa. I come from Singoro – its a place where you cannot with your 4-wheel drive in our Koibatek. I wish you visited the place. Commission, Commissioners, and Madam

Commissioner, I want to thank you for this time that you have come to hear the views of the people. And my prayers for this commission, is that it will go ahead to finish its task because we have seen in the past so many commissions which have been instituted have not finished their work or have been terminated prematurely. Well, I will present to the commission the preamble as I read one of the preambles of Swiss Constitution which is very good and it start in the name of God Almighty. And precisely this preamble will show whom we honour as God in this country. And I have also attached a copy of the National Anthem of the Republic of Kenya, because in this Anthem the beginning it says oh God of all Creation so for this reason I see that when we put God in the first place we will have a good footing to carry on.

Well my suggestion to this Commission is that I want to talk on the Executive. I want to suggest to this Commission, in the choosing of the President that the President can be chosen from any citizen of good quality towards a good leadership quality and not a must that we must be a member of Parliament. Because we have many people who can qualify to be members who can be President but they are not members of Parliament. Because sometimes I want to add on this because, choosing of a member of Parliament is local politics but when we go to choosing a National Leader it matters, alot and it is not a must that you be member of Parliament.

Yet again on the Presidency I wan to suggest that section 14 of this old Constitution be deleted completely from the New Constitution. Because these Constitution all the time when the President in elected and all members of Parliament they vow to protect the constitution and this section 14 wishes no Criminal Proceedings should be brought agianst the President gives the President the Right to violate the same Constitution of Kenya. This is call also the impeachment of the President when he commits a crime according to the laws of Kenya.

I want to go to Parliament. I wan to say that the Parliament should be independent from Executive interference.

Com. Raiji: One minute.

Pastor Paul Ruto: Okay. I said Parliament should be independent and Parliament should have the powers to choose the AG and the Controller and Auditor General. The system of the Government I am suggesting that we have the same unitary system of Government. On the choosing of leaders, mostly in a Constitution say we need the qualifications, I want to add the qualities of a good leader who should be honest, God fearing, incorruptible, faithful as in Numbers chapter 18 verses 18 – 23 where Moses was told to choose good leaders of good qualifications.

Freedom of worship: The New Constitution should be very fair as to whom we Worship. And I suggest that the New Constitution should outlaw Devil Worship in Kenya as it has come to the knowledge of the previous commission in Kenya that Devil Worship is alive in Kenya. Because it is not Godly.

On Section 14 of the Bill of Rights.

Com. Raiji: Last point.

Pastor Paul Ruto: Ya. I am suggesting that the New Constitution should retain the Bill of Rights intact as it is in the old. Give me to say the last on the Civic Education: I say this should be a continuous process in the country and should put in the school curriculum and also Police Officers should be taught Human Rights in the college as part of the Civic Education Programme. Thank you.

Com. Raiji: Asante sana Pastor. Please get yourself registered. Can we now have Evans Kosgey ambaye atafuatwa John K. Kiproti.

Evans Kosgey: Thank you. I only have just one thing to add. Already I had said my group presented

Com. Raiji: State your names.

Evans Kosgey: Evans Kosgey. So I and my friends have written a presentation which has been given put out I only want to stress one point and that concerns the Election date. The Election date should be fixed even if the New Constitution. This is because at the moment our country is experiencing a lot of uncertainties and perhaps a lot of fears because of the fact that one section of the country especially the party that is in power that the election must be held next year, while all of us know the election are due this year. So to prevent such eventualities in future, I would like to suggest that the Election date be fixed in the Constitution. Like in the United States of America if I am not wrong, the Election date is always fixed to the first Tuesday of every November. So I would like us also to emulate the same process where we know the Election date. Of course the extension of the current Parliament is actually a breach of section 59 part 5 of the current Constitution of Kenya. The current Constitution of Kenya we have at the moment has been serving us for almost four decades and I don't see why we should not go on for the next six or five months before the current process is over with the old Constitution. So my view is that the elections – so the date should be fixed or we can continue with the current Constitution.

My question was it actually concerns the CKRC itself. The moment the CKRC said it could not complete the drafting of the Constitution in time, we saw a lot of noise made by KANU to the extent that we cannot hold elections in the current Constitution. That is election will be held after the completion of the one we are trying to make right now. So my worry and fear is that it seems KANU has a pre-determined mode of constitution or they have a hint of the kind of Constitution that CKRC is going to draft. So KANU being a political party and an interested party in politics of this country, I am sure it has a hidden motive and I am also sure the CKRC may not be very honest in that. So I would like the Honourable Commissioners to maybe alleviate my fears or prove me right that we don't have a predetermined Constitution we are going to make. Otherwise thank you.

Com. Raiji: Register yourself, but I want to assure you and everybody else there is no constitution pre-determined other than

that is going to be formed with the materials that we are gathering from here and elsewhere. If other people have theirs outside the commission that is their constitution but the CKRC has not drafted any constitution because it will draft after we have heard everybody and we have collected all these materials. Thank you. Next person after Bwana Kosgei is Jona Kiprop. Alienda wapi? Kama Jonah hayuko – ni wewe Benjamin Kimitei. Tutakuita hebu tumalize list. Joseph Maina anafuatwa na Colin Kiptoo.

Joseph Maina Ndegwa: Asante sana Bwana Commissioner, Joseph Maina Ndegwa. Kwa anjili ya kufika hapa ili mpate kushika maoni yetu kuhusu nitazungumza kidogo kuhusu Katiba ambayo mnatarajia kuandika. Ya kwanza, nio kwamba ni kuchangia tu maana pengine yale ambayo mimi nitazungumza pengine yamezazungumzwa na wengine ambayo waliongea hapo mbele, ni ya kwamba kila mara tunasikia kwamba tunataka kumaliza umaskini katika Kenya. Lakini hatujaambiwa ya kwamba njia ya kumalisha umaskini ni njia gani? Lakini tunatangaziwa serikali itamaliza umaskini Kenya. kwa maoni yangu ninaonelea hivi katika Katiba mpya kumaliza umaskini ni ya kwamba watu walimaji wawekwe mtisha kwa ajili ya kazi iile yao wanafanya. Kwa mfano kama na upande ambao waliongea Pamba serikali iwe tayari kununulia wale mazao yao nawe serikali itajuwa mahali ya kuuza. Ikiwa ni pande ambao inalimwa mahindi kama sehemu hii yetu basi tuwe tukinunuliwa nafaka zetu hii ni njia moja ambaye ya kumaliza umaskini kuliko kuzungumza maneno kusema rudini huko mashambani mwende mukalime halafu maskini ukwisha. Ni ikiwa mumeshanganya kazi hiyo yote, hakuna dhawabu lolote la maana. Jawabu yoyote ambalo linapatikana maana wewe utabaki na mazao yako hakuna mtu wa kununua. Kwa mfano kama nchi za mbali tunaona zinakuja kutusaidia hapa kwa chakula kwa mfano kama America. Haja yao, wanawambia wananchi wao wafanye kazi kwa bidii walime mahindi na ngano na mchele lakini wanafanya hivi wanakuwa na mulango miwili, mlango wa kuingiza, na mlango wa kutoa. Kwa hivyo yale mahindi ambaye nafaka ililimwa mwaka uliopita ndiyo ambao inatolewa. Na ile ingine inakuja. Hakuna wakati hata mmoja wakulima wanasimama ama kunawa maskini maana wanafanya kazi kwa bidii. Nafikiri yangu hi hayo tu pengine ikiwa yamezungumzwa mengine, hayo ndiyo mimi nilitaka kuchangia, kuweka sisitizo ili muweke katika Katiba mpya. Halafu isimamie njia mzuri maana kama hapana iko kwa Katiba hakuna kazi ambayo inaendelea. Asante.

Com. Raiji: Jiadikishe hapa mzee. Colin Kiptoo ambaye ni mwanafunzi. Hayuko. Sasa tumemaliza wale watu walikuwa wamejiadikiza na kusema kwamba wanataka kutoa maoni. iko mtu ambaye amejandikisha ambaye hajasikia jina lake, ainue mkono. Hakuna. Iko mtu yeyote angetaka kuzungumza? Ni wagapi inua mkono. Hata wawe unataka utakuwa number 1, 2,3 kwa sababu sasa in kufunga tunafunga, tunapatia mtu dakika mbili azungumzie ile muhimu na ile ambao labda haijzungumziwa tena. Okay. Utaanza na jina lako, uko na memorandum tutasoma, dakika mbili utupatie ile muhimu ambayo unataka tutie manani zaidi. Lakini memorandum tutasoma, tutachukuwa.

Benjamin Kimitei: I am Benjamin Kimitei, I went out briefly,

Com. Raiji: Umepitiwa lakini ni sawa tu tumekuta hatujafunga.

Benjamin Kimitei: I want to just say what may not have been said. On the land I wish to recommend that the land be ultimately owned by the state, the local community, and the individual. The Government of the day should only play the role of a facilitator. The Government should have no power to control the use of private land, except in Urban Areas. The Constitution should provide and state the maximum amount of land an individual person is allowed to own and I recommend that it should be a hundred acres maximum. Other land which excess should distributed to people who do not have. Non-citizen should not own land except on lease basis for purposes of investment.

The procedure of transfer of land be simplified by decentralizing the Commissioner of Lands Offices to the District level and possible to the Divisional level. The powers of the Commissioner of Lands should be limited only to a facilitator, facilitation. Land Transfer charges should be minimized to the lowest. Processing of Lands Transfers documents and language used, should be simplified to the convenience of the parties concerned. Both men and women should have right of access and ownership of land. For example men and women should have a right of land inheritance and purchase. Should not only be for men but also for women. There should be restriction in individual ownership of land anywhere in Kenya but, to that except those who own land legally in various part of the country presently should be allowed to own land and be counted as members of the local community.

On Education, I concur with those who have said that Primary Education should absolutely be free from any levies whatsoever.

Com. Raiji: Nilikuwa nimesema useme ile ambao haijazuguziwa. Ile imesemekana mala nyingi.

Benjamin Kimitei: Yes. I want to add something that the Government should re-introduce the Kenya School Equipment Scheme and provide funds for the purchase of basic learning materials for teachers and pupils at primary level. And at Secondary level, the Constitution should provide that the Government set aside funds to pay full school fees from form one to form four, for students from poor families upto to 50% of individual school students enrolment.

Com. Raiji: One minute.

Benjamin Kimitei: Finally local Authorities should be made to use part of its income to give bursaries to secondary schools in the areas of jurisdiction. Schools in areas enstawed with a first natural resources should be given a chance of teaching children and conservation of those resources through inclusion of courses in the curriculum of those schools. The others, are in the memorandum. Thank you.

Com. Raiji: Okay Benjamin. Number 2 alikuwa nani ni wewe. Ingia hapa.

Samson Tumo: Thank you Chairman, Samson Tumo from(inaudible)

Thank you Chairman, the Commissioners for giving me this opportunity to say something also as a Kenyan. I feel confident when I stand like this knowing that I am in a country of divinity. So, the area that I would like to look into is about employment. As per education again, we see in most cases especially in employment of for instance those who are employed say in the police, army, in most cases people are given the requirements for the same time which is very much discriminative :-

I know good health is one of the thing which is required for one to be employed. But I don't know there is an area of opportunity, a problem whereby one has to know – as actually affected by something like let us say they normally like to say they want somebody having 120 kilograms and 5 ft 3 inches. This is very much discriminative to somebody who is short like me. I don't be employed because of that particular size of my body in which I am discriminated in that particular sense. I am not belong to the disabled and I don't belong to those who have other opportunities of that height. Therefore in our Laws we need to have that to be put in force because it is discriminative to many. And may be one has the qualification of education but because of that one minor thing, it is not taken to be very serious.

So you can see the opportunity, development of the size of a person and that is natural in which it is against the Will of God to be discriminated because of that, because it is natural. So I could be believe if it is possible to be reduced to even – because the form four level who are leaving are the young fellows who may not reach even that height. Therefore if it is possible they can just make something which is reasonable.

So one problem which is there, people have failed to play the place of patriotism in Kenya. We should be very much proud and say if we love this country. We should change our minds, our act so that we love the country. There is no love there. One is these: -

When our country got independence in 1963 our National Flag was raised.

Com. Raiji: Please give some kind of proposal because we are in the business of re-writing the Constitution tuambie tuandike nini.

Benjamin Kimitei: Alright, alright – so what we need to write is people to recognize the values of our National Anthem, which we sing always and we seem not to interpret. We seem to sing always without interpretation. It is a prayer in which we have forgotten even God is there. So recognition of God also should be there even in our Laws so that we know that we are the children of God. Therefore I think that one is very important. Citizenship we are sorry that people are not patriotism. I mean patriotic.

Com. Raiji: Last point.

Benjamin Kimitei: Another one is about the Constitution which we are just writing now we do not like in future the

Constitution which will lie there without being used. So we need our Constitution to be implemented, monitored, and also evaluated.

Also on the issue of land I think many have said this one, we need to improve the same early areas, instead of looking into the lands which are very suitable for farming and whatever, we are not improving. These days we are looking for the fertile areas only.

On the issue of Human Rights: we need to remove fear which are just within the minds of people. Why? The reason is this: An opportunity – may be you are not rich, so you can be stepped on, you don't have any right, you don't say something even somebody can take anything from you and you have got no claim. So this is something which very serious. So we need when somebody is in Kenya, he should know that he is in Kenya.

Com. Raiji: I think that was the last one.

Benjamin Kimiti: So let me finish by saying this issue of depending on foreign aid like IMF, I think it is becoming something like a song. We did not hear very much during those days when our country was still fertile, because of corruption we have finished ourselves. I think in our laws we should look into that. Because we would like to live in Kenya, on the soil we call ours - whatever we have set for it we get our rights. Like we are not getting our dues when we produce maize, we produce milk, we produce but we are not getting the records of that. So with there few remarks I say Sir, I have said something.

Benjamin Kimiti: Thank you for your contribution, please have it registered. Wa mwisho alikuwa wewe.

Johana Kaitany: Asante sana Bwana Commissioner.

Com. Raiji: Sema jina kwanza.

Johana Kaitany: Mimi ni Johana Kaitany. Asante sana Bwana Chairman tumesikia nyinyi kwa umbali lakini leo mumetufikia. Ile kitu tungependelea tumekaa kwa corrupt country na ile kitu tungetaka, tungetaka President yule atakayechukua kiti awe Economist. Kwa sababu ukienda kwa serikali hata ile mtu wa kiwango ya chini anaambiwa kwenda nunua dawa. Sasa unashindwa is this an existing Government?

Tena tunasema tulipata Uhuru, naiko wazungu ambao wako na mashamba mengi na African wengine hawana hata moja. For example hapa kwa mtu mmoja wa Nakuru hayo ni mashamba mengi na African wanaumia. Hawana hata chochote.

An Asian hapa Kenya alipatiwa chance mingi ya kufanya kazi, biashara, na anachukuwa pesa zetu nje sasa unashindwa

mwafuka hawezi hii kazi yote?

Na tena ile kitu tungetaka hii mtu wa ku own mali nyingi kama karibu ya District mzima, sasa hata mtu ameadikwa kazi hata ikifanyiwa assess hata ya mshahara, hawezi pita hiyo mali yote amechukuwa mwenyewe. Ni hayo tu.

Com. Raiji: Asante sana Bwana Kaitany, sasa tulikuwa tumesikia wale wote walikuwa wamejiadikisha na hata wale walikuwa wamejiandikisha tukaona wanne, nafikiri wewe umekuja umechelewa Bwana I am sorry tuko na.....(inaudible) nafikiri sasa tumefika mwisho wa kikao iki rasmi na tungetaka kuwarudishia asante sana wale watu walikuwa na sisi kutoka asubuhi mpaka saa hii nawaona hapa, na wale wote wamechangia kama labda ukifikiria mambo fulani ningetaka kuwajuliza ukiwa na memorandum unaweza hata kutupatia sasa, au kupatia coordinator wetu hapa Bwana Tuikong au watu wengine kwa sababu bado tunaendelea kuchukuwa maoni na hata tunatembelea sijui kama district hii tuko na kikao kiingine kimebaki? Do we have another sitting in this district.. Tarehe tisa iko Equator kama ukifikiria jambo lingine au hujapata nafasi unaweza kutupeleka hapo. Kwa hivyo sasa kabla hatujafunga tutamuuliza Bwana Tuikong hapa atupatie tu neno moja na kutangaza kile kikao kumetoka halafu tutatmuita Reverend atufungie kwa maombi kwa niamba ya Commissioners tuko nao hapa: Salom Muigai, Domiziano Ratanya, jina langu ni Riunga Rainji, tunafurahi sana kwa sababu tumesikiliana kutoka asubuhi mpaka saa hii nasasa mutatusamehe kwa sababu tumeshirikiana turudi kwa sababu wiki ijayo tutaendelea na vikao, hatujamaliza. Kwa hivyo asanti sana na Mungu azidi kuwabariki wananchi wa Koibatek na hasa watu wa Constituency hii Eldama Ravine. Okay.

District Co-ordinator – Mr. Tuikong: Basi wageni wetu tumeshukuru sana kwa sababu mumetembelea imekuwa kikao kizuri kabisa, tumefurahia tangu asubuhi mpaka wakati huu, na tunasema pongezi sana kwa kazi yenu ambayo mumetekeleza kwa ile standard ya juu. We are really very thank full, kwa sababu kwa kazi ile imefanyika hapa Koibatek. Tangazo wananchi ni kwamba, bado tuko na siku ingine ambao maoni yetu yanaweza kuchukuliwa, na hiyo ni tarehe tisa mwezi wa saba - Tuesday tutakuwa Equator Primary School kuanzia saa mbili asubuhi. Ningeomba nyinyi mjiandae wakati huu kuanzia saa hii mpaka siku hiyo muandike memorandum yenu ili usipopata nafasi, unaweza kupeana memorandum yako na ikasikizwa. Basi kwa hayo nitaomba Reverend Ezekiel tafadhali Reverend alikuwa ametufungulia na maombi Ezekiel kuja utufungie na ni asante sana wananchi kwa kuwa mumekuwa watulivu kuanzia saa ile mpaka wakati huu. Asante. Ezekiel

Ezekiel: Prayers: Tusimame pamoja: Baba katika jina Yesu mchungaji wa maisha yetu tunakushukuru kwa ajili ya kazi yeye ambao tumekuja changia maoni yetu, tukikuhitaji mambo hii yote mpaka itakapokamilika, uwe pamoja na viongozi wetu ambao tumewachagua. Wakati huu Mungu wetu, ningeweka mikononi mwako hawa wageni wetu kuanzia Chairman, wote wanashughulika kwa jambo hili, uwe pamoja nao wanapoenda katika safari yao uwe driver wa gari zao, na hata wananchi wa hapa Eldam Ravine uwe pamoja nao pia wanapoelekea nyumbani. Tunakushukuru kwa maana tulipoongea pamoja hatukupata shida yoyote tangu mwanzo umekuwa pamoja nasi mpaka wakati huu Mungu tungeamini ya kwamba utatuwezeza kuunda ya Katiba ya kulinda nchi hii, kuwa na Katiba ya kuleta amani, kuwa na Katiba ya kuleta upendo, na mawasiliano ya kutosha wananchi wa Kenya. Tunakushukuru Mungu wetu kwa mipango hii tukiamini utatuongoza, tukiweka mikononi wale

