

CONSTITUTION OF KENYA REVIEW COMMISSION

(CKRC)

VERBATIM REPORT OF

CONSTITUENCY PUBLIC HEARINGS

BUDALANGI CONSTITUENCY AT JOHN OSOGO SEC SCHOOL

ON

29TH JULY, 2002

**CONSTITUENCY PUBLIC HEARINGS HELD IN BUDALANGI CONSTITUENCY AT JOHN OSOGO SEC.
SCHOOL ON 29TH JULY, 2002.**

Present

Com. Prof. Okoth Ogendo
Com. Prof. Wanjiku Kabira
Com. Alice Yano

Secretariat in Attendance

Millicent Achieng - Programme Officer
Elisha Ongoya - Assistant Programme Officer
Regina Obara - Verbatim Recorder

Paul Osogo:

Prayers

Baba wetu uliye mbinguni , Jina laka litukuzwe, ufalme wako uje, utakalo lifanyike duniani kama huko mbinguni, utupe leo mkate wetu wakila siku, tusamehe makosa yetu kama tunavyowasamehe na sisi walio tukosea usitutie katika usawishi lakini utuokoe maovuni, tuombe, Mungu Mwenyezi, tunakushukuru, kwa hii siku hii ya leo ambayo wewe mwenyewe umetupatia tuifikie na umefanya wageni wote wakafika hapa Mungu, tunakuomba uwe kati yetu na utupatie mwendo na mwongozo wako, roho mtakatifu asushie kila mmoja, wetu atoe yale maoni ambaye yanaweza kufaidi Kenya yetu nzima kwa njia yako ya Kristo Bwana wetu, Amen, Kwa Jina la Baba na la Mwana na la Roho mtakatifu Amen. Jina langu ni Cllr. Paul Osogo.

Prof. Okoth Ogendo: Asante sana kwa maombi Collr. Paul Osogo.

Baada ya maombi labda ningetaka kujulisha wageni wetu watu ambaye tunafanya nao kazi 3Cs members kama wako hapa wamuke, huyo mnaye muona ndiye Chairman wa 3Cs member labda anaweza kuwambia jina lake.

Kwa Jina naitwa Andrew

Mwingine ndiye yule pale.

Kwa jina naitwa.....

Asante sana kuna mwingine, na pia kuna wenzetu awako hapa

Kwa majina ni JustusChairman Kwa m ajina ni Judith Odeda Secretary 3Cs

Bunyala,

Asante sana kama tuko nawaamuke wageni waweze kuwajua, hata mnaweza kusema majina penye muko.

Mimi naitwa Jacob Ndagwa Musiosub-location

Paul Oduori Budalangi and Budemia su-location

Clr. Paul Osogo.....sofani bukani na siginga area

Patestawafua sub-location

Sasa ningependa kumualika Chairman wakuna wengine hapa,

Kwa majina ni Thomas Mango, kutoka BukodesBudalangi sub-location

Naitwa Patrick Ojanji Budalangi sub-location and Bulemia sub-location

Asanteni kabla sijaendelea, Bw. Chairman Karibu.

Chairman: Bw. Commissioners wetu ambaye hasa ndiyo wageni wetu wa leo, Mhe.Mjumbe wa sehemu hii, Hon. Rhrapael

Wanjala, Mhe. James Magongo Osogo ambaye ni Ex. MP wa sehemu hii, Macouncilors wa urban Council wakiongozwa na Chairman wao, vijana, na wazee wa manyala ambao ni viongozi katika nyanja tofauti tofauti, mabibi na mabwana, Hamjambo, Hamjambo tena, yangu ni mafupi. Nimepewa jukumu la kuwakaribisha maCommissioners wetu kwa hii shughuli muhimu kwetu hapa kwetu leo. Bw. Commissioners mnakaribishwa

Review Commission of Kenya KANU Chairman of Budalangi branch Bw. James Osogo Councilors ambaye wamefika hapa , hamjambo, hamjambo tena mimi kwangu mwenyewe kwa niaba ya watu wa Budalangi, leo ni furaha kuu kuwa na nyinyi hapa hili tupate nafasi ya kusikiza ni shida gani ambae Katiba ya saa hii imewai labda kufinya wakenya wengine pengine na watu wa Budalangi. Kwa hivyo siku ya leo sisi hatutasema mengi nikwambia wananchi watukufu, kila mtu akae na asikize kimakini na hapate nafasi kama ana maoni yake asema bila kuogopa. Sasa ndio tunajenga, na unajua wakati wa kujenga ni lazima unalazimisha hata kama mti auingie uone unaingia namna gani. Sasa wewe sema tu yale yote, mwingine akifikiria ni mabaya, wewe yaseme tu hayo ni maoni yako, hakuna, mwingine atachapa mwingine kiboko ati umesema vibaya yote yaseme na hawa watapata nafasi ya kukaa chini na wakague na wajue ni gani mazuri ambaye yatatufaa kwa siku zijazo. Na ni siku moja ni leo na kesho na tarehe saba akuna siku ingine tena labda tena baada ya miaka sabini. Leo ni siku yenu na mitumie kwa makini sana. Nakukaribisha Commissioners Budalangi, Asante.

Com. Prof. Okoth Ogendero: Hamjambo wananchi, I now want to constitute this meeting as a meeting of Constitution of Kenya Review Commission, being a meeting of the Constitution of Kenya Review Commission it will be governed by, the Constitution Review of Kenya Act Cap PA Section 25 of 3A says that anybody who appears before the commission is free to give his or her views without in hindrance you can not be arrested for giving your views to this commission. You are also protected when you live this center back to your homes, so speak freely whether the DO is there or the Chief is there speak freely the law protects you. We are here to take your views on the new Constitution and we will sit here continuously without a break until we hear the last person who wants to talk. My name is Prof. Okoth Ogendero I am a Commissioners and with me are Commissioners Alice Yano on my right salamu.....and Commissioner Prof. Wanjiru Kabira on left ..salamu..... The members of staff we have are Millicent Achiency the Programme Officers.....greetings.....she is also there Regiona Obara a Verbatim Recordergreetings Programme Assistant where are you Elisha Ongoyasalamu.....

Now this is the way we are going to proceed you can speak in any language you choose, Kiswahili, English, Kiluhya, and now my friend Osogo can speak dhluo as you may prefer. Speak in any language that you are comfortable. If you speak in language other than Kiswahili or English we will have an Interpreter for you. If you need sign language interpretation we will have that provided as well.

When we call your name and we are going to take this list and follow it strictly, you will come and seat on the chair in front of me here. If you have a memorandum we will allow younoise.....
excuse mewe will have translation for those who need it but remember you are addressing the Commission. We are the ones who must understand what you have said. I was saying if you have a memorandum we will give you between three and five minutes, to tell us the major points in the memorandum. If you don't have a memorandum we will allow you up to ten minutes to give your views and once you have finished giving your view we will ask you to go to the table over there to sign the register so that the fact that you have appeared before us will be recorded. All your views will be taken to Nairobi will be transcribed, will be analysed and will form part of the report of the Commission. There will be a Constituency Report, a Budalangi Constituency report which will be prepared and it will come back to you so that you can look at it and verify whether what you told us is accurate. We will also prepare a National Report which will come back to you for sixty days and you will have an opportunity to examine it and you have an opportunity to examine it and know what other part of the Country have said they will also be a draft Constitution, based on the National Report which will come back for public scrutiny before we call a National Constitutional Conference which will then decide on whether that draft ought to be the Constitution of Kenya. After the National Constitutional Conference the draft Constitution will go to Parliament and from Parliament it will become the Constitution of Kenya. So we want to hear your views, Western Province is the last province where we are coming to this time, we want to hear your truthful views your most important views your concerns, your worries, all your mapendekezo's from this Constituency and I want to start without wasting any further time and I will go along with this list and the first person on this list is Benedict Mahulo please come forth and give us your views thank you.

Benedict Mahulo: Your Excellencies the Commissioners, my name is Benedict Mahulo I am the

Chairman of the Fishermen Co-operative Society. Your Excellencies the Commissioners, are MP, Mhe. Bw. Osogo, the Councilors, all those present in this hall ladies and gentlemen, good morning. I am going to try and be very brief in my presentation although I would have preferred to read through what I have noted down here. Now please live some of the points which I am going to talk about:

1. Degradation of environment and what can be done to minimize the problem.
2. Present and independence state boundaries in Lake Victoria.
3. Utilization of Lake Victoria waters and the Nile basin
4. Security in Lake Victoria for fishermen, Lake users, and their properties
5. Registration of Fishermen their fishing gear and fisheries officials
6. Good and bad fishing method, fishnet, manufactures, and importers,
7. Designated landing beaches for Lake Victoria, for the purpose of fish sale

Interjection: Prof. Okoth Ogendo:tell us what is in number one, two, and three and four,

Benedict Mahulo: I will start off with number one, the degradation of environment and what can be done to minimize the problem. The environment has been degraded mainly due to the destruction of breathing ground, especially at riverand natural habitats. There has also been careless, discharge of raw effluence from factories close to the river and close to the lake shores. Then use of chemicals by farmers with land borders with the rivers on lake Victoria or close to the rivers and also use of pesticides and fertilizers. The poor sanitary conditions by those residing in the ...(inaudible)..... and close to the river banks. Here I suggest that the Government should ensure that factories which come up are licensed before they can be allowed to dooperations in other words they must meet the standards the health of peasants extension of (Inaudible) and fisheries officers should be also give civic education to the wananchi so as to maintain the hygiene

Number two the State boundaries in lake Victoria: Now Lake Victoria, belongs to the three Sovereign Countries, that Kenya, Uganda and Tanzania. Now at present the kind of boundary which is being shown that giving Kenya only 6% of the Lake waters is a wrong boundary and is not on because I believe the boundaries have not properly surveyed. The kind of boundary

there is I think was a show that the route which was being followed by the steam ship is the one which marked the boundary. So I request our Government to look into that and survey and get the correct boundary, I know there are people here who have details about that.

The Nile City: this is a document which was passed long time ago giving a lot of lee way to Egypt and Sudan, so much so that the other Countries from which River Nile originates have not been allowed may be the use of the Lake waters, so I will request that thisrevoke and the new document be availed upon.

Security this covers the security for the fishermen for those who are using the lake waters and security fishing gears and so on. Now here in Kenya we have not been having any kind of Surveillance with the exception of the two other Countries, which have got the speed boat, and they are able to protect their fishermen and also to protect their fishing gears. We have just learnt that recently that Kenya has also acquired some authorized speed boat and we request because we have the power to go for this security personnel who are trained marine people, so that they can also do surveillance and therefore give more confidence to the fishermen to do their work without fear. I was also suggesting that they Navy officer be posted to some of our barracks close here like so that as and when they are required they can go and assist, so that they can get freedom of piracying in the lake and end of fishing gears.

Registration of these fishermen boards: This one is necessary and I will suggest a part from the number which is given be also given a mark or another letter which indicates what each the board deal with. It could be easier that way so that incase any thing happens it is easy to trace that board and contact the people who are using the board.

Good and bad fishing methods, fisher nets manufacturers and importers the government has not come out with clear policy on this. I am suggesting that the government comes out with proper sign, which the fishermen should be using so as to avoid catching even the tiniest fish that is in the lake. That way they will be protected, so the government should recommend a appropriate mesh which can be put into use and of course there is the small dagaa ie. Omena which has also, they are also mature fish and they have got a certain size which should be banned but for others where specification have been given these

people do not go by what is put down then it's the Government right to prosecute such people.

Designated landing beaches: Here I am suggesting that these should be kept in hygienic conditions and that the government should assist the fishermen so that they reduce the number of these designated beaches, for the purpose of letting those who aresociety to sell their fisherman's catch without much problem, because there are so many of them then it means then you can not control the standards.

The whole thing is here

Com. Prof. Okoth Ogendo: Summarize

Benedict Mahulo:Infrastructure, I am suggesting that the government should consider particularly us in Budalangi to ensure that the infrastructure in Budalangi is well maintained particularly the road, because this is an area with a lot of income and there is no reason why the Government can not develop all the beaches provide the security and any other assistance to the fisherman and also ensure that the road are always in very good condition.

Now women and youth in the society these are some of the very active members of the society and they should be assisted.

The youth for resistance can form the vigilante group which will assist in combating any sort of menace that goes on with theapart from that they should also be given enough education so that they avoid these STDs, they minimize STDs etc.

Establishment of Fisheries Board or Fisheries Authority of Kenya. Now this is something that has been lacking here in Kenya and I am requesting that the government institutes one. While doing this consideration should not only be given to people with book knowledge but those with much experience about the lake, so that they can be able to (inaudible) since I am cut short I would like to say with the few points which I have given I hope the Commissioners will consider including them in this review.

Com. Prof. Okoth Ogendo: Thank you very muchand in your memorandum the sorry there is a question here for you.

Com. Prof. Wanjiku Kabira: Thank you Mr Benedict, you said women should be assisted, women abused and you gave an example how did you wish to be assisted, I thought you might give us an example of how women should be assisted.

Benedict Mahulo: The youths can be assisted by being given civic education and this they have to do to form vigilante groups, they be trained so that they know what they are going to do. On the side of the women whom I included in that particular area this ones would help a lot on the sale of fish and also when it comes to doing things like filleting I think they can help a lot and if they are given the opportunity and the required training they can be very useful members of the society. I don't know if I have answered it well.

Com. Prof. Okoth Ogendo: Thank you very much Mr. Mahulo, please hand in your memorandum. Then next person in my list Jacob Ndagwa Musile please take you 3 minutes, thank you very much, I see you have a memorandum, so summarize it.

Jacob Ndagwa Musile: I am called Jacob Ndagwa Musile I have been a civic education provider in this division. Thank you very much Commissioners and for the chance you have given me to heir my views to the Constitution. Our Constitution is without saying the coner stone of a stable industriarous and peaceful nation. I will discuss this areas:

1. We need a preamble in our Constitution that will be able to explain the national vision and set the goals and a situation of national state.
2. A Constitution too must capture the principles, the philosophy, the values of Kenyans such as respect for humanity, to hard work honesty, fear of God etc.
3. The Constitution should only be amended by the people of this Country not Parliament. That is what has messed us with our old Constitution, and it could be amended through a referendum after all a new look Electoral Commission, I mean a new look, the one we are having is a bit bogus. It may need a new touch.
4. A Citizen should have basic rights. This rights, must not be seen to be given by the left and withdrawn by the right as it is

happening today in our own Constitution. We have been better be able to copy the USA Constitution which grants the citizens free rights and with these we also need to have the obligations and responsibilities of the citizens.

5. Parliament being a people's watchdog be vested with more powers, to approach Executive decisions in declaring wars and use of emergency powers and even special disasters.
6. Political parties which are seen to be vehicles of popular mobilization be strengthened and be funded from development funds to organize the society to nature theideas therefore, I propose that political parties should be reduced in number, from between three and five to avoid tribal political verdict.
7. I also propose that the Constitution should regulate the political parties in the way they operate, in the way they are registered and the way they are managed. I also propose that the Constitution should allow the funding of parties according to the number of MPs each party has. It should also be able to grant and look at the way to account for the actions of political parties.
8. On the structure and system of government I propose that we have a hybrid type that is to say, Executive President with reasonable powers and the word reasonable should be underlined.
9. I propose that we have power devolution to the as lowest possible level preferably a reformed local authority, like the case of Uganda. There must be strong Cheques and balances between the three arms of the government. Like the case of USA.
10. I propose that we abolish political administration because they have been tools of oppression masses and they have outlived their usefulness.
11. I propose that federal system of government in Kenya can not work owing to tribal concerns survived in this Country.
12. I propose that Parliament should be strengthened and be empowered through the following means;
 - a) Parliament should vet all senior appointments including Ministers
 - b) Parliament should be allowed by the Constitution to control physical procedures including their own dissolution
 - c) A Parliament should approve allaffecting the people
 - d) A Parliament should impeach a sitting President and a President should have no right to forgive crimes or criminals.
 - e) The Parliament should have rights settle budget proposals presented
 - f) Parliament should also have men and women of integrity who are honest and who have a merit, we should have

minimum standards for our MPs.

- g) We have a right to recall our MPs in case they don't perform
- h) The concept of this MPs should be abolished except we should have room to allow MPs on special areaswhere we have the MPs for the disabled,

Com. Prof. Okoth Ogendo: Please summarize

Jacob Ndagwa: I summarize, I want to suggest that no MP should be allowed to become a Minister. Ministers should be men and women of merit selected from people of integrity not a vocation so that we have MPs concentrating on the worknot being an MP On election as I summary I want to say that we have continuous civic education for at least five years in order to view Kenyans to know what Constitution is all about. They have to own this Constitution after it has been put in place. So I propose that we have.continuous and we have Electoral Commission made smaller to be trimmed, 10 to 12 Commissioners that with a stronger face at grass roots. Right now we don't haveso it isit must come down. Elections should be standard between Presidential and Parliamentary on one side and local authority done on different day so as to allow room, and voting should be done using transparent boxes and then the counting should be done at the voting station.

To four percentage rule should be abolished and should have no defection, any MPs sitting state should not stand the subsequent by-election. To avoid politicianfrom stealing our money to come and use it for complains, I propose that we should have no writing of voters. Parliament has become a very..... areasso I can see many civil servants stealing and going to buy voters a.....Parliament, this is to stop. The only way is that we stop bribing our voters and empower people to take these people to court and any person found withwithin

Com. Prof. Okoth Ogendo: Get to your last point,

Jacob: The last point I will just say here is that all senior government officers should have Kenyaand should be well remunerated to attract good brains in every civil service so that we can an effective and vagrant civil servant. Thank you very much.

Com. Prof. Okoth Obedo: Thank you very much, do you have questions for him?

Com. Alice Yano: Thank you very much Ndagwa for that brilliant presentation. Now on the issue of political parties you said that we should have may be between three to five political parties. Right now you are aware that we have more than 48 registered political parties. How do we get to the number of between three to five. How do we reduce this political parties to stay between three and five or how do we get this political parties.

Second question, you say the 25% of vote of Presidential candidate be abolished. Do you have any alternative for the same?

Did I get you right, you said 25% be abolished any alternative. Thank you.

Ndagwa: Thank you madam Yano. On your first question about political parties, I think we need one to enact this in the Constitution, there after we should just ask the parties to merge according to interests. What we are having today is that political parties we have today do have common manifestos. We have nothing different even so let us say we want three parties or five parties and let them find their own way of merging according to what they believe in. so that weparties on environment,common manifestos and you wonder why they are

On the second question, about 25% I propose that the President must garner 51% of the votes first. Thank you very much.

Com. Kabira: You said you want an Executive President, an Executive President with reasonable powers. What do you consider reasonable?

Ndagwa: Reasonable in the sense that:

- He must have the powers not those that are allowing to abuse as current
- The President/the Chief Executive if it were me I would require the powers of an angle to be effective.
 - a) The powers are so versed he should not have the power to sack the Vice President, I propose that he should have

a running mate,

- b) He should not sack the Ministers over lunch hour break.
- c) He should not have the powers to sack the civil servants whenever he wants because the position gives you power to do so etc.

Com. Kabira: Tell us what powers he should have. About the ones he should not have. Which powers did you want him to have?

Ndagwa: I propose that ;

- I. The President should have powers to appoint members of the Cabinet from a list given to him after approval by Parliament.
- II. The President should have powers to declare war with approval of Parliament.
- III. The President should also oppose run the government,

Com. Prof. Okoth Ogendo: Mr. Ndagwa you seem to have a lot of faith in Parliament, where is the doctrine of separation of power?

Ndagwa: Thank Prof. With my short brief I said that we should be able to adopt, cheques and balances according to the Ex. Constitution. I believe you know whatProfessor of law.

Com. Prof. Okoth Ogendo: I don't know how you are going to check Parliament. Parliament is giving the President, Ministers, the Public servants, Parliament is giving the President everything so who is checking Parliament.

Ndagwa: One Parliament will be checked in the sense that the President will have powers, to sign all laws to become law, so that is one way of checking Parliament. The President canParliamentary motion

Com. Prof. Okoth Ogendo: Thank you very much, It does not affect very much, I think you need to think a little more about

that. Please register your memorandum with the Secretariat. Paul Baraza. Thank you please move quickly through your memorandum.

Paul Baraza: Thank you very much, my names are Paul Oduor Baraza. Professionally I am development Economist, and I work as a development worker.

My orientation will be on the side of the management of economic prosperity of this Mission of Kenya.;

1. I suggest that we should have values which will include togetherness, hard work, patriotism, dedication, honesty, hospitality, rationality, integrity among others. As a State we should also have a development ideology. Our ideology could be in pursuit of satisfaction of the basic needs and self actualization, of each and every citizen regardless of colour, religion, visible disability, psychosomatic state, gender, residence and decent. I also suggest that we should fall back on African socialist in the African set up we had that social responsibility, but currently we are lacking it.
2. Next I will talk about the structure of the government for economic prosperity: I suggest that we should have an organ that will involve the people in the planning. Experience from the field indicate that the grass root people have got ways and ability to prioritise their needs and development needs. I think if we could link this incident development process likeit will assist Kenyans to pick up. Then next on that, In Kenya.....we have had some very good plans but they have been a problem with commitment in the documentation, and this sound economic management must be entrenched to the Constitution and if we are to achieve this I suggest that the various ministries that the Executive and whatever, the Minister should be professional who is vetted by Parliament depending on their credential and ability to run those Ministries.
3. I will also briefly talk about land and natural resources distribution: Kenya being an agricultural economy it is my feeling that every individual should be facilitated to have viewsa right of a land, because currently around 70% of Kenya population derive their life food directly from land and moreso the rural residents, to add on to that you should have some land planning for various uses to assist optimization of land resources exploitation. With this planning it would be easier for us to put on infrastructure other than having settlement haphazard it comes difficulty to provide some of this infrastructure. On the same I also suggest that land transaction costs and the process of land transaction should be simplified further.

4. The other measure there should be a land ceiling of up to not more than 1000 acres above that progressive aggression should be done unless that land those who are owning this 1000 acres have got investment that will provide, and provide social economic prosperity, unlike now when some people are holding land for circulating purposes, because there is no ceiling. The other thing to avoid land clashes various thinking to land matters should be carefully studied and addressed without fear or favour. Whether this sentiments are cultural or ethnic they ought to be addressed and ...For libation I was suggesting that the various state organs and Ministries should be housed in different regions eg. Nairobi would be the capital city hosting diplomatic missions and house the Executive. Gilgil would host the Ministry of Defence, Eldoret the Legislature, Thika- Trade, Industry, and Commerce, Kisumu- Regional Integration, Kajiado- Transport and Communiation, Garissa- Lands and Settlement, Kakamega- Agriculture, Mombasa- Tourism , like that like that people have to balanceovercentralization.

Com. Prof. Okoth Ogendo: Please come to your last point.

Paul Baraza: My last point: you will allow me talk about environmental resources, lakes, lands and rivers, I was suggesting that the local Community should be given preference in terms of employment, extraction, user rights whatever, then some percentage like 30% of the profits or even generated within that region should be used for the development of those areas.

I want also to talk about security, allow me to sit two incidents presently in Lake Victoria on 24th of April, and 14th of July, 2002. In the later incidents two fishermen were seriously injured, lost property to armed security men of a neighbouring Country they alsothis has made people to live under fear and you know that when people are living under fear they can not be able to do their work and drive their leisure. So It was my suggestion that security should be paramount. Also on disaster, the time I was surprised to hear in Parliament when it was said that there is a disaster committee but it does not have funds. There are some areas that are prone to disaster, the government should resettle this people away from those disaster areas to avoid thatand a allocate some funds from the consolidated fund to assist such people. Please I am just finishing, just one point. This Constitution in order for it to be for the people of kenya Civic education should be continous and also the new Constitution should be drafted in a a simple language if possible to be translated into local dialect. No longer

should it remain the secret weapon of the state. Circulation of free copies should be made possible. Thank you.

Com. Prof. Okoth Ogendo: Thank you very much, Mr. Baraza, now you have obviously thought about where you want the Ministries to be, do you know any Country that has done that?

Mr. Baraza: Thank you, I think South Africa has practiced this,

Com. Prof. Okoth Ogendo: South Africans not, South Africa has Government the whole of Government in Pretoria, the Judiciary in Johannesburg and the Parliament in Cape Town they don't have Ministries all over the Country.

Mr. Baraza: But what I was suggesting is long term to avoid the imbalances, begin with centralization, some of this decentralizing some of the activities like Kisumu would work with Regional Integration, slowly, slowly with time.

Com. Prof. Okoth Ogendo: Thank you. Please register your memorandum with the Secretariat, lets have Patrick Onjanji.

Patrick Onjanji: Thank you for having granted to me this time. My names are Patrick Onjanji, I work with a legal network, the Constitution of Kenya that we need is the one that should be sovereign, so that nobody whether from heavens hell or on earth or underneath may declare him, or herself to be above the law or above the Constitution, apart from God. The soveighnity should be understood to have free rights, one the right to be consulted, the right to warn and the right to encourage. This means that all the acts of Parliament and all punishment as laid down in the acts of Parliament and all meanings or rights and actions of individuals are only to be derived from the Constitution. Since we Kenyans have suffered a great deal but due to our people being strongly motivated by ambition. That is love of money, and greed, i.e. love of property, the Constitution that we need should control everyone from excessive greed for power and wealth, while at the same time protecting those who fairly without hurting anyone. Strive for wealth and power this is to say that the Constitution should also regard the economical right.

Next I will go to the Judiciary, the Constitution should set a supreme code of Justice. The Judiciary officer should be vetted by

the Parliament then short listed and sent to the President for appointment, basing onaddress by the JAC and LSK, they should have a minimum education of 'A' level must have worked satisfactorily, as advocates, must have had a good tract record of their past, and their age should not be less than 40 years and not more than 70 years. However their tenure of office should only be 25 years. The judiciary should be a check on both the Executive and the Legislature, this officers can therefore be punched by this address to the Chief Justice by both the Legislature and the Executive after investigation have been done by an independent unit. Law Judiciary Officer, should be required to express political opinions or work in fear due to political influence. They should only hold office during good behaviour hence the principle condu..... Their removal from office should be reached at by the join address in the south line by the National Assembly and the Anti corruption unit through the Judiciary Service Commission. The Constitution should interms of law consider both divine addresses by God and Islamic laws and if not let it remain as it is no favouring any group at all.

I am moving, I will summarize the basic human rights: The Constitution should also apart from saving and Political rights, include social cultural and economic rights, the Constitution should not be in opposition, to it self, eg. providing for protection of life and at the same time pronouncing death penalty to the people. Instead this penalty the Constitution should only provide for life sentence. Where there is a sentence for life leave together different from those that have committed 50 offences. The Constitution also guarantees protection to force labour but puts an exception to those imprisoned. This place theshould be the heavier correctional institutions but not a place of torment.we say that the prison wardens have got to be fair on those imprisoned but not mistreating them as if they were not human beings. The Soul of arise and fighting poverty the Kenya transition as for longer been silent on how the citizens are to fight poverty, the taxes paid by Kenyans are however, being used to some extent to fight poverty, but a few of the government officials have made good use of it before the work for which it was tangible is finished. The elderly people even though they are in need and are not in position to pay taxes, they strive so hard to pay it. Therefore, my suggestion here is that those people the aged from 60 years onwards should be getting allowances to enable their life prosper and also lessen the burden on those that assist them. The fellows who retired also the Constitution should put in mind that they have to be trained so that they know how to utilize their money that they have got as retirement benefit.

Lastly, the cultural rights, the Constitution and the government of Kenya has banned local beer or traditional beer but citizens have now not satisfied with the ban, they have gone far brewing secretly and the lovers of it because it is cheap drink in a hurry so as to escape not to be caught. Therefore I suggest that it be allowed one as an income generating activity, then as a stimulant and also to allow people to congregate together and converse.

Com. Prof. Okoth Ogendo: noise, they want to give evidence, we will give you priority and lets know if that is the case. The next person on my list is Josphat Magio, thank you please you have a memorandum, we will read it just give us the main point. Thank you.

Josphat magio: My names are Josphat Magio, I am a teacher of technology by profession. I wish to thank you the Commissioners, and the politicians our leaders who are here, I will be very brief and specific in my presentation. First I will talk about;

- the system of governance: I would recommend a federal type of system of government in our country, in which powers, are carried to the people in the region. This will give people in the region the opportunity decide about the progress and management of their resources, they will also enable this region to grow, because the present type of Government we which dedication I made at the national level, even concerning specific resources of various regions. I do feel that it is greatly inebiting the growth of various regions. In the same manner the President will have limited powers, over resources of various regions and the reason why at the moment we have ethnic clamor for Presidency is because the presidency has got all the privileges and the powers so whenever a President of a particular community is in power that Community has got a great benefit in a way we are going to reduce that clamour for presidency and the fight that we have now.

My second point I will talk about the Electoral process; that the Electoral Commission should be delinked from the government. Let us have these Commissioners operating independently and let them prove to us that they are committed to ensuring a free fair and peaceful elections. I have a situation in mind, which I do feel that has characterized our elections in the past and has passed influence to the results eg. when we have public rallies during campaigns we have some politicians not have point to represent to tell the audience or the voters about development but they spend their time mocking and

ridicule their opponents. I suggest that the Electoral Commission comes up with a system in which it can tape record all political rallies during campaigns or possibly send their officials to do that, so that our politicians who insight people to violence or may be ridicule or make false allegations against each other, that can be constituent as an election offence and may be that would be checked.

Another point let me talk specifically about our economic activities here, the fishing industry, we have a problem concerning the boundary in the lake. I would suggest that our Government through the East African Assembly would talk about this boundary. I don't see the need why we should have the boundaries in the lake. Infact all the catchment areas of this lake are in Kenya so I don't see why our fishermen should be restricted in the lake while doing their fishing. So I would suggest that through such an argument, we can have that situation sort of solved. About the beaches in this constituency there has been a confusion in which most people have believed that these beaches are owned by our co-operative society. While we all believe that these beaches are government property, so I will request the government to come out clearly through some policies about these beaches, so that the co-operatives or what ever co-operatings that are operating in these beaches should be given permit with express qualification and should state clearly what the activities are on these beaches. When we are going to have some good business I believe on these beaches. Those are my few points.

Com. Wanjiku: Thank you very much Mr. Magio I have two questions for you one you propose that you don't want the federal system of government to be found decentralized to the region. Can you kindly give us you have in mind the kind or regions that should be created for the same kind or?..... How would this reason develop while there would be this centralization of federalism as compared to what is happening right now?

Secondly the issue of lake boundary, looks like it is a very commonhere I would want you, you brought in a different to the same that there should be no boundaries at all and that you would want the East African Community to be in charge of the same. I really would want to know why you think it is much better not to have the boundary in the lake. Is it because as I have been told earlier that the freedom rights of the fish is on the Kenyan side and when it comes to maturity

fishing is on the side of the lake. Can it come very clearly from you as a presenter, thank you very much.

Magio: Thank you a lot about the regionalism, of the government as I said I believe that this are the decision about the resources of various regions. I met at the regional level okay and not primarily decided at the national level. It will give the people of the region an opportunity to given their suggestion and involve themselves in decision making of the resources of those region and that is how there are also going to benefit from self out of thoseI hope I am clear on that.

The regions I would not say I have in mind the regions but I would suggest the provincial region may be, because those ones are the ones that we know about.

About the lake if we have a strong East African Community, that can come up with permit or people around the lake the fishermen to operate in this lake freely. As I am telling you these the boundary like between Kenya and Uganda is just here so whenever we go fishing inside that lake we are harassed by the Uganda Authorities, and yet most of the catchments areas of this lake are in Kenya. May be through such an argument the government can come up.....and it can argue those qualities at the East African Assembly and have that consideration.

Com. Prof. Okoth Ogendero: Thank you very much, please register your memorandum with the Secretariat. At some point I have going to exercise the power I have to sermon theto come and talk about the lake, but I am justthe next persons on my list is Vincent Wanjala

Vincent Wanjala: My names are Vincent Wanjala, (Inaudible).....we must have a preamble in our Constitution, which should state 'Our Constitution' instead of 'Vision of the people of Kenya'. Number one the chapter one of the current Constitution declare that the Kenya is ait should have specifically indicated the boundaries. We propose that it should be designed to enable common citizen to know the Kenyan land of waters.

The chapter two, part 1 of current Constitution on President and Vice President I propose that in order for the Vice President

to vie effectively he should be elected right from the grass root. I also propose that the civil servants appointment the President should propose the names and forward to the Parliament for approval .

Parliament and civic nominations: I propose that it should be strictly there on special interest not personal interest.

Proposalshould be a supreme court and the following be considered, the special interest and not personal interest.

The Poor the suffering the poor or the suffering Kenyan citizen be granted an advocate to be fairly considered. The law governing the

Auctioneers could be amended intoone should not be victimized because of onefailure to control with court order. We should be allowed to make and take local brew eg. busaa, and mrija..

I also propose nobody should be seen in the enjoyment of city freedom of expression and that no citizen of Kenya should be deprived of these freedom of these freedom of movement association. I propose that the Constitution should give government provincial to protect its funds. The law should empower the Government to prosecute or acquire or own property owned by anybody, bound by the court, both properties and charged on misappropriation of funds through his or her influence. Auditor Generals report must be acted upon. I propose that in accordance with section 106 of current Constitution the council chief officers and council has been paid by the central government.

The land adjudication is not specifically indicate theplan The law should empower the Council to own land and also propose that land act should be amended such that expenses in value eg. survey, title deed, succession payment be minimal . Nikimaliza nitaongeza kidogo ya kwamba wanfayakazai ambao wana staff, wapewe haki yao baada ya kustaafu, kable ya miezi sita hili wasisumbuke saidi. Nasi pia tukubaliwe kuo na kuolewa nchi njirani bila kuwekewa vikwazo zaidi.

Nina pendekeza tusiwe na vyama zaidi ya vitatu vya kisiasa. I also appeal to the Commission to consider common citizen, by making the Constitutional of Kenya law booklet to be available in the bookshop in the language common to the citizens, thank you.

Com. Prof. Okoth Ogendo: Thank you very much, Mr. Wanjala, can you please register your memorandum with the Secretariat. Can I have St isinya Girls, who is representing the Girls, please sit down, tell us your name, your age and you can read your memorandu.

Meloline Akoth: My name is meloline Akoth. I am 15yrs old from St Girls primary school. A memorandum of the views collected. Coporal punishment should be abolished because teachers caused a lot ofto the affected student.

Lack of concentration, dropping out of school, injuries or given death. Big syringes should not be used on injecting people in hospitals, this is because many patients would be affected physiologically hence fear going for treatment , big syringes can also cause.....to the patients. All teachers should dress in one uniform provided to them by the government for easy identification, this is because some teachers indulge themselves in immoral action causing harm to the community. This will also help teachers to remain responsible and work accordingly. There should be half terms in both primay and secondary and boarding schools. This will help break the monotony of the school routine, it will also enable the students to meet their parents and they will be able to meet their requirements.

The Government and should cut down Police brutality and harassment. This is because policemen are killing innocent people before they are tried. And they cause a lot of corruption especially from changaa brewers, matatu drivers, etc. Rapists should be hanged because they spread HIV/AIDS. They cause defilement to minors and physiological pressure for the rest of their lives. Abortion should be made illegal hence those whoperform it should be hanged since they would have killed. People who have.....got no right to take other people's right. The unborn baby has a right to live. They encourage immorality, there should be a provision of health environment through e.g.....in heavy this will help curve diseases like cholera, bilahazia , dysentery, typhoid etc.

Street children should be educated freely by the Government to make them helpful to the community. This should be done in

every province. The schools should be set up in a remote environment, where the street children are not kicked out.

There should be a consideration in the inheritance process and wealth distribution, ie. They should also be accorded equal shares as boys. There should be equal education for both boys and Girls. Parents should be made to understand that the two can attain high limit of education standards and get employed in any office. Methodism should not be practiced when it comes to job opportunity. This has hindered many people with the right qualification from getting job. The government should arrest over speeding and and overloading drivers because they are constituted to high road carnage in the country. There should be a police officer in every passenger vehicle because this will help reduce drug trafficking overspeeding and Illegalthe Government should give parents development loans to help them uplift their living standards hence suffering for the welfare of their family members.

The Judiciary should be left independent to make its judgment without interference from any body. Judges should be left to handle cases independently without interference from the President, MPs or other people with high ranks in the Government. This will help avoid corruption.

Com. Prof. Okoth Ogendo: Thank you we have one or two questions for you

Com. Kabira: Thank you very much for such a wonderful presentation and I have two small questions for you. After the teachers wear the uniform what do you want happen to them if they commit immoral activities that you talked about. Number two, you talked about free education for both girls and boys. I wanted you to tell us what should happen to girls who get pregnant when they are school whether they should get back to school or what should happen to them.? and what should happen to those people who make those girls pregnant.

Meloline Akoth:Girls who get pregnant in school should go back to school after giving birth. They should be hanged

Com. Wanjiku: Mine is a comment is not a question I am asking you. When you talked of corporal punishment it reminded

about the Koech Commission in which our very prominent professor Okoth Ogendo sat in and keeps on telling us that he really fought to ensure that corporal punishment was done away with. I think you are happy to be seeing the professor in front of you isn't you?

Com. Prof. Okoth Ogendo: I am happy that going around the country that students have been telling me that corporal punishment should be brought back and this one like Meloline Akoth who thinks like I do that there should be no corporal punishment, please present your memorandum to the secretariat, thank you very much. Then we can have Charles Oruma, will be followed by Thomas Mango

Charles Oruma: I am Charles Oruma, representing the elders ofvillage.

1. The Constitution should have the preamble of how it came to Kenyans and how it came to Kenyans to have a chance of writing their own Constitution, after, getting views from Kenyans of all sorts. The technicians should write this.
2. We said we have a two weeks time preference for the Presidential, Parliamentary, and the civic election. The order should be the Presidential then after two weeks we have the Parliamentary, then after two weeks we have the Civic elections, this has been agreed upon by the elders of the village because it gives time, people need to think of the right candidates and it will avoid corruption.
3. The elders agreed that two terms of five years each for the Presidential after which they should not contest, it is very much in order.
4. Members of the public are of the opinion that the Presidential salary should be published and discussed and passed by the Parliament.
5. For one to contest for Presidential should be a form four level and above, fluent in English, and Kiswahili.
6. It is the over the opinion of the elders that the President that the President should not be above the law or they should follow the Constitution as seriously and the members of Parliament,
7. There should not be existence of nominated members in Parliament and Civic and because this makes members we have elected powerless, and economically making the country poor through just salaries.
8. The AG should be an EX- officio a member of Parliament but should be nominated by a Committee comprising four members of Parliament church elders, and lawyers.

9. It is of the opinion of elders that identification the Police should visit an area or village in company of the village elder, the sub-chief or the chief with a find letter from in charge of the police station and should be in uniform.
10. Because of poverty the people have in Kenya and health being essential service, the government should take care of its people without payment.
11. The elderly and disabled people should be provided with free medication following the above reasons in number 10.
12. All the local brews should be legalized to improved the economy of the country by giving the brewers licenses, especially the busaa and murija
13. The elders feel that any person wishing to resign should notify his employer three months in advance to give room for easy scrutiny and the employers should also notify his employee giving him the same notice. That is all I have thanks.

Com. Prof. Okoth Ogendo: Thank you very much please register your memorandum with the secretariat. Mr. Thomas Mango. After Mr. Thomas Mango I will have Hon. James Osogo.

James Mango: My names are Thomas Mango, without wasting time I will go straight away to the recommendations. Since our Kenyan Constitution does not have a vission, I recommend that we have a vision and this is what I am suggesting. Kenyans vision is of a country that is just democratic and equitable in which all people can excise their rights to the life ability.

Kenya should also have its principles values and these are:.

- Respect of diversity, integrity, honest, transparency and accountability.
- Participation and inclusion, fairness, justice and equity, improving the standards of the poor and marginalized people.

Under Legislature: The following appointments should be vetted by Parliament;

- The Attorney General,
- Permanent Secretaries and
- Ambassadors,
- All Public Commissioners,
- Commissions

- Division officers,
- Vice Chancellors of Public Universities,
- Chief Justice

According to the qualifications of people vying for Parliamentary seats, they should be having a diploma or above, they should be respected by the society, they should be married, they must have no criminal record in their lives.

The President should not be a member of Parliament. Any person vying as President should not be a member of Parliament.

Those contesting for presidency should declare their running mates instead of appointing them later on.....The MP should act on the basis of instructions from their constituencies .

Pensions that are being given to the MPs should be abolished and such funds should be allocated to the disabled and the aged.

Who are above 70 years.

Under the Executive: Qualifications for Presidential candidates;

- They should be University graduates, or its equivalent.
- They should be aged between 35 and 70 years old
- The President tenure should remain, the term should remain 2 terms of 5 years each.
- Independent Commission should be established to determine and review the salaries of the President, the MPs, instead of the current system where MPs are allocating themselves a lot of funds.

Provincial Administration: Provincial administration should be abolished and be replaced by the Local Committees, which will be empowering the local people to undertake the elections from the village level and the district level. These one the Committess at the local level will have sub-committees of three, where we shall have the development committee, education committee and security committee because in some villages you will take a long time to see a Police man when the crime is continuing. So the local people if they are going to be empowered they are going to be able to protect their areas and support from the Police.

Under Judiciary: We need to establish an office of ombudsmen which is going to be independent, so that it can oversee the operation and management of the Countries resources. Also need to establish the Constitutional Report .

The appointment of the Judicial officers should be done by the vice Chief Justice in Kenya and the Law Society of Kenya before they are debated by Parliament and approval by the President. The qualification for those to be appointed they must have served on the bar for at least 8 years.

The Constitution should ensure that all people have access to courts by indicating that in the Constitutional rights to legal aid, and establishing of the local committees charged with responsibility of handling petty issues or grievances.

Under Local Government:

- The people should elect Mayors and should have 5 years elected by the people instead of the current 2 years.
- They should also have a diploma certificate, because these are the people who are really planning for our survival at the local level.
- They should also have moral and ethical qualification just like the Parliamentary and the Presidential candidates.
- We should have a commission to determine the salaries.
- Nominated councilors should possess a degree and to be chosen on merit so that they can advise the councils.
- The Presidential winner must obtain 51%
- Elections of Presidential and Parliamentary should be conducted on different dates.

The basis rights;

- Every one has a right to a standard of living adequate for the health and well being of himself and his family and this should include food, clothing, housing, medical care, education, water, information, security and the necessary social services.
- The Constitution should provide for free and compulsory primary education unlike the current act that talks of eventually the government making it free.
- The Constitution should go in line with the universal declaration of human rights and particularly on the International covenant on civil and political rights Article 19 section 2.

Land:

- The Government should have powers to acquire private land in consultation with the local community.
- Transfer and inheritance of land should be vested into the local committees because sometimes the DOs who are not indigenous make decision that harm the local community.

Ownership and Gender:

- Men and women should have equal access and control over land but the land given by the family to the daughters should not be sold wholly without the consultation with the kinsmen of that family.

Natural Resource Management

- That Kenya has 6% of the Lake Victoria waters hence the level of lake depends of Kenya rives, We have 7 rivers flowing into lake Victoria while Tanzania has one hence we have only 6% despite being the second largest country in East Africa. I suggest that Kenya should revisit the issue of boundaries if not, then there is no need of having the East African Communities. Thank you.

Interjection: Com. Prof. Wanjiku: Mr. Mango “ I don’t know whether I heard you correctly when you talked about a President being a married person. Did you say that?’ You said it. I have a problem with the same and I want you to clarify for me. We know very well that we can have leaders who are unmarried who can make very, very good President, we have examples of Arch Bishop Macharios of Cyprus, I think you are aware of that. He was one of the best leaders of his Country. We have a Statesman the famous Nelson Mandela, at one point I think you know very well that he got divorced while he was the still the President. Then for a while he didn’t have a wife and I think that is one of the people we really respect in the world today as having been one of the greatest Presidents.

We also have situations where vacancies in terms of marriage can exist, I have in mind a situation where a wife can die when the President is still the President of a particular Country or incase of divorce that is incase of Mandela. What can you say about it? About these situations, I have given you. Is it that strictly we should have a married President whatever the circumstances? Thank you very much.

Thomas Mango: With example of the former President of South Africa Nelson Mandela that does not mean Nelson Mandela

was not married. He was married. But having divorced, we have reasons that can cause divorce, and in Kenya we have laws regulating divorce. But we have those womanizers, those are the people we are saying they should not rule this Country? But if we have somebody whose wife has died, that person was married and death is natural to God , so that should not hamper somebody taking up the leadership roles.

Com. Prof. Okoth Ogendo: For divorce is all right

Yes. But legal divorce where circumstances will determine.

Com. Prof. Okoth Ogendo: Any catholic Bishop can never be President in this Country?

Mango: According to me those one they should be left with advisory role. They can advise the government on the correct way of how the government should go.

James Charles Osogo: I am called James Charles Osogo, I am a former Member of Parliament of this area and I crave the intelligence of the Commissioners to kindly allow me to refer to the documents I have carried here, because they all concern our boundary in the Lake. And these are very important issues to the people here, so I crave the intelligence to give me a little more time than you have given to everybody. Thank Sir.

I begin by referring to these two Constituencies. This is the order in council the 1963 Constitution original. This is the current Constitution. And in these both Constitutions there is nothing about the preamble. There is no preamble in either this or that. We bet somebody has said something about the preamble of the Constitution. I just want to stress that it is important because the current Constitution says that Kenya is a Sovereign State. That's all it States. The original one, which was made in Lanchaster house, doesn't say that. But all that we feel very strongly, that we should have a preamble which has been stated by the other speakers before to our Constitution.

Honourable Commissioners, we think in the preamble our rallying motto of the Harambee should be explained why it is a living symbol and it is contained in some of our official documents like the court of arms. So on, so that it should be explained in the

preamble.

Chapter 1 of the Republic of Kenya of this Country Part 1 and Part 2 of the order of 63 the Constitution of Kenya schedule of boundaries should be referred to by stating that the boundaries of the Republic of Kenya is as per schedule in the Constitution. The order in Council 1963 had a schedule of the boundaries. They were removed in 1967 by a bill, which was published to remove the boundaries from the current Constitution. But in memorandum of objects and reasons by Attorney General Charles Njonjo, he states clause 4 is the one that removed boundaries of Districts and everything from the order and council. And clause 4 states with your permission I will read, it is a short one. Clause 4 with the deal provides for the Districts and Provincial boundaries to remain in force as part of this bill notwithstanding their deletion from the Constitution until an act of Parliament providing for those boundaries is introduced.

These Acts of Parliament referred to section 4 was never introduced to date . And it will be remembered that recently some members of Parliament challenged the creation of some districts in the country in court. The court had no way of going about it because this Act was not there. So at present in Kenya we do not have an Act which contains boundaries of this Country. And it is important that your commission provides Kenya with its boundaries. I am told at the moment sir, or the commissioners that boundaries or beacons, for boundaries are being place on land in areas boundaring Uganda on land while and opportunity should be taken that boundaries on the Lake should also be defined so that we know where we are. At the moment the problems we are getting from Uganda Authority on the Lake are because of the boundaries.

Now sir, the boundary of Busia is the one I will give example as it was defined in the olden Council of 1963 and I will not read the whole boundary but I will read what I am concerned with on page 219. It states, you move, the boundary was moving from Sio from Mt. Elgon and so on but as it reaches the lake, at R. Sio moves. It was stated in Lanchaster Constitution, this generally, that means moving generally westerly and south westerly by regional boundary that is the provincial boundary to the intercession with the Kenya Uganda International boundary. Kenya Uganda International boundary was not defined in the very order. The Uganda boundary was missing in their independence Constitution. They got independence a year before us. So they didn't have International boundary. And the Uganda International boundary was not defined in this Act. It should be

defined. We beg the Commission to define it now. So that we know where Kenya Uganda boundary is rather than referring to westerly, southerly that means what? That means nothing. A boundary should have either so many knots or kilometers, or miles from the shores of the Lake, the shore link inside. I have with me here a Map which should be an authority because when the Constitution, when African Countries were declared independent, it was agreed that the boundaries will remain as left by the Colonialist.

I have a Map here which, fortunately It was presented to me from the colonial from (inaudible).....and this Map defines the boundaries and should be as independence because the Map was drawn in 1902 and in 1902 honorable commission Kenyan government in this national map atlas of theirs say this concerning the boundary. The tile on page 84 of this Atlas is evolution of Kenyan boundary and it states in 1895 the British government declared a protectorate (The East African protectorate, over the areas from the Coast to the Rift valley. This was extended to Lake Victoria and Mt. Elgon in 1902 by thefrom Ugandaof Eastern province is not defined in this Atlas either but was extended or given to Kenya from Uganda.

Now 1902 is being referred to byinaudiblein this Atlas. That is the year this map was drawn and lastly revised on 24th February 1956. I do take it seriously that this should be the map that should be recognized as aidof Kenya at independent with Uganda.

.....Inaudible) the intelligence honourable commissioners because there are few things I have to refer. During those years, the colonial days the river musogmoma, musomoho, which passes the big island of Timulu on the other side and the small island of this side the rivers, was passing in the middle that was the boundary of Kenya and it should be followed by Kenya to determine our boundary. It follows that this river is now covered by dense over plant so that people.and in the lake theand in the end how.....to a place called Musambuaro which appears on this Map. Musambuaro was the official boundary. The law I will explain with your permission commissioners has go two powers. One role but with two bits, on one pit it is written you with an arrow pointing thatand on other bitwith an arrow pointing..... . Why can't we go and get that land mark to be Kenya's boundary if we follow latitude in many countries, honourable commissioners normally the boundary would go by longitudes on the Map our boundary should follow

longitudesand that longitudes would follow them for moreand they will come on the rope and leave all this island Uganda's placeKamogo, on Kenyan side andwe would like with your permissionbut we beg you don't finish the recommendation as our boundarywe are begging.....laughter.,..... The ball is still goes and when we go to Uganda to visitif I am still living I couldsome of the leaders and old people here. There are some old people who will also give evidence that when they were traveling during East Africa common services they were ships plying on the lake following the railway lineand as soon as they approaching if they were coming form Kisumu they were brought Musambalo the Captain would humbly announce fromthat we are now entering Ugandan waters. The old men behind me here who were employed by first of all East African Common service they are here. In Makunda you will get somebody who worked for the earlier organization, it was onlywhen the two countries become independent Kenya and Uganda.....but I am dealing with the boundary of Uganda when this ships reached the musambalo then the East African Common Services flag was flied in the ships, but thecould be ordered if they are coming from Kisumu to lower the Kenya flag and raise the Uganda flag then proceed to the Uganda waters. If they were coming from Jinja the group could be ordered and they are here some of them. I am sure Oburu has got some because I formed him and am surealso have got some there, which you find on your farms. The groups would be ordered to lower Uganda flag then.....that is the boundary. At present the problem we are now facing when the Ugandans come up to the mainland is to take away some of our property is because they do not know their boundary and we do not havehonourable commissioners I waspleading.....the leader was a member of Parliament, when I mean in bedbecause duringthe coffee smugglers used to come very close tothey took theirso that they can come.....with their smuggled coffee, but the Askari so that fishing and calculating the askaris camped there and madeKenyatta was chairing it and the current President present and I said Kenya has been invaded by Ugandans Askaris facingthey were notthey were only snatching it and waiting for usso in the

Cabinet Mzee Kenyatta ordering Hon. Koinange who was Minister for Home Affairs and Hon. Waiyaki who was Minister for Foreign Affairs to follow up what I had said and find out why Uganda they were invading Kenya. After the Cabinet meeting I told Omamo the present Hon. Omamo Member for Muholoni but then he was member for Bolo to follow it up because these Islands in his constituency. Unfortunately nobody followed.....so they were snatched those islandsI heard Hon. Commissioners in the.....some of the Commissioners when we visited your offices when former member of Parliament visited your officers that they get themselves this maps from wherever they can get it. I am sure it must be in our files. I am sure you have requested me to give you this map but I decline to give it to the Commission becauseboundary we will follow this one up to the port in aid to give us our boundary. and give a small story why this bill was not printed they want to have boundary. It was printed but it was getting some of the land from Ukambani to Thika to central province, it was getting Kitale which had been promised western province At LAN Chester house.....it has also contained that to bring it back and that boardbetween members of personnel I had also posted Njonjo to include our small portion next to Yimbo because our boundary is on the Ridge of thebut this time it is below theI had also included thatit reminded the up to the time of speak I can now summarize shortly my presentation.....Our boundary is painful I know you understand it professor it is painful you don't come from here butyou know how much we feel aboutso it should be followed up. I understand HE. The President of Uganda isprobablybut I would present this to.....our President I don't know. I we there are.

Having explained about the boundary, I would just like to say the Ministers, the Assistant Ministers, the Attorney General and Judges the Controller of Audit General and Permanent Secretaries should be appointed, by a PAC and recommended to the President for appointment. May I also say that the Ministry of Justice and Foreign Affairs should be together, I know and I would probablyofficials which you knowyou have read several times that Ministry was disbanded during Mboyas' time the late Mboya was the Minister for Constitutional Affairs, Justice and Foreign Affairs, Charles Njonjo was his Permanent Secretary, it was a burden because of frictionbetween the two gentlemen Mr. Njonjo would not agree to work under Mboyas'with the Ministry of Constitutional Affairs and Foreign Affairs was disbanded eventually Njonjo became the Minister forwhen I pray that the Commission includes in

our Constitution the Minister for Constitutional Affairs and select the Attorney General be just a Permanent Secretary not even a member of Parliament because the Minister for Constitutional Affairs will represent that Ministry in the Cabinet.

On page 20 of the Present Constitution we have independent candidates, they were removed and instead they putI recommend rather I propose to the Constitution Commission that Parliamentary Independent candidate should be provided for in section 33 of the Constitution. So that whoever doesn't want the past would easily but it is hand capping not many people who would like to be independent candidate. I am saying that the Constitution should provide a President and the Prime Minister in the Constitution as you have been requested in many places, will be inviting problems with Kenyans. There are Prime Ministers, sorry in other neighbouring Countries.....there is a Prime Minister in Tanzania butwhy in Kenya a Prime Minister will not just require, they will start fighting with the President for the powers and that will be querrls in this country. I do recommend or propose that the President should be there with reduced powers but having run mate as Vice President, let him not appoint VP. Let them run relating parallel the American style. So that who ever wins.....is also a strong candidate who can not be fullyHonorable Commissioners the proposal for regionalism has been very

.....Kenya had regionalism at independent and European settlers had curved out Rift valley up to Nanyuki that is where Rift valley goes and that is because the settlers want to bethe current Kalenjin time in the Rift Valley. Settlers promised Muriro to give him outside that is why Muriro also turned upside. After a short time when got independence the region unable to pay them they could not raisetaxes. Federal government was also raising taxes and that completed because they could not raise enough taxes for them to pay regional chairman, regional President and our President also and their regional servants, this is what brought the regionalI do not hate my self now things have changed in such a manner that they will be able to pay my recommendation on regionallet the Local Governmentl be seenbe strengthened by being given more responsibilities and more firms to be the Central Province. So that they can run their small fairs. This also will avoid what many Majimbo people fear. They fear being belittled or billing to smaller tribes they say the small tribes are not being regarded

in the social government. It will be worse in the regional Government.they will have to divorce,.....the Kuria who will not complain to bethe Luos are more than Kurias. They will be preaching in that region.....we are an by ourselves.....the samias,those one whoever will have the powers will start from thebut at the District level it is as close as possible to world ethnic group. So I am recommending that the District should be empowered, should be given enough funds to be able to run some of theirunder the Central Government. The Central Government should deploy some of the senior officers of the Local Government, while recommending that the Ministry of Local Government should be scrapped and I am recommending that Kenya should be divided into two areas planned by Ministry of Local Government two Ministers. One.....Nairobi and East the other Nairobi and West, so that the Minister the Minister incharge of West of Nairobi will be taking care of Local Government Ministry. Local person County Council, Town Council, whatever they arethe one in Nairobi will Chair them up to North Eastern part of Mombasa and so on. This two Ministers should be Cabinet Ministers so that they canthe Local Government the people, in the new Constitution. I am living out some because they were said and I don't think I should repeat them.

Natural Resources of Kenya. This

Com. Prof. Okoth Ogendo: I will now ask you to summarize;

Osogo: Let me finish with Natural Resources.....the Constitutionand rumour has it that even the Oil Excavation that has been going on in North Eastern Province certain individual people might be Oil was being found underground,and mighty people wereland around.....it will produce a Nigerian types.....so we still think that the Constitution should have our natural resources even to the Government rather than individual. Sir I will not disobey which many people are concerned with the qurrel in Parliament starts with the percentage..... of the total number members of the Parliament who will keep members of Parliament Rather than we here there are only thirteen MPs of Parliament out of 210 members I am surewill agree with me here because he is all the time inside

he is always counted among the thirteen. Sir I will not disobey you. You have given me an opportunity to put out the boundary if it means going to Uganda to let your commission lead.....to include.....thank you sir.

Com. Prof. Okoth Ogendo: Thank you very much, Hon. Osogo, I think you made one of theyou made one of the most significant contributionboundary between Kenya and Uganda. One of the things we would like you to dothe Uganda Constitution the 1995detailsofthe Kenyans one currently does not have and when I went to Bondo they were surprised when I told them according to the Uganda Constitutionisland is in Uganda, then that is what the Uganda Constitution tells. So one of things I would like you to do is to give me a copy of the Uganda Constitution, and help us walk through it and see how much the Uganda Constitution has taken from Kenya so that we know what the situation. I think I know where to find I will not ask you to led me with your Map because I know you will not. But I know how to find you so that we can at least scan copy of that Map.Thank you. The Commissioners

Com. Prof Wanjiku: Thank you very much Hon. Osogo, I always remember you as Minister for Education. I have one question about the issue of boundaries,removing the schedule of the Constitution, why as it taken so long, why diddid we know how to deal with the boundaries? What was the point to be around.....

Hon. Osogo: Dr. I am living you this it has got a lot documents including a telegram to the President pointing out our difficulties here, including what the late Hon. Lotodo was fighting for, the Map that was produced in new vision, the paper in Uganda and which puts an island hold Chumba into Uganda during that time. I will put this inside my presentation booklet which is here and may be you will read them, you will also find my letters to Hon. Kalonzo Msyoka when he was the Minister for Foreign Affairs in here in which he told me he will not pursue the matter because at that time our relationship with Uganda was not good.

Com. Prof. Okoth Ogendo: Thank you very much Hon. Osogo. Please register your memorandum with our Secretariat and

Com. Yano would like in the cause of today to just have peep into your document, she will not take them, she just want to have a peep if you may allow her. Can we now have Austine Odumo. Please take your seat. Mhe.thank you. Can we please here Austine, let us give Mr. Odumo a chance to present his views you will have your opportunity, thank you.

Austine Odumo: Mimi nitatumia Kiswahili. Kwa majina naitwa Austine Odumo. Mimi ni mburudi, na nataka kushiriki kutoa maoni yangu yenge hii commission ikijua ya kuwa Katiba Nzuri hiyo inafanya maisha kuwa mazuri. Kwanza nikiwa mvuvi nitaungana na walio nitangulia, kusungumza juu ya usalama wa bahari, ya Lake Victoria pamoja na mipaka yake.

Kitu cha pili, ningetaka hii Katiba tunayo huda wakati huu, kama kunaitajika marekebisho yoyote watu wanao husika na haina ya sheria inayotaka kurekebishwa lazima wahusishwe, kuanzia juu mpaka mtu wa chini kabisa. Na pia kuwe na wataalamu wa eneo hilo au wa idara hiyo wanayohusika.

Kitu kingine ambacho ningetaka Katiba yetu irekebishe ni elimu ya mzingi iwe ya bure pamoja afya watu wapate matibatu ya bure kutoka kwa serekali.

Kitu kingine ambacho ningetaka katiba yetu ibebe ni ya kuwa kuna wakenya ambao, awana hata kapiiece ka sehemu ya udongo na ni wazaliwa wa kenya. Hiyo sioni kama ni haki kwa mtu aliye zaliwa Kenya kukosa kitu chochote kama plot. Kwa hivyo napendekeza ya kuwa mtu akifikisha miaka ishirini na hana plot yoyote aulizwe ni kwa nini ana plot na idea zitafutwe apewe.

Kitu kingine ambacho ningeitaji kirekebishwe ni ya kuwa Raisi wetu wakati huu ana mamlaka mengi zaidi, kwa hivyo mamlaka ya Raisi yapunguzwe na hii iandamane na kunyanganywa mamlaka ya kuajiri maafisa wakuu katika serekali. Iundwe Commission ambaye itakuwa ikiajiri senior officers katika serekali kama vile Jaji Mkuu, ana sheria ya wakuu pamoja na watu wakubwa katika serekali. Raisi pia aongoze katika vipindi viwili vya miaka mitano.

Utamaduni mzuri lazima tuhifadhi kama wakenya, kwa maana unsaidia kujitambulisha sisi ni nani katika dunia hii. Vitu vizuri kama mavazi, vyakula vya asili ambapo pengine ya utamaduni ambaye ni mzuri, visipigwe marufuku.

Jambo lingine hatutaki Kenya siku moja iongozwe na dini ambapo dini nyingine zitapigwa marufuku singetaka hiwe hivyo.

Ningependelea tuwe na uhuru wa kuabudu.

Ninapogusia jambo lingine haki za wamama, ingekuwa vizuri kama haki hizo singeangaliwa kwenye vitabu vitakatifu hasa biblia.

Mungu aliye tuumba alitoa utaratibu mzuri sana jinsi tunavyopakana na wazaidizi wetu ambao ni wamama. Katika idara yoyote Katiba au maandamano yasaaidie kungoa mamlakani wanayo husika.

Mwisho ni kwa vyama vya kisiasa napendekeza viwe kama vitatu hivi na kila chama kipewe nafasi sawa na serekali, hii nakama fedha, magari ambapo niwakati wa kampeni. Hata vyombo vya habari vitangaze mambo ya matokeo ya vyama vingine usawa, ikiwa radio inatangaza serekali peke yake kutoka asubuhi mpaka jioni. Asante.

Com. Prof. Okoth Ogendo: John Were Omanyo. Please take your seat. He will be followed by Keith Oscar.

John Were Omanyo: Asante sana Commission na wale ambao wamehudhuria wote hii Katiba. Kwa majina mimi naitwa John Were Omanyo. Maoni yangu ni machache na mengi yamesemwa.

Com. Prof. Okoth Ogendo: Please will you let Mr. Were excuse me.....noise.....proceed.

John Were: Maoni yangu ya kwanza ni hii. Mimi Katiba ijayo ningependelea kuna wazee wavijiji ambao wanaitwawawe at least wakipata kitu kidogo. Kwa sababu ndiyo huwa wanasaidia kwa Administration ya juu sana kwa maneno ya serekali.

Ya pili, ningependelea kuwa serekali ijayo tuwe na madawa shidano na vifaa vingi hospitalini kwa sababu hata saa hizi ukipeleka mgonjwa unaambiwa ulipe pesa za dawa. Ununuwe shidano na vitu vingine.

La tatu, ningependelea kusema Katiba Ijayo kunyanyaswa na ma-askari ikiwa mtu ajiwezi na ana biashara yake kidogo kama kuhusa pombe ya kienyeji na kuwa na kibanda na vingine ikiwa vinamsaidia kulipa kwa shule.

La nne, ningependelea kuwa Katiba ijayo, kunyanyswa na ma-askari wa Uganda na tuna ulinzi au usalama hapa Bunyala iwe imekomesha.

La mwisho, ningependelea kama Swahili wanasema ya kwamba wanawake wawe sawa na wanaume, ningependelea kuwa wanawake wakiwa sawa na wanaume hata bomani hatutahishi vizuri. Ni hayo tu.

Com. Prof. Okoth Oendo: Asante sana. Please register with the secretariat. Keith Oscar. John Birunda prepare yourself.

Keith Oscar: Kwa majina naitwa Keith Oscar. Kutoka Namakoli market. Niko hapa na memorandum ambaye imeandikwa na waakaji wa Namakoli pamoja na wafaya biashara wa huko. Nita isoma kwa kingereza.

Namakoli trading center is in Budalangi division situated between the division headquarter andMilitary camp. It borders our 30 military camp lying on the southern side of the same camp. The local traders and the inhabitants in general have the following to voice out;

1. Concerns the Road in the area: We lack good roads leading to and from the market. The current roads are full of pitfalls appears to be neglected; right now no transport vehicles pass by the market. They are impassable causing poor transport and communication system. We therefore request that these roads get maintained accordingly. These roads if maintained the government when repairing the roads in the area should take this note that when there is a case of damage of road in the area these roads should be maintained simultaneously in that all roads in same constituency be maintained or repaired at the same time. Hii itasaidia sana kwa sababu ikiwa serekali itatengeneza bara bara kwa sehemu moja kwa sehemu moja ya wakilishi bungeni na iwache sehemu ingine hiyo basi waakaji wa sehemu hiyo iliyo wachwa wataendelea kumlahumu mbunge wa sehemu hiyo badala ya kulamu serekali, kwa sababu wananchi ujua kwamba bara bara utengenezwa na wabunge. Kwa hivyo serekali sasa inafaa itengeneze bara bara zote wakati moja kw sehemu moja ya wakilishi bungeni.
2. Its about the Hakati Military camp itself the above mentioned camp as always played a big role in our life. However, now that there isamongst the East African Countries, it will be better if this camp is converted into any training college. Hii ni kwa sababu ikiwa hii camp itaendelea kukuwa hapo na huku tuwajidai kwamba tunauwelewano mzuri kati ya mataifa ya Africa Mashariki taifa kama Uganda, watakuwa na shuku sana kwa sababu watasema ikiwa

tunauwelewano mzuri kwanini hiyo kambi yao ya majeshi iko katika sehemu ya mipaka. Sasa tunaona kwamba hii kambi ingetolewa na badala yake watuletee training college kama ya walimu, nurses, hata polytechnic. Ni hayo tu ambayo nimekuwa nayo.

Com. Prof. Okoth Ogendo: John Kirunda, please take you seat thank you.

John Kirunda: Asante sana, Mimi niko na maneno machache tu. Sheria ya kenya.....maoni yangu ninataka pombe ya murija, polisi wasiende kwa nyumba kushika watu nahiyo ni pombe watu wanakunywa kutoka zamani watu wanakunywa pombe ya murija, kama wako na wageni. Pombe ya murija imesomesha watoto. Na maserekali ingine kama serekali ya Uganda.....watu wanakunywa pombe na wanafanya kazi kweli, kweli, kwanini yetu hapa wawezi kutuachia tukunywe tu.

Mzee moja alisema hapa maneno na hiyo maneno hilikuwa ya haki akisema watu wanasema ni mbaya. Okondo alikuwa anatuonyesha kila siku kama bado ajakufa, akasema shida kutokea huko baharini yote,hiyo ni kisinga cha Kenya. Saa hii tena watu wangekubali noise.....

Com. Prof. Okoth Ogendo: Can you please let us hear him.

John Kirunda : Wanasema Okondo anasema uongo saa hii wamekubali

Com. Prof. Okoth Ogendo: Ya mwisho

John Kirunda : Ya mwisho yangu ni wewe umekaa pahali miaka arubaine, miaka sitini, huyo mwenye udongo anasema huo udongo ni wake anakuja kukutoa, sheria hiko kwa serekali ya kenya. Hayo ndiyo yangu.

Com. Prof. Okoth Ogendo: Asante, sana kwenda ujiandikishe pale. Please go and write your name there. Paul Osogo.

Thank you.

Paul Osogo: Majina yangu ni Cllr. Paul Mango Osogo. Nitaongea kwa kiswahili.

Paul Osogo: Kwa sababu nimeandika kwa kingereza, lakini yale ambayo ninataka kusema

nataka kusema kwa kiswahili kidogo tu watu wasikie. Kitu cha kwanza nikulingana na boundaries vile kumesemwa, hii maneno ya boundaries imetuletea shida saidi hata watu wamekufa. Watu wameumia kulingana na hii boundary, tungeitaji serekali iingililie hii sana tunasisitiza lazima serekali ingiliwe na serekali hili tupate boundaries zetu za mito.

Kitu kiingine cha pili ni kuvua samaki. Tuna vua samaki zingine ndogo lakini zamani tulikuwa tukiwa na racing period ilikuweco na kama yaweza kurudishwa hili gracing period ya April mpaka had August, hili samaki zikuwe ndiyo sisi tuvua samaki nyingi.

Ingingine ni kulingana na boundaries za election. Hizi boundaries ni nyingi ndiyo lakini sisi tunaitaji moja katika Budalangi, iwe Constituencies mbili kulingana na shida ambazo ziko. Hapa Budalangi, huko labda munaona tuko juu lakini upande ule watu wako na taabu na kulingana na population mimi ningependelea ya kwamba upande huu kufika huko Ruabua kufika huko singwe huko iwe constituency ya North na hiwe na population ya watu selasini na tatu elfu. Na upande ule hiwe constituency ya Bunyala South na hiwe na population ya watu elfu kumi na tisa kwa sababu ya kutembea kubaya na kuwa na shida kwa kutembea kwa MP moja inakuwa ngumu kwa kila mara tunapata floods na ikiwa flooded MP anakuwa shida awezi kutembea vizuri kwa watu wake ambaye ana hudumia. Ningefikiria na ningepomba hizi constituencies ziwe mbili kulingana na vile nimesema. Hiyo ni population ya mwaka wa 1999 ndiyo nimetoa hizo.

Ingingine ni upande wa local authority: Ningeitaji section 86 (a) katika Cap. 265 iwe reviewed na iseme hivi, Chairman ama Mayor wawe ndiyo wako Executive juu, wasiwe Chief officers kuwa juu ya Councilors. Hiyo ndiyo ningependa kuongeza na yangu yote hiko hapa na imeandikwa kwa kingereza na nita hand over. Asanteni.

Com. Prof. Okoth Ogendo: Please register your memorandum with the Secretariat. The next person on my list is Joseph Amingo. Please take your seat and summarize your presentation.

Joseph Amingo: My names are Joseph Amingo Onyango, I am from Bulenia Sub-location before I give my presentation Commissioners please allow memy question is I need the clarification from the commission and you as the unit power of council of today to clarify before I go on whether this commission has been entrenched in a manner that whatever we shall will never be manipulated by politicians. Because this is a political problem I am worried that if that clarity can not come from you mouth broadly I might haveright thatmight in the long run cripple this process. Please commissioners clarify

Com. Prof. Okoth Ogendo: There will be no problem. Proceed.

Joseph Amigo: That is the confirmation that

Com. Prof. Okoth Ogendo: As a lawyer there will be they will be no problem. I don't want to use the word entrenched because that will mean something else.

Joseph Amigo: Thank you mine I will basically discuss on ten issues, these are;

1. I propose that the appointment of the civil servants, Attorney General inclusive should be made through a board established by an act of Parliament, in which.....and it should be responsibility in the interviewing, graduating both entrance, providing the recommendation, they must make the very make the very recommendation open to the media and if possible the interview panel upon its interview process should make it life on television. If they have to retrench I am talking of positions like Chief Justice, and other senior positions, we have got a total of people with experience but because of political interest you will find that they cannot feature tothe common man.
2. I will talk on the Electoral Commissions Act : You will find that the current Commission has got no teeth to control the election calendar, everything is at the discretion of the President, therefore it should be clarified in this new Constitution that the election commit be mandated to work out its electioneering process between
3. Just on the very Electoral Commission I am of the proposal that the registration of voters should be a continuous process unlike the current one whereby the registration processone month oralso

4. I will talk on the structure and the arms of the Government, under I will be very free to exemplify because we have been attached to the media, now the Judiciary should be made very much independence, the Executive should haveindependence, the institution of the Legislature the Parliament should also be independent. Why I am saying that? You will find that in very many occasions these are broughtbut after passing the stages of being.....the President in one way or another can dodge aroundthis one I propose that the Judiciary, with its head should be given the mandate to keep theof whatever has been passed especially from the Parliament which must be proved total supremacy.
5. I will also talk on the President when you sight examples of what is happening here in Africa you will find that most President and it has just happened recently, tend to hand around power especially when they realise that the very opponent who has been Executive is not of their political party. I am worried commissioners if you can listen to me that the President should be a chanced under this new Constitution to be in a position of relinquishing power to a person mandated by the Parliament.....before election day. This is because after the election the if that person is from the particular party thatPresidentthey can complicate the senario. You have just read from Madgascar.
6. I will talk on the management control of Parliament, Parliament should be given total power to impeach anybody. You will find that people like Ministers because ofthis has happened recently in the Ministry of Education will find that the Director of Education, the Minister under such a circumstance I propose the Minister can charge for certain terms.
7. My last point goes on the remuneration of MPs as you know that money is an exceptionalunder the law of obligation,MPs people allowed to be comingwithI pray that the MPs will have a panel that controls their remuneration.
8. Lastly I propose that the Kenyan Government is every a coalition government because we have got very soft people who normally doesn't make their way to go through to accessduring the electioneering process, but because of such a situation. Ministry marginalize from being given the Ministerial posts and therefore their services goes under utilized. Thank you that is the only are that I can talk about.

Com. Prof. Okoth Ogendo: Thank you very much, please register your memorandum with the secretariat. John Ouma Wanjala you have your three minutes.

John Ouma Wanjala: Kwa majina naitwa John Ouma Wanjala kutoka Buleniakwanza ningelishukuru, ma-commissioners mbunge Mhe. na waheshimiwa wengine wanaume kwa wanawake. Na hili ningelipendelea yawe katika Katiba ya serekali tufuku ya Kenya. Ningelianza kuzungumzia juu ya Elimu, Afya, Vyama vya Kisiasa, Watawala wa Kisiasa, Kwa Elimu, ningependelea serekali tukufu ya Kenya iweke Elimu iwe uhuru kwa kila mtoto yeyote yule wa Kenya. Ninasema haya kwa sababu, tuna wacha serekali imeingilia ikasema kwamba imepeana Elimu huru kwa watoto, tena wakati mwingine unasikia haya na haya wamewekwa kwamba watoto wawe wakilipa. Ningependelea tu iwe kwamba watoto kuanzia shule ya msingi hadi chuo kikuu wasome bure na mzigo wa ujenzi ndio ubakie wazazi.

Afya, katika afya nikama hatukuomba serekali imefanya madakitari ama wale wanao husika tuwachukue hospitali za serekali nikama biashara uchumi zao. Serekali imesema kwamba kuna- cost sharing ila hali tunaelewa zote kwamba, wananchi wa kenya wamekuwa ni masikini hadi hata wengine wawezi kugharamia matibabu yao. Sasa madakitari wamechukua jukumu hili kuwaitisha pesa kwa wagonjwa hata zile wakati mwingine huwa asipelekwi katika treasury za serekali, hayo yametokezea wananchi wengi wakigonjeka wanakufia nyumbani kwa kushindwa kwenda hospitalini kwa sababu hawawezi, kugharamia matibabu, ningalipendelea ikiwezekana serekali iweke huru matibabu yawe ya bure kwa kila mwananchi wa serekali tukufu ya Kenya.

Vyama vya kisiasa, tumekuwa na vya vingi, kiwango cha vimetugawanya katika makabila. Ningelipendelea iandikwe tuwe tu na vyama viwili vya kisiasa, chama cha tawala na chama kinatupinga. Na haya yaingie namna hii, kila chamba ambacho kingechukua serekali, kingine kijiunge na chama kitakachochukua nambali ya pili. Kuwe tu na vyama viwili. Watawala wa siasa mtu yeyote anayependelea kutawala katika cheo chochote cha siasa katika serekali ya Kenya, ningelipendelea kwanza ambie wakenya hile mahali aliyo nayo aliipa kwa njia gani, ninasema haya kwa sababu watu upora mahali yetu katika serekali na wanakuja kununua nayo hili tenatuwarudishe kwa bunge waendeleo kutuibia.

Mavazi, tunavyoelewa wakenya zote either tu wakristo au waisilamu, ama kafiri, bibilia takatifu, na korani zinaeleza wazi wazi mwanamke astahili kuvaaimefikia kiwango watoto wetu wale tumezaa, wakike wanatutembelea uchi, na

haya yameleta hata wazazi wameanza kuwatumania watoto wao wa kike. Ningepedelea iwekwe kuwe na nguo rasmi ya heshima kwa wanawake wote katika serekali yetu tukufu ya Kenya. Ya mwisho imesemwa hapa kuwa kuna mfano wa Madagascarifanyike Madagascar mpaka katika hali ya usafiri kumetokea giza. Mimi ninasema haya iandikwe ikiwa serekali yetu ya Kenya haitafuata haya yametuleta hapa kumaliza wakatik wetu, mtawala ashike utawala halafu wakati wake upite wakuacha kiti cha utawala na halafu wakati wake upite wa kuacha kiti cha utawala na akatalie iandikwe kwamba serekali ita kutosha faini.kwa kutimia bunduki iyo serekali indolewe.

Com. Prof. Okoth Ogendo: Asante sana, please enter your memorandum with the secretariat. Alexander Onalo

Alexander Onalo: My names are Alexander Onalo, I am a retiree, I am the Chairman of Ford Kenya Budalangi Sub-location and I have the following proposal to give you the commissioners. First I propose that any thingthe President of this Country must not be above the law, as that makes the President to misuse his powers on his subject. He should have also specific two term period or tenure clearly specified when he starts his tenure and when it ends and anything which a President should have a big way

Second suggestion: On Provincial Administration, It is my proposal that the above which is Provincial Administration should be done away with and instead we should have regional representatives in the place of the PCs, DCs, DOs, even up to the Chiefs. And all those cost should be subject to competitive elections by the electorate of the areas, concerned, that mean I need regionalism.

we should have the Post of Prime Minister in our future Constitution

Hapa Mhe. Commissioner I really emphasis, this is about pension our future Constitution should create mandatory pension to all Kenyans, male and female after attaining the age of 60 years. Whether one was previously employed or not in order to eradicate poverty among Kenyans. There should also be annual increment to pensioners who are getting their pension at the Government increases the current civil servants salaries. Here Mr. Commissioner I emphasis my purpose of putting up this, is

that our government gets grants, from outside countries, or loans given to a Country, this money ends up in the hands of a few people but all they say is we are the tax payers, whether you are sixty years or ten years you pay tax, so I would appreciate if the your Constitution will take care of this to avoid this a massing poverty among our people.

That medical treatment at all government hospitals be free to all and no cost sharing because death and diseases does not classify people. Let them not classify people those rich or poor. In addition to that Mortuary fees, the fees that we pay at the mortuary must not be there as this has a lot of agony to the bereaved families. You buy your own relatives body.

Education: It is my proposal tot his commission that there should mandatory free education from standard one up to form one, which is second level. This is to enable more Kenyans to know how to write. Because currently the AIDS epidemic is taking a lot of toll to our people and we have a lot of ophans. They can not be educated and both the parents are not there.

The AIDS epidermic is taking a lot of toll to our people and our people are rendered powerless to educate their kids, therefore we should have free education to all.

Local Authority, It is my proposal Mr. Chairman that all Chairman of Local Country Councils, Town Council should have minimum education of form four. Those who are elected as Mayors must have University degree and all Mayors and County Council Chairman should be elected by voters of their respective councils or Municipalities and not by Councilors.

Com. Prof. Okoth Ogendo: Thank you very much, I think you exceeded you time. Thank you very much, please register your memorandum with the secretariat we will read the rest of it and anlyse it. Pauline Nangila is she there? She is not there, she is coming. Please make your presentation

Pauline Nangila: My names are Mrs. Pauline Nangila, I have a memorandum on behalf of the Budalangi constituents women. Our Constitution should have a preamble tht replace the values and aspirations of Kenyans. It should also highlight the past injustices suffered at the hands of the colonial masters and also as knowledge the contribution of both men and women in

the fight for independence. Our Constitution should also highlight the subsequent marginalization of vulnerable groups such as women, children, minorities and persons with disabilities. I feel that we should have a Constitution that is sensitive to the needs of the Kenyan people. It should also have the preamble that has got the National vision that work towards the attainment of a formal heritage of peace, nationalism, unity and prosperity by entreaching respect for human rights, equality and equity to all citizens. Now I am not going to go into very many details because of time. But I will just be mentioning a point in each of the following.

Under the directive principle of state policy, I fee that the Constitution should have a system of devolution of power where citizen participate in Government at all level. All people should be involved in governing through continuous of sustained civic education which should be the responsibility of the Government and they should be done using local languages. We should also have respect for the law and then lastly under directive principle of state policy, we should have accountability, openness, and accessibility of Government. Under values I feel that this one should be included in the Constitution whereby we should have human dignity, and equality, and respect for human rights.

We should have discrimination, we should have respect for diversity, and placing our country abovenow.

Under Constitutional supremacy, the new Constitution should not be amendable to this amendment by the Parlیمانent for example we have heard this taking place in the past. We suggest that that 65% should be retained for amendments the one that has been replaced. The one that has been replaced and some of the areas that should not be looked at are the bill of right, Presidential term, system of government, transitional of government, political systems, principle citizenship electing and moving the President.

Under Citizenship, since women have had a lot of discrimination, in the past we are are recommending that the new Constitution should provide for full citizenship right for women. The Kenyan women married to foreigners should be granted the right to pass own citizenship to their spouses the same way as they Kenyan men pass on to theirs foreign spouses. Section 89-92 of the Constitution should be amended to remove the gender double standard that reduces women to 2nd class citizens and

privileges Kenyan men citizens rights over those of the Kenyan women. We suggest that they should have automatic citizenship to be accorded to any tribe owned within or without a Kenyan so long as one of the parent is a Kenyan. All Citizenship is also be allowed in recognition of increasing number of mixed children of veritage. Then we should also have passports being issued as right to every Kenyan.

Under the family law, we find that the family law need to be reviewed to be able to harmonise the co-existing and open contradictory , customary, Christian hindu and Islamic law. Women have always suffered especially on matters of marriage and divorce inheritance and ownership of marital property, so due to this there is need to re-appeal the section 82 (4) of the Constitution which permits discrimination with regard to certain mattes of personal law. Now we have the principle of affirmative action which should be Constitutionally entrenched. We are suggesting that particular women should have a minimum of 30% seats, reserved in Parliament through a system that is similar to the one that is obtained in Uganda.

The freedom of association should be construed and regarded to include the freedom of choice in marriage. Equality should be entrenched in the Constitution of fundamental right and provision for affirmative action aimed at fundamental right and provision for affirmative action aimed at protecting persons or category of persons.

Com. Prof. Okoth Ogendo: Please summarize:

Paul Nangila: Now under the Legislature, legislation should be subjected to public debate before becoming law. Judges should also be appointed after the approval of the parliament. Under the electoral systems and process, women participation should be increased deserving 35% seats for the women in parliament.

Lastly, land and property right, women have had a problem when it comes to inheriting property that has been left behind by the spouses, we feel that there should be twosections be looked at so that we also get a share.

I will also mention children's right, a child should be defined as agirl or a boy below 15 years and principle of theof base interest of a child should be incorporated, there should be free and compulsory primary education and an office for

children should also created. The rest of the points are in the paper I think you will go through them.

Com. Prof. Okoth Ogendero: Thank you Pauline, I think the Com. has question for you.

Com. Wanjiku: Thank you Pauline, you took about 30% earlier on and then 35% representation within the parliament, the other question is what about local authority do you retain affirmative action in parliament and not in local authority.

Pauline: I think when it came to 30% was just an error

Com. Wanjiku:By the person who was tying

Pauline: and presentation I would say they should be 35% at all levels, local authority to the parliament.

Com. Prof. Okoth Ogendero: Thank you very much Pauline, please register your memorandum with the secretariat there. The next person is Peter Onyango, please take your seat.

Peter Onyango: Your honourable Commissioners, ladies and gentlemen, my name is Peter Gabriel Onyango Akileo. I used to work with the survey of Kenya, headquarters. I am very conversant with our International Boundaries, so I am blaming our Historians they have denied the younger generation a lot of information and as such, they don't know where to start and where to end and I hope the honourable commissioners I have to prepare a paper consisting a lot of information both confidential, restricted, and open to go back on our Kenya International Boundaries.

Com. Prof. Okoth Ogendero: You are fully protected about that Mr. Onyango don't worry about that.

Peter Onyango: To start with I would like to talk over Kenya Territorial Waters East.....I concur with some evidence written by the Hon. James Osogo that there are some areas, when he was still the Minister he may be did not have

opportunity to come across them. Therefore, I want to take on Kenya, Uganda Boundary under the old East African Treaty and the public complain to review the survey and the unmarking of demarcations of the Kenya, Uganda Boundary in our territorial waters in Lake Victoria region, which under the Director of survey, Uganda, We have a duty to serve this Nation with honesty andfor the benefit of this nation

Com. Prof. Okoth Ogendo: Mr. Onyango please take the points.

Peter Onyango: Okay. This reminder before Kenya became the colony of the British Government it was assumed that Kenya was part of Isinya Province through which is the present Ethiopia and during the colonial days, there was imaginary boundaries between Kenya and Ethiopia which had not been surveyed and in 1963 when Kenya got independence people of Kenya were thirsty of independence and as such inthe Kenya Ethiopian boundary had not been surveyed later in 1968 the Kenya Ethiopian Government sat and agreed to appoint the good surveyors that is to say Director of Survey Kenya and Director of Survey Ethiopia the two groups of surveyors avail the Kenya, Ethiopia Boundary peacefully and jointly and the matter ended

Tha according to the East African Treaty the following Directorate are responsible for survey and mapping of the three East African territories, in that Kenya, Uganda, Tanzania and the neighbourers as follows, Director of oversee survey.....Director of survey of Kenya, Director of survey Uganda, Director of survey Tanzania. The Director of Survey Kenya is delegated with responsibility for surveing and mapping block of Kenya, Uganda and mainland individuals, that is from sio port up to Sudan andthis duty is to survey and mapping of the mainland along Kenya, Uganda boundary and information incorporated in the Maps have to be adopted by other three directorate without any suspicion that is to say Director of Public land, Director of survey Uganda, and Director of survey Kenya.

Com. Prof. Okoth Ogendo: Mr. Onyango are you telling us that there is surveyed boundary between Kenya and Uganda or whats the point you are making?

Peter Onyango: What I am trying to say is that we have four Directorates of survey, that is Director of survey, England, Director of Survey Kenya, Director of survey Uganda and Tanzania each Director of survey is entrusted with his area of mapping

So in short the problem in lake Victoria is that the Director of survey Kenya who was delegated with Kenya, Uganda Boundary on the main land from Sio port to Sudan the boundary was surveyed but the Director of survey Uganda who was delegated with survey in the territorial waters he never surveyed it at all up to this time. This is because there is one confusion we have marine railway line which used to operate from Majanji, Sio port, port Victoria, lusenge, sangano, uhuru bay, up to musoma and mwanza so what the director of survey Uganda what he did he inconverted marine railway line to be International boundary which is very wrong, as far as we

Com. Prof. Okoth Ogendo: Mr. Onyango I have got your point can you put it to your second point. You are saying that Director of Survey Uganda has not done his Job.

Okay proceed.

Peter Onyango: The other point is that our territorial boundaries in lake Victoria starts from Sio port it goes to to Shigulu Island, on Shiguli Island there is the channel the boundary is supposed to pass in that channel and goes direct to lolwe island. Lolwe Island is supposed to be incorporated in Kenya territorial waters and from there the boundary should go toand join the Tanzania boundary and therefore the island that fall in Busia District Kenya Territorial waters are as follows:

- Chumba island
- Wayasi island
- Hama island
- Chiro island
- Lolwa island

And the island that falls within Siaya District or Bondo District is Magesa island and the island that falls within South Nyanza District is Rusinga Island, Mfangano island and Remba island because of this wrong demarcation of territorial boundaries when

you are on Chumba island you will find the Uganda Government is claiming Chumba island. When you go to Resenge here you enter in the water two kilometers you are in Uganda waters, if you go to Magesa island which is inside the galo you will find that when you go inside the lake one kilometer you are in Uganda territorial waters, if you go to Mfagano island and Rusinga there is a different of two or three kilometers inside the water, and as such Busia district we have lost 25 kms of territorial waters. Bondo or Siaya district they have lost 85 kms on their territorial waters

Com. Prof. Okoth Ogendo: Mr. Onyango is all that in your papers? Yes thank you very much then go to the next point, we will read it we will analyse it.

Peter Onyango: Kenya reduces 2/3rd of lake Victoria waters and our fishes are the breeding places for fish in lake Victoria. We are in high zone, the fish under all circumstances and we shall never surrender our territorial waters let come may.

Com. Prof. Okoth Ogendo: Thank you very much, Mr. Onyango, for that very informative presentation, do you have anything else to add. One final one please.

Peter Onyango: The demarcation of territorial boundaries, are very important and it is very wrong for the Kenya Government to be appointing Director of Fisheries.....and sort out the International boundaries between the Kenya Government, they should be appointing Director of survey, because at the moment we are lacking the old retired director of survey are still alive, people like Peter Anyumba, Absolum, John obese and the rest are still alive including me. So the Kenya Constitution can not be drafted when we have not defined our territorial boundaries specifically, so that we could know where our territorial waters fall. It is very bitter through DC he is handling issues over Interanational matters. It is very wrong for a Minister in Kenya Government.....

Com. Prof. Okoth Ogendo: Mr. Onyango, thank you very much please register your memorandum. It is a very useful memorandum we will analyse it. Thank you for that, for noting that point. Can we have John Okulohoma?

John Okulohoma: Thank you very much Mr. Chairman, Commissioners, my names are John Okulohoma, Cllr. Port Victoria town Council representing Keri ward. I will go on a point.

- Political parties: they should be financed by public funds, subject to membership of not less than 1 million members, registered members of those records will be kept at Attorneys Generals office.
- System of Government: Unitary System of Government, which all affairs are controlled by the Central Government. This will avoid tribal
- Legislature: Parliament should have unlimited powers to control its procedure through standing orders.
- Language test is necessary for all Parliamentarians regardless of educational qualification as some have dubious school certificates.
- Local Authority, Mayor and Chairmen should be directly elected by the people and should not have their wards. This applies to Uganda type of system.
- Language for test is necessary for those intending to contest as Mayors, and Chairman, including Councilors.
- Land and Property rights: the procedure for transfer of land should be simplified because the present system is very expensive to transfer land from a daily person, eg. a son or a daughter requiring transfer land from his dead parents he as to use Chiefs, Advocates, Magistrate, Kenya Gazette and land office all these posts not spend less than 5,000 and it is very expensive.
- President: President should be elected from any party and must not have a constituency of his own, this means that he should be above constituency level. This applies to Uganda and other countries. If the President retires and retain his Chairmanship in his party he should not be given retirement benefits, until he leaves local politics.
- Medical: we have cost sharing in our present medical system, I appeal to your commission to abolish it completely.

Com. Prof. Okoth Ogendo: Thank you very much Mr Okulohoma. Please register your memorandum. Augustine Muholo, he will be followed by Alex Malobo. Augustine, where is he? Alex Malobo, endelea.

Alex Malobo: Mimi jina langu ni alex Malobo, natoka sehemu ya vihinga village. Ni machache ya kuzungumza na mengi yamezungumzwa, hata upande wa Lave Victoria mpaka vile Mhe. James Osogo alivyosungumza, mambo yalikuwa nikama

hayo na wengine walivyosungumza juu ya mpaka hiyo.

Jambo la pili, yangu ni President should not be above the law. Maanake President hako juu sana kwanza ni upande wa criminals ambaye wanafanya makosa makubwa, anawasaidia sana kama ni watu wakubwa wao wasitakiwi kama wale watu wadogo.

Jambo la tatu, ni divisional heads ya parastals na watu wengine wakubwa ambao anawachagua. Awachague kwa njia safi, hili jinsi tunavyotaka, kwa hivyo tunaomba commission ichangue watu wengine ambao wanaweza kulinda watu kama hao.

Jambo la nne, corruption starts from the top office. Inanzia kwa office kubwa kurudi chini,ina corruption kubwa sana ambae nyinyi watu ambao commissioner watu hapa angetusaidia iwe na amendment. Wakati ambae recruitment inachukuliwa, Armed Forces, Kenya Police, Prisons, the Administration na wakati kina upande wa walimu wale ambao wanakutoa hiyo, hawa watu huwa wameongwa, kwa hivyo sheria itengenezwe, ya kuwadhibu watu kama hao.

Human rights: Upande wa Human rights, iko rape, defilement cases, watu ambo wanatenda vitendo kama hivyo wana ugonjwa wa HIV/AIDs. Watu kama hao wanapatia wengine matatizo mengi na ningepomba sheria hizo ziwe amended mtu kama huyo apelekwe kortini na kufungwa maisha.

Jambo la tano, ni cooperative societies, kuna watu wengine wanachukua pesa za cooperative societies na kisha wakisha chukua hizo pesa hawarudishi. Hawa watu wanafanya hivyo ningepomba sheria itengenezwe hili mtu kama huyo shamba lake au mahali yake iuzwe na public auctioneer.

Jambo lingine ni upande wa medical wangetupatia nafasi watu watibiwe free. Kwa sababu watu wengine awajiwezi.

Jambo la sita ambalo ni langu, ni upande wa ulevi, pombe ya kienyeji kama red klimba ambae tunaambiwa mara kwa mara iko free, mara kwa mara vile mwenzangu alivyosema hapa watu wanapata taabu sana, wanasumbuliwa na serekali usiku na mchana. Hiyo pombe ingekuwa kama Uganda vile waganda walifunguwa akuna watu wanaelewa holi hata pombe nyingine,

yeye ukunyuwa kidogo yeye tu anatoroka hiyo pombe. Jambo la.....tupewe licencekama zamani hili watu wasisumbuliwe na serekali.

Jambo la saba, ni upande wa elections ambaye inachagua wale wa kutuhakilisha kama Parliamentary, Civil seat, Presidential, hii nafasi watu wangukuwa wanafanya kila mtu afanye, lakini akisha fanya apitishwe kiswahili na kingereza pia kitumike in writing, kwa sababu wengine wanajua kusungumza tu hawajui kuandika kiswahili hata kuzungumza mbele ya watu. Na kiswahili ndicho sungu ya kitaifa. Kwa hivyo kiswahili hicho.....

Jambo la nane, mshahara, itengenezwe sheria ya mshahara, kwa sababu, mshahara mingine, mtu anapata one million ambaye ni mishahara wanaweza kupata watu hamsini na huyo mtu moja anapata hiyo mshahara na watu wengine awana kazi yoyote wanayofanya.

Jambo la tisa langu, ni advocate, advocate kuna kesi ambavyo vimedelay sana katika koti na vinangoja advocate mtu akienda huko anapoteza nauli kwenda na kurudi na aonekani

Advocate kama hao washitakiwe na atua kali ichukuliwe hili waathibiwe. Na nina haki hiko nyumba fulani ambao advocate walagahi walipewe nafasi na wanastakiwa. Hiyo nyumba ni lengo Hse.

Jambo la mwisho langu ni law books, sheria ingetumwa kila pahali, shuleni na kila pahali hili kila mtu asome sheria ajue anakaa karibu na sheria, Asanteni, ni hayo tu.

Com. Prof. Okoth Ogendo: Asante sana Bw. Alex. Please register your memorandum there. Thomas Owaki. Please summarise your memorandum

Thomas Owaka: Thank you Hon. Commissioners, I will be a bit brief. My name is Owaki Thomas, and a teacher by profession. Infact I am troubled I will start on the issue of the preable. To me this is like end objective of our Constitution, so in the preable I propose that we should obey the Constitution should make Kenya a safe and better place for all Kenyans.

Constitutional supremacy, Parliament powershould be limited i.e we should not tackle areas that touch on powers of the Executive. The powers of the President and the staff inoffice.

Citizenship:citizen regardless of gender should not be granted automatic citizenship some scrutiny should be done, because somebody can be a run way spie who wants to go to another country.

Defence and National Security: The President should be the Commander in Chief of the Armed Forces. Use of extra ordinary forces or power should never, never be used on Kenyans, unless during a state of emergency or by the concent of parliament.

Structure and sytem of Government, the President should appoint a running mate who will become a Prime Minister from his ruling party. This is how they should share their power, Prime Minister should be the head of the Civil Service, President appointing board of directors to statutory body, this should be done by Parliament. If President, must do it Parliament must approve through 50% voting.

Political parties: Constitution should limit the number of Political parties at most three, these can be done through ensuring that a registered party must have atleast a million registered members.

The Legislature, moral and ethical qualification for Members of Parliament, people who have looted should never ever be allowed to leave Kenya.

Nominated MP this is poor representation. If per party based on number of Ids.....to receive 2000 thousand votes it can be given one nominated member of parliament. MP should attend Parliament, if they fail to their salary should be deducted, afterall, in the Civil Service, we haveof duties if noted somebody is legible to loose his salary. I advocate for Government of National Unity.

The Executive, Provisional Administration should not be abolished, but the appointment of senior officers, eg. the DC and the

PC should be delinked from the office of the President.

Electoral system and process: Presidential winner must garner at least 50% of the votes casted on top of the 25% from the five provinces. Defection from parties and party.....(inaudible) should be united multiparty. Counting votes should be done at the polling station.

Basic Rights: Death penalty should be abolished; instead we should have life imprisonment. The Government should be bestowed with the responsibility of providing or enabling Kenyans to have an easy access to the following:

- Security
- Health
- Food
- Education
- Shelter
- Water and
- Employment

As far as education is concerned, I have

Com. Prof. Okoth Obedo: Put your last point Mr. Owaki.

Owaki Thomas: My last point Constitution Commission, Institution andthe following should be established, human rights commission and anti corruption commission.

Lastly the rights of the vulnerable groups: The interests of the disabled have not been fully taken care of eg. the lame, the blind, the mentally handicap. The areas that should be looked unto are their Education, and provision of special materials eg. hearing aids, weel chairs, and qualified personnel to keep this vulnerable groups. Thank you.

Com. Prof. Okoth Ogendo: Thank you very much. Please register your memorandum. Mr. Peter Loka, please come forward, summarize your presentation.

Peter Loka: Mimi jina langu ni Peter Oduor Loka. Ninapa maoni ambayo nimepewa na kikudi ambacho kinaitwa wazee ukumbuka, kutoka wambua sub-location.

Point ya kwanza tunasema: tunaomba tume hii itengeze sheria ya kusema kwamba wazee wakiwa wakikaa na pombe yao kama murija hili ya utamaduni, wawe free bila kusumbuliwa.

Uhuru wa kusikiliza: Vile tunaweza kupewa uhuru wa kuongea pia tupewe uhuru wa kusikiliza. Kwa hivyo wanao tumia vyombo vya kupaaza sauti wakikishe sauti yao iwafikie wale wanohudhuria mikutano yao pekee. Siyo kufika kwa maboma kwa wale wasiyo taka kusikia kelele yao.

Kwa vile ni kila mtu lazima awe na makao, twaomba bei ya bidhaa ya ujenzi isimamiwe na serekali na kuhakikisha kila raia anauwezo wakujenga nyumba.

Liwe jukumu la serekali, kujenga mashule, hili kuhakikisha shule zote zinajengwa. Serekali iweze kujenga at least darasa kama moja kwa kila mwaka.

Misako ya police katika maboma za watu ipigwe marufuku. Police waweza kuwa marafiki wa watu wote. Lakini maisha ya watu kufikiwa na wasiwasi kuwatembelea na kuwapea taabu za uongo.

Machifu na manaibu wao, wawe watu wa watu, siyo watu ambao wanaweza kuambia watu upende usipende nitakutawala.

Mikutano ya machifukwa sababu machifu ni maadui ya watu wao, kwa hivyo wachaguliwe na watu na wawe na miaka thelathini na tano na kwenda juu.

Com. Prof. Okoth Ogendo: Thank you asante ya mwisho.

Peter Loka: Ya mwisho, Ardhi ni mali ya ukoo, watoto wavulana uzaa watoto wa ukoo wao, wasichana nao uzaa watoto wa ukoo mwingine kwa hivyo wanaume wote wanaozaa wapatiwe watoto wao ardhi. Watoto wasichana wasilinde watoto wa ukoo nyingine katika ardhi ya ukoo mwingine, kwa hivyo mtu ape watoto wake wote wavulana, wasichana ardhi ambao amenunua lakini si ya ukoo.

Com. Prof. Okoth Ogendo: Asante sana. Please register. Hebu hebu.

Com. Yano: Thank you ulisema watoto wote wapatiwe hili shamba umenunua lakini si shamba la ukoo.

Peter Loka: Nimesema watoto wote wawe sawa, lakini udongo ardhi ya ukoo, iwe ardhi ambaye inaweza kupewa watoto hawa wote. Na ikiwa watoto wasichana yaani yule mwenye ukoo awape ilie amenunua yake binafsi lakini si hili ya ukoo ya boma.

Com. Yano: Na ikiwa ujanunua.

Peter: Ikiwa ujanunua basi hiyo ukoo itabaki kule lakini itategemewa huko.

Com. Yano: Kwa hivyo wasichana wakae bila

Peter: Wasichana watakuwa mahali wameolewa ama mahali kule wamezaa watoto ndiyo watakuwa na nguvu, lakini si huko ambapo mama yao ametoka.

Com. Prof. Okoth Ogendo: Okay. Dominic Ombago, please come forward.

Dominic Ombago: My name is Dominic Ombago. Nitasema kwa kiswahili kwa sababu ninataka kila mtu asikie. Yangu sana itakuwa kuhusu border ya bahari. Bahari yetu hii sisi kama wamanyala ndio shamba letu. Na hii bahari border yake imetuletea,

mawazo mengi sana, tunataka serekali yetu ifahamu bahari ni kitu muhimu. Na hii kitu inaweza kutuletea pesa mingi, ile expenditure yoyote, kama mbolea, kama nini niki muhimu kwa sisi wanadamu. Kwa hivyo tungependa serekali yetu kwa mpaka ituekee no mans water, kwa sababu tumeangaishwa na wanajeshi na hawajui mahali border, maji yao ya Uganda inaishia na ya Kenya inanzia wapi. Hapo kwa mpaka tunataka iwekwe na mans water pia.

Ya pili maji hii serekali nafikiri haijui maana ya maji tumeishia kuitumia hapa nataka itumiwe pia kwa irrigation badala kuwachia Egyptians watumie na sisi tunaangaika hapa na mvua hatupati mvua, tunaweza kupata mvua rahisi kutoka kwa maji hii bila expenditure yoyote. Kutupwa kwa hii milima naamana maji yenyewe inateremka. Sasa hi ni Ministry of Agriculture ijaribu kutasaidia hapo. Hii itatupa pesa ya kutasaidia.

Ya tatu nataka kusema mambo ya Colonia Ideas: Serekali yetu imejaribu sana kuignore mambo ya ware.....wetu wale walitupa hii uhuru. Mara nyingi nimeona ni makosa kuita hii kitu ilikuwa colonial. Instead of abolishing it or ignoring improve itmambo kama ya community tulikuwa nayo zamani, mambo kama ya East African ceiling tulikuwa nayo zamani, na tunaitaka. Sasa you can imagine where we were now going back to where we were, sasa instead of ignoring colonial idea. We should improve it.

Ya nne, natural resources naona serekali aiangalie vizuri pahali inatoka. Sisi kama watu wa bahari natural resources yetu ni samaki. Na tunataka hizi samaki zikienda ngambo na pesa fulani zimepatikana, hizo pesa nisiache amawaturejeshee hapa sisi tutumie kwa kununua nyavu, kununua patrol boat, hili zinaanza kutulindia nyavu zetu na kufanya mambo mengine muhimu na hizo pesa.

Com. Prof. Okoth Ogendo: Asante sana ya mwisho..

Dominic Ombago: Ya mwisho, ningependelea sana mambo ya President, powes anazo nyingi zinaharibu. Zinata pia zipunguzwe, kwa sababu siku hizi Minister nikama luck ni mtu wakupepea tu bendera, hana uwezo wowote. Akitaka kufanya kitu lazima amulize President. Hii nitafanya? Sasa tunataka akiwa amemupa Ministr wake power afanye akiwa independent bila

kumuconsult tena. Hiyo ndiyo yangu tu.

Com. Prof. Okoth Ogendo: Asante sand Bw. Dominic. Please register, sign the book. John Masiga, take your seat and summarize your memorandum please.

John Masiga: Mimi kwa majina naitwa John Masiga. Mimi ndiyo Chairman wa Port Victoria Town. Nimeleta barua ya Port Victoria town council, mtasoma wenyewe.

Na mimi napropose maneno, mawili, matatu, ya kuishindikisha hii barua yangu. Ya kwanza tunachugulika na habari ya koti. Mtu anatoka hapa anaenda kwa koti, na koti inamaliza kesi yako kwa miaka mitano. Pengine mtu akiwa anakosa pesa ya kwenda huko atupe hiyo kesi na ipotelee huko kama kesi ijakwisha.

Tena lingine watu wakutengeneza nyavu baharini, wenye machine, wanatengeneza nyavu zingine ambazo azifanyi kazi na wanaleta, tunanunua na wafuaji wakienda nazo baharini, wanakamata wanaulizwa hii nyavu mlitoa wapi? Na hiyo kwa ombi langu nataka serekali ichukuwe hatua itengeneze hile nyavu ambayo iwezi kukamata mfuaji na kumpeleka jelasamaki. Neno lingine, sijui kama mnaweza kutusaidia sisi tuna shida hapa.....kulima pale tunalima maji imengia imejaa, imekula chakula yetu, misaada mmetuletea na mimi naomba mkiwa na nafasi mtuombe pump ije ifurute hiyo maji tupe upande ule hili tuanze kulima kwa maana hiyo maji inaweza kubadilika kwa muda wa miaka mitano.....tutakuwa tunakaa tusingojea muda wa miaka mitano.....

Com. Prof. Okoth Ogendo: Can you please let him present his views.

Masiga: Halafu mnatuletea msaada wa gorogoro mojaakuna siku imesaidia upande huu. Yangu maneno ni hayo tu. Na ikiwa walimu wanafundisha watoto nao wapewe transfer. Mwalimu atoke hapa aende wapi Nairobi transfer, aede shule transfer, hapana akufanya alianza ndiyo mahali atasikwa ndiyo pahali anaishi. Mimi ninamalizia hapo.

Com. Prof. Okoth Ogendo: Asante sana Bw. Masiga, please register there. Romanus Obongoya, endelea.

Romanus Obongoya: Asante Bw. Commissioner, mimi naitwa Romanus Obongoya. Mimi ni mwalimu mstaafu natoka Budalangi. Mine is not much, first of all I would like to propose to this commission, on pension: This pension has worked in various spears of Government and we have rendered this job, and when we go on pension, they seem to have been forgotten because our pensions are not reviewed as other salaries or remuneration, and yet we haveand we need to eat and to educate our dependants. So I propose to this commission that the pensioners allowances should be reviewed time and again as it applicable to other remuneration. Also I propose to this commission that when the pensioner dies, the dependant should be allowed to draw that pension till they die rather than giving them for only five years. Because after five years they are to suffer and they have nobody to take care of them, further more I would like propose to this commission that at the moment we have a very high rate unemployment level of our young girls who came to school has no employment and they have no way to sustain their lives. So I propose to this commission that the Government would initiate an employment scheme which could cater for the welfare of these unemployed youth rather than just live them loiter here and there and involving in crimes or criminality.

I would also like to chip in something on lake Victoria fishing, to me I feel that we have heard a lot about lake Victoria boundaries and whathave you, but it appears that everything thattakesmine would be that the lake Victoria water be made a common property to the East Africanso that all the three territories that Kenya and Uganda and Tanzania use that lake on joint partner rather than adding Ugandas waters, Tanzanias water and Kenyas waters and incase of any offence or any grievances that arise they should institute and East African Court which could belake Victoria.....also I would like to say something on land. According to the law when the parent die and leave land, the children are subjected to undergo veryprocedure before the land is awarded tothem.....father,and all thesetransactions incur a lot of money and some of them may not be in a position to raise this money. I would propose to the commission that when the father dies and leaves.....the land to be apportioned to the children withoutunnecessary labels toand also I will add on that this land should be apportioned to both boys and girls after all they all children and it should not.....then I would also like to touch onThe

PCs, DCs, DOs, andbe actually appointed by a special commission appointed by the Parliament and they should be under the Office of the President. This would actually eliminatecorruption, which is rampant in this particularI will also end up by saying that Chiefs and Assistant Chiefs should be elected by the people after all they are people workers and it is the people who know them. And who know whowho can do the better job for them. Thank you very much Mr. Chair.

Com. Prof. Okoth Ogendo: Thank you very much. Please register. Juma Akwire, Juma is not there. Kasper Sumba Owaki

Kasper Sumba Owaki: He. Commission, and all thetoday for the proposal of our review I am called Kasper Sumba Owaki. I have some few points.....towards the Constitution. First I will start with preamble of a Constitution should have a common experience of a Kenyan, to reflect in the position in the preamble for us to know the vision of a Constitution. Why we have decided that such like Constitution and how it is going to assist the common mwananchi basically and this should be written by technicians.

Second local authority, in the current sensation the local authority are the most basic level of the government. And if I propose that if possible be written in our Constitution that the allowance or salary of the elected member in local authority should come from central government not from the council why? This is because the council of collapsing and corruption because the such funds.

The value of Constitution: The modern Constitution should have the principle and value in governing to how the state power should be exercised, parliament and we are all Kenyans and too have the important value in our Constitution.

Good Constitution should provide a clear, dignified and order the process of power transfer:

One should not be above the law, why we are all making this law together.

Elections: Our constitution should separate the election of President and other elections of Parliamentary and Civic. The Presidential election should start first after two months and then we have the election of Parliamentary and Civic. All political

parties should be served equally mostly during campaigns, elections and if possible in convening their meeting.

.....government should reward all people over sixty years and above. Number of money to enable them succeed with their life but not only workers. Commissioners should be appointed by Parliamentary committee but not one person as President.

Nomination: The nominated Parliamentary Candidates should not be given Ministerial post, while they are elected members in the parliament without that post. Thank you.

Com. Prof. Wanjiku: Thank you very much Mr. Sumba. Can we have Cornel Mapachi?

Cornel Wabwire Mapachi: My names are Cornel Wabwire Mapachi, I am the branch secretary of Kenya Local Government workers union. And what I would say as it has been said it appears we must have a very strong preamble to our Constitutions which should entail our attachment to our traditional and culture. It appears that we have been lacking one thing or the other that our Constitution does not entail our traditional and culture as the background of our day to day life. It should also have the struggle against process of ferocity, oppression, and in our preamble we should also have asocial contract between.....and the government. Under the item of the Constitution I would say that the power and authority of day today running in our government should belong to the people and should be exercised by the people as per the new Constitution. And because the power of the government comes from the people, it is the people to decide for the day to day running of our government.

Another thing Kenya must be a sovereign state with visible secular and democraticabout the citizenship. People who should proclaim the citizenship of these country, must be people who have been by nature bound in this country by the year 19... and old women married to Kenyan or vice versa their husbands or wives must attain.....The protection of human rights, all Kenyans must equal before the law and in the political, economical and cultural life no person should be declined of life international except under exhibitional extension forthly fair tried by court of competenceexistence of criminal case under the law..... All people in this country must have and the Government must provide a free and compulsory

education adult care because poverty is indispensable creature. No Kenyan should be denied any of legal establishment based on the executive so long as there is arrangement to read.

Marriages should be based on mutual understanding of both sexes, and should be based on the grounds of African culture and tradition. Tradition all English side of marriage depending of what system both sexes have chosen to take as principal guideline to their marriage.

On the same item in all criminal cases they have to enjoy the right engine of public trust by impartial court and the law specifying in time god criminal case should not take more than four years, otherwiseto keep up with time and nobody should be forced to testify against himself confession made under the compulsion torture ofafter prolonged arrestboth intention should not beno person should be punished where the only prove against him or his bone confession.

Electoral Commission: There should be electoral commission to be appointed by the President and approved by 2/3rd majority of the parliament. Under the item of legislature the parliament should be the highest organ of the state power and should be the soleof the state. Parliament to consist only National Assembly and Senate. We should have National Assembly and Senate. One representative women in every district to be elected.

Three members representing young nominated Army, Police, Workers bodies, disabled, Engineers,Law society, youth organization, religion organization and three number for public university, student associations. We should also have some provision for recalling an MP. An MP should be recalled if he fails persistently in serving electorates without reasonable cause and misconduct, or behaviour likely to bring a hatred or revenge....when a member is mentally or physically discapacitated then he should be recalled.....

Local Government: The Local Government system in kenya should be based on the district as unit which they can be lower governmentby the law provide and the local government body should independently manage all districts budgets

introducing local services, fields, and protection of public borders,.....

Power, responsibility, function should be devolved and transferred from Government, Central Local Government and the Area of Provincial Administration, to this club and exercise by Local Government. Finances, we should District Council should prepare a cooperative development plan including lower, government for submission for Ministry of Finance and National Planning. Once the deed becomes the law for appointed by the President, the date of commencement should be said within the period of six months by the ministry of fund, and the ministry should not have any power the day of implementation with the period testified above. And the cabinet should be thrown from (inaudible) ground only who are not members of both (inaudible). The members of ----- who are instructed to have divided mind (inaudible) and therefore (inaudible) Constitution as a cabinet minister.

Com. Prof. Okoth Ogendo: Okey! Thank you very much Mr Madachi

(naudible)

Com. Prof. Okoth Ogendo: I see you have well prepared memorandum, Okey,

Cornel Wabwire: I have just heard. The judicial of worker and the right of all the (inaudible) employment. No one should be allowed to have a role in his or her work of employment because of his or her tribe, clan or opinion or degree. If one are death either appointed to make a crime or one found in a position of weapon, or meant for exclusive or armed forces apart from uniform, that person should be (inaudible) because that person has shall have volunteered as a soldier. This position must be tapped public (inaudible) chances of buying on various elective position by incostitution of affordable high fee by electrol commission and political parties in terms of nomination.

Com. Prof. Okoth Ogendo: Thank you very much Mr Madachi, just a minute here. I know you said we should have one representative at the district level, what about local outhority?

Cornel Wabwire: In a local authority precisely, in my document I have said a third of these local authority should be reserved for women,

Com. Prof. Okoth Ogendo: Okey! Thank you very much and you leave the rest of the memorandum. Thank you. Can we have Anacletus Wambura.

Anacletus Wambura: Thank you (?) commissioner my names are Anacletus Wambura. The following are my views about the Constitution. My proposal is that the people of Kenya must have power to express their will, and forsee on who or how they should be their true regular free and fair election for their representative or through referendum.

Protection of human rights:people in Kenya must have and the Government must provide free and compulsory education and health care. As we are aware, poverty is indispensable and no Kenyan should be denied any legally established basicso long as they are in the arrangement for it.

Running on the political side there should be independent candidates in election. Anybody willing to form any political party should be allowed without anyfrom the registrar of the society.

Legislature: We should have two parliament, that is senate and the housing representatives. The Senate representatives should be based on district level. Women should have one reserved seat elective. That should be an elective seat at the District level. To be a member of parliament one should possess a minimum qualification of of form four. Ourshould be executive. The President should have his or her running mate during the time of election as a Vice President. In case of the Presidency office falling vacant, the Vice should automatically take overThe President should be elected should have the qualification of a higher diploma. While holding the office the President should not be liable for court proceeding but the Parliament should be in a position to impeach the President for the wrong done as per the Constitution.

Lastly the Cabinet should be drawn from technocrats who are not members of Parliament. Thank you.

Com. Prof. Wanjiku: Thank you. Can we have Joseph Murende.

Joseph Murende: came through prosdiscipline we completely, the word preamble means the should be happy for everybody. In the political language, we have the word freedom. And each----- has got its meaning, free stands for free. R stands for we are likefirst E stands for education, the second E stands with deutonomy then B stands for democracy O stands for organization then M stands for mobilization. All this things are really lacking in our state, because we are not free. We don't have freedom of certain direction in this land. We are all -----wherever we go. Even if you go to the school, you will ask --- to identify your self by showing Identity card, even if you are twenty ----- they will not blame. This kind of harassmt should be abolished. Then education, we have to have enough education from standard one to standard eight, to anable those who are unable to pay for the school fee, achieve or attain primary education. Then in the economy, the government has to have ---- layout ----how to get money so that we may attain you go toyou will have to identify yourself by drawing your ID even if you explain to the policemen he will notthis kind of harassmt should be abolished. Then eduction those who are unable to train their children achieve or attain primary eduation then in the economy, the Government has to have free.....lay out some specialto give as to how to get money so that we mayduring colonialism paid for us school fees. ThoseWhen we fought for independence and yet it is not prevailing.The commission to bring in both two languages the national language Kiswahili, and English so both of us to understand its meaning. The office of the President. The President first someIs there a way of electing the people of our own choice? Dictatorship must end up now we got to belittled this local lake

The police should have a warrant that is secured orbeforeare we not independent?

Bribery should also stop because the Government is running

Com. Prof. Okoth Ogenido: Please summarize.

Joseph Murende: The Elected MPs should have powers to elect Judges, that is the Parliament and then we have, any qualified student according to interview be given job rather thanandthat isvery carefully by the Government. The Government finances should be banked in this country this land not in Sweden not in Geneva,.....

TAPE 4

Dominaono Were: Wanaofanya kazi, hiyo ndiyo, italeta maendeleo kwa wavuvi. Mtu akipatikana akivua samaki wadogo, afungwe mwaka mmoja bila kuvua samaki hiyo ndio njia ya kusimamisha samaki wadogo wasiuliwe. Upande wa pombe, busaa na murija iruhusiwe minazo zifunguliwe na serikali itoe wakati yaani saa ya kunywa hii pombe. Hayo ndiyo maoni ya walemavu, Bunyala West Asanteni.

Com. Prof. Okoth Ogendo: Asante sana Bwana Were. Thank you will bring the book to you to sign, thank you. In the meantime Charles Makhoha, hayuko? Jared Okondo, hayuko, Michael Lotube. Lukas Were. Bwana Lukas please take your seat.

Lukas Were: Mimi kwa majina ni Lukas Luma Were na nitazungumza tu kwa sababu sikuandika memorandum, mtaniandikia. Mimi mwenyewe kwa miaka ni sabini na moja, kwa miaka sabini hii kuandika pengine ni vigumu.....(inaudible) basi, nitazungumza habari ya kwanza, nina maneno karibu sana. Neno la kwanza, ni mali ya asili, na mali asili hii, upande wa Bunyala ni samaki. Kuna sehemu zingine ziko na forest, ziko na mambo mengine nadili lakini sisi ni samaki, na samaki hii tunataka iwe mikononi mwa wenyeji. Wakivua samaki iwe ikipitia katika cooperative zao. Kama vile sehemu zingine zinavyo fanya.

Ya pili, ni habari ya mipaka, nitazungumza kwa kirefu kidogo, nitakupa history yake. Mipaka hasa ya bahari, hapa Kenya, karine ya kumi na nane, Western Province, Nyanza province, Rift Valley kupitia Kericho, ilikuwa iko Uganda. Ilipofika mwaka 1900 wazungu walipoingia hapa kugawa hizi province tatu, kwa ile criterial British east Africa company, ndio ilisimamia hiyo

treat. Basi ikagawa mpaka wa Uganda, Kenya ikabaki, Tanzania ikabaki. Na hiyo mipaka inatoka Busia, ikapita Siopetichio, ule ni mto ule una-cross ukienda Busia, mpaka baharini ikapita moja kwa moja mpaka skulu in that nchi yake iko pande mbili. Mpaka moja kwa moja, ikaenda kwa mawe mbili iko huko, inaitwa msabwa. Na kwa hiyo mawe mbili imeandikwa Uganda, Kenya. Na ndani ya Kenya hiyo, kwa part ya Kenya nafasi ya upande wa Kenya, tuko na highland karibu nne ambayo iko katika district ya Siaya na wakati huu inaitwa Bondo. Hii highland ni slow highland, rama highland, rasi highland na cheblala highland. Hii watu wa Uganda wamesema ni yao, ndio hii inaleta vita vingi watu wanapigwa, wale wa part ya Kenya ambao wako kule watambuliwe kama ni watu wanaoishi katika nchi yao. Basi hii ni kwamba, wakati wa mwaka wa 1983, nataka kueleza wazi ili muelewe kitu gani kinafanyika hapa. Huu mpaka huo mheshimiwa Obongo akiwa hapa alizungumza na watu wa Uganda na watu hao wakakubaliana wakapeleka bendera huko ikawekwa. Wakati D.C. alikuwa hapa chacha ikawekwa bendera, na bendera hiyo ilipowekwa katika highland moja hiyo, farasi watu wa Kenya wenyewe, vile unaona watu hawatumurumii tukipigwa, kuna kitu hapo ndani, hii ndio Commissioner, mheshimiwa wafaa uelewe. Kuna kitu pale ndani, watu wa Kenya wenyewe waliandika barua wakapeleka huko, wakasema hiyo highland atio yetu, na aliyatangaza hiyo maneno ni mheshimiwa wa foreign affairs, Ndolo Ayaya alitangaza hiyo highland. Basi kwa hivyo hilo litiliwe mkijua ni nchi yetu. Lakini vile ilivyo wale waliofanya kama mwanadamu akikosa nitamhurumia aombe msahamaha na hiyo irudishwe kwa wakenya. Isipigwe kwa nchi yetu ambayo tulipewa. Nimemaliza hiyo.

Ya pili, neno la pili ni squatter. Mambo ya squatter, mtu anaweza kukaa mahali miaka arobaini, miaka hamsini, miaka sitini lakini bado anaitwa squatter. Na hili jambo lifikiriwe sana ndio tunaleta maafa watu wanapigana, apewe muda kama anakaa mahali siku fulani, akatiwe hilo shamba naye akae. Hiyo mambo isikwende itakuwa mpaka lini. Hiyo nimepita.

Ya nne, urithi wa wanawake. Wanawake kwa mashamba ama mali ya mtu itanishinda, hii ifikiriwe sana, kwa sababu msichana akisha olewa anakwenda nje mali pengine, na sasa akiwa na kilevi mali ametoka hii inaleta vita mingi. Bahati ya sisi na wale tunaozaliwa nao. Tena divorce itakuwa nyingi, kwa sababu mama wakikutana na msichana aki akinipe sababu kwetu nitakwenda, mali ya baba yangu iko nitakwenda hiyo ifikiriwe iondolewe. Kama ameolewa apatie mtu na mali ibakie kwa vijana.

Ya tano, ni upande wa fishery department,

Com. Prof. Okoth Ogendo: Ni ya mwisho.

Lukas Were: Ya mwisho ni kumaliza umasikini. Kuna misaada inayotoka ngambo, wanasema wanaleta misaada ya kumaliza umasikini na hiyo umasikini hiyo pesa ichukuliwe masikini. Kwa hivyo wakikopa billion kutoka ngambo kuja kumaliza umasikini hapa, mimi nimefanya namna hivi, kwa uamuzi wangu, hiyo billion hamsini wagawiwe million hamsini na nane ambayo ni population ya hapa Kenya, hata mheshimiwa President akiwa ndani, kwa sababu ndiya alihesabiwa apewe. Lakini tutajua ni ngapi ngapi watapata. Hii ninamaliza mheshimiwa. Hii nitaongezea hapo kidogo. Watu masikini wa naongeza yale Ndugu amesema, watu kama mama ana mahali ya kupata ameweka vitu vyake hapa, kuuza vitu vidogo vidogo ya shilingi mia mbili mia tatu as the donation. Kwa sababu hizi vitu bado analipa kodi ile set tax amelipa. Ili watu wawe free.

Com. Prof. Okoth Ogendo: Hebu ngoja kidogo kuna maswali hapa.

Com. Prof. Wanjiku: Kuna hili jambo kuhusu wa mama umesema ya kuwa, ministry iwapatie mali wakuwe wakiwalipa.....(inaudible) lakini sikusikia ukiguzia wale pengine wabahatike.....(inaudible) kama ni msichana wako ajapata bwana wa kumuoa, akishapata bwana wa kumuoa basi yeye.....(inaudible) wewe utafanyia nini watoto hao.

Lukas Were: Hilo swali ni nzuri sana. Hapo ningelibadilisha ningesema hivi. Mtu asiwe na shamba elfu mia tano, mtu mmoja na hali watu wengine kama hawa ambao hawabahatiki, hawakufaidika kupata faida wakae na hiyo maforest na nini, wakate hiyo sehemu hawa watu wapewe mashamba hiyo, kwa sababu hawakubahatika.

Com. Prof. Okoth Ogendo: Okey asante sana. Mzee andika kule. Dalmal Ochieng, Martin Owino, Robert Echola, Ali Rajab, Robert is that Robert? Then you sit followed by Ali Rajab, taja jina kwa microphone kwanza.

Robert Kechula: The Commissioner, jina langu ninaitwa Robert Pokoch Kechula. I am representing the group called Kadahalidile. Kadahalidile they are starting by the President. The power to establish and abolish, public officers should be given to another body such as the Parliament. The President should have the powers to appoint the first thing to the public officers, as such appointment should be confirmed or stated by the Parliament as the representative of the people. The idea of nominated members to the Parliament, is no longer related today and relevant today and should be scrapped or mended.

The Chief Justice should be appointed by the President while the judges of courts of appeal should be appointed by the judiciary service commission after being confirmed by the Parliament. The President should not be above the law and therefore should be the reverse of(inaudible) Constitution or growth misconduct and taken to court.

Security; the Constitution should grant every Kenyan with the maximum security boards from internally and externally process.

The security personally should be by(inaudible) our security officers should have a such warrant and should be accompanied by assistant chief or village elder before such in form of the people.

The provincial administration. The least academic qualification for the chief and assistant chief, should be from form four and above. The chief and village elder, should be elected by the community. They have to serve local traditional leaders. According.

Com. Prof. Okoth Ogendo: Your last point, ya mwisho.

Robert Kechula: But I am also finishing. Local leaders, according to the different tribes in the country and their traditionals the traditional leader should be allowed to the traditional customary in the different tribe, e.g. pombe ya murija, busaa in luhya land. In addition the government should legalise and licence this traditional leader to add the government revenue. The fishermen.....

Com. Prof. Okoth Ogendo: We have got the point. Please register with the secretary. We will read what you are telling us.

Thank you. next Ali Rajab there, if he is not there, Julius Sembu, he is not there, Peter Osula.

Peter Osula: By names I am Peter Osula. Mine I wanted to talk on judiciary. Being the seating on their good principal of security of tenure. The tragedy of tenure, rules that when one makes a mistake in board of appeal or as a Chief Justice, the board will wait until he retires or he dies to be connected to the matter, and such a principal, large, law and professional and also leads to abuse of the Ops, with that I was suggesting if there will be a mechanism to discipline the judges. I think it is clear.

Com. Prof. Okoth Ogendo: Please pass there sign our book. John Okomba, Alphonse Otieto, after him I will here the young people who have just walked in.

Alphonse Otieto: I am Alphonse Leis Otieto. I am representing a community based organization, known as baba foundation. I will go straight to the point.

- 1) Electoral system and processes. The ECK, should control its timetable, then the election calendar. By that I mean it should identify the dates of election, throughout this century. So we should know that after such a period we are going to have election. Another thing is that the counting of votes should be done on the polling station, and the results to be announced there and then.
- 2) We should also create room form independent candidate, and this independent candidate should also be financed during election by the central government.
- 3) Political parties; we should have a total of ten political parties, of not less than one one million registered members and this political parties should be financed by the central government, only during election and after the election they should present their books for editing.
- 4) Presidential election; the President should not be an MP, he should not have any constituency, his constituency should be the nation.
- 5) Anybody who is above 70 years old should not contest, he should be there as our museum. Somebody who is uncontrolled. He should be a graduated and for one to be declared a presidential winner, then he should have done 51% of total votes cast. If you fail to get one, then there should be a re-run after two weeks dividend some time for some pay. They should serve only two terms of four years each.
- 6) Parliamentary election; an aspirant should be a graduate. Anybody above 21 years, but less than 70

years, should context, anybody above 70 years should not contest. But in case if someone is 69 years we should allow him to contest, that is our profession more than 70.

Com. Prof. Okoth Ogendo: Can you go to your last point.

Alphonse Otieto: We are saying that anybody who is above 21 years old, should contest for parliamentary election.

Com. Prof. Okoth Ogendo: Yeah we notted that lets go to the last one.

Alphonse Otieto: But anybody who is 69 years old, should be allowed to contest because he is not yet 70. An MP should also run only 3 terms of five years each and their campaign should be for two months no pension please. We must make sure that we pay them well even if it is 20 million but there should be no pension. We should increase the number of constituencies, each constituency should have between 50 and 70 people, for easy presentation.

Com. Prof. Okoth Ogendo: Seventy people?

Alphonse Otieto: No, 70,000, I am sorry, between 50,000 and 70,000 people. Now three thirds of total seats in Parliament should be reserved for women and people with special cases. Parliamentary service Commission should run the national assembly. Any defector should not be allowed to contest, he should simply be barred for ever and we should only have bi-election after two years of Parliament operation. Civic election;

Com. Prof. Okoth Ogendo: Can you get your last point, you will be run your time.

Alphonse Otieto: Civic election; an aspirant should be a form four leaver and the delay elections should be done separately, the presidential part and after one year parliamentary and after one year civic education.

Education; it should not just to be on paper that we have free primary education, we want to be operation thinking.

Com. Prof. Okoth Ogendo: Thank you very much Mr. Otiato. Please register with the secretariat. Can I have the Pot Victoria mixed primary school, come forward young man, tell us your name, your age, and your class.

Tom Okumu: Pot Mixed primary school population is 414. Executive President.

Com. Prof. Okoth Ogendo: Your name and your age.

Tom Okumu: My name is Tom Okumu and I have 14 years. Executive President; the President should not be above the law. Education; compulsory and free primary education. Corporal punishment should be abolished instead there should be guiding and counseling and some minor punishment like living from the compound. A committee to be set in every community to hand for those pupils who violates free education. There should be a provision for the increment of teacher's salary. There should be a provision for more employment of teachers. Building of more classrooms to cater for the increasing number of pupils.

Health; free medication, at least each hospital to be provided with an ambulance. More wards and beddings in hospitals to avoid sharing as it risks the danger of contamination.

Rights; setting up special units or homes for the street child to help down the names of street children. Approved schools for them should be set.

Judiciary; policemen should always possess such warrant. Somebody found in a possession of stolen property. Though didn't participate in the(inaudible) deed should be considered to be a thief. The Constitutional review, the freedom of worship, i.e. who dare some limitations to help gather the names of every worship. Thank you.

Com. Prof. Okoth Ogendo: Thank you very much young man, just a minute we have a question for you.

Com. Prof. Wanjiku: Thank you very much for your presentation, you said about the street children, they should be given free education. What do you think, if your daughter is repented to the street children, what do you think should be done to them?

Tom Okumu: They should collect them and give them a place where they can stay.

Com. Prof. Okoth Ogendo: What about the parents of the street children?

Tom Okumu: They should be punished for that ethic.

Com. Prof. Okoth Ogendo: Thank you. Please our book leave your document thee. Dominaona has been here, Boniventure,(inaudible) John were. Tulia.

John Were: My names are as follows, John Were Mkanwa,(inaudible) I would also like to speak in English as well as in Kiswahili.

- 1) I am Ex-community and I am Ex-government officer. Uganda can receive their cash money for the world bank. Tanzania have received their money, but Kenya have not received their money, where I am also included. When I come to Kenya government,

Com. Prof. Okoth Ogendo: Excuse me lets here him in silence. Endelea.

- 1) When I come to Kenya, I am a golden handshake retiree, one of my friends have received their National Security Fund.

Com. Prof. Okoth Ogendo: What do you want the Constitution to do for you?

The Constitution I need to help those who have gone for early golden handshake and they have not reached the age of duty

years, some of us have retired when we are 40 years and we are still having ten years to go to reach the age of 50 whereby I have a family, I want to educate my children, they are suffering, I can be sitting with you here right now, I don't have money to educate my children.

Com. Prof. Okoth Ogendo: Thank you very much. Anything else,

When I end up my point I would request the government that as I have been invited by the ministry and the two candidates have received their money, the government also serve us for our money so that I can be paid. Thank you.

Com. Prof. Okoth Ogendo: Thank you very much John please register in our book. Christine Makhulu. Christine please take your seat. Endelea mama, jina kwa microphone kwanza.

Christine Makhulu: Asante sana kwa watu ambao wamekuja kusikiza maoni yetu. Jina ninaitwa Christina Makhulu. Mimi ninatoka Siginga sublocation. Mimi ninataka kuongea kwa bari ya watu ambao wananunua mashamba na wale wauzaji. Hawa watu wanasababisha. Mtu anaweza kuja kwako anataka kuuza ploti yake, ukubaliane naye, uende huende huko busia utoe search, uone kweli shamba ni lake, umlipe pesa, mwende kwa board wa kupitisha, muende busia kwa subdivision wa kupitisha jina lake liondolewe lako liwekwe. Urudi nyumbani, baada ya miezi mbili, tena utaona mambo imebadilika. Utaona ni watu wengine wanaanza kujenga kwa hilo shamba, na kama unaruki kwa land uwaulize ni nini ilitendekeka. Mimi nilisikizana ma huyu mtu nikakuja hapa wakabadilisha, likaenda subdivision, likapata namba, na sasa tena nimeona watu wengine wanajenga, ni maneno gani, hawa watu watakuambia enda after Abudalani, ukifika Abudalani watasema wewe mama enda Busia. Utatembea hiyo njia mpaka pesa ikwishe, uwange sasa ukienda hauna pesa, utatembea na miguu kutoka port mpaka Busia, ukichoka unalala msituni, mpaka tena ufike hapa. Sasa tunapata shida na watu wa land, watu wa land wanatusumbua na wanunuzi, sasa kwa hivyo nilo neno liwekwe katika Katiba yetu mpya, ambayo mtu tajiri ambaye anaweza kuona masikini ananunua kitu yake, anakuja na pesa nyingi ili kusababisha huyo mwenye shamba iliateuke moyo wake na amuuzie.

Com. Prof. Okoth Ogendo: Asante sana mama, lingine.

Christine Makhulu: Inginge mimi ninasema kwa upande wa elimu ya watu wazima. Elimu ya watu wazima inachangia maendeleo katika tarafa yetu hii. Kwa hivyo tulikuwa tunataka mtie mkazo kwa elimu ya watu wazima maana pasipokujua neno la kusoma huwezi kuendelea na njia yoyote, hata ukifanya biashara uwezi kufaulu. Na mtutilie maanani ikiwa mtu atapatikana hata ajui kuandika jina lake na ajui kupiga hesabu ya vitu vyake, huyo mtu wamchukulie hatua. Maana atakuwa anachangia umasikini katika tarafa yake.

Com. Prof. Okoth Ogendo: Asante sana mama. Weka kidole kule mama. Edward Were Mbavu. Patrick Leo, Catherine Awere, Stephen Nawiri, are you Patrick or are you Stephen, Stephen please take your seat.

Stephen Nawiri: My names are Stephen Sombi Nawiri. I come from Isenye sublocation. I am here to represent a FORD Kenya, sublocation body.

- 1) Our Constitution should retract under the African traditional acts. Eg. religious, heritage.
- 2) According to the many parties which are developed in Kenya, they are running what we call tribalism. So the law should be made to abolish the party to remain few, three or four.
- 3) During a campaign all the parties should be given the same hour and same money for campaign, because the ruling party is not willing to relieve the money for other parties.
 - a. We need that if we got in the polling station it is where we count our votes and send to the presiding officers in the division not to go and stay at the counting poll for several days waiting.

Com. Prof. Okoth Ogendo: Please summarize, summarize very quickly.

Stephen Nawiri: Point number

- b. We want the coalition government as the party to get also affairs. The structure and system, we want the government federation system, government in which the executive legislative authority is split between central

government.

- c. Executive; the President should have a qualification of a minimum of graduation.

Com. Prof. Okoth Ogendo: Please say your last point.

Stephen Nawiri: My last point is on Judiciary. It should be appointed by the member of parliament not the President and land and properties rights; Kenya had made adjudication of land, so it led personal individually. The power of land is to man all the sorts of woman or daughters unless if man or son are all bind in the family concerned.

Com. Prof. Okoth Ogendo: Thank you very much Bwana Nawiri. Please register in our book. Benedictor Abuogo.

Nixon Abuogo: Ile jina ingine ninaitwa Nixon Abuogo. Mimi nitaongea upande wa maji yetu ya bahari, kwa kuwa nilifanya kazi huko, kama mwendeshaji boat. Kwa hivyo mpaka hapa kutoka hapa sisi na Uganda, kutoka hapa sisi na Tanzania, kutoka hapo Tanzania na Uganda. Tumelewa hivo mapaka sasa. Nilionja mwaka hamsini na moja, mwezi wa nane tarehe kumi na sita. Sasa tulikuwa tunataka change ya kuenda Kisumu, tulikuwa tunakata huko race ya(inaudible) halafu tukifika hapa Lolwe, unaweza kupita Lolwe kidogo kama kilometer saba tu. Jiwe lingine liko linaitwa msangwa, hapo ndio kuko mpaka wetu na Uganda, sasa bendera zetu tunaziteremsha. Kulikuwa na bendera, ya Uganda na ya Kenya, zile za bunduki, na ile Mjek ndio ilikuwa bado inafanya. Kwa hivyo ile Mjek tulikuwa tumewachwa na za Uganda zinateremshwa. Ikisha teremka, sasa tutaenda mpaka Kisumu, na tukitoka huko tena tukifika hapo yetu sasa itateremka ya Kenya inateremka tunaleta ya Uganda. Kwa hivyo tunajua paka akitoka hapo ndio hilo tutaambua, mpaka kupita hapa sio port hapa ndio kuna mpaka yetu na sasa hii maji tunaangalia hapa, ikipita hapa kifua inaonekana hapo nyuma hapo. Reli ilikuwa inabaki hapo malaika yake, inateremka railway na inateremka majani. Ukipita hapa kidogo ndio tunapita kwa mpaka. Kwa hivyo watoto wa jama wetu nao kama President wetu na jirani, anaanza kutuonyesha, Kenyans are Kenyans, wakikataa watapeleka na engine yenyewe, kwa hivyo hapo serikali iangalie sana tungetoa talaba ya aina hiyo. Kwa kuwa serikali ya Kenya sasa ingekuwa inafanya kuwa inataja kama.....(inaudible) kwa hivyo serikali iangalie jambo letu ituokoe.

Neno la pili ninataka kuongezea, ni upande wa wanawake na vijana wetu na wasichana wetu na pia serikali iwaangalie, kwa kuwa hawa wanaanza kusozana kwa nyumba yao. Hawaishi vizuri, na wakipigana je, mwanamke atakuja kukimbia kufika hapa Kilifi, anasema mume wangu alikuwa anataka kuniua na anaondoka na kufika anachukua watoto anawapeleka ana wafungia huko. Anawaha mwanamke kule. Saa za kurudi, yule mtoto mkienda kumtoa, atapata nyumba kama iko bure vitu vinachukuliwa vyote. Kwa hivyo jambo hilo pia jamaa ituokoe. Yangu ni hiyo tu.

Com. Prof. Wanjiku: Asante sana. Anayefuata ni Paul Nyabola, kama Paul hayuko, Albert Okumu. Antony Ogot, Karibu. Tafadhali kuna kelele nyingi sana hasaa hapa katikati tafadhalini patieni wenye wanapatiana maoni yao muda waongee. Karibu.

Antony Ogot:(inaudible) Jina langu ni Antony Ogot. Mimi nitakuwa na point moja ambayo itakuwa na a) na b) na hii ina concern land. Ukikuja kwa(inaudible) group sitaongea mambo mengi, kwa vile wenzangu walioanza waliongea juu yake sana. Lakini yangu haitakuwa mengi vile nimesema kwamba ninajambo la kusema hapa. Tuliomba Commission hii kwamba uuzaji wa shamba, vile mlipata kusikia wananchi wengi wakilia, mimi mwenyewe ni mmoja wa wale wanaitwa wa land district tribunal planning.

Pili, kuna mengi ambayo yanahusika mambo ya mashamba. Ninaomba au nina-suggest ya kwamba mtu akitaka kunua shamba, kwa vile ya migogoro mingi sana. Kile kitu kinaitwa selling permits, mimi nina-suggest kwamba introduction, selling permit iwepo kwa kila tarafa. Record iweko katika tarafa, ili, shamba moja isipatwe kuuzwa mawazo zaidi. Hii itawezakufanyika kwa njia namna hii, register ifunguliwe, mtu akitaka kuuza shamba, aende aandikishe jina lake, aandikishe namba ya kipande cha shamba lake, halafu ndio aend wasikizane na yule ambaye anataka kumuuzia, hii ikisaidia yule mtu wa pili ambao atataka auziwe shamba lile lile. Kwa sababu land control board ni moja katika taarafa, na kazi mtu wa pili atakwenda register hii itapata kuonyesha kwamba hili shamba lilishauzwa, sasa haliwezi kuuzwa mara ingine kabla mtu wa mbele ajapata ku-surrender hili shamba. Hilo ndilo ombi langu, kwamba selling permit iwe introduced katika all divisions katika republic. Ili mambo ya kurudia kunua shamba moja na zaidi ya mtu mmoja isifanyike. Nafikiri hili ndilo nilikuwa ninataka kuongeza kwa wale ambao wameongea mbele, kwamba kuna shida ndani ya mambo ya mashamba, na hata hapo mbeleni tulipokuwa na ile Commission ya land kule Busia, hilo mambo niliongea an nilipeana hata memorandum yake na nilipata majibu.

Pointi ya pili ambayo pia tena inaleta shida kwa mambo ya shamba, ni shamba la family limekuwa registered kwa watu wa family moja, ningependa ifanywe hivi, mashamba yale ya family ambayo yamekuwa registered kwa zaidi ya mtu mmoja, katika hawa watu mtu asiuze shamba kabla hawajafanya subdivision. Mtu mwenyekutaka kuuza, yule member of the family, peace ile yake kwanza aende apate ile permit, afanye subdivision, auze. Lakini wengi wanauza kabla hawajafanya subdivision. Na hii ndio imaleta migogoro mmesikia, hata mumemsikia mama mmoja akinungunika hapa. Na ni hiyo migogoro kwamba, shamba linauzwa mbele ya kufanya sub division.

Com. Prof. Wanjiku: Malizia mzee, umemaliza, tafadhali maliza nimekupatia dakika moja.

Antony Ogot: Asante sana. Basi ninafikiri dakika moja ni kidogo sana, inaonekana Commissioner inakwisha vile unavyoongea hivyo, lakini point ni hiyo kwamba shamba ipate permit, subdivision ifanywe mbele ya mtu mwingine wa peace au mtu yule yule member wa family anataka kuuza peace yake, asante sana. Na hii ilikuwa oral.

Com. Prof. Wanjiku: Jiandikishe asante sana tunashukuru kwa hayo maneno. Denis Magio, Antony Nakendo, Joaki Mugabe, Antony Wandera, karibu.

Antony Wandera: Kwa majina ninaitwa Antony Wandera. Nina haya ya kupendekeza mbele yenu. Kwanza, Rais awe chini ya sheria. Sheria iwe juu ya Rais. Pili, vyama vya kisiasa, both political parties should be effected to electronic media during

Com. Prof. Wanjiku: Tumia microphone.

Antony Wandera: All political parties should be accessed to electoral media during election times. Tatu, the election cake should be distributed equitably to all constituencies of the state. Nne, pombe or traditional lickers like morija, changaa lazima ihalalishwe ili wananchi wasisumbuliwe na askari. Na mwisho kabisa, wavuvi wawe na sauti juu ya samaki yao ambayo

wamevua na wasinyanyaswe na wafanyi biashara walaghai. Hapo ni kusema kwamba, bei iwe mzuri, yaani serikali ingalie na itetee magomvi katika hali ya bei. Asanteni.

Com. Prof. Wanjiku: Asante sana Antony. Leo Mukundi.

Leo Mukundi: I am happy to have been given this chance to talk about this Commission. My points are these. Kenya railways should be left to exist. By that I mean that railway is being pressed and is dying away. Which has been a very good place where it has been people to get their earnings. I consider this if Commissioner allows, those big tractors should not compete with railways. Where railway can serve, those should not be there. For instance, a place like Nairobi to Kampala, Nairobi to Kisumu, Nairobi to Nakuru, those tractors should not be allowed to serve that place. Those big vehicles like tractors should be sold to railways, to enable railways to work properly.

About Liguru; Liguru should be allowed to get salaries. Their work is very good and everybody has seen it. So there is no reason why they should be working without getting salaries. Salary Commissions should be there to consider all salaries for all people in Kenya. People like MPs, ministers should rise their salaries themselves, that Commission should consider.

Education; primary education should be free to all Kenyans. Secondary education fee should be lowered so that all Kenyans are given opportunities to educate their children. University should be free as it has been before.

Com. Prof. Wanjiku: Last point.

Leo Mukundi: Benefits for a person who has died should be given as it has been, but daughters who are not married should not be allowed to share and also land. Land should not be allowed to female who have been married. Those whom they consider that they will never be married, should be considered to be given land. And that is the end. Thank you.

Michael Were: I am Michael Were Donat, known as Chifu wa chifu. Honorable Commissioner, I have got some points, think about the roads. Roads have not been done clearly, to other divisions especially Budalangi division. This has been blamed

several times by the old MPs that have been here. The promises have been very much given to them as far as the people at large. This is one of the miserable thing that the government is not running it's work properly to other sections, and it depends in the way they do it whether it is through the permanent secretaries or the people, I blame that the Commission should do something about it.

Farming; we do have the land for farming, but funny enough we don't have tractors. Tractors are all made to other places like Transzoia, Central province and other provinces, but here we do have scrapes, they are farming, farmers who actually have land but they don't have a system to get the tractors down here. So getting a poor man who gets his food as well as able to get the crop that can make his school fees can be infact very hard, simply because of the farming using the arms that cannot infact produce enough food. Second to that we have got the swamp here, the swamp is all over Bunyala, and this farm infact is extending how we can get regional pitch we cannot know, because the Egyptians are using this water to farm their land, and this farm is just left here to infact stabilize here while as if the water could be drained from this part, we could get use of the land. So the Commissioner please think about it. We never had this condition for our division to suffer but ht Kenyans do not infact have them so as to make us struggle and while other people are gaining out of it because they want them to leave better, we also want to live, why should we be left with the swamp here.

Employment; there is employment which is very funny in Kenya especially here. When we want to get at the central police, or the police, or military, our people are not taken, when you go to the district, they get the people from Budalangi, about 20, funny enough those people are not from Budalangi. They are employed from other districts, so we want this things to be done here, if they want to employ MPs, military, or police of Budalangi, let them get employed here, so they send from every six and then one or two to make twenty, but not to be sent or to be taken at the district, so that the district head get their people employed.

Com. Prof. Wanjiku: Finish the last point.

Michael Were: I am still going on, I will not be safe if I can't speak them all. Lake Victoria, we depend on fishing and so our

water, please Commissioner, our water is the one that is in Lake Victoria. Mt. Elgon and rivers that get water flow into Lake Victoria, is the water that those fish get free rest here. So when we go for fishing, we are restricted of doing frying fish or fresh fish here. So I want East Africa Community to think on something about it. We cannot get our water being used by other people and get confiscated and arbitrary leave the water, because of our own water. Let the Commissioner think about it and the Kenyan government have another press that Ukambani to be diverted into water so that we can fish there. Please this is serious.

Increase in MPs salaries; MPs are always increasing salaries, why don't they only consider the Councillors as well. We want this to be done at the same time. Whether it is MP salary Councillors don't(inaudible). Because for the people who voted for them why to be left behind. I think that should be taken into consideration.

Another point I have is corruption. Those doing corruptions are big people, they are not small people. They buy shambas, infact they keep money abroad. What comes last is that in reducrement becomes second, our people are not considered so they want payments pended and that should be done that this people are also given time to return the money after the court has(inaudible) them.

The next one is AIDs

Com. Prof. Wanjiku: Una memorandum unastahili ku-give out. Finish up.

Michael Were: I never heard you madam I will talk about the last one, aids, we have got more poor people down here, not aids, aids that come to make the poor, we also have the poor peple around here. So we wanted the distribution of the aids and the property to be sent to every division, so that everyone that hears about it only thinks about his class that is to be helped. Thank you.

Com. Prof. Wanjiku: Now the next one is Wangala Justus, jiandikishe chini, tafadhali ukipewa muda jaribu kutumia ule muda

uliopatiwa ili mwenzako pia apate nafasi ya kutupatia maoni. Unaweza kuchukua hata dakika kumi lakini at the end of the day unaona pia muda nao umeenda sana. Tumeelewana sasa. Ukipatiwa dakika tatu, tumia hizo dakika tatu utupatie maoni yako.

Justus Wangala: Nashukuru Commission yetu ya leo. Kwa majina ni Wangala Justus kutoka Birena sublocation, Maduai village. Mimi nina maoni machache tu ambao nitawachangia. Ya kwanza, upande wa ofisi za uma. Hizi ofisi ziko centralized especially Nairobi. kama Kenya ni nchi ambayo inataka kila sehemu ikue lazima maoni yangu ninaomba ya kwamba, hizi ofisi lazima zitupe tupe kwa kila town. Ili kwamba, at least kila town ipate kunufaika together maana hapa Kenya ukienda sehemu zingine unapata town, hata hoteli sana sana watu watalii wakija Kenya, ni aibu kuwapeleka sehemu kama hizo.

Pili, upande wa preamble ya Katiba yetu ya Kenya. Naomba kama ingalikuwa vizuri ili katika preamble hii ndio inabeba vitu kama education na upande wa mashamba, matibabu na upande wa Wajir. Maana lazima serikali ikae chini ipige hesabu yote ni vipi wananchi wake watakavyo elimishwa, watakavyo andikwa kazi, watakavyopata matibabu, kwa hivyo preamble ndiposa Katiba ipate kunufaisha mwananchi wa kawaida, lazima preamble iangaliwe sana. Kwa hivyo maoni yangu ninaomba, Tume ikae chini iangalie preamble vile mwongozo, penye inatoka na penye inakwenda.

Tatu, ni upande wa chiefs na assistant chiefs, maoni yangu ni kwamba hawa watu tafadhali wapigiwe kura na mwananchi wa kawaida. Kwa sababu unapata kwamba wakati wanaitisha ile inaitwa interview wanaenda watu wengi, lakini unapata kwamba wale ambao wako qualified kwa hiyo kazi, tena utapata hawa wanasisa wetu wengine wameenda pande ingine. Unapata kwamba matokeo ni(inaudible). Kwa hivyo huyu mtu anaongoza wananchi vile atakavyo, kwa hivyo ikiwa atapigiwa kura, lazima atatungoza sisi wananchi wa kawaida na heshima.

Nikimalizia ni upande wa NSSF. Utaona kwamba wakati mtu anaandikwa kazi, mshahara wake anapokea, lakini wakati huyu mtu pengine ki afya atakatizwa utaona ya kwamba huyu mtu atadaishwa mpaka afikishe miaka hamsini na tano. Kwa hivyo tungeomba moni yangu ni kwamba huyu mtu sio kutaka kwake aache kazi lakini kiasi ya pengine inamlazimisha aache kazi. Kwa hivyo huyu mtu naona tafadhali apewe mshahara wake ama malipisho yake wakati unaofaa, kwa maana anaweza kufa kabla ajapata mshahara wake.

Com. Prof. Wanjiku: Asante sana Wangala. Tafadhali jiandikishe.

Justus Wangala: Nikimalizia sana sana ni upande wa security, unapata kwamba hapa Kenya, kwa kweli tuko na corruption mingi, kuna madaidi mengi yameingia lakini unapata kama jeshi letu halifanyi kazi. Unaona kwamba linaenda huko nje linakombolewa wanaenda by the (inaudible) wanawezaje ku keep peace outside their country, while nchi yao wenyewe iko na corruption. Kwa hivyo maoni yangu ni kwamba hawa watu, ikiwa wataenda nje kuweka amani, basi wawe wakilipwa malipo yao yawe yakija hapa nchini. Asante sana.

Com. Prof. Wanjiku: Asante sana Wangala. Jiandikishe. John Odipo, atafuatiwa na Emmanuel Okochi, jitayarishe.

John Odipo: Kwa majina ninaitwa John Odipo. Yangu ni machache, kwanza kitu cha kwanza, ningeonelea ya kwamba mtu yeyote ambaye ni mwananchi wa Kenya na amefikisha miaka kumi na nane anastahili kulipwa mshahara, awe akifanya kazi ama afanyi kazi kwa sababu kuna watu wengine wanalipwa mshahara wa juu sana, na huo mshahara ukipunguzwa na ikawe wananchi ambao hawafanyi kazi inaweza kufaa. Ili at least at the end of the month, one in this country can earn.

TAPE FIVE

Two, powers ambazo tumepea wanawake zimeanza kuwa shida sana, na tusipopunguza, itabidi tuwe na a lot of divorce, ama sivyo, prostitution itakuwa juu sana. Kwa sababu, mwanamke anawacha bwana kwa sababu ako na powers, prostitution, kwa sababu amepewa powers, na pia wanatembea almost a half naked, because, siku hizi wamepewa powers.

Halafu, hii maneno ya maji tumeongea hapa, mimi naonelea hivi, kama Uganda imekataa kutukubalia kufanya uvuvi, basi, tutatumia nguvu. Serikali yetu iko hapa, na watu ambao wanaweza kufanya, wanatuwekea hapa security, tunatwanga hao, na tunafanya kazi yetu kwa maji sawa sawa. Hakuna haja kupembelezana na hao tena.

Mwisho, ni kwa maneno ya councillors. Councillors hawapati saa zingine mshahara kwa areas zenye wana-represent. Kwa hivyo, Local Government ingechukulia hatua, ishughulikie kulipa councillors mshahara. Hapana kuwachia hizo town councils na municipalities. Ni hiyo peke yake.

Com. Mrs. Yano: Asante sana. Odipo jiandikishe. Emanuel Okochi? Emanuel atafuatiwa na Wanyama Nicholas. Kama uko hapo, jitayarishe.

Emanuel Okochi: Asante sana. Jina ni Emanuel Okochi.

Upande wa korti. Korti iko mbali kutoka border ya kwenda kama Busia. Sisi tumeonelea kwamba, korti ziletwe kwa division, isadie wananchi. Na hapo kwa korti pia, watulipishe kidogo. Wanaweza kutembea kwenda korti, kama maili arobaini kwa mwaka mzima hau mbili na kesi haishi.

Hata kesi kutoka border, inajukua muda mrefu sana. Sheria iwe moja katika nchi yetu. Sio kujeleweza ma-kesi zingine, kwa sababu hao watu wako na (inaudible), watulipishe hapo, iwe sheria moja.

Jambo la pili ni upande wa mipaka – boundaries, ambaye imekatwa. Unaweza kwenda kwa ofisi hili waje kutengeneza mipaka kwa laini, hii inachukua muda mrefu sana. Utatembea maili arobaini, kama haujapata mtu wa kuja kutengeneza hiyo mipaka iwe kwa laini. Jambo moja inachukua muda mrefu, kwenda Busia na kurudi. Tafadhali, tusaidiwe hapo, kwa sababu boundaries zote ambazo zilipimwa na survey, zimeharibiwa zote. Unapata ile makonge imetolewa yote. Sasa huwezi kujua kwenye kuna boundary. Ukienda kupiga report, na yule pia anaenda, kisha inakuwa maneno mengi, kuwa, wakija, wanaelezea mtu mmoja. Tena kupima hii boundaries, wanaanzia ile sehemu ambayo sheria hairuhusu. Wanaanza kwa ile sehemu ambayo hawatafikani kuanzia bali inatakiwa waanzie (inaudible) ya tatu, moja, mbili, tatu, na wanaanzia sasa hii yako. Wanavunja ile Sheria waliweka.

(Interjection) Com. Yano: Point ingine? Sema jambo lingine.

Emanuel Okochi: Upande wa samaki, mimi nitasema, wizi ni nyingi hapa kwetu, na sisi, biashara yetu kubwa ni samaki. Na pia watu wanaiba nyavu. Sheria ipitishwe, wafungwe mwaka moja moja na nusu, na viboko vitatu. Na (inaudible) pia wafunge mwaka moja na nusu ndio watu watapata akili. Bila samaki hapa, hatuna njia ingine. Sisi tegemeleo letu ni samaki. Kukiwa na vikwazo, tutaendelea vizuri kulingana na Sheria.

(Interjection) Com. Yano: Umemaliza?

Emanuel Okochi: Niko na maneno mengi, lakini, ingine watu wamesema, nimemaliza hapo, lakini nitawaletea ile memorandum yetu ambayo tumetoa katika (inaudible) Beach.

Com. Yano: Okay, asante sana Bwana Emanuel. Tafadhali jilandikishe. Wanyama Nicholas? Kama Wanyama hayuko, Japhet Olumbe?

Nicholas Wanyama: Kwa majina naitwa Wanyama Nicholas. Mimi nina machache tu. Kwanza ningependa kuguzia upande wa NSSF, vile mwenzangu amesema hapa. Nami naongezea hivi. Malipo ama benefits za NSSF, mtu akiwacha kazi, anaweza kuwacha even at 40 years, vile anavyotaka mwenyewe.

(Interjection) Com. Yano: Tafadhalini tulieni. Hapo nyuma munapiga kelele sana. Nyamazeni musikize huyu anayepatiana maoni yake.

Nicholas Wanyama: Kwa hivyo, ninasema hivi, upande wa NSSF, mtu akishawacha kazi, hata awe na 30 years, 40 years, apewe pesa zake promptly. Kwa sababu, mtu akipewa pesa, na amekaa nyumbani, anaweza kufanyia biashara zake kama bado yuko very active. Kuliko, kupoteza mtu, na amewacha kazi, hataki kazi pengine mwenyewe, halafu mnafikisha miaka amsini, amsini-na-tano, hapo, huyu mtu pengine hata akifanya biashara, pengine hawezi kuwa productive.

Jambo lingine ambalo ningependa kuguzia pia, ni upande wa land. Kwa kweli, tumewekewa land board, tumewekewa katika constituency mambo ya tribunal court. Mimi ningependa kusema hivi, kwa sababu hapa ndio kuna corruption kubwa, tribunal court na land board, hii vitu, watu ambao wanafanya hapo, wapewe mshahara na Serikali, kwa sababu wamenyanyaza raia sana. Mtu hajiwezi, unapata anaitishwa elfu nne, tatu, na tribunal court, huyo mtu atapata wapi hizo pesa. Kwa hivyo, hapo ninasema, tribunal court na mambo ya land board, watu wawekwe pale na walipwe pesa na Serikali. Na mtu akiitisha pesa kutoka kwa raia yeyote, kwa sababu ya sitting allowance zake, hao watu wafungwe.

Kuna watu wamezoea vibaya. Unapata tajiri hau mtu maskini amenunua shamba. Mwingine wa pili, anakuja kununua shamba. Sasa unapata kati ya tajiri, the second buyer, na yule aliyeuza hilo shamba, unapata kuwa, huyo mtu, mtu mwingine wa kwanza, anapokonywa shamba. Kwa hivyo, ningependa kusema hivi, huyu mwenye kuuza shamba mara ya pili, achukuliwe hatua kali. Afungwe kabisa.

(Interjection) Com. Yano: La mwisho?

Nicholas Wanyama: La mwisho, ningependa kusema upande wa qualifications za watu ambao wanapigania viti vya ki-siasa. Ningependa kusema, President awe university graduate, MP awe 'O' and above, na Councillor awe K.C.P.E. level and above, lakini, wategeme, hao watu wawili, MP na Councillor, credits zao ziwe high kabisa. Hapo ndio ningependa kuguzia, na hi hayo tu.

Com. Yano: Asante sana Wanyama. Japhet Olumbe? Halafu Japhet utafuatiwa na Daniel Kibale. Kibale kama uko hapo, karibia mbele.

Japhet Olumbe: Asante sana. Kwa majina naitwa Japhet Ibrahim Olumbe. Natoka Bukani, na niko na haya machache ya kuchangia katika orodha hii.

Ya kwanza, ningependelea mimi kwa maoni yangu, mwanamke yeyote mwenye anapewa cheo katika Serikali, kama Waziri, au

mkuu wa wilaya, au mkuu wa mkoa, awe akiwa na bwana yake hivi karibu karibu asije akitumwa nchi ya nje, kama Waziri haende peke yake na Waziri wengine wa kiume wafanye (inaudible) kuchukua bibi ya mwenzake kuwa bibi yake, kama ile iliyokuwa katika nchi ya Uganda. Makamu wa Rais anakaa bwana yake kwa maana yeye ni Makamu wa Rais, atumie ile cheo yake. Ningependelea mtu kama huyu, akiwa Waziri, atembeee na bwana yake na heshima anayopewa kama mwanamke, apee hata bwana yake pia.

La pili, chiefs na manaibu wao, kila haina ya kiongozi, apewe kura kwa wananchi wake, wale ambao wanamjua na wale ambao wanamtambua kama kiongozi mzuri. Asiwe tu apitia katika (inaudible) au mlango wa nyuma.

La tatu, katika kila tarafa ama constituency, tuwe na viwanda ambapo sasa mtoto akitoka shule, ajue kuna kiwanda mahali pale, haende afanye pale kazi, lakini sio wanatoka hapa, ndio anatoka akienda Nairobi kutafuta kazi, huku anaenda kufanya ujinga na ukaaba.

La nne, mtoto msichana yeyote anatakikana avae ile nguo inayomfaa. Isiwe trouser na ile mini-skirt ambapo akipatikana na wale vijana ambao wamekunywa pombe jioni, kijana amekuwa confused kwake, wamekubaliana kidogo, wakianza vita kidogo, kisha anamu-rape. Na kijana anafungwa miaka mingi na msichana ndiye alikuwa wa kwanza kupatikana na makosa ya kuvaa nguo ambayo haifai. Huyu msichana akipatikana na makosa kama hayo, apigwe risasi na hauwawe.

La mwisho, ni ya kwamba, mtu yeyote, nchi yetu, hasa ya Kenya, itetee mipaka zake. Isiwe nchi ingine inaingilia, na nchi imenyamaza. Itakuwa kitu kibaya sana, ningependelea ya kwamba, waweke sheria na askari wote wa Kenya, wawe katika mipaka zao, kulinda nchi ya Kenya na wananchi wa Kenya kwa jumla na mali zao zisinyakuliwe na nchi ya nje na tunaangalia (inaudible). Hayo tu ndio ninayo. Asanteni.

Com. Yano: Asante sana, tafadhali jandikishe. Daniel? Na nikikuita tafadhali, ni kujitayarisha, ili ukaribie uje hapa mbele usikapoteze muda. Karibu Daniel. Halafu Daniel atafuatiwa na Dennis Okongo, halafu Mary Wandera.

Daniel Kibale: Honourable Commissioner, Ladies and Gentlemen, my name is Daniel Kibale. Most of the views here I had collected, have been discussed, but I will also go through those ones that have not been discussed.

I will begin with Section 24 and 25 of the Kenya Constitution, whereby the President acting alone, yet, and abolishes any public office in the Republic of Kenya; dismisses anyone from the office. Every person who holds office in the service of the Republic of Kenya shall hold that office during the pleasure of the President. He does not have to consult Parliament or anyone. Part, he does not even consult the proposed appointee or inform the victims in advance.

Here, are the powers bestowed on him, they are too many, I need not to mention all of them. I will only mention maybe, a few like the appointments of parastatal chairmen, everything, they are so many, you know. I think that this section should be done away with, because it is a section that is making most Kenyans say that, the President is above the law.

On Constitutional Supremacy: I want to talk about the formation of whatever we are doing now. I feel that, the Constitution should be the most supreme object in the governance of the country. This should be discussed, a thorough revise and agreed procedure of amending it.

Parliament should appoint a representative number of Commissioners to supervise the process. The citizens also at grassroots level should be allowed to elect members at constituency level to form a national constituency assembly. Not just appointed by one person as in this case. By this I mean that, this Commission was wrongly appointed. We also needed to have been involved, we the people at the grassroots level. We were not involved, so we don't have representatives, we only the President's appointees listening to our views which is wrong.

Com. Prof. Okoth-Ogendo: Can I remind you that the Commissioners were nominated by Parliament duly representatives (inaudible).

Daniel Kibale: But we also ought to have elected some people to represent us. I will continue, there is one thing that I feel

should be, the organization of our government. I feel that for this government, to evade all these evils of society, we must have a federal system of government.

Federalism, is sometimes wrongly called tribalism, and I feel this is not right. I think that federalism is a system where, tribes or tribalism is organized in a manner that, we do not have tribalism at the national level, we should have tribalism maybe confined in this states, the states that will form the federal government.

For example, there is a bad culture, like the scramble and struggle for the Presidency in Kenya on tribal lines. This sometimes is due to the centralization of powers and tribal discrimination by the highest office. With all those overwhelming powers vested,...

(Interjection) Com. Yano: Your time is up. Kindly give us your last point. I can see you have a reasonable
(inaudible).

Daniel Kibale: Okay, let me go very quickly to another issue, because time is up. Let me go through three points, why I said federalism is the best government. Three and I finish up.

One is that, the State should be autonomous. The states that form the federal government should be autonomous. They should not be mere local authority under the federal government.

Two, they should seek and attract foreign investment directly into its territory and support industries, the many industries we have.

The State should also have its own Judiciary from the grassroot. These are the village tribunals, magistrates courts upto the High Court.

If I talk on defence and national security: I feel that, with federalism, the police can also be managed. This is for example, when we have the new Constitution, where we disband the centralization of the government. We shall have police being managed by States or local authorities, and in this case we won't have a police force that is tyranny to the masses.

Com. Yano: Thank you very much Kibale. Kindly give us your written memorandum. We assure that we are going to read it and (inaudible). Jeniffer? Jeniffer? Mary? Karibu. Halafu Mary atafuatiwa na Raphael Tambo Wanyama.

Mary Wagara: Kwa majina naitwa Mary Wagara (inaudible). Maoni yangu ni hivi, upande ya (inaudible). Tumeona hapa, Bunyala, hata Lake Victoria, Wahindi wamenunua boats, wamenunua (inaudible), wamenunua nyavu. Wenyewe wamevua samaki, wenyewe wamekuja na maghari, wenyewe wanachukua. Sisi saa hii hatuna biashara. Maoni yangu ni kwamba, ikiwa maghari, ikiwa kampuni wamejenga Budalangi Division uko juu, wavuvi wanavua samaki, wanapeleka uko Budalangi, wangepaidika. Nimeona upande wa Somalia, huwezi kwenda Somalia ukanunua mbuzi wa boma ya wa-Somalia.

Com. Yano: Pendekeza. Unataka nini ifanyike pale?

Mary Wagara: Ningetaka hawa Wahindi wajenge hiyo kampuni uko Budalangi. Wafanyi biashara, kama wamevua samaki, wachukue samaki, wausie uko Budalangi, ili watu wafaidike, kwa maana, zimeleta umaskini mwingi hapa Bunyala.

Upande wa korti. Ninaona corruption iko sana wa korti. Ma-files nyingi zinapotea, je, hizo files zinaenda wapi? Ikiwa Judge ako na nafasi, na kama yeye amesoma mpaka university, akaenda course ya miaka tatu akarudi, tufanye elections kwa ma-Judges, ili wa-appoint yeye awe Judge, advocates pia wafanye hivyo. Asanteni.

Com. Yano: Asante sana Mary. Hayo ni maoni mazuri. Raphael? Halafu Joseph Olwayo? Joseph yuko hapa?

Raphael Wanyama: Mimi nimekuja hapa kuongea mambo ambayo yanatusumbua hapa katika hii nchi yetu. Ile shida

ambayo ninaona ambayo ni shida sana hapa katika nchi yetu, iko Constitution ambayo tunatengeneza ku-guide wananchi. Na hayo wa-jamaa badala ya ku-guide wananchi kulingana na Constitution yenyewe, wametengeneza..... (inaudible). Kwa hivyo, kulingana na hayo maneno yote, mimi nitaguzia maneno tatu. (inaudible) ya zamani, ambayo tunasema sasa itakuwa kama Constitution ambayo ingetu-guide sisi, walisema ya kwamba, tuko na (inaudible) ambayo wananchi watafurahi baada ya kupata uhuru wao. Sasa, ile jambo iko, hawa watu walikuja ku-avoid, walisema ya kwamba kuwa kutakuwa na free education kwa wananchi, na itakuwa eradication of (inaudible), na ingekuwa watu watafurahi wakati kama shida inatokea hospitali. Siku hizi, ukiangalia education wale ambao wanasema ya kwamba itakuwa free education, watu wanalipa. Hiyo ni kuumiza wananchi.

Sasa hiyo, kulingana na Constitution, niko worried, hata tukitengeneza hii, hawa watu watakuja kupooza tu. Nimaomba, Commissioners, hao wa-jamaa muwalishe, wasiende tena ile vitu tunangana hapa kwa muda mrefu, na pesa za Serikali zinaenda kwa hiyo. Tena wana-frustrate the efforts.

Tumewacha kazi zetu kuja kufanya hii kazi, tukijua kwamba, we are trying to protect wananchi. Sio mambo ya kusema kwamba tunakuja hapa, baada ya kuongea hii maneno, halafu inakaa tu namna hiyo.

Haya, ukiangalia Serikali, burden yote ya Serikali imekuja kwetu. Burden yao imekuja kwetu, sasa ukienda hospitali, hakuna cha kusema ya kwamba, eti mtu ataenda atibiwe bure vile ilikuwa kwa Constitution. Saa hii, mwananchi, wewe mwenyewe ukikosa pesa, watu wako watakufa. Sasa Serikali si ina-ignore wananchi? Ndio tunataka hizi vitu zirekebishwe.

Upande wa elimu: upande wa elimu, mimi nimekasirika sana na Serikali yetu. Serikali yetu ina frustrate wananchi. Zamani, wakati nilikuwa mtoto nikisoma, tuliona kama zilikuwa ma-bonds. Bonds hizi, unapatiwa bond na Serikali, halafu unaenda college. Ukienda college, unasoma na baada ya hapo, wanakupatia kazi on that strength. Wakimaliza, unalipa hiyo bond ambayo walikupatia. Siku hizi hakuna hiyo. Sasa ordinary mwananchi ndiye anangana kusomesha wewe, baada ya kusomesha wewe, unakuja na kukaa nyumbani na wazazi wako, mpaka sasa inafika mahali unakosana na wazazi kwa ajili ya hiyo. Anakuambia nilikusomesha, na unakaa hapa na mimi. Sasa kama mzazi, utapata wapi kazi ya kupatia mtoto. Hii

maneno yote inaletwa na Serikali.

(Interjection) Com. Yano: Malizia tafadhali.

Raphael Wanyama: Na nikimalizia, mambo ingine ni, sisi tunaona shida sana in Busia District. Watu wakileta vitu kutoka nje kama ma-industries, factories, etc, ukijaribu kufanya focus, katika district yetu hii, ukiangalia, hakuna industry wala factory. Ukiangalia hata hapa, hakuna vitu hata kidogo tunapatiwa ya kutusaidia. Sasa tukizaa watoto, utaenda wapi? Ukienda huko, wanakuambia rudi kwenu. Ndio mambo walikuwa wanasema eti regional, na regions zikaenda wapi na ndio tutapata kitu gani ya kusaidia watoto wetu nayo?

Nikimalizia, nasema ya kwamba, nita-submit hii report yangu ambayo iko hapa kwa urefu, sitaisoma yote kwa sababu ni mrefu, na tunataka tutengeneze Constitution ambayo itasaidia wananchi, badala ya kuanza kujilahumu baadaye, kusudi ukirudi uko eti hakuna kitu. Nyinyi munapigwa bingo, mimi najua mutaambiwa wacha hii, wacha hii, mambo hiyo sisi hatutaki. Sisi tunaongea kama raia saa hii.

Com. Yano: Asante sana. Joseph Olwayo? Afuatiwe na Stephen Obunde.

Stephen Obunde: Thank you very much our Commissioners. My names are Stephen Obunde, and I am going to give proposals on behalf of two locations -- Bunyala East and Bunyala West.

Point one is economy: we noted (inaudible) that the economy has not performed well over the past ten years due to many factors, key of which are:-

- i. Bad governance
- ii. Mismanagement
- iii. Corruption

- iv. Wastage of national resources on non-formation of core functions or interests, etc.

This has subsequently branched the country into massive poverty. We request that our new Constitution should address this issue, whereby, a corrupt officer, charged with the responsibility of distributing or managing our resources, should clearly be removed from office so that we don't continue undergoing economic retardation. And this includes the President – the occupant of the Presidency. That means, the President should not be above the law.

Another area where has contributed to (inaudible) to the decline of our economy and lack of sustainable economic development of this country, is SAP – Structural Adjustment Programme. And I will particularly focus in the area of the banking sector. Our central function usually devolves on empress the SAPs, had a blind responsibility of controlling commercial banks and other banks, other economic institutions. But because of the SAPs, it no longer controls them.

Consequently, each commercial bank or banking institution has its own serving at interest charging rates. Rates are very high against a poor salary of our fellow Kenyans. So, they have made the Kenyans poorer, and at the end of the year, they declare.....

Com. Prof. Okoth-Ogendo:(inaudible)

Stephen Obunde: Their balance sheet.

Point two, about salary: we have also noted that the salaries of the Members of Parliament are very high currently. What we have also noted is that, other categories of workers, they are paid peanuts. So, there is decline in morale and productivity in the public sector and the state corporations. Even our well learned technocrats, wish to leave their areas of speciality, where they contribute most to the growth of the economy, to get into politics where they be well remunerated. We request that our new Constitution, looks at this issue seriously, so that each category of our workers in the public line, is well remunerated so that we all amply contribute to the growth of the Kenyan economy.

Point three, excessive powers in the Presidency: the Presidency has amassed so much power over the years through the past Constitution amendment, leading to a situation where there is no separation of powers between the organs of Government – that is the Executive, Judiciary and the Legislature.

Since the above institutions do not operate in (inaudible) unit, this interference can be executive. Our system of government has failed to serve Kenyans as required. We therefore recommend that the Executive should not exercise any control over any of the above instruments of government, and their related institutions for sound public governance.

Point four,

(Interjection) Com. Yano: Even I realize that you have a detailed memorandum. If you could just search for those points you really want us to take right now.

Stephen Obunde: Okay, I will come to the (inaudible) of the MPs and Councillors. Our recommendation is that, we need educational standards for a Member of Parliament should be a university degree, so that we may have a person who is well educationally proved to understand, to give proper representation.

We also feel the same should apply for the President, because, it is from the seating Members of Parliament that we may draw one of them to become the President of this country.

(Interjection) Com. Yano: Give us another point.

Stephen Obunde: The other point is on local land dispute tribunals. Division of land, tribunal court was appointed by the sub-DDC under the chairman of the local DOs in 1994, following a Presidential decree. The tenure of office was supposed to be three years, but since the appointment, any other appointment has not taken place since then. So, members of this board

have over-stayed in their offices, and generally, their performance is wanting, as we see they are corrupt, and usually give verdict in favour of the party that corrupts higher.

Land title deeds: land officers issuing title deeds are located at the district headquarters. District headquarters are generally very far, away from members of the public. And since many of them are poor, they find a problem of going to pursue title deeds at the district. We request that, the officers should be decentralized to the divisional level to reduce expenses.

(Interjection) Com. Yano: Thank you very much. Kindly register yourself. We are going to read your memorandum. Thank you very much.

Stephen Obunde: Thank you very much. I will submit the rest so that you will be able to read later.

Com. Yano: Asante. Kibocha Job? Job Kibocha? David Odero? David atafuatiwa na Sebastian Ochieng.

David Odero: My names aer David M. Odero, I had presented a memo kwa DDO.

First, we thought each that, on the side of education, we request the Constitutional Review, actually to make sure that education for all school-going children must be free and compulsory. Must be free and compulsory as concerning what the President had allowed sometimes back, upto Standard Eight.

That, there should be free medication for all Kenyan citizens, as was the case before. Because for now, hospital fees, there is cost-sharing we don't see any diversity at all.

On the side of land and property rights, we thought of it that, land is made for individuals. That the individuals should have ultimate ownership of the land. The President has the powers to compulsory acquire private land for any (inaudible). As for the case of DDCs to take any land which was not surveyed by anybody. (inaudible) for the construction of

constituency (inaudible).

Concerning the transfer and inheritance of land rights. We thought of it that, there should be, I mean the community to be addressed in the Constitution, that no much money should be spent or used by the land officers from the land owners who want to transfer their land to either their children, relatives, kinsmen, as is the case, to allow them. Because this shows that the Government is snatching fees, (inaudible) of their land indirectly.

We thought of it that the Constitution should also put into consideration, that when land was entitled for (inaudible) people, for example, right people who surveyed it, when one of them passes away or dies, and the remaining folks, be shared that land equally, there should be little money paid for the taxation of the deceased in court. Say for Kshs.500/- or less, and not as is the case now. I think, I can leave with only those ones, the rest you can read them thereafter. Thank you.

Com. Yano: Thank you very much Odero. Sebastian? Followed by Wangila James, James Wangila?

Sebastian Ochieng: Thank you Honourable Commissioners for the opportunity. I am Sebastian Kiindo Ochieng. These are proposals or views concerning the minimum (inaudible).

One, due to the present technology, especially on the (inaudible). We need people who are educated on how to (inaudible). On that note, I therefore propose, the education of MPs be..... (inaudible) and above, a councillor should be a K.C.S.E. 'C' and above.

Two, local brew should be a financial strain the government is experiencing, I propose to legalise local brew as one source of the income for the government. It should be legalized and before consumption of any brew, it should be treated in the government laboratories and recommended for the consumption to avoid among other incidents, the 'kumi kumi' incident.

Three, creation of (inaudible), I feel it is unnecessary (inaudible) our economical stability. Such posts, if

at all in future should be created, should be done in Parliament, but currently, we would expect the President to set the money for (inaudible).

Four, traditional (inaudible) to be abolished to avoid among other (inaudible).

Five, government officers including the President, who does not (inaudible), should resign.

Six, government officers including the President, involved in corruption should resign, prosecuted and pay money back to our Government.

Seven, primary education should be free and funded by the Government through (inaudible) account. Auditing on that note, should be done yearly to enable the good transaction of the board of governors, among others.

Eight, medical: cost-sharing in medical institutions should be abolished to give both (inaudible) Kenyans who are poor.

Now, child abuse: concerning (inaudible) education (inaudible) amongst others, the (inaudible) should be constituted and (inaudible).

Ten, the Vice President should be elected and the appointment of Ministers should be approved by the Parliament and should be based on academic qualifications.

(Interjection) Com. Yano: (inaudible).

Sebastian Ochieng: Thank you. Elections: in our Constitution, everybody should be allowed to contest on a (inaudible).

Nominated Members of Parliament: nominated Members of Parliament be nominated based on gender.

Two, a nominated member should not be appointed Assistant Minister or a Minister, but a member of any Parliamentary committee.

Administration chiefs post to be abolished. Sub-chiefs to be elected. The headsmen, the “rugurus” to be paid by the Government and also elected.

Parliament for the Mayors should be also put in force. This one, the Mayors to be elected as Speakers and Deputy Speakers, and this one will solve a lot of problems in the Local Government.

The Minister for Local Government to be always presiding over the opening and closing. And that Parliament, I propose to be in Kisumu City, being the second city in the country.

Retirement age to be reduced to 45 years, and at 50 years, compulsory to give way for the useful employment. Thank you very much.

Com. Yano: Thank you very much Ochieng. James Wangila. Wasike Collins?

Nawashukuru wote ma-Commissioner, kwa kunipa nafasi hii. Kwa majina naitwa James Wangila. Na haya ndio machache ambayo nimekuwa nayo.

Wananchi waulizwe kupitia kwa Wabunge wao, kabla ya sehemu yeyote ya Katiba hijabadilishwa.

Katiba isiruhusu uraia wa nchi mbili.

Vyama vya ki-siasa viwe vitatu au vine. Vyama vya ki-siasa vigaramiwe na fedha za umma wakati wa uchaguzi.

Watumishi wa ofisi za umma wasijiusishe na vyama vya ki-siasa.

Mbunge asiwe amepatikana na hatia mahakamani, na kadha wa kadha.

Wanawake wachaguliwe kulingana na umaarufu wa mtu binafsi.

Mbunge anapohama chama kimoja kwenda kingine, kura iitishwe sehemu anapotoka.

Katiba iruhusu Serikali ya mseto.

Rais awe ameelimika kufikia kidato cha nne, yaani Form Four na zaidi.

Rais awe mwenye afya nzuri.

Vipindi vya Rais viwe viwili vya miaka mitano kila kimoja.

Mamlaka ya Rais kuwa juu ya sheria uondolewe mara moja.

Rais haondolewe mamlakani kupitia kwa kura ya kutokuwa na imani, ikiwa atapatikana na makosa ya ufisadi, kinyume cha kazi yake ya kusini, mgonjwa, na kama ni ya kushtakiwa, apelekwe mahakamani.

Rais awe Mbunge.

(Interjection) Com. Yano: La mwisho?

James Wangila: Mtumishi yoyote wa umma, kama PS, PC, ma-Balozi na wengine kadha wa kadha kama ma-DC kuendelea mbele, asipelekwe uhamisho kwingineko baada ya kufanya makosa mahali alipokuwa.

Hazina ya uzeeni, yaani NSSF, ifanyiwe marekebisho, ili, anayeacha kazi alipwe hazina zake hapo na hapo. Ni hayo tu machache niliyokuwa nayo. Asanteni.

Com. Yano: Asante sana. Samson Amukuru?

Samson Amukuru: My names are Samson Amukuru. *(end of sideA)*

.....to give easier work to the communities around to carry out their activities e.g. beach projects. Currently, owners are too stubborn.

Point two is under pension: pension to everybody with 55 years and above to sustain their lives as many are poor.

Electoral Commission: the Electoral Commission should be independent. The President not to appoint anybody. Let that work be done by the Parliament.

Government money: sneaking away with the Government money to other banks outside Kenya should be abolished by requesting the Government in which one has gone to, to release him or (inaudible), to a sentence of three years jail plus releasing back of that money. Thank you very much.

Com. Yano: Thank you. (inaudible), karibu. Halafu atafuatiwa na (inaudible).

John: My names are John (inaudible). I have my opinions, recommendations and views to give to the Commission of Kenya (inaudible).

During colonial rule, East Africa boundaries were divided as follows:

In Uganda: Uganda ruled from 1886 at Berlin Conference was passed, Nile West Nile, Buganda, Songa, Samia, (inaudible), Busia, Eldoret, Naivasha, remained Buganda Dembe under Kabaka Mwanzo.

Kenya: 1890 Brazil's Conference, divided as follows:- from Naivasha, Eldoret, Nyanza, Western, across River Shio to Jinja via Busia, Uganda, Busoga, Buganda part of it.

1814 and 1819, 1818 – that was the First World War, British ruled Uganda as a protectorate. Kenya became colony, Germany ruled Tanganyika as mandate.

1944, our ancestors of Kenya who were living on the Island of Sigulu, Hama, Oyasi, Reemba, Ringiti, and some other Islands, immigrated from the Islands because of sickness called “hatherwa” in our language Lunyala, English was “sleeping sickness”.

1920, Kenya, was Kenya Colony. So, Rusinga Island was also involved and Makera and Banane, those remained in Kenya.

From 1944 – 1956, the year, Sigulu was invaded. The Baganda hijacked from Kenya part like, “Gohoba, Mokeri, Sigulu, Manga Islands” above. The final decision of East Africa was from River Shio – that is, Shio Port remained Kenya, Majanji, Uganda. This will have got a small island here called Nabaduma, in Kenya above of it. Sumba, in Kenya, through the old people, made a hole and that one remained as a goal. It is just very straight, it is not curved, but it is like a rectangle, whereby, when you are this way, you see Lodwar, you see the boundary of Uganda. So from these ones, we went to, there is a stone dividing Lolwe and Siror. That is called Msambwa. Old people know this very much as our grand-fathers. Some of those who are still present know the boundary very well, are:-

- i. Our former MP, Honourable, e.g. James Charles Nawangosobo who has been here.
- ii. Mr. Dickson Abuogo who has also been here.
- iii. Mr. Augustino Omuhoro whom I didn't see, but these people, the two respective ones were dealing with East African Community with their (inaudible) within East Africa, controlling Uganda, Kenya and Tanzania waters, before Kenya divided into three parts, Uganda remained with its parts, Tanzania its parts, then (inaudible). And Mzee Emanuel Odilo to add on, and some others. A speech leader, John Vunja and some others.

So, I appeal, to you and the Commission that you may refer these people to go across the border to see and map all these boundaries, so that we retain our islands to come into Kenya as Mzee Jomo Kenyatta had said, no(inaudible) of our land will be taken by Uganda people.

(Interjection) Com. Yano: Thank you very much.

John: Another point, motor boats: motor boats should not only be here on the Lake shores of boats, Bukoma, Osieko. No, these boats should go along the boundaries into the interior, only they have to act during night time, so that we cast our nets as old people bid, we come at home, sleep, as from morning 6.00 a.m. to 6.00 p.m. in the evening, all people should be out of Lake Victoria.

Licence: licence to be free as old times. Though we were paying, a person was paying Kshs.10/- and the boats was only Kshs.5/-. Whereby we have added and proceeded to Kshs.100/-. So, all these should be recorded by Fisheries Department, under our Fishery Officer of Budalangi Division.

(Interjection) Com. Yano: (inaudible).

John Vunja: I add on, asante sana, mimi namalizia. Mimi nasema hivi, upande wa education. Upande wa elimu, sisi tusome kama zamani. Education, as from 1958 to 1968, no education to primary students to be given, so that we also maintain.... tunaweza kupata pesa ya kujilinda nayo kusomesha watoto vizuri.

Otherwise, Bukoma Sub-location and Budalangi as a whole, is surrounded:-

- i. By (inaudible)
- ii. Swamps
- iii. We are also surrounded enemies like wild pigs, na kadhalika. Asanteni sana.

My name is John Vunja Maende of Bukoma Sub-location. Thank you very much, the Commission Election of Kenya. Asanteni.

Com. Yano: Asante sana Bwana Vunja. Ndege? Ndege atafuatiwa na Charles Nabona. Charles Nabona karibu.

George Ndege: Asante Commissioners na wote waliohudhuria. Mimi nitakuwa mfupi, nitaongea mambo ya (inaudible).

(Interjection) Com. Prof. Okoth-Ogendo: Jina?

George Ndege: Jina ni George Ndege.

Uchumi ukiangalia biashara, siku hizi, watu wako kwa full-time (inaudible).

Ya pili, pesa za matajiri wa Kenya ama watu wa Kenya wanaoweka ngambo, ni nyingi ambazo zinaenda uko ngambo, zinakaa ngambo, tena baadaye inaletwa kwetu kufanyiwa msaada. Ningeomba kwa maoni yangu, kingekuwa kiwango (inaudible) nchi ya Kenya, kiwango (inaudible) ngambo, ili pesa hizo ziweze kutumika katika nchi yetu ya Kenya.

Ya tatu, kulingana na hizo pesa ambazo tunaongea zikiwa katika nchi yetu ya Kenya, zikiwa kwa wingi, zinaweza kusaidia hata hizi vyama za kijiji ambao wanaweza kufukuza umaskini.

Sasa nitaongea upande wa uvuvi, ambao sisi Wanyala tunaoutegemea. Kulingana na Serikali, imetuwacha kando kidogo, kwa maana hawaangalii kwetu, sasawa kama wanaangalia kahawa na vitu zingine uko zile ambazo ziko juu. Ningeomba Serikali iangalie uvuvi, halafu, (inaudible) hii banki ya Co-operative isaidie wavuvi kwa kununua nyavu na vitu vingine.

Upande wa elimu, maana umaskini umejaa kwetu, watu usome kufika darasa la nane, kuenda secondary, watoto wanasoma lakini kulingana na pesa, anashindwa halafu anarudi nyumbani. Ningeomba, kama Serikali ingeweza, ili iweke ushuru (inaudible) district ambapo watu wale waliojaribu kusoma wakashindwa na pesa, wanaweza penda kuendelea na kusoma. Asante.

Com. Yano: Asante sana Bwana Ndege. Nabola?

Charles Nabola: Yes, asante sana. Mimi niko na machache tu.

(Interjection) Com. Prof. Okoth-Ogendo: Jina?

Charles Nabola: Jina langu ni Charles Nabola, (inaudible). Mimi nimekuja na (inaudible).

Ningeonelea, kwa Constitution, tuwe na, tuondoe block registration, ile ambayo unaweka watoto wako, wewe mwenyewe, kwa shamba moja wakati unapewa shamba. Instead, ukiwa na watoto, watoto wapewe, wakati unapewa, mtoto apewe yake, mtoto mwingine yake, so that, isisumbue watu wakati wa sub-divisions. So, ningeonelea, hiyo itolewe.

Tena, about the Commissioner of Lands: tufanye without Commissioner of Lands, kwa sababu, tuwe na hao watu wa district level. Also, tuwe na records za land katika division level. Kwa sababu kuna watu wengine wako mbali na districts, na tena hizi land committees ziondolewe. These permanent land committees ndio zinaleta corruption. Ikiwa shamba inataka kuongelewa, watu waitwe tu, wazee, waongee juu ya shamba. After that, they dissolve that committee. Hizi tribunal land committees ndio zina encourage corruption. Watu wanakaa, sijui mimi niko kwa land committee. So, they are not trusted people.

Nikija kwa local brew – pombe: ningeonelea pombe iwe legalized, apart from changaa. Pombe iwe legalized na iwe taxed na government. Halafu, ikiwezekana, tuwe na daktari, awe aki-check ikiwa hiyo pombe inaweza kunyiwa na watu. Na iwe legalized kama ile busaa ilikuwa Nairobi wakati mwingine.

(Interjection) Com. Yano: Sema namba tano, unasikia?

Charles Nabola: Namalizia nikisema, nominated Members (Parliament). Nominated members wawe watu wa ku-serve special interests like church leaders, prominent farmers, vilema, people like workers. Kwa sababu hawa workers, wanakuta mtu is a unionist na ako kwa Bunge. Huyu aakilishi wafanyi kazi, because amechaguliwa kwa constituency level. So those people, vilema, like church leaders, prominent farmers, workers, hao huwa wanakosa watu wa kuakilisha Bunge.

Nikimalizia, about Ministers: President achague Ministers lakini wawe approved na Parliament. President awe na nguvu tu. Awe Executive President with whole powers, even above the law, ndio ataweza nchi. Katika Africa, hakuna President ako chini ya law. Wote wako above the law. Bora kazi yake, powers zake ziwe limited.

Now, Vice President: Vice President achaguliwe na wananchi, lakini, wakati President anakuwa nominated na party, saa hiyo

hiyo, aseme Vice President wake. Wakati watatupa kwa debe, wanatupia yeye na Vice President wake. Akianguka, Vice President huyo ataanguka. Hiyo itakuwa njia moja, ya President hawa watakuwa wana drop Vice President, kwa sababu saa hii, Vice President atakuwa amechaguliwa na wananchi.

Sasa, hakuna President ata drop Vice President wake. Like now.....

(Interjection) Com. Yano: Aah! Tafadhali, jiandikishe..... (inaudible)

Charles Nabola: Basi, pole pole niongee moja.

(Interjection) Com. Yano: Aah! Nenda ukajiandikishe, asante tumeshukuru kwa hayo.

Charles Nabola: Niwache tu!

(Interjection) Com. Yano: Anayefuata ni Paul Makhokha? (inaudible) Wanyama? (inaudible) Wanyama?

Bob Okumu? Sebastian Kimundo? Vincent Abuga? Na sasa tumemaliza na wale wote ambao walikuwa wamejiandikisha.

Kuna mtu angetaka kupatiana maoni na jina lake haliko, tafadhali kuja hapa mbele. Kila mtu dakika mbili. Anza na jina lako.

Isa Weke: Nashukuru kwa ajili ya Commission na wote waliohudhuria. Mimi ni Mchungaji Isa Weke, ninapoakilisha kanisa.

Naweza sema ya kwamba, pendekezo.

(Interjection) Com. Prof. Okoth-Ogendo: Jina.

Isa Weke: Apostle Isa Weke Maina. Mapendekezo ni haya:-

Nambali moja, Rais kutokuwa juu ya sheria: hii ilichangia ufisadi ndani ya nchi. Na sheria ingefanya uchunguzi na iweke jambo

ambalo litamfanya Rais asiwe juu ya sheria. Hili anapopatikana na jambo lolote ambalo linahusu sheria, akaweze kukabiliwa kulingana na sheria itayofanywa kwa Katiba ambayo inakuja mpya.

Sehemu ya pili, waalimu waweze kukumbukwa katika mambo ya mshahara, kwa maana, bila elimu, hatuna msomi. Na hii wakiongezwa mshahara, utaona ya kwamba, litakuwa jambo la busara kwa nchi yetu, na watafanya kazi yao kwa bidii ili tupate watu waliosoma katika nchi yetu.

Sehemu ya tatu, madaktari pia katika Katiba ijayo, waweze kuangaliwa maana, hawa na waalimu ndio watu walio muhimu katika Serikali, maana, sehemu ya afya ni ya muhimu sana kwa mwananchi.

Ninapoenda sehemu ya nne, mshahara pia wa..... (inaudible) ukaweza kuchunguza, maana, wale ndio wanaohusika na afya ya mwananchi kwa jumla.

Sehemu ya tano, Katiba iwe huru kwa mwananchi wa kawaida, ili mwananchi akaweze kujua haki yake, na pia akaweza kuelimishwa haki yake. Maana, hii imechangia wananchi sana, raia kuweza kunyanyazwa, na watu walio katika mamlaka, na walio pia katika Serikalini. Kwa hivyo, ingekuwa vizuri, mwananchi katika Katiba inayokuja, awe na uhuru wa kuwa na hiyo sehemu ya Katiba.

Na pia, Serikali kuweza kuweka sheria ya kuelimisha wanachi kujua haki yao. Hiyo itachangia kumaliza ufishadi ndani ya nchi. Ndio hayo.

Com. Yano: Umemaliza?

Isa Weke: Nimemaliza.

Com. Yano: Asante sana Apostle. Anayefuata? Pia dakika mbili.

Christopher Idasia: Jina langu ni Christopher Idasia.

Vyama vya ki-siasa: napendekeza tuwe na vyama sita pekee, lakini vifadhiliwe na Serikali kuu yetu wakati wa uchaguzi.

Aina ya Serikali iwe ya mseto, lakini isiwe na Waziri Mkuu.

Bunge liwe na mamlaka ya kuchagua MDs wa parastatals na Judge Mkuu wa Mahakama, na Judges pia wote.

Mitihani ya Wabunge iondolowe. Napendekeza tuwe na elimu kuanzia diploma kwenda juu, kwa Wabunge. Na ma-councillors, pia, wawe kidato cha nne, na wawe na 'C+' and above. Na Mayors nao na ma-Chairmen wenyeviti vya councillors, wawe na diploma na kwenda juu.

Rais, anatakikana ashtakiwe kama anavunja sheria akiwa ofisini mwake. Na Makamu wake, achaguliwe moja kwa moja na wananchi, lakini, asiwe Mbunge.

Uchaguzi wetu uwe wa secret ballot.

Na maruburubu ya Wabunge, iangaliwe na special commission, iwe kati ka COTU, FK, na Judges kutoka mahakama yetu.

Nikimalizia, Serikali yetu iwe na mamlaka ya kutoa ardhi yetu, lakini inaweza kufanya lolote kuelewana na mwenye ardhi. Ni hayo tu ambayo ninayo.

Com. Yano: Asante sana. Anayefuata?

Sarah Nafula: *Ndakhecha mbolanga mbwe, mbu ingurwe chilichanga ebiakhulia biange.*

Translator: *bola nzitsa khukalukhania.*

Sarah Nafula: *Engurwe chilichaka mioko kiangе.*

Translator: Anasema, ngurue zinakula miogo yake.

(Interjection) Com. Prof. Okoth-Ogendo: Jina kwanza.

Sarah Nafula: *Sarah Nafula.*

Translator: Sarah Nafula.

Sarah Nafula: Ngurue zimekula miogo yangu. Zimekula, sasa ni wiki mbili kama zimekula. Ninajua mwenyewe. Ninajua mwenye ngurue hizo jina lake, namjua, na yuko karibu na shamba. Sasa nataka usaidizi ziwaje kula. Mimi ni mzee, nalima na sina nguvu ya kulima hili nipate chakula. Natumainia hiyo miogo tu pekee yake.

Com. Yano: Umemaliza?

Sarah Nafula: Nimemaliza.

Com. Yano: Asante sana.

Vincent Mabale: My name is Vincent Mabale from Port Victoria. The power of Central Government should be shared with Local Government, so that the head office should be divided into each province. Instead of going to Nairobi, the headquarter should be within the province.

On the land issue, the sale of land should be witnessed by the family. That is father, mother and the children before any sale is

done.

On the side of subdivisions to the family, the Government should take a little fee, so that the common man should also manage to have his share.

On the side of natural resources, the natural resources should benefit the community around the particular area.

The Government should give the management to the committee to collect levies such as fishing licence, fishing permit and collection of other levies. And 40% of those levies should be retained by the community and 60% of the levies should go to the Central Government.

On the side of political parties. We should have only two political parties – that is the Opposition and the Ruling Party, in order to avoid tribalistic parties that we do witness.

Also, on the side of liquor, the Government should allow local liquor such as busaa, busaa no. 2 which is being brewed with millet for wazee to enjoy after their work, as those rich men enjoy beer – Pilsner, etc.

On the hospital fee, we should urge the Government to remove cost-sharing to allow a common man also to get treatment as a rich man.

We would like free education to all.

Chief Justice should not be appointed by the President, but should be appointed by Law Society of Kenya.

(Interjection) Com. Yano: Your time is up.

Vincent Mabale: Okay. The Government should employ people through constituencies or divisions to enable every area to be with equal employment.

Com. Yano: Thank you very much.

Sadenack Wangila: My names are Wangila Sadenack.

One, the Government to follow proper recruitment procedure.

Two, no citizen should hold two or more public offices.

Three, President be in office for a maximum of two years.

Four, nominated MPs should be abolished.

Five, each Ministry should be headed by one Minister and one Assistant Minister.

Six, every constituency should have a working committee to set the performance of the MP which should be able to advise the MP and even pass a vote of no confidence on the MP who should be respected by the Parliament.

Seven, the honour and authority of the house should be adhered to by all MPs. Misbehaving in Parliament should be dealt with by the Standing Orders of the Parliament.

MPs and Councillor should have ordinary level of education and be able to speak and write English and Kiswahili effectively.

Elected leaders should be of good moral standard.

Such warrant and warrants of arrest should be produced before searching private premises and arresting citizens respectively.

President should live within legal framework.

Freedom of worship be Constitutionally respected.

Money should not be seiphoned out of the country.

Tribalism be abolished.

Budget speech should remain proposal as they area.

Fishermen to adhere to recommended fishing methods and gears.

Taxation on consumable goods that are basic should be reduced.

Development funds be channeled to local authorities.

Job security be Constitutionally enshrined.

Kenya should be unitary state.

Kenya should practise free market economy.

Validity of certain public holidays, e.g. Kenyatta Day should be assessed.

No caining in schools.

Kenya should be a multi-racial state. Thank you very much.

Com. Yano: Thank you very much.

Com. Prof. Okoth-Ogendo: We have come to the end of the session. We are still in Budalangi. Tomorrow we will be at Osunda Secondary School and allow special in Budalangi (inaudible) next week and (inaudible).

We must thank you for the very good presentations that have been made. And at this point I would like to invite one of (inaudible) to close the meeting for us with a word of prayer.

Co-ordinator: Thank you very much. Now, I will call upon the Chairman to pass a vote of thanks.

Chairman: Mwenyezi Mungu tunakushukuru kwa siku hii ya leo, umewezesha Commissioners wote kufika hapa, na kutupatia sisi tuwapatie mawaida, yale ambayo wewe mwenyewe umetupatia kwa Roho Mtakatifu. Mungu tunaomba yale yote ambayo yamechukuliwa, uiweke mkono, na Commissioners wakienda kuyaangalia, yawe yaweza kusaidia nchi yetu, na hasa, sehemu hii ya Budalangi, vile ilivyo na shida mingi ambayo, wao wote wanaielewa. Na Mungu tena tunakuomba, wakienda wakitoka hapa, uwaweke vizuri mpaka kesho wafike tena Makunda, na wale wa Makunda pia nao, wajaribu kusema vile tulisema, na Mungu uweke mkono. Na tena wakirudi, tarehe saba, katika Osieko pia, uwamelee, uwapatie ukarimu huo, wafike huko na wapate maoni ya sehemu hii, ili yote iwekwe pamoja katika Constitution yetu ilinde sisi sote. Ninaomba hayo, kwa jina la Kristo bwana wetu. Kwa jina la Baba, na la Mwana, na Roho Mtakatifu. Amen.

Meeting ended at 5.30 p.m.

