

CONSTITUTION OF KENYA REVIEW COMMISSION

(CKRC)

VERBATIM REPORT OF

CONSTITUENCY PUBLIC HEARINGS

BUDALANGI CONSTITUENCY,

OSIEKO SECONDARY SCHOOL

ON

tumetembea kwa constituencies zote, na leo, tuko kwa hearing centre ya mwisho, Budalangi Constituency, na tena pia ndio itakuwa mwisho kwa Busia District.

Hapa, Madam Commissioner na Professor, hapa ni Budalangi Constituency, I know ninasema naye kwa sababu tumepitia njia mrefu kidogo, na you may not connect na mahali tulikuwa Makunda, ama Port Victoria. It is the same constituency. Sitaendelea sana kwa sababu, leo sio siku yangu ya kuongea, leo siku kubwa yenyewe ni yenu, na Commissioners.

Sasa nitachukua fursa hii, niite Chairman wa Constituency Constitutional Committee – Mr. Aman Ogollah, na akaribishe wageni, hapa ndio wake, yeye ndiye chairman wa committee ya Katiba, na hapa ndio kwake. Tafadhali Mr. Aman Ogollah.

Aman Ogollah: Asante sana Co-ordinator. Commissioners wetu ambao tumekuwa nao sasa kwa muda, Mheshimiwa Raphael Wanjala ambaye ni Mjumbe wa hapa, Cllr. Osundu ambaye tuko katika area yake, Asst. Chief mwenye hasa kusimamia Sub-location hii, Headmaster wa Shule hii, na Secretariat wa kutoka kwa Constitution Review Commission, pamoja na wazee na vijana wa Osieko, Hamjambo?

Response: Hatujambo.

Aman Ogollah: Hamjambo tena?

Response: Hatujambo.

Aman Ogollah: Leo, vile Co-ordinator amesema, ni siku muhimu sana kwa sisi wakaazi wa Budalangi, kukutana hapa Osieko. Vile pia amesema, ni vigumu saa zingine, kuambia mtu kwamba Osieko iko katika Budalangi Constituency. Na tuna furaha kwamba Commissioners ambao wanachukua maoni yetu, walikuwa kule juu, Port Victoria, wakawa Makunda, na wamefika hapa, na hao wenyewe wamejionea vile Budalangi Constituency inaendelea, kwanza kutoka area ingine, hadi ingine, wanapitia katika districts mbili. Tumepita Siaya District, tukapita Bondo District, tena tukarudia Busia District. Kwa hivyo, nyinyi wakaazi, hasa ma-ndugu zetu wa Osieko, mujichukue mko nyumbani. Na tunawarudishieni sana Commissioners, kwa kutuwekea siku moja hasa hapa, hili ma-ndugu zetu hawa, wajisikie pia ni wa kwao ni kama ndugu na kuwako katika Budalangi Constituency. Kwa hivyo, munakaribishwa.

Ninaomba mutoe maoni yenu yote bila uoga, bila kuwa na tatizo lolote. Hii ni siku yenu. Hatutaki Commissioners waende, halafu mwishowe museme, ningepata nafasi ningesema hivi.

Nikimalizia, nitachukua nafasi kuwajulisha, hasa wale viongozi ambao wako hapa, ni wengi. Kuna viongozi wametoka mbali sana, kule shamba, kule juu mashambani – Ainea hapo, na huyu Bwana Ainea, alikuwa acting Town Clerk wakati mwingine.

Yeye anatoka upande wa Bulwhani, na amesafiri kuja kutoa maoni yake. Na kuna hapa viongozi wengi wa kutoka hapa.

Pia, (karibu), nikianzia na watu wa hapa, kuna Headmaster wa shule hii, ambaye ametupa nafasi ya kukutania hapa, ili tuwe na nafasi ya kutoa maoni yetu.

Com. Prof. Okoth-Ogendo: Gentlemen, good morning?

Response: Good morning.

Com. Prof. Okoth-Ogendo: I now want to formally constitute this meeting, as a meeting of the Constitution of Kenya Review Commission. Being such a meeting, you are here to present your views to the Commission, you have absolute right and freedom to present any views to this Commission. Under the Act that has established the Commission, you cannot be victimized while coming here, or leaving this place, or in respect of anything that you say to this Commission. Feel free and say exactly what you want us to hear. Everything that you say will be recorded, will be transcribed, will be analysed and will form part of two reports – one report will be the Budalangi Constituency report which will come back to you. Then there will be a national report for the whole country which will also come back to you. And on the basis of those two reports, we are going to draft a Constitution of Kenya Bill, which will also come back to you for discussion.

With me this morning, is Prof. Wanjiku Kabira, who is a Commissioner,

Com. Kabira: Hamjamboni?

Response: Hatujambo.

Com. Prof. Okoth-Ogendo: And I am Prof. Okoth-Ogendo, I am also a Commissioner. We also have members of the secretariat – we have Millicent Achieng, Elisha Ongoya and Regina Obara. They will ensure that what you say is fully recorded.

Now, this session will be conducted by Prof. Kabira, about a month ago, I was here, but I was in Lusingu which is across the hill to the other side. So, since Professor Kabira has not been to this part of the world, I think she will have the privilege of conducting this last session. Prof. Kabira.

Com. Kabira: Thank you very much Prof. Okoth-Ogendo. And I want to say that we are going to follow the list. So, if you are number one, you are number, and we will follow the list as closely as possible, except when Hon. Wanjala wants to speak, he can let us know, so that if he wants to leave a little earlier or later, he can be given the opportunity.

We may also give women, if they can sometimes, to represent their views, again because of their busy schedule and looking after the children. And if we have people with disability, we may give them a chance to present before the others. If we have old elderly men later on in the day, we may also give them a chance, so that they can also present and go. But otherwise, there will be no rigging, we will just continue with the list.

Now, unaweza kupeana maoni yako kwa njia tatu. Moja, ukiwa na memorandum, nitakupatia dakika tano, na hiyo dakika tano, utatumia si kusoma memorandum kwa sababu hiyo memorandum tunasoma tukienda Nairobi. Na kama vile Prof. Okoth-Ogendo amesema, hiyo memorandum tukienda nayo Nairobi, itakuwa analysed. Kwa hivyo, ukiwa na memorandum, utatumia kama dakika tano hivi, utupatie ile maoni unajua ni ya muhimu kabisa, na unataka wale wengine wako hapa wasikie pia.

Njia ingine, ni kupeana tu memorandum. Ukiwa una haraka, waweza kujiandikisha, utupatie hiyo memorandum. Lakini hata ukiwa haujaandika, tutakupatia dakika kumi, masaa ya asubuhi, ikiwa hatuna watu wengi, tunakupatia dakika kumi, upeane maoni yako kwa mdomo tu, haujaandika. Lakini tukifika kama saa nane unusu, kama saa tisa, wakati ule tunaona kuna watu wengi, tuta-reduce hiyo time, pengine tukupatie dakika tano au sita.

Waweza kutumia ile lugha unataka. Ukitaka kutumia lugha ya Kiiingereza au Kiswahili, au (what is the other language?) Kinyala, tutatafuta mtu wa kutuambia vile unasema. Kwa hivyo, unaweza kutumia lugha yeyote.

And I think with those few words, because we have started a bit late, nitaenda moja kwa moja, kwa mtu yule alijiandikisha kama namba moja, tusikie maoni yake. Na huyo ni Moses Ochori. Moses Ochori?

Na nimesahau kusema ukija kupeana maoni, uanze na kusema jina lako for the purposes of recording. So even if I have called Moses Ochori, you will still say, "I am so and so". Kwa sababu, hiyo maoni ambayo ume-record, hata ukiwa na memorandum, we will transcribe it. So, it is good to know that this information is coming from you. Thank you.

Moses Ochori: Basi, mimi kwa majina naitwa Moses Ochori. Hii ndio sehemu yangu nilizaliwa, kwa hivyo nashkuru ma-Commissioners ambao wamefika na watu wote.

Oni langu la kwanza, ni upande wa President: naona ya kwamba, President amepewa excessive powers mingi sana. Ni nyingi sana, mpaka kuna vitu vingine anawezatenda ambayo haifai. Kwa hivyo, hii sheria ambayo iliwekwa ya kwamba, ati yeye yuko juu ya sheria -- yaani he is above the law, mimi naona kama ni kitu ya kunyanyaza. Kwa hivyo, haifai. Inafaa, iondolewe.

Ya pili, amepewa nafasi ya kufanya Presidential appointments kama hizi ma-chairmen wa parastatal bodies or other

organizations. Mimi kwa maoni yangu ninaona, hapa anaweza kuwa na mapendeleo, au awe na ubaguzi wa u-jamii. Kwa hivyo, ingefaa, upande wangu, appointments hizi, zifanywe na Parliament. Ziwe approved na Parliament, waone huyu mtu anafaa, hau hafai. Kwa hivyo, hii sheria ambayo imewekwa kwa President ya kwamba ndio afanye vitu kama hivyo, iondolewe.

Ya tatu, ni upande wa elimu: mimi naona hasa upande wa elimu umezorota vibaya sana. Hapo mbeleni, kile kinaitwa discipline, kilikuwa mzuri sana. Hapo nyakati tulikuwa tunasoma. Discipline ilikuweco nzuri sana, lakini wakati huu, discipline imezorota vibaya sana. Kwa nini niseme hivyo? Hii imetokana ya kwamba, Sheria imewekwa, eti siku hizi mtoto hawezi kuchapwa kama amefanya makosa, mpaka imefanya watoto wana-behave kwa njia ingine ambayo iko very contrary na vile inatakikana.

Mpaka wakati huu utakuta watoto wanavuta bhang, wanafanya vitu vya ajabu, ajabu, wanachoma ma-shule. Kwa hivyo sasa, discipline imezorota ile mbaya sana. Kwa hivyo, mimi ningetaka hau mimi naomba, ma-Commissioners, ikiwezekana, hii kuchapwa viboko ya watoto, irudishwe, ili discipline iwe restored, jinsi inatakikana.

Ya nne upande wa maoni yangu, ni upande wa afya: hapo mbeleni, wakati wa (inaudible), naona politicians au Serikali yetu, ilikuwa ikiimiza ya kwamba, upande wa afya, tutapata matibabu ya bure. Lakini hiyo ilikuwa tu kama wimbo, na ikapita kama mawingo hivo. Siku hizi kama huna pesa, utakufa. Na munajua three-quarters ya wananchi si watu ambao wako na mapato. Kwa hivyo, mtu anakufa sababu ya ukosefu wa pesa. Wale matajiri, ndio wanafaidika sana upande wa matibabu, kwa maana wataenda kwa zile ma-hospitali kwa vile wako na pesa. Kwa hivyo, mimi naona, tena mimi naomba, Commissioners muangalie hii jambo sana. Upande wa afya, wale ambao hawana uwezo, tuone njia ya kuwasaidia. Watibiwe bure katika hospitali. Tuwe na free medical care.

Ingingine, ni resources ya nchi: watu wanaendelea kuwa maskini kila siku, na huku Serikali yetu inasema ya kwamba, wanataka kumaliza umaskini. Hii ni kitu ambacho hakiwezekani, tusidanganywe. Umaskini hauwezi kwisha, isipokuwa unaweza kupunguzwa. Na kuupunguza, kunayo njia nyingi za kuupunguza. Unaona watu wengine, kama vile nimesema eti appointments hizi ziondolewe, watu wengi wamewekwa katika positions ambazo ziko juu, na munaona jinsi fedha zetu zinatoweka.

Watu wanaiba ma-millions za pesa, na hakuna kitu ambayo wanafanywa, kwa maana wako na wale wanaitwa their “masters”. Hata akiiba, hajali, mwishowe utaona mtu anaondolewa tu, ameshinda kesi, na pesa ameiba, na anatajirika mtu mmoja. Hizi pesa zingezaidia wananchi, kwa upande kama free medical, kufanya vitu zingine, kununua vitabu katika ma-shule.

Kwa hivyo, hizi pesa ambazo zinaibwa na wale watu ambao wako katika positions hizo, Serikali ingechukua hatua, hasa the Parliament, watu kama hawa, wakipatikana kuwa wameiba pesa, na iwe proved properly, watu kama hawa, mali zao,

zichukuliwe, hau hizo pesa ambazo ameficha pahali, zirudishwe katika nchi, zizaidie maskini ambao ni wananchi. Kwa maana, hatuwezi tukaumia, kwa expense ya watu wengine ambao ni matajiri, na wameiba pesa za Serikali hau za nchi.

Kwa hivyo ningepomba Commissioners, muangalie hiyo maneno sana. Kwa maana, imefanya hata ma-kampuni kubwa kubwa, ma-parastatals zimekuwa stalled. Watu wanaiba pesa, na wanaenda tu namna hiyo, na hizo kampuni zinafungwa.

Kwa mfano, kulikuwa na Kenya Meat Commission, ambayo ilikuwa kampuni kubwa sana imeandika watu wengi sana. Hiyo wameiba mpaka ikafilisika. Haya, hizi kampuni za sukari, kila siku wanazifunga, na watu wa chairman wanawekwa huko. Kwa vile director ni mtu mmoja, anaenda anachota pesa na anaenda tu. Na hizo kampuni zinafungwa. Hizo ndizo zimechangia upande wa umaskini sana kwa raia.

Kwa hivyo, ukipatikana umefanya kitu kama hiyo, Parliament iangalie hii kitu sana. Mali yake ujihisishwe na zile ameficha pahali, zirudishwe, ili tuwe na njia mzuri ya uongozi.

Ya mwisho, ni upande wa provincial administration: hasa, ni upande wa chiefs, na assistant chiefs. Hapo mbeleni, tulikuwa na governance mzuri sana upande wa administration. Kwa maana, chiefs walikuwa wana Act ambayo ilikuwa inawaongoza. Na since hiyo sheria itolewe, ma-chiefs wamekaa kama kuku ambazo zimenyeshewa, na hawajui wanaelekea wapi. Mpaka discipline pia imedhoofika vibaya mbaya sana, mpaka, hata wakati huu chief hana sauti.

Kwa hivyo mimi naomba, Act ya chiefs irudishwe, ili chiefs wawe na uwezo katika uongozi wao.

Ya mwisho lakini si mwisho sana,

(Interjection) Com. Kabira: Dakika hiyo ingine ilikuwa ya mwisho.

Moses Ochori: Nisaidie na dakika moja tu. Tunasikia kila wakati ya kwamba, nchi yetu iko na foreign earnings, nyingi sana. Lakini upande wa bahari yetu hii inaitwa Lake Victoria, kuna shida nyingi sana, na Serikali inasahau hii bahari yetu. Na kila siku nikisikia wakisema ya kwamba, wako na foreign earning nyingi sana kutoka kwa hii bahari, lakini wavuvi wametupwa, wananyanyaswa na Serikali ingine hapa ambayo inaitwa Uganda Government. Wavuvi wanapigwa, wananyanganywa samaki, na everything. Na Serikali inanyamaza tu, hakuna hatua wamechukua.

Kwa hivyo, upande wa bahari, Serikali ituangalie. Mimi nimemaliza, asante sana ma-Commissioners, hayo ni maoni yangu na contribution yangu.

Com. Prof. Okoth-Ogendo: Thank you.

Com. Kabira: Asante, lakini ningetaka kuuliza kwa hiyo mambo uliozungumzia mwishoni. Unataka Serikali ifanye nini?

Moses Ochori: Asante sana, mini nilikuwa nataka, Serikali, ikiwezekana, waweke patrolling boats, ambazo ziko na engines na enough security ambayo ina-patrol. Hau inaweza kusindikisha wavuvi uko, ku-protect hao.

Secondly, ni upande wa mpaka: Serikali imenyamaza sana, mpaka Serikali ya Uganda ina-cross hata borders, inakuja mpaka huku kunyanyasa wafanyi kazi. Kwa hivyo ningomba, Serikali iangalie upande wa mpaka. Mpaka uliwekwa, tena iko mpaka sasa, na Serikali haijachukua jukumu la kwenda kuangalia mpaka wetu uko wapi. Hayo ndio maoni yangu. Asante sana.

Com. Kabira: Asante sana Bwana Moses, tafadhali jiandikishe kwa secretariat. Ainea Bwire Maragi.

Ainea Bwire: My names are Ainea Bwire Maragi, and I will present my views in English.

My first point is about the national boundary: the Constitution of Kenya should outline clearly where Kenya's boundary is on Lake Victoria. Especially we people who live along the Lake Victoria, including Bulhwa area and Osieko. It appears the whole of Lake Victoria is under Uganda. Our people are always harassed by the Ugandan security forces, when they go for fishing in deep waters. They are beaten, their property confiscated, especially fish, hooks and fishing nets.

Formerly the following islands were under Kenya Government as our chiefs used to collect taxes from the people residing in those areas. These are Wanya Island, hama Island, and Siro Island. We cannot tell how things changed that made these Islands to be under Uganda. This has made people living along the lake especially Bulywani and Obaro areas to suffer.

The Constitution Review Commission should address this issue very seriously, to avoid the suffering of our people living along the Lake shores. If left like that, we may find ourselves annexed to Uganda, because, bad things are happening along the Lake shores, and no one is caring about it. This should be clearly stated, because our people cannot go on suffering, and yet we are part and parcel of Kenya Government.

Now, my second point is about infrastructure: means of transport and communication in this area Bulywani and Obaro are very poor. No means of transport, as there are no roads, no bridges, plus feeder-roads. As you have come along, now I come from (inaudible) slum areas. I came wading through the water. We are forgotten people. It is surprising to note that a person of my age and calibre would wade through river waters, mad and bumps, where there are some hostile disease, naked with all clothes removed and carried on the head, and yet, I pay taxes like any other person who is 30mtrs from his houses to the bus-stand.

The Constitution Review Commission should address this issue very seriously, to see to it, that all people are looked after

equally. It should be noted in the Constitution that the Government should be duty-bound from conserve and maintain means of transport and communication in our areas of Luanda and Osieko.

Failure to this, anybody getting problems, should be compensated, either if he dies, if he drowns, or he is eaten by a snake, or a crocodile, should be compensated or whatever might happen to him or her.

The map attached is self-explanatory, I have a map here for the whole area. Those people living within this far and the whole of that place is far, they are just small island, but no communication, we just wade through the waters naked.

The map attached is self-explanatory. The Government should reclaim the other swamp, in order to make things easy for us in travelling. And even if we have a lot of food in that area, if this (inaudible) swamp is to be reclaimed. Sweet potatoes, sugarcane, and other things that can be grown in that area.

My third point is about management of natural resources: people should be involved in the management of natural resources within their areas e.g. fish in Bulywana and Obar. Proper landing beaches should be constructed along the Lake shore, to make it easy for the local people to participate fully in the management of the natural resources in Bulywana and Obar area.

And scrupulous people are enjoying our natural resources in this areas, while the local people are suffering, because they lack means and know-how. The Government should be duty bound to assist the local people in the area, as they pay taxes like any other person in the country.

No road. There are fishermen who are doing it, just fishing along the Lake, although they are being harassed in Uganda. But how to drive those fish to the proper place, no road.

Education: the primary education should be managed by the Government. Cost-sharing should be abolished. Most of the people who are in this area are poor, and shouldering them with the burden of managing the primary education is quite unrealistic.

If the trend of cost-sharing is left to continue, only places where there are rich people will benefit, but not places like Bulywana, Ochieko areas, where people live in very in improvised conditions should continue suffering. Because you will find a Minister in development, if you can go and make a Harambee for a development school like Alliance High School, and you leave Osieko which is a very poor school, you raise there millions of shillings, eleven million, and you leave here Osieko, is thatnot unrealistic? So, primary and secondary education should be managed by the Government. They should not burden the parents.

The Constitution Review Commission should address the issue seriously in recommending the abolition of cost-sharing in education.

The Government should take the responsibility, many schools are having very poor buildings, because of the inability by parents to put up better classes.

Health: management of hospitals, health centres, dispensaries and drugs, should be the responsibility of the Government. Cost sharing should be abolished. The Government should not leave so much on non-governmental organizations. What about if, these non-governmental organizations will one day pull out, and we have been leaning on them. I give an example, (inaudible), it is just yesterday when they..... (inaudible), two years when it was constructed. It is just yesterday when this health centre was opened with one staff who cannot even manage the place, because we got some medicines from one of the non-governmental organizations, but the Government had already build two years back, while people are suffering.

We might find ourselves in a very awkward situation when these non-governmental organizations leave, because we have leaning on them, and if they go, then we will be left nowhere. Very many people are dying in their homes because they lack money to go to the hospital, and yet, the responsibility of the Government is to look after the welfare of its citizens.

Why cost-sharing? This should be abolished. The Constitution Review Commission should address this issue very seriously.

Civil servants old aged, those who have been working and they have retired. The Constitution Review Commission should state clearly that, once a person has served his or her beloved government well and retired due to old age, the Government should take care of him or her upto his last day on earth.

It is surprising to note that a person can work for more than thirty years, and goes with a few shillings as gratuity, and no pension at all, and this is quite common in the local authorities. There should be a clear policy on the retired people, both in public and private sectors, to avoid suffering and miserable life for the people after retire.

(Interjection) Com. Kabira: Then the last one.

Ainea Bwire: I am just about to finish Madam Commissioner.

Succession and transfer of power: the Chief Justice should be in charge of executive powers during the Presidential elections. There is no question of President remaining in the office when Parliament has been dissolved, and he is the one to conduct elections using the Government machinery. Obviously, he will never be defeated at all. Because if we want a change, it will be very difficult to change.

The Presidential election results should be declared by the Chief Justice who should announce it at an organized ceremony after

the final counting of votes.

The incoming President should assume the office after being declared the winner and having been sworn in by the Chief Justice.

The instrument of power should be transferred to an incoming President immediately the swearing-in has been done. There is no question again waiting, that handing-over will be done this and that, no, just there on the spot. The mode of transfer of instruments of power should be done ceremonially.

The Constitution should make provision for the President to be impeached while still in office, and not waiting much later. If you wait until much later, this embarrasses somebody, shall make somebody die immediately. He has served you for thirty years, he has retired, again you begin following him, that he misbehaved in the office. Let him be impeached just when he is still in the office and be charged, instead of waiting until he goes away.

Management and use of natural resources: the Executive should not retain powers in raising revenue management, and it should be (inaudible) with finance and management of human resource.

Parliament should retain the power to authorize the raising and appropriation of public funds. There is no question of President having everything in his hands or using the position. When he goes somewhere, you will find him, he is seating, giving out that he has paid 5 million shillings as a harambee – that is wrong.

Local Government: the Chairmen of the Councils and the Mayors should be elected directly by the people. The current two-year term for Mayors and Chairmen is not adequate, and should remain at five-year term.

The Councils should be autonomous, and do their things on their own. Chief officers should be employed by the Councils as before. You see before, I was in a local authority, and these people were being employed by councillors. They had respect for councillors, but right now, they also see themselves as the bosses. So, there is no proper running of the councils, because, each and every person says, “I am the boss”. Chief officers say, I am the boss, Chairman says, I am the boss. So, if I employ you, obviously, you will dictate me, but if he is employed somewhere, again he takes salary from the council, he is not paid by the Central Government.

The chief officers should be answerable to the Mayors and the Chairmen of the councils. The minimum qualifications for councillors should be K.C.P.E. but experience in a different field should be added advantage. Should be a K.C.P.E. person, there is no question of being a Form Four. You will take a young boy, because he has finished Form Four, and he goes as a councillor, there he says I have gotten employment, he is not going to serve as required.

(Interjection) Com. Kabira: Okay, please wind up.

Ainea Bwire: I am finishing.

Com. Kabira: You are finishing?

Ainea Bwire: I am finishing Madam, Sister I am finishing. I came here to say something that you will go with. Don't go empty handed.

Com. Kabira: But you know there are other people who are also waiting.

Ainea Bwire: Yes, the Government should determine the remuneration of councillors through Parliament. We should retain nominated councillors, but those nominated should be people who have some (inaudible). Not just to nominate somebody who has just been working, who has been a fishermen and you take him to be a nominated councillor. We should have some vast experience somewhere. Either he has been working anywhere.

A council should only be dissolved by the approval of Parliament. (I am now doing the last thing).

The Constitution should (inaudible) political parties. The Constitution should regulate the formation, management and conduct of political parties. The number of political parties should be limited to three. They should remain at three.

The Government should finance the political parties to avoid bidders running here and there looking for money. Those are the people who in long-run change the Government, because they go out looking for money, and you find the Government being over-turned. If they are financed, by the government. I think they should be controlled. This should be from Government public funds.

All political parties to be financed by the Government, should be subject to annual audit reports, which should be scrutinized by Parliament. The political parties found to have misused funds allocated to it should be penalized. Political parties should be delinked from the state. That is the end.

Com. Kabira: Thank you very much Bwana Bwire. Just hold on for questions.

Com. Prof. Okoth-Ogendo: Bwana Ainea, do we need political parties?

Ainea Bwire: Political parties?

Com. Prof. Okoth-Ogendo: Yes.

Ainea Bwire: Yes we need them. But it will go on. We need only three.

Com. Prof. Okoth-Ogendo: Yaah, but we need them to do what? What is the value of political parties? Why shouldn't people be able to (inaudible).

Ainea Bwire: These political parties, if we have them, they are better for mobilizing the masses.

Com. Prof. Okoth-Ogendo: Now, why don't you just stand up if you think you want to be a Member of Parliament, just stand up, and campaign and offer yourself (inaudible)?

Ainea Bwire: No, political parties will give some security to the person who is standing, and at the same time, (inaudible). You might stand up here, because you have mugged a lot of money. If you follow that one, we will get the wrong people to Parliament. People who are not even able to assist the people, because, we will have bought. And if I have bought you, there is no question of me again doing anything for you.

Com. Prof. Okoth-Ogendo: I thought political parties do just buying people?

Ainea Bwire: They don't. Just individuals are the ones who buy, but political parties don't buy. It is just the individuals who want to get their way to Parliament. Thank you very much.

Com. Kabira: Okay, thank you very much Mr. Marabi. Please register. Now, Walter Owino Obango. Asante Mr. Marabi, did you give this map?

Ainea Bwire: (inaudible)

Com. Kabira: Okay, can we make it part of your memorandum so that we stamp it together.

Walter Owino Obango: Thank you Commissioners. Mine is very simple. My name is Walter Owino Obango. Commissioners, mine is very simple, and I want to talk in English.

My first point is on medical: there is what we call National Hospital Insurance Fund. I think this Department should be

abolished. I am saying so, because, I was also a contributor for this Insurance Fund. I contributed a lot of money according to my pay, and I was the only person who was contributing this money towards that Fund. I am saying so, one might contribute, and you are not hospitalized or your family or any person in your family is not hospitalized. But later on you will find that you retire, you have not benefited from this Fund, you don't know where this money is taken, but when you retire, nobody will take care of you.

And I think, if it is to be there, the best thing is to take care of those people who had also contributed, even if they have retired. The Government should take that one into account, because you had contributed, you have not been refunded that money, where is that money going to? This money is being misused by those people who are working in that department.

And I am asking the Commissioners, if you can take this point seriously, those people who are contributors of this, should benefit even if they have retired. They have contributed, just like the National Social Security Fund, where they refund money. Why can't we also be refunded this money when we have not.... somebody is having his file there, your file should determine how much you have used for the hospital, or your family has used. And if there is any balance, you should be given that money back. And if you are not given that money back, why can't you continue benefiting until you die. I think that one is one point.

The other one, just like the other person said, I would like to ask the Commissioners that, those aged men who are over 60 years, the Government should take of them. They have worked for the Government. The Government has benefited from them. They have given their 'ushuru', where is this 'ushuru' going to? And now they are very old, they can't work, and they left just there to die. Why can't the Government kill them, so if they are not required to be part of the people in this country.

(Interjection) Com. Kabira: What about the old women?

Walter Owino Obango: I think these old women and men are equal -- the old people. I said those who have attained 60 years onwards, the Government should take care of them. They have also contributed towards the development of the Government until they retired. Now, they don't have We have very many people who are very old and they are poor, nobody takes care of them. Let me say an example, a woman who does not have a child, and this woman is in the rural area, nobody takes care of her. The man also like that.

I am asking the Commissioners to take that one into account, that, those who are over 60 years, the Government should take care of them. Mine is just that, thank you.

Com. Kabira: Thank you very much Bwana Walter. Tafadhali utajiandikisha huko.

Walter Owino Obango: Asante. It is good that you don't have any 'swali' kwangu. Hiyo ni mzuri. (*laughter*).

Com. Kabira: Asante, ulikuwa very clear. Okay, Rispar Malala.

Rispar Malala: *Agonu erokamano.*

Translator: Nimesema asante.

Rispar Malala: *Ka ubiro nenowa ka.*

Translator: Kuja kutuona hapa.

Rispar Malala: *Nyinga Rispar Malala .*

Translator: Jina langu ni Rispar Malala.

Rispar Malala: *Adak Osieko ka.*

Translator: Ninaishi hapa Osieko.

Rispar Malala: *An gi weche ariyo maduaro wacho ka.*

Translator: Mimi nina maneno mawili ambayo ninataka kusema.

Rispar Malala: *Mokuonga awacho nia, Sirkal masani ok konywa e yo makare.*

Translator: Anasema, Serikali ya hivi sasa haitusaidii kwa njia nzuri.

Rispar Malala: *Chon sirkal machon kata ka nene wuodwa duaro luoro ruoth ne jodongo bet piny, majogweng dhi donje to wacho wechegi duto to gitieke. Wakuru go emanene luongo dhano kata ka idonjo to idonjo kuom gi to iwacho weche duto to ikete kata mana shilling apar moro.*

Translator: Mama anasema ya kuwa, zamani wakati Serikali ilikuwa inapatiana nafasi kwa wazee wa kijiji hicho, kuchagua mtu ambaye anaweza kuwaakilisha kama upande wa chiefs ama assistant chiefs. Walikuwa wakimchagua kutokana na siri za hapa, na walikuwa wakiweza kupatia Serikali ya kuwa, huyu ndiye mtoto wetu ambaye tulikuwa tunamtaka, hili aweze kutusaidia kwa kazi hii, na ilikuwa ikihusu pia wale watu wengine ambao ni wazee wa vijiji, ambao anawaita "mukuru". Walikuwa wakichaguliwa na wananchi wenyewe wa sehemu ile ambayo wanaishi, ili wafanyi kazi pamoja nao.

Anasema sio kama hivi sasa ambapo mambo inaonekana ni kama mambo yanatoka juu yakija chini.

Rispar Malala: *Waneno ni Sirkal owito dhano.*

Translator: Tunaona ya kwamba Serikali imetutupa.

Rispar Malala: *Nikech Sirkal ema onego orit dhano.*

Translator: Serikali ndio ingetuchunga sisi.

Rispar Malala: *Koro waduaru.*

Translator: Sasa tunataka,

Rispar Malala: *Nikawaduaru nuango wuoyi mawaketo e pap ne ruodh,*

Translator: Tulikuwa tunataka mtu kama chief ama mwakilishi yeyote tunaweza (inaudible)

Rispar Malala: *To waketone mlolongo.*

Translator: Lazima tuweke mlolongo.

Rispar Malala: *Wach mar ariyo,*

Translator: Jambo la pili,

Rispar Malala: *Sirkal masani,*

Translator: Serikali ya sasa,

Rispar Malala: *Wan gi chandruok*

Translator: *Wan gi chandruol (laughter).* We had to break the monotony.

Rispar Malala: *Wan joma sani wan gi chandruok ahinya.*

Translator: Sisi tuko na taabu sana.

Rispar Malala: *Nyithindwa somo,*

Translator: Watoto wetu wanasoma,

Rispar Malala: *Ochopo class aboro,*

Translator: Anafika darasa la nane,

Rispar Malala: *To okadho penj maber,*

Translator: Anapita mtihani vizuri,

Rispar Malala: *To obet piny,*

Translator: Anakaa chini,

Rispar Malala: *Nikech wuon mare onge go.*

Translator: Kwa sababu mzazi wake hana chochote.

Rispar Malala: *Min mare bende onge go.*

Translator: Pia mama hana chochote.

Rispar Malala: *Koro waduaru nia, waduaru ni Sirkal okaw nyithindwa osom nono.*

Translator: Tunataka Serikali ijukue watoto wetu, wasome bure kwa sababu hatuna uwezo.

Rispar Malala: *Kachieng' odhi motieko sombeno chieng nochul Sirkal.*

Translator: Ikiwa huyu mtoto atamaliza kusoma na apate kazi, atalipa Serikali.

Rispar Malala: *Mano kende e weche ma an go.*

Translator: Haya tu peke yake ndio niko nayo.

Com. Prof. Okoth-Ogendo: *Apenji mama, iduaru ni mondo nyithindo osom nono nyaka class adi?*

Rispar Malala: *Kata apar gi auchiel (laughter)*

Translator: Anasema mpaka darasa kumi na sita, na anasoma grade ya nne.

Com. Prof. Okoth-Ogendo: *Erokamano.*

Rispar Malala: *Nikech wan gi chan.*

Translator: Uwezo ndio shida ambao tuko nayo. Hatuna uwezo.

Com. Kabira: *Asante, lakini, sikusikia ukisema mambo ya akina mama, kwa hivyo (inaudible).*

Translator: *Openji ni ok owinjo ka iwacho weche mag mine?*

Rispar Malala: *Jotelo mar mon mondo mon omi telo.*

Translator: *Ee owacho kamano.*

Rispar Malala: *Mon onego otel, dhako kotelo to ochoko mon wetene to oketo ka achiel to oloso go.*

Translator: Anasema, angependelea mwanamke aongoze kwa sababu, mwanamke ndiye anaweza kuweka wanawake wenzake pamoja, na kuweka wengine pamoja.

Rispar Malala: *En ema kanitie dhako marach, to dhakono nyalo siemo wange.*

Translator: Hapo pakiwa na mwanamke mbaya, huyo ndio mwingine anaweza kumweleza kuwa hapo umefanya makosa.

Rispar Malala: *Nikech wan mon to wakiere wajo dhawo sama tin to wadhawo e yo manono.*

Translator: Anasema sisi wanawake shida yetu moja ni ya kuwa tunakuwa ni watu tunagombana kila wakati. Hiyo ndiyo shida yetu kubwa.

Rispar Malala: *Em a omiya waduaru ni mon bende onuang mana ruoth.*

Translator: Pia tunataka kina mama pia wawe chiefs na assistant chiefs.

Com. Kabira: Asante sana mama. Tafadhali jiandikishe. Thank you very much. Now, Okumu Fanuel Tom.

Okumu Fanuel Tom: Asante sana Commissioners. Mambo ni mengi lakini sasa, kwa vile mda mchache. Nitaongea yale ya muhimu, yale mengine yatabaki, wengine watatuambia.

Nitaanzia upande wa vyama vya kisiasa – political parties: one, the number of political parties should be reduced to three. We should not have very many political parties, as those sub-divide people within ethnic lines.

And political parties's main work should be to mobilize and monitor projects which are funded by the Government.

Then the third one, is about their funding. They should be funded by the Government.

Basic Rights: the Constitutional provision for fundamental rights are not adequate. Some rights are thwarted by the officers on the ground. Like for example, movement. When you are moving locally, as in your area, you find a policeman or whoever asking you where you are going, “unaenda wapi? unaranda randa”. But we have that kind of movement, whereby, one should not be asked, unless, he has a different agenda. We want that one to be rectified.

Another thing is that, God gave life freely, and only God can deny it by death. So, the Government or the judges should not give death penalties to people. That one should be abolished, and maybe life imprisonment should be put instead of death penalty.

Security as a subject: the Constitution should state the nature of mankind in Kenya – who the communities are and what kind of activities they are doing, should be stated in the Constitution.

Another thing is that, any community in Kenya should be described and from which the consistency should come. Kama ni community ya Wanyala, Wanyala wajulikane wanafanya kazi gani. What kind of life are they leading. Kama ni Waluo, kama ni Wakikuyu, kama ni Wanandi, maisha yao yachukulikane wanaishi maisha gani.

Lifestyle and activities stated well. Now, for example in Budalangi, people are crying daily. We have the Lake which is very resourceful, and we cannot make use of it. Why? Because our territorial boundaries are not defined, and that is why, intruders are taking that advantage.

Now, possible reasons as to why the Government cannot detect such problems. Why? Territorial boundaries have been left free to the neighbouring nation to encroach inside and what if, and that is not expected.

Territorial boundaries should be revived and we should have a definite boundary as from Sio Port to the other end Suba, that state, initially or formally, we knew that our boundary passes through Sigulu Island. The lower Sigulu was in Kenya, the upper Sigulu was in Uganda. It went to Msambwa, and Msambwa is a stone erected in the lake there. So, the back facing this side is written Kenya, and the other one written Uganda. So the boundary passes through there, leaving Siro Island in Kenya, Hama Island in Kenya, Ways in Kenya, going all through to the other end of Tanzania.

So, right now, we can claim any Lake. Any part of the Lake is not there in Kenya. The Ugandans do come, even after to the Lake shores here. So, the Constitution should state and clarify that the boundary passes through this Island and that Island, so that we make use of what our Kenyan Lake.

Another point is that, the President has a lot of powers, that is decision is final. So, whoever who is suffering, who is who. Like when we compare, we as fishermen and those farmers who keep cattle, we have been fearing this here and there, that they have problems of thefts.

The President orders security – the security is formed to follow for the stolen cattle, or maybe their stolen cattle are followed by the helicopter. And why can't he do that same thing to fishermen? So, that is inability of communities that do not have that.

Also, we have the Government having the inability to show interest in the actual activities taking place in the Lake. The Government does not know what the Lake is, doesn't even realize what benefits come from the Lake. But, this one should be addressed clearly, that Kenya has got a Lake which earns the Government a lot of money per year. So, it should be stated. Fishing as an activity should be stated in the Constitution and be given preference as tea or coffee. If it is a matter of building an industry, and industry should just be built in the region where the activity is being done. We should not take the advantage of somebody having a lot of money, going to build a fishing industry or a factory in Thika, while there is no lake over there.

We have Yala Swamp...

(Interjection) Com. Kabira: Excuse me! Your time is up now. Can you give us your (inaudible) point.

Okumu Fanuel Tom: I have just taken your almost two minutes, you are cutting me off.

Com. Kabira: That is understood. You have actually taken about eight minutes and you are supposed to have five because you have a memorandum. Can you please stop giving the position and give recommendations. What do you want us to do with the Swamp. Just give us the recommendation.

Okumu Fanuel Tom: The Swamp should be re-claimed. People who were staying there formally, but they were displaced by water. So, it should be re-claimed and made use of.

Parliamentarians should be given three terms to serve in the Parliament. Whether they are good or bad, three terms only and not beyond that. Apart from constituency MPs, other departments should be looked upon, instead of nominating the nobless who go there to serve their own interests.

We should also have representatives. If we have farmers dealing with cattle, we should have their representative in the Parliament. Fisheries, their representative in the Parliament. Crop farmers, labour, orphans, should be represented in the Parliament. The crippled, the poor, all these should be looked upon and have their representatives in the Parliament.

We should not have that early retirement – golden handshake, retrenchment, without a notice of five years to give enough time for planning and preparation.

The Constitution should clearly differentiate the gap between the rich and the poor. Certain amount of money should be subscribed to the poor on monthly basis as salary to limit that gap observation. You find that, drought has stricken an area, and the Government gives people some maize, someone cannot survive on two tins of maize for a whole year. So, the poor should be given at least some money on monthly basis.

On the side of DOs, we should also have the DO, the chiefs and assistant chiefs who are elected by the public. They should be voted on qualifications they deserve. We should not have chiefs without offices. If you are a chief and you don't have an office, they should get rid of you. We should have chiefs with an office, but not open-air chiefs.

We should have “mukuru” who are elected by the villagers and paid salary by the Government.

The Government should form a committee at any division for family counselling. Family problems should not just be taken to court directly. We should have a committee that does that duty.

We have been having rape cases, that somebody has been raped. I think, it has been taken in court that somebody has been raped. We should find the cause of the rape, the cause of the activity. If somebody has put an attire that gives people admiration, that person who has been raped should face the consequences, rather than that person who has been victimized. I think I should take this time to stop there. Thank you very much.

Com. Kabira: Okay, thank you very much for your views. Dan Ogutu? Ooh, you are the one?

Dan Ogutu: My names are Dan Ogutu.

First of all, I would like to address the issue of ethnicity in terms of national unity. I suggest that civil servants including teachers and those in other sectors of our economy, should not be posted to their so called home areas or communities or what they refer as locality. This, I would go much to curtail at least taking root.

This would also offer an area of exposure and mix with other tribes, hence appreciate their culture and at least ethnic diversity.

The Constitution should address the need of those who would wish to be leaders, to be elected in whichever parts, irrespective of their cultural or ethnic background, since Kenya is one, and we are Kenyans. And for the sake of unity, I suggest that the Constitution should address this anomaly.

Take for example cases whereby some people – wherever you go to contest in an area properly, you are not born or you don't come from that locality, you are being referred to as a Muhindi or somebody who has just been imported to a given area. This one should be discouraged as we are all Kenyans.

I also wish to cite up one particular area. When it comes to population census, there is this notion of interviewers asking, which tribe do you come from. I think people should be given an upper hand, especially for the politicians and other leaders to manipulate the system because they know exactly. For example now, some people know exactly the number of those ones in a given tribe, and that is why they are able to say, “we in Rift Valley, of a given tribe or we in Nyanza of a given tribe of Luo, we are so many” and therefore, wherever it comes down to elections, we have a lot of problems, and this has given ground, especially, to ethnicity picking up, and I suggest that, we are Kenyans. Wherever we are counted, the idea of which tribe or where do you come from should be there. We should not be counted or numbered as Kenyans. This idea of counting here in terms of tribes makes other tribes to feel to be left out.

I also suggest that the present local provincial administrators should be done away with, and probably appoint elders per every 15 households. Like the case in Tanzania where we have got in every 10 households, we have got somebody called “Balozi”. If you go to Uganda, we have people like “manyumba kumi”. These people, they tend to know the problems down on the ground directly, other than having these people whom we call provincial administrators. And these people, they must be paid by the Government. And they should be there on what we refer as “locational basis”, irrespective of the culture, ethnic background, as Kenyans, he is a Kenyan.

I also suggest that, those leaders who make tribalistic claimable statements to ignite a situation, should be punished by the law. And none is above the law on earth. Unlike the cases now, whereby, the law is seen to be protecting – the law now is protecting everybody, but it seems to be used selectively.

I also put something on land and the property rights. The Constitution should guarantee access land to all Kenyans and a Kenyan should be able to own land in whichever part of this Republic and guarantee the right of the individuals to own land, property, anywhere in Kenya.

The Constitution should promote and address this situation of squatters. Surely, the situation of squatters, we also speak about squatters, we have squatters who have problems here. Our counterpart – that is Bulywani and Osieko, we have very big families living in a very small piece of land, while we have allowed very rich Kenyans to own massive land at the expense of the poor. I would like a situation in Kenya, whereby somebody is apportioned land for the mother, for memorial services.

The Constitution should address the issue of land allocation to have simplified processes, not as per now the expensive process, people have to cover a very wide distance to go to the districts for these land processes, there is a lot of corruption in terms of the junior officers in those areas.

Like in the case of this part of Kenya, a big portion of land has been swallowed by water. That is the so called Yala/Bunyala Swamp. The Government should have looked for alternative land where we can actually be taken. For now, most parts of this land, we are seriously congested – seriously congested. If you would have wished, take time and go across, you would have really wondered, while other Kenyans would live a very big distance from one household to another household – is a very big distance. But here we are simply congested because the water has pushed us into a corner, and nobody has sat down to look for an alternative place for us.

And we told of late that, this piece of Yala Swamp is a conservation area for the fish. Imagine for the last 30 years, we are staying just here, despite the fact that the Government being aware of the floods that occur.

(Interjection) Com. Kabira: Okay, last part?

Dan Ogotu: Yes, last part. On education: and I say, there should be free universal primary education. The Constitution should promote and protect a true free primary education which is mandatory – that is primary education to enhance literacy in the country, unlike the cases whereby now, a system is put in place for the sake of it. You know now we have put the alternative that there is free education, but there are very many red tapes that the poor cannot even manage now.

Majority of Kenyans we know that they are living below the poverty line, and cannot even afford school uniform. If anything, the school uniform should even be done away with.

The levies that are being charged should (inaudible) primary education, then we should do away with anything called a levy – a charge to free primary education.

The last part is the unemployment. That is, the Constitution should promote and protect the unemployed by developing an institutional framework through which the unemployed could be helped to get a wage or finance as some kind of investment to reduce over-reliance and of course this idea of looking for white collar jobs. Thank you very much.

Com. Kabira: Thank you very much Bwana Ogotu for your views. You are going to give us those notes, si ndio? Kwa sababu ile, kulikuwa kuna kitu kingine ulikuwa ukitaka kusoma na iko kwa karatasi, ndio tukisome. Asante. Now, Gordon Okumu. Karibu.

Gordon Okumu: Kwa majina mimi ni Gordon Okumu. Mimi yangu ni machache tu. Sitazungumza mengi maanake, mengi itazungumzwa na wale wameandika.

Jambo la kwanza mimi nazungumzia mambo ya UKIMWI – ugonjwa wa UKIMWI. Serikali imenyamaza kimya, na watu wanakufa wengi. Sisi hapa tunasikia msaada imetoka ngambo imekuja kusaidia UKIMWI. Na hizo pesa zinapotea huko, huko, haiwezi kununulia mgonjwa hata dawa moja. Tunasikia tu wagonjwa wanakufa, na pesa zimekuja, na wakienda hospitalini unaambiwa, nenda ukanunue dawa kwa yale maduka ya ma-daktari. Hili jambo la kuenda kununua madawa katika maduka ya ma-daktari iishe. Mambo ya kununua madawa, na wewe mgonjwa, maskini, huna pesa, hilo jambo lingeisha. Kuwekwe sheria kali kwa Serikali ambayo inafanya kazi, sisi hatupendelei, uambiwe wewe mgonjwa, na hawajui unatoka wapi, uambiwe nenda ukanunue dawa katika duka fulani.

Kama pesa zile ambazo zinakuja za misaada, za kusaidia UKIMWI, haziwezi kufanya kazi, sisi tujitolee tutoe ushuru kama ule ulikuwa wa mbeberu, na tununue nayo dawa. Badala ya sisi watu kufa namna hii, na misaada inakuja, na tunapotelea huko huko. Tunaona wengine wanakuja hapa, wanafanya mchezo eti wanafundisha watoto wawache kutembea ovyo ovyo, hiyo haiwezekani. Lazima, yule ambaye ameshaambukishwa ugonjwa atibiwe, apone, badala ya kumuwacha afe, eti unafundisha

watu wengine.

Jambo la pili, ni hi mambo ya county council. County council ivunjwe. Haina kazi, maanake, wanakusanya pesa humu, hata wanapeleka, na hizo pesa hazirudi zifanyie wananchi kazi. Kazi yeyote hazifanyi. Wanazila tu huko huko. Kwa hivyo, sisi raia hatuna haja na county council. Ile municipal council ifanye kazi, na hii ya raia ya county council hii, ivunjwe, iwe haiko.

Jambo la tatu, namaliza, kama Serikali ya vyama vingi, mukubaliwe mukiwa vyama vitatu ama vine, viunde Serikali, vikiwa vinakua nyingi, viunde Serikali. Badala ya chama kimoja, eti amepate wajumbe fulani, anaunda Serikali, na kura haziingi, zimepatikana kwa vyama vingine. Kwa hivyo, sina mengi, yangu ni hayo tu.

Com. Kabira: Asante sana Bwana Gordon kwa hiyo maoni. Asante. G. Maduri? G. Maturi?

Gilbert Maduri: Commissioners, chiefs, wananchi, nashkuru, kwa majina ni Gilbert Mariko Maduri.

Yangu ya kwanza ni kuongea juu ya uvuvi: kuwe na mpangilio mzuri kwa sababu, tuseme kama assistant chiefs wanaweza kupata reports nyingi kuhusu wizi wa nyavu. Na wizi wa nyavu umekuwa mwingi kwa sababu, fishery department imekosa mpangilio. Kwa sababu unaona, kama mwananchi wa kawaida ananunua nyavu zake ikiwa arobaini ama thelatini, zinaenda zikaibiwa. Zikipotea, hakuna nafasi ya kufuatilia ama kupata kwa sababu, hakuna security kwa bahari. Kwa hivyo, ningepomba huo mpango uweko. Ikiwa mtu anaenda kuwa nyavu zake awe mvuvi, ajiungwe kama mmoja wetu, asije akapata hasara, kulingana na wizi kwa sababu umaskini umekuwa mwingi. Ikiwa kutakuwa na mpango mzuri, itakuwa vizuri kwa sababu, inaonekana ya kwamba bahari zina utajiri mwingi.

Ya pili, pande ya administration kama chiefs, hatuna shida kama munavyoona, vile munavyosafiri kutoka Budalangi mpaka hapa, ingawa tuko Budalangi, lakini ni kama Budalangi ingine ya pili. Kwa sababu tunapata shida ya kwenda hata kwa division, kulingana na lack of transportation, hatupati – yaani kusafiri kwa njia ya haraka. Tunafikiri tupitie kwa maji inaweza kuchukua masaa mengi, na tena, unapata huna allowance yeyote, ambayo unasafiria, una-depend kwa salary hiyo kidogo. Na ukifika huko, uenda ikawa umechelewa kwa meeting, pengine meeting moja muhimu, hutafika uko kwa hiyo saa ambayo inajulikana, ama saa zile nzuri, ama zile saa zinatakikana na Bwana DO ufike. Kwa hivyo, tunapta shida kama hiyo.

Jambo la tatu, tunaonelea ya kwamba, sisi kama wananchi, ikiwa iko maneno na shida, kwa mfano, upande wa mkaso wa maji, tunapata shida sana hapa Bunyala. Kuna sehemu kama, katika sub-location yangu hapa kuna sehemu karibu mbili ambayo kunakuwa na shida wakati wa mafuriko, Osieko pamoja na (inaudible). Ukitoa Osieko sana, ... (inaudible) na Bulywani.

Tuna shida sana, unapata wananchi hao wanakosa kitu ya kura, chakula zote zimeenda na maji, na unapata sasa wanyama pia ambao wanaishi katika msitu, wanaingilia chakula chao.

Sasa shida kama hiyo iko sana, sasa tunaonelea ya kwamba, specialists waletwe wakati wa chakula kulimwa, huwa unawapatia

wakulima njia ya kulinda vyakula vyao. Na upande wa shida ya maji, Serikali pia iangalie sana kwa sababu, wengi wao, ni watu ambao hawajiwezi kabisa.

Jambo langu la nne, kama sisi ma-chief tukiitisha Baraza, kulingana na vile mwananchi mmoja ameongea hapa, wananchi hawawezi kuja kwa sababu wanaona, hakuna jambo muhimu ambalo Serikali itakuja kuwasaidia nalo. Sasa, mtu anaonelea, afanye kazi yake, kuliko kuja kwa Baraza, kwa sababu, akifanya kazi yake atapata kile kidogo ambacho kitamsaidia. Na hapa kwa Baraza atakaa, aende bila kitu. Hasa wakati wa msaada, ndio kuambiwa mwananchi wa kawaida, kuja kwa Baraza, atafika, kwa sababu anajua ya kwamba, chief sasa wanasema tuende, tupate kidogo kile ambacho kitatusaidia. Na hapo utaona wananchi watakuja kwa wingi. Kwa hivyo shida kama hiyo inarudi kwako, sasa tungeomba Serikali, ipate njia ingine, ambayo inawezafanya wananchi wa-attend Baraza ya chief.

Mimi yangu ni kuwashkuru wananchi, na ma-Commissioner, na chief wa area, asanteni kwa kunisikiliza.

Com. Kabira: Okay, asante sana Bwana Maduri. Joshua Osunga Amollo.

Joshua Amollo: *An iluonga ni Joshua Osunga Amollo.*

Translator: I am called Joshua Osunga Amollo.

Joshua Amollo: *An kod weche adek maduaro wuoye.*

Translator: I have only three things to talk about.

Joshua Amollo: *Mokuongo, nene awinjo mana e lendo ni ubiro biro Osieko ka.*

Translator: First, I had heard through an advert that you are going to come in Osieko here.

Joshua Amollo: *Ok ne awinjo kata kuom sub chief kata councilor emanyicha ne owachona achien.*

Translator: I didn't even hear it through the local chief or any other body, but the Councillor told me just the other day.

Joshua Amollo: *Kawuoyo,*

Translator: As I talk,

Joshua Amollo: *Chief kata sub chief aduaro ni mondo ogonegi kura, giti higni abich to igonegi kura.*

Translator: Chiefs or sub-chiefs should work for a period of five years, and they should also be elected.

Joshua Amollo: *Nikech chief kata sub chief wakia nito Mkuru en nga kama Mkuru nyalo yale, sub chief emayale*
(laughter)

Translator: We are getting confusion because we don't know where the sub-chief should be working and you find that the village elders tend to work where the assistant chief is working, and therefore, creating confusion.

Joshua Amollo: *Ema omiyo, kuoma gi kora binafsi awacho ni mano mondo Sirkal onge ni waduaru wangni mlolongo mar sub chief kata chief, to wayiero ngama waduaru.*

Translator: On my own side, I suggest that, we need a queuing system to elect chiefs or sub-chiefs.

Joshua Amollo: *Mar ariyo, wan gi shida e school.*

Translator: We have problems in the schools.

Joshua Amollo: *Pesa migolo dhuku dhuku kathud romboni otamowa (laughter)*

Translator: This idea of giving some small bits of money now and then is making us totally tired.

Joshua Amollo: *Nene waneno ga Wasungu kawasegolo shilling 20/= to buge wayudo, kalambe wayudo, koro idhi adhiya gi school mbele.*

Translator: We used to see it during the colonial period, whereby, you only paid two shillings, you would get a pencil, a pen, an exercise book, or something of that kind the whole year.

Joshua Amollo: *Mar adek, kar school awayo. Nam mbunge Mr. Wanjala osekedo ne wach mpaka mar nam, to Sirkandwa ok nyal ngeyo nito wahinyore nade joma nie tiend nam.*

Translator: Our area MP – Mr. Wanjala has talked about the issue of boundary especially within the Lake, and the Government seem not to understand, that how much, we actually, are suffering in terms of the problems within the Lake and the boundary.

Joshua Amollo: *Bas, awinjo ka Mr. Wanjala wuoyo ga e nam pile pile to pok anene ka gikawo atua, koro akia ni en jasiasa, koro akia nito owuoyo oko, to owuoye Sirkal kagiwinjo kata Mr. Oburu ki kawe hatua mondo okony Mr. Wanjala.*

Translator: We are wondering why the Government is not taking action, despite the area MP's address of this issue in the Parliament, and also has informed his counterpart Mr. Oburu, and we are wondering what is happening.

Joshua Amollo: *Koro Wanjala eme ongeyo ni kara nyithinde e manie nam ka kende.*

Translator: He is wondering whether Mr. Wanjala, is he the only person, Member of Parliament within this Lake region who is having the people working within the Lake region?

Joshua Amollo: *Ema omiyo akwayo ni mondo Sirkal ongiye kanyo.*

Translator: We want the Government to help us.

Joshua Amollo: *Mano kende.*

Translator: Only that.

Joshua Amollo: *An Amollo, mimi Amollo.*

Com. Kabira: Now, thank you very much Bwana Amollo. David Ronge. David Ronge hayuko?

Response: Yuko.

Com. Kabira: Ooh, yuko.

David Ronge: Honourable Commissioners, Ladies and Gentlemen, I am going to offer some details. My name is D. L. Ronge. I will present a memorandum on behalf

Com. Kabira: (inaudible)

David Ronge: He is my secretary. (*laughter*)

Com. Kabira: Okay, maybe he can hold the microphone.

Samson Okello: I am Samson Okello Inditi.

Com. Kabira: Ooh, okay, you said Samson Okello Inditi.

David Ronge: Besides these two, we have two others also, Adam Siamba, Odera E. Jura. This particular group is called "Osieko Focus Group". We have gone through this list of questions that you prepared, and as far as possible, we have gone through the book. There are some we have left out, because, the lawyers, with their tricky language, we don't know what they meant in some areas.

a) Preamble: we suggest that it is good to have a Preamble.

Second, there should be a national vision which should embrace the principle of harambee which came in at independence, which means "pulling together". There are also some champion statements which are e.g. "peace, love and unity, justice, equity,

fairness regarding distribution, allocation and sharing of material resources – natural resources” as well as creating opportunities for welfare of all.

There is also the question of having some functions, to maintain the spirit of hard-work, transparency, accountability, honesty, as regards the prosperity of constituency of the Preamble created.

Principles of State Policy: there has to be a national philosophy and guiding principle. The democratic principle which should include equal chance for participation towards national development and state affairs, distribution of state powers, based on rotational and balanced leadership according to the provinces.

Powers and authority: the President should be trimmed. Appreciation and respectability of each individual’s stability, capacity and potential to effect action, especially in leadership.

Kenyans have important values to be reflected in the Constitution and include, beliefs and respect to human dignity worth.

Two, individual as primary is concerned of the society i.e. the society is obliged to sustain the survival needs of each member. Social responsibility and accountability to one another. Freedom of choice and decision making should not be imposed. Need to encourage initiative, especially, by the locals for the development of the society.

Economy by adopting bottom-up priority. Planning where community is directly involved, right from decision-making, planning, implementation, evaluation of both national community and group projects. The principles should be enforced.

Constitutional Supremacy: 65% requirement should be maintained. Parliament should retain powers to amend other parts which are sensitive and commonly affect the well-being of the citizens, should be amended through referendum i.e. direct vote or consent of the citizens.

Yes, such (inaudible) that embrace fundamental rights and freedom of individuals, trustland, government finances and resources allocation.

Among the people that should conduct referendum are:- the church leaders, the expatriates from

Com. Kabira: Sorry, Mr. Ronge, as I can tell that you have about maybe between 12 and 15 pages of the memorandum, and you are now on page 2. So, if we read it, you will finish I think two hours from now. So, maybe the best thing is just to tell us, you have given out recommendations on those areas and then one point from each area. Then the others we will read. Thank you.

David Ronge: Asante sana. I have finished, that is Constitutional Supremacy.

Citizenship: we say, as covered by now is quite adequate.

Defence and national security: discipline forces be established by the Constitution, hence, a recommendation that, the term of police training should be extended for quality, efficiency, and so on.

The Cabinet, the Parliament and the Judiciary should be consultative powers over the security in terms of emergencies.

Political parties: other than political mobilization, the political parties should excute other roles such as: supervisory, monitoring roles, including the checks and balances of the flow, and exercise of authority. Maintenance of justice, fairness, regarding impunity of state finances.

Com. Kabira: (inaudible)

David Ronge: We said we should have at least four political parties. The reason why they should be regulated by the Government, registered by the Government, is that, we must bring everybody to ensure that there is discipline in our political activities. We cannot have people registering one party, then he is one man, and he wants to confuse the public. We would like to ensure there is political discipline.

Structures and systems of Government: according to us, we want a federal government to be established in Kenya, so that, all provinces can share in the State finances and development.

The Legislature: The Parliament should vet and approve the following:-

- Ministers;
- Permanent Secretaries;
- Attorney General;
- Chief Justice;
- Ambassadors and High Commissioners;
- as well as other senior Government officials.

The President should not have powers to veto all the legislations passed by Parliament.

As we have followed the majority rule, as it applies in our consensus, elections for Parliament should not be done, surprisingly, nor delayed but contesting persons be made known to people by declaring in advance, as that problem may confuse everybody, and it should be after every five years.

The Executive: the Constitution should specify qualifications for the Presidential candidates. Should, apart from attaining the age of 35 and above, should have several other political status for aggregate experience or at least 10 years in Parliament.

(Interjection) Com. Kabira: Okay, Mr. Ronge, give us your last point.

David Ronge: I will give you Madam.

Com. Kabira: Yes, I know where you are now, you are in the

David Ronge: I am in the Judiciary.

Com. Kabira: Yaah, and I know that there are other things that come after that. So, if you have (inaudible).

David Ronge: That is what I said before.

Com. Kabira: So, I am saying I know how long it is going to take to go through all the other sections. Can you give us, because we have about there are very many people who want to present. We have 60 more. They have (inaudible). So, that is why we are saying that, you give us your last point, then the rest we shall go and read.

David Ronge: Madam Chairperson, whereas I appreciate that, I think from the time I have been here, you seem to have given more time to others, to me you are giving very little time, *(laughter)*. However, I will be very brief. I will give you the last one. The Judiciary is the last one.

Com. Kabira: Okay.

David Ronge: Judiciary: the present structure is not adequate. There is need to establish the divisional level of courts. We need a Supreme Court for appeals to overrule the biasness if any. We need a Constitutional Court to regulate the Constitutional affairs.

The Judicial officers be appointed by the Judicial Commission. Be liable to law, be sued if any misconduct.

The Kadhis Court be restricted to judicial work, like all other law courts. The Kadhi should have similar qualifications equitable to magistrates. Kadhi be appointed by the Judicial Commission and approved by Parliament.

Judicial powers of the State be vested in courts and work in conjunction with the Law Society of Kenya. To establish Law Courts at the divisional level should be encouraged.

There should be Constitutional right to legal aid in order to protect the poor and the weak from being taken advantage of by the powerful and the rich, as well as the politically well positioned people.

There should be Judicial Review to harmonise and classify or clarify legal aspects for comprehensive understanding by the ordinary man.

(Interjection) Com. Kabira: Okay, can you move away from the Judiciary. Can you go to the next set and then give us one point. Of course, we have now given you too long. You want to go through it, and you won't be able to finish.

David Ronge: Madam Chair, Local Government.

(Interjection) Com. Kabira: Just one point from Local Government, then you go to the next one. One point only, the rest we shall read.

David Ronge: The Councils should operate under the Central Government for checks and balances.

(Interjection) Com. Kabira: Okay, can we go to the next set of issue, then we will read the other ones on Local Government.

David Ronge: Basic Rights.

(Interjection) Com. Kabira: Okay, the first one on Basic Rights.

David Ronge: Death penalty be abolished following the philosophical ideals about creation and sacredance of life.

(Interjection) Com. Kabira: Okay, we move on to the next set of ideas. The next group

David Ronge: Land and Property Rights.

(Interjection) Com. Kabira: You give us one point.

David Ronge: The local community should have the ultimate ownership of land.

(Interjection) Com. Kabira: Okay, thank you the next one. The next set of ideas.

David Ronge: Management and use of natural resources.

(Interjection) Com. Kabira: Then you give us one point.

David Ronge: The Cabinet, the Executive and the National Assembly or Parliament should work in consultation with each other to execute powers regarding management and control of national resources, like finance, human resources, facilities, service and institution.

Com. Kabira: Okay, thank you very much. I think you have given a lot of thought to these sets of questions and we want to assure you that every single thing that you have put together with your focus group will be analysed. So, thank you very much. And the secretary has confirmed that you have presented one. *(laughter)*

Okay, thank you very much. We will give it to the review. So the secretary can report to the focus group. Thank you. Can we have Marcela Tende.

Marcela Odoyo: By the name, I am Marcela Adoyo Tende. I am married, with several children and grandchildren. I am a manager in my house, I am managing my house and the resources around. This is my point:-

We need a Preamble in our Constitution, which states goals and aims of our Constitution.

The Constitution should be accessible to people and written in a language which everybody will understand.

For any change in the Constitution, it should come back to the public for consultation.

For the future generation to understand the Constitution fully, it should be introduced in the school syllabus as a subject.

The Government to train more para-legal to help the local people who cannot afford to go to lawyers for legal advice.

The Constitution should be dynamic. It should change according to changes (inaudible).

Chiefs and assistant chiefs to be elected by the local people and should be transferable. The reason being that, the more they stay in one place, they sideline other groups in the community. They get involved in corruption e.g. land. They don't have good PR in the community.

The village elders should be given salary. The reason being, to avoid corruption in their duties.

Wife-beating should be outlawed.

An office of guidance and counseling should be opened at grassroot level for mediation between the married parties.

Marriage should be at the age of 18 years and above, to avoid divorce and separation; to allow young people to continue with education.

Come-and-we-stay type of marriage should be abolished in Kenya and be replaced by statutory marriage. The reason being, it is announced for three weeks and witnesses are present, certificate issued.

No early marriage, in case of divorce, property be shared. *(laughter)*.

Marriage is recognized in the society. Both parties must be singles. Parents are involved in decision-making.

Provision for protection against a woman who sues her husband in court should be given by the Government. The reason being, to avoid harassment by the husband.

Death penalty is a violation of rights to life, and it should be replaced by life imprisonment. Reason being, it reduces the country's population; it retards the development, both politically and economically.

For maximum participation in Government by everybody. Parliament should be given power to nominate 50 women, 27 disabled, 10 youth, 50 minority groups, and the remaining should be men.

An MP should have an office at the locational level for consultation with his or her constituents when he or she is in recess. But if he or she fails to report to his or her office three times, his constituents should have the power to write a letter to the Speaker of the National Assembly. *(laughter & clapping)*

Children born outside Kenya by Kenyans should automatically fall Kenyan citizens. Reason: he or she belongs to Kenyan parents. Therefore, he or she automatically becomes a Kenyan citizen.

Street children should be catered for by training them to be self-independent. If the number is growing bigger, then they will be a threat to the nation. That is all (*clapping*)

Com. Kabira: Thank you very much, just a minute.

Com. Prof. Okoth-Ogendo: Madam, come-we-stay marriages. What is the difference between that and customary marriage?

Marcela Odoyo: The difference is, come-we-stay marriage, they just stay without anybody knowing. Even the parents do not know that they are staying as wife and husband.

Com. Prof. Okoth-Ogendo: Suppose they come, they stay, and then they got the parents and announce to their parents?

Marcela Odoyo: Yes.

Com. Kabira: Okay, thank you very much Bi. Tende for the views. Cllr. Obwanda Osunga.

Cllr. Obwanda Osunga: Asante kwa wote ambao wamekuja kuhusu kikao hiki cha leo. Mimi nitakuwa mfupi, bali nitakuwa na machache tu nikipitia hivi vile nimeanza. Kwa majina mmesikia ni Obwanda Osunga Cllr.

Upande wa afya: nimeweka ya kwamba na kupendekeza, Serikali, ni lazima ifanye jitihada ya kuwafunza wa-daktari. Yaani, nurses, ni lazima hawa wauguzi tuwe nao kwa wingi. Sio vile sasa tuko na zahanati nyingi na ukienda huku unaambiwa hakuna wauguzi. Kwa hivyo, pendekezo langu, Serikali ijiandae kuajiri wauguzi wengi.

Jambo la pili, kuhusu hiyo afya, nimesema ya kwamba, ni lazima Serikali ijitahidi tupate madawa katika zahanati zote zilizo Kenya.

Nimesema ya kwamba, vile vile, pesa ambazo zimetengwa kuhusu afya, ni lazima ziwe katika wizara ya afya. Sio vile pesa ikija ya ukimwi, munaambiwa hizi hazipati, lazima ziende kwanza kwa ofisi ya Rais. Zinaenda kufanya nini huko? Ikiwa tunajua wa-Kenya kwamba, tuko na wizara ya afya.

Upande wa masomo: ni mzigo hasa ya kwamba, wazazi wanaambiwa ya kwamba watoto watasoma bure, lakini, hakuna masomo ya bure. Nasema ni ya kwamba, tunataka Serikali ijue ya kwamba shule na hata vifaa vya masomo, vipatikane katika shule zetu za Kenya.

Kuhusu watoto ambao wanahitimu kupata alama ya B- (minus): Serikali ichukue jukumu ya kwamba, hakuna mtoto kama huyo atakayebaki nyumbani ya kwamba, amekosa fedha za kumpeleka mbele kuhusu masomo yake.

Upande wa Serikali za wilaya (government authority): nimependekeza ya kwamba ni lazima zifanye na Central Government, vile iko. Na vile vile, Clerk na Treasurer wa Councils, wajira wao wapewe nguvu hata ma-councillors kuwajiri. Sio vile ya kwamba ma-councillors munaajiri tu wale wafagiaji, halafu, hawa nao wanaajiriwa na ofisi za juu, ambao hamjui. Sasa ikiwa mtu yuko na makosa hapa, hata mukilia machozi ya damu, haisikiki kamwe.

Vile vile, naomba ya kwamba, councils pia zipewe jukumu la kupeana mikopo kwa wafanyi biashara walio katika eneo lao. Isiwe ya kwamba, ni pesa zinakusanywa, na hakuna huduma kama hizo kwa wafanyi biashara kama hawa. Nao tumewaweka nyongo ya kwamba, ni lazima wakate leseni kila mwaka, na hakuna hudumu.

Upande wa utawala: nasema ya kwamba, sehemu ya utawala ni lazima tupewe fursa kama wa-Kenya kuwachagua watawala wetu. Iwe chief, ama naibu wake. Kwa vile, huduma za sasa ni duni, kwani mtu anafikiria ya kwamba, aliandikwa na Yesu, kwa hivyo, wewe raia wa kawaida hauna kitu cha kumuuliza. Akifanya mabaya, akitenda mema, anaona mshahara ataupata.

Sehemu ambayo councillor anaiwakilisha: hiyo ward, ni vile vile kama location. Kwa hivyo, nilikuwa napendekeza, ikiwa councillor yuko katika location ambayo inaitwa ward, na chief pia yuko katika location, ambaye yeye ndiye msimamishi wa hiyo, na councillor hana mshahara, na chief yuko na mshahara, na upande wa Maendeleo, munaambiwa ya kwamba, hawashughuliki. Wanakuambia hao ni kuhusu usalama tu. Ambao utapata hata huu wajibu wa usalama hawatekelezi. Kwa nini mtu mmoja asiwache? Tukisema ya kwamba Serikali inapoteza pesa nyingi, kulipa huduma wa raia. Ikiwa ni chief atoke kwa hiyo area, halafu tubaki na councillor, ambayo itakuwa ni raia kumchagua kila mara. Hata ikiwa ni hiyo jina ya chief atabaki nalo, lakini iwe raia wamepewa jukumu kumchagua.

Na kwa vile Kenya hii tunasema ya kwamba, Wabunge na Madiwani ni miaka minne, ikiwa chief tunampigia kura, afadhali tumpigie kura baada ya miaka minne.

Naongea kuhusu uvuvi: kwa upande wa uvuvi, kwani familia million thelatini ambazo zinategemea Ziwa Victoria. Na pesa ambazo Serikali ya Kenya pekee yake upate kutoka Ziwa la Kenya, ni billion sita na nusu kwa mwaka. Napendekeza ya kwamba, asili mia arubaini ya pesa hizi, zirudi nyuma kwa wale wakulima wa samaki, ili wapate hudumu zifuatazo:-

- Barabara;
- Floating bridges, kwani kama sasa Budalangi, utapata ya kwamba hizi floating bridges ndizo zita-connect Bunyala South, Obaru Sub-location ambapo tupo, na Hajula ambayo iko ngapi ile. Hili pia wapate huduma ya upande wa

usalama. Badala ya kuwa hizi billion zinaenda, zinasomwa na hazisaidii chochote.

Narudia upande wa Serikali vile vile: (najua yangu itakuwa mkato hivi kwa sababu mimi si expert). Serikali imekuwa na mutindo wa kuchagua ma-Commissioners usubuhi na mchana. Na kila vile Commissioners wakihitajikia, utapata ya kwamba, Commissioners wanachukuliwa wale watu ambao wanafanya kazi zingine. Sasa hii inakuwa ni kazi ya siada. Bali tuko na wa-Kenya wengi ambao wamehitimu masomo, na wanatafuta kazi, na haipatikani.

Na hiyo itakuwa sasa ni msunguko tu wa mtu mmoja kufanya kazi saba. Nahofia ya kwamba, Serikali ikifanya vitu kama hivi, ipate kufikiria vijana ambao wamehitimu na wapewe nafasi.

Upande wa communication kwa biashara ya Matatu: hii imegeuzwa, ni biashara ambapo...

(Interjection) Com. Kabira: Na Councillor, hiyo ndiyo ya mwisho?

Clr. Obwanda Osunga: Asante. Hii ndio biashara ambapo wengi wameingilia. Mtu mmoja anakuwa na ma-bus zaidi ya mia tatu, na wengine hata hawana chemi ya kula, na hii inaleta madhara kwani wengi wanakufa kuhusu hii, kwa sababu, haya ma-bus mia tatu, kila lolote linakimbilia abiria. Sasa inakuwa ya kwamba, hali ya usalama iko hatarini, bus litaendeshwa na yeyote, kwa vile driving licence pia zinapeanwa ovyo ovyo, sasa wengi tunapoteza maisha.

Napendekeza ya kwamba, ikiwa biashara ya Matatu inaweza ikawekwa, mtu wa maghari mengi ya mwisho, yawe maghari ishirini.

Namaliza nikisema ya kwamba, upande ule ule wa mipaka katika bahari hii. Imekuwa sehemu zingine tunajua ya kwamba, ukienda Busia kule nje utaambiwa, huu ndio mpaka. Na hapa, imepatikana ya kwamba, wavuvi wanaumia hasa, na hawafanyiwi chochote. Ilikuwa ni wimbo, wengi wamepoteza maisha, na tuko na police – regular police ambao tuko nao hapa chini, wanakuambia ya kwamba, hawajapata authority, na ni lazima wapate kibali kutoka juu ndio waingie majini. Na tuko na marine police, ambao ukiuliza Port Victoria utaambiwa ya kwamba, tuko na marine police mmoja. Sasa inakuwa ya kwamba, Kenya Navy, tunajua ya kwamba, huajiriwa baada ya mwaka. Hao watu wamewekwa Mombasa. Je, ni kwa nini wasije katika hii Ziwa Victoria na wapate kupeana huduma ambazo zinafaa.

Commissioner, namaliza, nasimama naenda kukaa, na ninasema Judiciary: Judiciary, wapewe nafasi ya kufanya kesi zile ambazo zimeshatoka hapa chini rasmi, ambao wazee wamepitisha ya kwamba, mtoto huyu amekuwa mkorofi, na sasa tunapeana Serikali ya mbele iangalie. Sio vile hata kesi za upuzi, ambazo zingemalizwa hapa chini, vile zamani zilikuwa zikimalizwa na wazee. Siku hizi pia unapata ziko kortini. Na hii kesi tu, ni kesi ambapo hata wa-mama wakikaa watatu wanaimaliza. Inataka kumaliza kortini zaidi ya miaka mitatu. Nenda rudi, nenda rudi. Inafaa kesi kama hizi ziregeshwe huko

nyuma. Hiyo ni kuhusu mashamba, na pengine ndoa zinazovunjika ovyo ovyo.

Com. Kariba: Thank you very much Councillor for your views.

Com. Prof. Okoth-Ogendo: Anyway, I just wanted to make this comment, maybe to Hon. Raphael Wanjala. I was talking to the Ugandan Foreign Minister – Hon. (inaudible) on the boundary, and he told me that in this country, that is the responsibility of the Minister for Regional Compensation not Foreign Affairs, and therefore, they cannot discuss it. I think you better read that in Parliament.

Com. Kabira: Thank you very much. Do we have Stephen Kavakoli Chavakoli. Stephen Kavakoli? The next one is Hon. Raphael T. S. Wanjala. You want to (inaudible). You are the next on the list, I am just going through the list. But if you want to read, whatever you choose.

Hon. Raphael Wanjala: I am Hon. Raphael T. S. Wanjala, Member of Parliament for Budalangi. Commissioners, I also take this opportunity to join my constituents in presenting my views to the Constitutional Review Commission of Kenya.

Currently, people of Budalangi Constituency like other Kenyans, are facing unprecedented problems, that is poverty, unemployment, insecurity, poor infrastructure and institutional social decay. The new Constitution should therefore, address these issues by specifying in the Preamble, the goals and aspirations of all Kenyans.

Number two, Directive Principles of State Policy: it is necessary to have directive principles setting out State philosophy and objective. Individual citizens should be recognized as the state derives its power from the people. Therefore, the principle should be build into the Constitution as part of the country's law.

Basic Principles: the State should promote multi-party democracy and eliminate all forms of dictatorship. Should build and unite Kenya where life and property of individual citizens are protected, unlike the situation where we are seeing in the Lake, our lives and our properties are not protected by the very Government we pay taxes to.

They should promote the culture of hard work, honesty, entrepreneurship and individual merit development, guarding against the poor.

They should ensure ethical use of natural resources for all Kenyans, unlike, where they have left our natural resources here, and even the swamp here, if we were able to use the wetland to produce things to market even outside this country, we won't be poor, the way we are today. And we have natural resources but we are not being supported to use. Elimination of greed, corruption and disposition.

Constitutional Supremacy: the current system of 65% of the total votes cast by MPs to change some sections of the Constitution should be retained. However, the same should not be used in those aspects affecting the Parliament, like extension. Because, if we allow Parliament to be extended, just by 65%, then we will also be doing a de-service to Kenyans, because we might be having our own interest as to why we want to extend the Parliament.

Citizenship: any part of the provision which discriminates against women should be removed.

I propose that any person born, or adopted, or married to any Kenyan citizen becomes a Kenyan naturally. Here at the border we are suffering. Some of us would like to get ladies from Uganda, but it becomes a problem for her to acquire an ID (identity card). So, we propose that, once it is confirmed that the lady is married to you here, she should be a Kenyan naturally, and be given an identity card. Because, if you are a poor man, we undergo a lot of processes.

Because you find a Minister to a European, maybe from Britain. And here a poor man is just married to a lady from Sikulu. The Mzungu becomes a Kenyan before this poor African here from Sikulu is a Kenyan. *(laughter)*

And those foreigners with established occupations and have been in Kenya for ten years should be granted citizenship.

The law should also allow the Kenyan to hold dual-citizenship. Here at the border, we are harassed, we cannot go to those islands because they will tell us we are Ugandans. We want us to have at least two citizenships, so that we can go to Uganda, stay, come to Kenya, we stay, because, we didn't choose to be born here at the border.

Passports should be automatically availed to any Kenyan of the age 18 to enable the citizen seek other opportunity.....*(end of side A)*. until you say that and produce a letter from the person who has invited you, they will never give you a passport, and indeed, they denied us a passport which is a right, should be a right to all Kenyans to have it and keep it in your briefcase.

Political parties: political parties are essential in mobilizing the people for the survival of Parliamentary democracy. However, there is need to regulate the number of such parties to three or four, only to avoid formation of parties on tribal bases. The Constitution should guarantee their existence and funding.

Any MP crossing or defecting, because me I hate people who defect from one party to another, should automatically lose the right to contest again. Because they will have betrayed their electorates.

Structures and systems of Government: Devolution of power – Local Government (that is authorities). Local Authorities play an important role in the development of rural community. However, to achieve this, they must be funded global and well

financed principles. This will ensure equal distribution of natural resources and improve participatory democracy through grassroots development.

Today, many are created as instruments of alienation of the people. They are blotted and ineffective. Only persons of high integrity and management experience in public affairs should be elected. At least 'O' level graduates should be elected to Mayorship by the public.

Provincial administration should cease. Today, you find non-areas of Opposition where you find a chief siding or supporting the development of an Opposition MP, the chief is sacked. So, it seems the chiefs are being used to serve the Government that is in power, and yet they are supposed to serve all Kenyans, in parties that belong to the country.

So, we should just do away with them, and have those ones we elect. Because, sometimes they are used even to harass other leaders, whenever they want to do development. So, they have outlived their usefulness.

Like today, a PC has no job. At a provincial level, there is no job a PC is doing. You find a DC chairing a meeting of security. Why? He is not trained on security matters when the OCPD is there. So, those are some of the things we are looking at, and saying, they should not be there. But possibly, let us have the Executive Secretary at the district level working with the council. And each holder of such office for the equivalent of DO downwards to be elected by the public – that is DO, chief, assistant chief, to be elected by the public.

The Executive: that is President and Prime Minister. The current enormous powers vested in the Presidency have transformed the holder into an authoritarian, so that is interior monarchy. The President is both of Head of State and Government. Head of a Ruling Political Party, Armed Forces, Judiciary, and many others. This translates to abuse of responsibility.

The powers of the President should be drastically reduced to head the State only. The position of Prime Minister should also be created, to head the Government. The Prime Minister should only head the Government, and the President should be elected by all Kenyans directly, and in fact he should not own a constituency, and he should only serve two terms of five years each. He should be the head of Armed Forces and should appoint the Prime Minister, from the party with the majority members in Parliament or coalition of parties. He should appoint Cabinet on recommendation of Prime Minister. The appointments should be vetted by the Parliament.

The President should have a running mate as a Vice President to avoid this situation where a whole Vice President who is a principal assistant to a President, he is seated there, the President is addressing the public, and telling him 'forget'. That is an embarrassment to your principal assistant. That is quite uncultured kind of behaviour. So, we propose that he should be a running mate to the President.

The Parliament should have the powers to impeach the President who breaches the Constitution. At least 30% of Cabinet positions should be women, and also, each Ministry with one Minister, to avoid a situation where one Ministry has got three Ministers, even when you go to that office, you are confused, to which Minister to talk to. Today this Government, and since there ten Assistant Ministers.....

Parliament: Parliament should be an independent organ, free from manipulation by the Executive. To make it effective, it should have both the elected MPs and Provincial Representatives. First, maybe out of these Provincial Representatives, that is where we should have Ministers. We should not even have Ministers from the Parliament. These members will be mainly professionals – youth, disabled and women.

To spur development in rural areas, a fund of 5% of gross tax revenue should go to the Constituency Development Fund on equal distribution basis. Because, some of these constituencies are forgotten, why? Because the President does not come from that Province or that District. So they are forgotten.

And today, you will hear people running up and down, raising money for harambees, and you wonder where they have gotten this money. Why can't all this money they are stealing to give us, as inducement to voters, just leave it, let them not steal it, and give it to constituencies for development. We are proposing that, gross tax revenue of 5% should go to individual constituencies. And we should set up a Constituency Development Fund, and the money should be given equally to all the constituencies.

Judiciary: credibility and experiences of Judiciary has been seriously compromised through political appointment of incompetent persons of doubtful professionals and moral integrity. I even asked one time, could the Chief Justice also publish his credentials? I have never seen it. So we wonder, this kind of appointment.

So, the new Constitution should follow the guidelines lived by the panel of committee of Judges, invited into the country by the Constitution of Kenya Review Commission. The recommendations are excellent, and if implemented, incredibility and crisis in our courts will be things of the past. Because how can we have a case of Goldenberg for now ten years, nobody is hearing about it, when you want to talk about it, they tell you it is in court. So, that is sub-duty. And it is there, the Judges are there, they are doing nothing.

Get an old woman who has a civil case. A case that can be handled by a village elder for one day, is taking three years in court. Why? Because they want this lady to continue looking for Kshs.500/- whenever she goes to attend, she gives them. So, Kenyans are suffering under this.

The electoral system and process: most Commission appointees are done on partisan basis, and serve the interests of the appointing agent. The Constitution should specify the necessary requirement to include:-

- a) At least 'O' level graduates with relevant experience.
- b) The appointment should be vetted by Parliament.
- c) The appointee should serve five years term, that could be extended to ten years in special cases.
- d) 30% of the appointed should be women.

Elections: elections in Kenya are being named by massive bribery for voters. Like today you can see. All teams are moving around raising money. That is bribery, they are not helping us in any way. Because at the end of this, that money will go back to them, to give us again Kshs.20/-. (inaudible) the bribery of voters, violence and hatred disputes. You can even hear them squabbling all over, loitering in the country.

Total overhaul of the law governing the electoral process is necessary. Major areas requiring alterations are:-

- Freedom of free participation of parties;
- Proportional representative;
- Presidential elections and Parliamentary to be done on the same day to avoid people voting only to the party of winning President.

Like when you create a situation possibly like Uganda where you first of all vote for a President, and then you go to Parliamentary. I am telling you Kenyans will always like to be associated with the Government, whether the Government does not deliver, but they will just like to be associated. Therefore, they vote for the party the President is in. So, elections should be held on the same day.

Registration of voters to be continuous. Election time-table to be known by all. Nomination of candidates, campaigns, voters, education, counting.

Constituency boundaries: constituency boundaries should be drawn on the principle of one man, one vote. However, where therein a natural feature affecting the exhibition of population, additional representation should be created through proportional representation.

The current situation which allows a winning party to have only 38% of the registered voters is unfair.

Dissolution of Parliament: the powers to dissolve Parliament should not be entrusted in one person. So, I propose the calendar for the house should be out in the Constitution with dates for the general elections clearly specified.

Transitional authority: to avoid the use of State machinery and resources for campaign purposes, the Presidential candidate and the entire Cabinet should resign. The Speaker of the National Assembly, temporarily, can run the Government. Like today, the whole President is in Mandera, the Ministers are all over, scattered, loitering the whole country, doing nothing, using Government vehicles, the President has taken all our helicopters, run there, politicking, we are using Government resources at the expenses of these poor people, and we cannot even afford to pay fees for primary schools. So, they should first of all resign – this is what we are recommending. They should resign, and then seek these offices. Then, the Speaker of the National Assembly can temporarily take over, and then he will now be incharge during the handing over.

Registration of voters: the current system where identity cards is essential for potential individuals to acquire voters cards excludes many people. Automatic acquisition of identity card for any Kenyan who attains the age of 18 years, and continued registration of votes is necessary and proposed. Unlike a situation, someone was born here, they want to get I don't know ten village elders to vet him, and all village elders, each one of them wants Kshs.100/- and they are ten, that is Kshs.1,000/-, chief will need Kshs.2,000/- so, it is more expensive even to get an identity card today in Kenya. Very expensive, it will cost you the amount of money you paid from Form One to Four Four to get an ID card in Kenya. From assistant chief, to the chief, to the DO, it is expensive.

Voter education: to enlighten Kenyans on the importance of the Electoral Commission, appoints a credible civic education providers from the communities to provide civic education.

Ballot boxes: the ballot boxes should be transparent, and the ballot papers inserted in public view of the agents. The presiding officer should be empowered to order the arrest of any person found bribing votes or committing other election offences, within the perimeter of a polling station. Like one time in Kisii, you find a whole Member of Parliament slapping a woman, somebody who is weak, and the presiding officer or the returning officer has no power to order or to arrest such a person – a whole Assistant Minister. Why beat a woman?

Finance: (harambee collections). There has been widespread misuse of public funds by officers appointed to positions of responsibilities.

Corruption: theft by servants, misappropriation of public funds is the order of the day. Unfortunately, there are no Constitutional penalties for officers who perpetrate these acts of looting and plunder. Like in Budalangi, from 1996 to 2001, we are told, they gave Budalangi 130 million to plant trees. But that money is not there, and the Minister is telling us the trees were planted, and no tree was planted. That means, it must have been taken by somebody. But that somebody is not arrested till today. So, unfortunately, there are no Constitutional penalties for officers who perpetrate these acts of looting and plunder.

Heavy criminals of civil penalties for any person involved in theft, misappropriation or mismanagement of public funds should be spelled out in the Constitution. In addition to serving jail sentence or repaying back the funds, he should be barred from holding any public office. Because after stealing this money, they now come around bribing the voters, buying them, showing them they have the money, and yet this money belongs to the very people that are being bribed.

To effectively deal with this, Kenyan Anti-Corruption Authority should be established through the Constitution to give it full authority to deal with such cases.

Harambee collections have been abused. The Constitution should spell out the best way forward through establishment of Constituency Development Fund. There should be no harambee, and it should be a criminal offence for one to raise money publicly. So that the Government takes up its responsibility. Because of harambees, the Government has given up, it has left schools to parents to build them, to pay school-fees, to buy books and even to pay teachers. Same to hospitals, build hospitals, buy drugs, do everything. It is very expensive. The Government must take up its responsibility. Once it is spelled out in the Constitution, that the Government that the Government that does not deliver, the Constitution will be there to rule it out.

International relations: the residents of Budalangi Constituency derive their livelihood on both fishing and peasant farming. However, due to unreliable rainfall, farming as an occupation is highly uncertain. This therefore leaves us with fishing as a viable industry. In recent years, it has become insecure for the fishermen from Kenya side to venture into the Lake Victoria, and given the fact that, Kenya has only 6% of the total Lake Victoria, the portion available is not adequate for the fishing industry. It is our wish that the Constitution builds strong international relations chapter, to guide those in authority to re-negotiate with our next door friends – Uganda and Tanzania to allow our fishermen to exploit the vast of the Lake.

Kenya, all the waters that flow to Lake Victoria come from Kenya. We have about 11 rivers that flow to Lake Victoria from Kenyan side. We have the catchment areas. In Uganda, there is no river that flows to Lake Victoria, except there is only one river that draws water from Lake Victoria and it is called River Nile.

In Tanzania we only have one river called River Kakesi that flows to Lake Victoria. But the rest of rivers starting from Shio, Nzoia, Yala, Gucha, Nyando and many others, Sondu Miriu, all flow to Lake Victoria. But you find we are being told in Kenya that we have no Lake. And as far as we are concerned, we know that these islands right from Shio River to Sumba, to

Sikulu, straight to (inaudible) Island, all these Islands were Hama and many others, were in Kenya, and we wonder when they went to Ugandan side. And the Government is actually doing nothing. And we have seen in some areas where like e.g. the areas with cattle-rustling, helicopters have been used, possibly to follow the stolen animals, and even the items from these pastoralists, and they have even been armed. The home-guards have been armed, and we have also said that, now, we should also ensure that in the Constitution, they provide for the people living along the Lake, especially the fishermen, should be given a gun when they are going to the Lake, so that they also protect themselves. *(clapping)* Because, we have now gotten the speed beat after a long struggle the whole year, when Kenyans, and who are the tax-payers have been suffering, is when they have brought a speed beat, it is still in Busia. And you know the DC, the chairman of the security, he doesn't know what is happening here, but he is the chairman of the security. He is still seating on them, instead of releasing them to the Lake to be used. *(clapping)* But because of these authoritian that they represent the President, so even we as MPs. You know these people seem to be powerful than even the Members of Parliament who are in the supreme house, that is why we propose, they should be done away with, so that leadership goes back to the people. *(clapping)*

Therefore, the net is our priority number one. Even if the Ugandan Government and the Kenyan Government claim that there were boundaries, we don't know these boundaries. And if they are there, we were not informed in demarcation at that time. We beg that the Government should now go to check and petition over this. Thank you very much. *(clapping)*

Com. Kabira: Okay, thank you very much Mheshimiwa. Just a minute.

Com. Prof. Okoth-Ogendo: Mheshimiwa, we have a system where Parliament dissolves after five years. And for (inaudible), we don't have them. And in Zimbabwe, that has been used by the President -- (inaudible). Suppose, we designed a system that says, elections, like one-third of Parliament retires every two years. So that, at all times, there is Parliament. Like we are having (inaudible), that we hold elections to fill positions of the retired (inaudible). Would that be better?

Hon. Raphael Wanjala: No, it will not be better. To me I feel, once the Parliament has got its calender, the seating MPs who will will also again be running, will still be Members of Parliament until the new Members of Parliament from those constituencies are sworn in. They continue being Members of Parliament. So, in case of anything, they can be recalled back.

Com. Prof. Okoth-Ogendo: We have the Executive and the Judiciary arm. Why should they have a situation where the Executive is in existence, Judiciary is in existence that there is no legislature. Why don't we design a system, you can still control your calendar, you can design when you are going to meet, when you are going to go on recess but the next Parliament (inaudible) should never dissolve? That is what I am asking. Isn't that better for this country?

Hon. Raphael Wanjala: It is still not better, because, once the Speaker of the National Assembly is there, then there is (inaudible). So for us, we will only be running, if you are a Cabinet Minister, he only ceases to be a Cabinet

Minister. If you are a President, he only ceases to be a President, but you remain a Member of Parliament as you are looking for votes.

Com. Kabira: Just hold on Mheshimiwa. There is another question for you. You talked something about the structures of Government and devolving powers, but it is not very clear to me about, having the devolving powers to local authorities, and what kind of power is going to local authorities.

Hon. Raphael Wanjala: That is now a bit elaborate. We feel that the councils must be empowered. And, we should not have these small town councils that I mention here, they were only created to induce voters. But let us have big and strong councils that are managed by the councillors, and then they get, during the budget, some money is allocated to all councils equally to enable them develop, and they will be charged. And these people we call DCs today, we can have Executive Secretary at the district level to manage the affairs of everything. And then the Chairmen or the Mayors will be the Chairmen of all the meetings – DDC, etc. Then they propose together to the Central Government whatever they want to do.

Com. Kabira: You know, I thought there was a (inaudible). There is this idea of giving 2% or 2.5% of the budget resources to the local authorities. Am I right? And I was wondering whether to make the local authorities stronger, whether you need the money to come from the Central Government or whether the Local Authority, whether it should cater for the Local Authorities to collect the revenues and keep for themselves.

Hon. Raphael Wanjala: Yaah, but there are others constituencies that cannot be able to raise the kind of revenue they need to develop their areas. So, they also rely on other areas. That is why it is better, the Central Government as they also collect, yes, but a certain percentage should also come from the Central Government to assist them.

Com. Prof. Okoth-Ogendo: You know when the problem with local authorities started in 1969, when the Kenyatta Government wanted to weaken the local authorities, he took away from them the power to raise money. Why don't we give them power to raise money and also provide for the Central Government. To give them, instead of saying, let the Central Government collect all the money and then give it back, keep the money that they are collecting, but also demand money from the Central Government.

Hon. Raphael Wanjala: But even today, they are collecting money, and there is some little money called "LATF" (inaudible) which is sent through the Central Government, which is being misused. Why is it being misused? Because, the Clerks are more senior than the elected leaders there. So they mismanage, and Clerks are not people from those areas. They are people who are transferred to those areas by the Government and they are answerable to the PS. These people are used to taking this money back to the very PS, the money goes even to the Minister. This is the money that is being given out to harambees, when they claim they have given it to the councils. That is why you find, even if a Clerk has eaten money from the council, nobody

arrests him, because this money at the end of the day, was given to the PS to give it to the Minister to go for harambee.

Com. Kabira: But in the case of strengthening them, giving them the powers to hire

(Interjection) Hon. Raphael Wanjala: and fire (*laughter*)

Com. Kabira: You talked about, we retain the 65% of the change of the Constitution, except in certain cases that you gave the example of extension of Parliament. Is that the only case where we should not use the 65%, under what reasons?

Hon. Raphael Wanjala: Well I didn't want to carry out everything, but I mentioned that, knowing very well, that maybe other people might also have mentioned other things but possibly you need to add on.

Com. Kabira: (inaudible) 65%?

Hon. Raphael Wanjala: Yes.

Com. Kabira: But there are exceptions to that?

Hon. Raphael Wanjala: For the extension. The extension is where I am worried. People can decide to stay in that house for 15 years. It was even happening, you heard, it was just happening recently, when people know they are supposed to go, they say no, they want to cling to power. They even wanted to extend my term.

Com. Kabira: Thank you very much Mheshimiwa for your views. I know we did not give you five minutes. We gave you much much more. And I wanted to explain to the other people that, the National Constitutional Conference has 1/3 representation for Members of Parliament, but then, the other 1/3 more, and three district representatives. So, it is very important to have the Members of Parliament participate at the same time with the constituents, because, then you are able to appreciate the they are forming consensus even at this level when we are sharing the views with the MPs. So that is why we have given him more time (inaudible) okay? Thank you. So, we go back to five minutes. Can we listen to Marimbe Stephen, Marimbe Stephen?

Stephen Marimbe: Mimi ni Marimbe Stephen, na sina mengi, niko na mawili tu.

Upande wa boundaries, yaani district boundaries: kwa upande wangu, ningeonelea pengine, iangaliwe na vile ambavyo maisha ya pale ilivyo. Kwa mfano, sehemu kama Budalangi hapa, watu wa hapa, tunaambiwa boundary inapita hivi ni barabara, na tukiangalia means of transport, tunakuta huku iko rahisi. Kwa sababu, huko, tunapata DO – Osigu, na huko tunapata DO – Budalangi. Sasa, unakuta, kwenda huku, ni either uende ulale ndio urudi. Na kwenda hapo is 15 minutes na bicycle niki-ride

na ninarudi. Sasa, it is either DOs wawekwe free, wawe watumishi kwa wote. Unaweza toka huku ukaenda kumwona yule wa karibu, na akuhudumie. Halafu, pengine, wa refer hizo baadaye kwa district yako. Pengine Serikali itakuwa imetusaidia kwa njia hiyo.

Na lingine la pili, pengine naweza sema, ma-local brews. Kitu kama busaa, tunaona pengine, enzi za mababu, na pia mila na desturi pia hatuwezi vunja, mimi naona ingepewa heshima zaidi, na ipewe ruhusa, watu wanywe, washibe. By the way si ni uji? *(laughter)*

Kuna zingine mengi, tuseme kama, kuna ingine siku hizi imetokea. Tunaona zingine zinatolewa mpaka huku Kikuyuni huko, nafikiri Madam unazijua. *(laughter)* Kumi kumi, miti ni dawa, hapa tuko na ingine inaitwa “mulingilo”, ni tamu, ni chai, unaweza kula na mkate, unaenda. Kwa hivyo, asanteni. *(laughter)*

Com. Kabira: Thank you very much Bwana Stephen for your views, and please sign our book. Rev. David Ochieng? Athungulu Sospeter?

Sospeter Atundu: Thank you Commissioners. My names are Sospeter Athungulu

(Interjection) Com. Kabira: Sorry Mr. Athungulu, are you the DO for the (inaudible)? I wanted to recognize your presence but I didn't know. You are welcome, this is your ... (inaudible). Thank you, I just wanted to recognize your presence.

Sospeter Atundu: Thank you Commissioners. My names are Sospeter Atundu. I would also like to give my recommendations, because, this is what we have been waiting for long.

So, first, I would to comment that the power of the President to be reduced to at least an extent whereby he can be taken to the court, if he had done wrong to the nation.

The job of the President should be at least one, not five as it has been. The President holding five jobs, I recommend it should be put out. Being the chairman of women groups, the chairman of agriculture, the chairman of Lake Victoria, the chairman of sijui what... that one should be put out.

The second thing I would like to recommend is that political parties should be reduced to two, to avoid this system of every constituency forming its own party, and presenting there, their representative. That one should also be reduced at least to two political parties to avoid that.

I would also like to recommend the local brew to be legalized, and at least, those forcing us to use beer instead of using “mulingila” and “chang’aa” which is not very expensive, and we use very little money to buy that.

When I go back to education, I would like to say that, I would also like to recommend that education – that is secondary and primary. This system of some schools being provincial, some schools being national, some schools being harambee, different schools, that one should not be there. Because, education should be at the same level. The students should get education at the same level, not someone going to the national school, someone being in a harambee, and someone in an harambee is more clever than someone in national school. And you will find that someone in national school has passed, than someone in harambee school. That one should be at least put out.

The same should go to the hospitals. The system of having provincial hospitals, national hospitals, or clinics or health centres, the hospital should be at least of the same level, so that, if someone is in critical condition, can be taken to hospitals with good facilities, not being taken to these health centres which will do nothing to that person.

I would also like to recommend the passport to be given to every person. Even the infants should also be noticed and be given that passport, so that we may travel freely, especially we people around the border, to travel to Uganda, we marry, we do everything.

The next point I would also like to recommend, the Kenya Navy (I call them sleeping Kenya Navy) because they are doing nothing in that area. We people along Lake Victoria, they should bring them to Budalangi, they should bring them to Usenge, they should bring the sleeping Kenya Navy to Mageta, so that they cater for our rights and interests along Lake Victoria, not leaving them there to sleep, and get big salaries. If that cannot happen, then the Government should give us at least in every home, a gun, so that we may protect ourselves when we go fishing.

The roads should be atleast in the same level. We should not have good roads in towns and bad roads in the rural areas. The roads should be of the same level, and be given at least the the roads in the rural areas should be given first priority.

(Interjection) Com. Kabira: Thank you Sospeter, give us your last point.

Sospeter Atundu: The chiefs, sub-chiefs and teachers (these are the people who are doing good jobs in this country) they should be given good salaries and good clean clothes – uniforms (*laughter*) so that we identify them at every place, in every..... Thank you.

Com. Kabira: You want the teachers to wear uniforms?

Sospeter Atundu: Teachers be given good salaries and uniform, so that we identify them from students.

Com. Kabira: Okay, thank you very much. Wafande?

Dizugus Wafande: Nasema asante nikija hapa. Mimi kwa jina naitwa Dizugus Wafande. Kwanza nitazungumza kwa Kenya Navy. Sisi tuko hapa, tunategemea mambo ya bahari. Na unaona hapa tuko kwa border, na kule Busia pia ni border, ambapo hizi borders zinafanana, hakuna tofauti yeyote. Na unaona kule Busia, kuna ma-askari wa kutosha, na hapa hakuna askari yeyote. Na kuna Kenya Navy wanatulia tu kule Mombasa, wanakula mshahara, ambapo inafaa waletwe Port Osieko na Mageta.

Nikirudi kwa upande wa county councils: tunao hapa, lakini, tunafanya nao, hatuna mahali pa kujisaidia kama choo. Popote ukitembea kila soko ni uchafu tu, ambapo tunaomba Serikali itupe kitu kinaitwa choo.

Vile mwenzangu amesema, mwalimu anafaa awe na uniform ndipo committee ikija kwa shule, kila mwalimu anajulikana kama mwalimu, na raia anajulikana kama raia, mtoto wa shule anajulikana kama mtoto wa shule, ambapo hapo tungeomba Serikali itupe uniform ya waalimu.

Chief: lazima chiefs wapewe transfer. Wakati wanapewa transfers, ndivyo anakuwa na ujuzi wa kutembea na kufanya kazi. Hatutaki chief anakaa, akishachaguliwa, anakaa hapa, haoni kitu gani kinaendelea, yeye kazi yake kutoka kwake, kuja hapo chini, kufika saa saba anarudi kwake kwenda kula. Hiyo hatutaki.

Chief tena tunataka, chief ambaye tunachagua na kura. Hatutaki yule chief, eti ndiye anatumgoja, na kuna mwinge anampendelea, na wengi wa watu hawampendi. Halafu sasa unaona chief hana ujuzi ingine ya ujanjanja. Lazima chiefs wawe transferable ndipo wanakuwa na ujuzi wa kazi. Nimemaliza.

Com. Kabira: Okay, asante. Lakini, mimi ningetake kujua. Ni kwa nini unataka waalimu wavae uniform?

Dizugus Wafande: Kutafautisha watoto na wana-committee wakija kwa shule, na waalimu pia.

Com. Kabira: Why do you want to differentiate?

Dizugus Wafande: Ili wajulikane kama waalimu.

Com. Kabira: Asante sana. Dickson Juma? Dickson Juma hayuko? Lukas Odera? Lukas Odera?

Response: Hayuko.

Com. Kabira: Hayuko. Luke Anyango?

Luke Anyango: Nasema asante sana kwa wageni vile wamekuja hapa. Tunashkuru matembezi yenyu. Na mimi kwa jina naitwa Lukas Anyango. Nina maneno karibu matatu hivi nataka kusema.

Neno la kwanza, nataka kusema, Serikali inafaa iangalie maneno ingine hapa ya “mukuru”. Mukuru, sana sana, kwa kazi ya Serikali, hata inafaa, mshahara wake hata saa ingine apite wa President. (*laughter*). Kwa vile, “mukuru” ndio mwanzo, mwanzo kabisa, hata ndiye anafungua milango ya watu, kwa kila mlango. Yeye ndiye anatembea, kujua fulani ameamka namna gani, shida ya fulani ni gani, anasanya hii maneno yote, ndio anapeleka kwa assistant chief. Assistant chief anakaa tu, chief anakaa tu, anangoja report kutoka kwa “mukuru”. Hapo ndio mimi naongea sana, Serikali iangalie hiyo. Mimi nafanya hiyo kazi, na mimi naumia sana (*laughter*). Hata saa hizi, nilivunjika mguu kulingana na hiyo kazi, na hakuna mshahara mimi napata.

Sasa hata vile naweza kutubu mguu wangu huu, inashinda mimi. Na kila mara, mkubwa yangu bado anatuma mimi, nenda fanya kazi fulani, nenda fanya kazi fulani, na saa zingine mimi naona uzito, kwa vile sina kitu napata kwa hiyo kazi. Naomba Serikali ijunguze hiyo maneno. Ningependa atoe ya “wakuru”, abaki na sub-chiefs hata na chiefs. Nimemaliza hiyo.

Maneno ingine, naona hata saa zingine, naweza kusema, mtu kama mwalimu, hata inafaa apewe mshahara zaidi kuliko watu wote ambao wanafanya kazi kwa Serikali. Wapewe mshahara hata kushinda Ministers (*laughter*), apewe mshahara kushinda hata President, kwa sababu, mwalimu ndiye anafundisha hawa watu wote. Kama mwalimu bado fundisha wewe, huwezi fanya chochote. Kwa vile mwalimu, kwa upande yangu, ninaona, Serikali aangalie mshahara yake, ndiyo apate nguvu ya kazi. Sina mengi sana, naweza kusema tu asante.

Com. Kabira: Asante sana Bwana Anyango. Thank you very much, tafadhali jiandikishe. Now, George Otieno? George Otieno? After George Otieno, Andrew Otieno? George karibu.

George Otieno: Thank you very much. My names are George Otieno Gumba. I have very few things to say.

First, I will start on education: I am very sorry to fellow Kenyans here, we find that, these people who are in rural area here, we live in a very poor state. And the Government still needs us to educate ourselves. It is very hard for us. I recommend that, the Government to support us from primary upto(*end of tape*)

Second, I will talk about boundaries: first I will talk as a fisherman because both my parents are fishermen. We find it very hard here, because we are being harassed by the neighbouring country, when we go to fish. So, I would like the Government to define clearly, our territorial boundaries, because, we know very well that, the neighbouring is encroaching here, and the Government is doing nothing. So, the Government should define the boundaries clearly and should provide security to guard the boundaries, they shouldn't be violated against.

Health: the Government should abolish cost-sharing. We find it very hard, we cannot even treat ourselves, then the Government expects you again to provide for your own health, then goes to the health centres, they still want you to pay which is very hard.

Again, I will on powers of the President: should be reduced. The President should not have powers like appointing the PCs, Electoral Commissioners and Ministers. The Parliament should do this, or he can propose, but the Parliament should be left to endorse them. That is my view. Okay, thank you.

Com. Kabira: Thank you very much Mr. Otieno, thank you. Now, Michael W. Adeti.

Michael Were: Asante sana. Mimi ni Michael Were Adeti, na nitaongea kwa ufupi sana, kwa sababu issues zingine ninaona zimesemwa, zenye nilikuwa nikitaka kuongea.

Ya kwanza, nitaongea kwa gender issue: naonelea, iwe in two parts zikiwa discussed. The first one, iwe dealt with at national level, na ichukue vitu ambavyo vina-affect almost everybody there. Like employment, equality in education, equality in leadership.

Lakini second part of it, ambayo ikahusika na ethnic tribes, should be left for the tribes themselves to discuss and come to the final, and then recommend them to the above. Kwa sababu ninaona, there is a big gap and a big difference, especially to the advocates. Most of the advocates hold the gender issue above. They are mixing up some national issues, with the some issues that can affect the lower or can interfere with tribal laws or rules.

For example, I would say something like dowry. Some of our advocates up there, need it to be abolished. It may affect some of the ordinary people in different tribes, as it serves different purposes for different people. I think I will leave it at that.

Second, is about salaries for Members of Parliament: I would recommend that we don't leave the salary implementation in the hands of our MPs -- be it salaries or allowances. A body should be set separate to deal with salaries and allowances of such people. Because we have learnt from the past few days, when such an issue was left in their hands, I think the debate was almost complete in ten minutes, and they were not even satisfied with what they said, and maybe if they are given more time, we shall end up hearing that an MP is now getting ten million. Yet a teacher or a doctor, still remain behind, as such.

A body should be set including some wananchi – tax-payers who should see to it that a reasonable salary and allowances are given.

Lastly, I will talk about the borders, especially the national one in the Lake Victoria. I would appeal to our Government, while it is negotiating the Lake issue with the other State, they should go for a proportional share of the Lake between the three countries. Not that another one has 43%, another 51%, another one 6%. Who in Kenya requested for 6% of the Lake? I think nobody requested for that. Even if they asked the most hopeless person in Kenya at that time, he could not recommend that Kenya is only given 6%. So, I think, someone had said earlier, the sharing of the Lake was very unfair, and unless we share this Lake equally, because it is nobody's property among the three countries. They should not tell us about Europeans coming here whatever they did. I think I will stop there. Thank you.

Com. Kabira: Thank you very much Bwana Adeti for your views. So, Esau Opio. Do we have Charles Ogola? Charles Ogola? You are the one? He is not – Charles Ogola? We don't have.

Esau Opio Odhiambo: Asante sana.

Com. Kabira: Just a minute. Joseph Ouma? You are there, so you are next. Paul Otidi? You are there, okay, so you will follow after him. Gerald Baraza? Okay, and Jasper Nyadie? Okay.

Esau Opio Odhiambo: Asante sana Commissioner. Kwa majina naitwa Esau Opio. Odhiambo. Langu ni hili, niko na maneno Matatu:-

Ya kwanza ni juu ya baharini: kwa sababu nyinyi mmejua ya kwamba, mkija huko, nasi lazima tuambie nyinyi maneno ya baharini. Kila mara, nikifungua radio, lazima nisikie, Mheshimiwa wetu ameongea, ama hakuongea. Na amewachia nani kuongea upande wa baharini? Ningependa kuwaambia kwamba, Serikali yetu imetusahau upande wa chini. Kwa sababu, hata kama haingekuwa baharini, nadhani watu kutoka huko Luanda, wangukuja huku. Na inaonekana baharini ndio iliwazuia. Kwa sababu tuko na mpaka wa Busia, na iko huku. Na mimi mwenyewe, mzee wangu alikuwa na udongo wa Wayas. Na kuna siku nyingine moja, yenye DO alitoka hapa, na Bendera wakapeleka Wayoro. Sasa nilikuwa nataka nijue Serikali, kama vile hawa watu walikuwa wanaenda Wayas, hawaku-sign hapo chini? Serikali iangalie hapo.

Ningependa Mheshimiwa aende aulize, yule mwenye alienda huko Wayas kuweka flag huko, flag ni kitu muhimu. Kwa sababu, tulikuwa tunasikia hata wanaenda mpaka Mageti, lakini hawakuwa wanafanya fujo. Sasa udongo yetu, nayo imekwamia huko, na tunataka watujazie huo udongo.

La pili, ningependa chiefs wapewe mamlaka, kuliko vile walivyo sasa. Unakuta chief, hana nyumba, na anashtaili awe na nyumba. Kulingana na sisi, vile tunavyokuwa hapa, huu ni mji wetu, na ni haki tutembe usiku. Na tunapotembea, kitu kizuri, hatuwezi kuongea kwa Serikali vibaya, tuko na ma-officers wazuri, hawawezi wakakushika bila kufanya kitu chochote, hapo nimepongeza.

La tatu, ningetaka, sheria ya Serikali, President, awe chini ya sheria. Kwa sababu, President wakishamaliza kuongea hapa, anatoka nje, anasema, nimempendekeza mtu fulani, na kiti ni kiti kimoja. Sasa ningependa niseme ya kwamba, anafanya hao ma-Ministers wenye tunachagua, tunakuwa confused. Huyu Minister mwenye tunadhani tunaweza kumpigia kura, tena amejibana huko. Sasa, hatuoni kama President anatuongoza kwa njia mzuri. Kwa sababu, ikiwa ngombe wataenda kutafutwa na helicopter.

Ningependa kuongea upande wa pesa: kwanza kuongea kwa President kuteua Uhuru Kenyatta, ndipo anaanza kutoa ma-billion ya pesa. Na sisi huko tunakufa njaa. (*laughter*). Sasa ningependelea muangalie hapo. Hayo ndio maneno yangu pekee.

Com. Kabira: Bwana Joseph Ouma?

Joseph Ouma: My name is Joseph Lukondi Ouma. I thank you for coming to hear our views.

First, I will start with the freedom of worship: it is guaranteed in our Constitution that, freedom of worship should remain. But as one of God's fearing persons, many question marks have arisen about this subject.

Today, we have devil-worshippers under cover of freedom of worship. We have churches that are on daily basis, organizing crusades and soliciting funds. They have actually infringed on our privacy, in that, they will look for any small vacant space in urban areas, or even in our estates, mount their powerful loud speakers, and offer very loud gospel music, dancing, shouting, sometimes, starting as early as three o'clock in the morning, speakers mounted on the glass, advertising crusades, it goes on until 10.00 p.m. or even "kesha", regardless that our children in the estates need time to study for their examination and even do their homework. This is noise pollution.

These churches have gone as far as hiring sports facilities, football grounds, gymnasiums for their crusades. We have had many matches postponed because the football ground has been hired for crusades. Something new in these crusades is where we have, Islam picked against Christians. The Bible is read, the question asked about Jesus and Mohammed, and the Bible is ridiculed.

Can we put some order in this freedom of worship. Have special designated places for worship.

Environmental protection: particularly I am dismayed at the way our government has handled this matter. Take example, many industries that have been abolished in their countries of origin. They come down to Kenya as investors, and are automatically given a go-head to manufacture, probably after parting with something small.

These are industries like the ones which are manufacturing plastic papers. The remnants of these polythene paper bags that are left littering most of the parts of this country. If not abolished as soon as possible, will cost this country billions of dollars, to remove it from the soil. Because, they do not decay, and we will render our soil barren. Already it is evident. In most urban centres, that these are a nuisance and health hazard.

Take another example of asbestos industry. It is world-wide known, and has been scientifically proved that it causes “cancer” when inhaled. Look at most of our schools, they are actually....

(Interjection) Com. Kabira: Please give us the recommendations because, you will run out of time when you are giving us examples.

Joseph Ouma: Okay, Madam. I would like a policy to be put in place, that, once a foreign investor wants to put an industry in this country, there should be independent feasibility studies, and if found that it is going to endanger our environment, it should not be allowed.

I am also for a coalition government – type of unitary government instead of federal government. Because, this type of government will put this tribal parties to work together. There will be no this, “that the winner takes it all” “the winner who wins the election takes it all”. We have at least something of a coalition. If the Government is not having a good policy or is making a mistake, the other partner will resign and the Government will be forced to resign also or to look for another partner.

(Interjection) Com. Kabira: The last point.

Joseph Ouma: I wanted to have two at least. Our Kenyan foreign missions abroad. Many Kenyans have had problems abroad, because, when we approach these mission abroad with the problem, they will always tell you that you are not guaranteed. They don’t have money, and this and that. At least, we should have a Constitution where, a Kenyan, if he has a problem in a foreign country, he will go to the Embassy, and immediately get assistance.

The last one.....

(Interjection) Com. Kabira: You said you had two last ones. So that is second last.

Joseph Ouma: Yaah, the other one, people have talked them, and I have written them down. The capital flag. We have businessmen in this country, and they form companies, borrow a lot of money, later default paying, and failing to pay, the salaries and benefits of Kenyans and running away. Actually, we should have a system where this money can be recovered. If someone borrows money, or Kenyans work for him and he runs away and attached this money in a foreign country, we should

be able to recover this money where he has attached it, in the foreign account or something of that sort.

Com. Kabira: Thank you very much Bwana Ouma for those views. Thank you. Now, Paul Itindi.

Paul Itindi: My names are Paul Oyatsi Itindi. I am the Chief of Bunyala South. You are now in my Location. Initially, we didn't know that this is how the organization will be. It had been organized in a way, that, a few would do the presentation. And therefore, you will bear if some come disorganized and some come organized. This is per the prior arrangement.

I wasn't aware I would do presentation, but I have something to say. As I was seated there, I have been looking around at what life is, and this is what we want to change, so that the life benefits the future of our youth.

Sisi chiefs, since history, since 1963 when we acquired independence, Kenya approached development through: health, agriculture and education, whether they eradicate poverty. Now, poverty is the problem that is revolving all round Kenya. This is why we are thining to achieve our economic desires.

The Constitution didn't address poverty. And now, we want our Constitution to address poverty, so that we approach Kenya wholly, through all the sectors Kenya had designed. We had a vision, that was our vision, and those were also strategies.

Now, you look at Kenya, it is viewed from history, that it is an agricultural country. Has it benefited Kenyans as an agricultural country? Because, our Constitution didn't address that. Now, we would like a Constitution that enforces every Kenyan who is living around a vast land that is not productive to be productive. So that, if any Kenyans, like we were talking of reclamation of Yala Swamp. That is, the Constitution should emphasize on that. And I thank the gentleman who proposed to have that vision.

Yala Swamp should be reclaimed, so that it feeds Kenyans and it generates income to Kenya.

The reason is, we need to sell our products outside, and we get the dollar. We won't run to IMF for funds support. We will be self-reliant. Now, can we have a section in our Constitution which says that, we have a very big lake and so many rivers, that every Kenyan living around a river – River 'Y' or River 'B', every Kenyan living around Lake Victoria should/and has a vast land should practise agriculture. For example, Egypt, when I read the book sometimes back, Egypt is number one in producing 'green peas', and 'Biringanya' and spices is number five, number two in 'Biringanya' production. While we Kenyans, we have no space in the world.

So, for us to eradicate poverty which is bringing all these problems, even if we go for that Presidency because people have been misled. It is the leaders whom we have put there, whom we sent there, who have misled us, because they have failed to direct Kenyans towards what can develop Kenya.

(Interjection) Com. Kabira: Okay, do you have another point?

Paul Itindi: Another point is that, administration system should continue being employed and by Public Service Commission. There are reasons for it. Right now, you can see, we must live in a Constitution. We must be guided by policies and procedures. If we are not guided, then we will sway away, on our way forward, some will fly away. And therefore, this is why, everywhere, you will hear people say, hatutaki askari, hatutaki so, and so, because, you instill, you ensure that the policies that are in place, people live as per them. Like you had designed here, very interesting. It was very interesting.

When we started, Madam Commissioner said, everybody five minutes. And when she reminds somebody five minutes, he will say no, Madam, sio mzuri. Tunataka sasa sisi tuchague mtu wa kuweka hapo, hili tuweze kuongea hata dakika kumi. Therefore, people must live within the Constitution and be guided by the Constitution. And those put there must ensure that, people live within the Constitution. It doesn't matter whether the administrators, especially chiefs are transferred or not. But I wonder how you will transfer someone you have elected.

(Interjection) Com. Kabira: Okay, now your five minutes are over. You just make your last point.

Paul Itindi: As I said, we must live within the policies. Salaries should be given guidelines, even to the Members of Parliament. They forget that they are representing the common mwananchi, they go there and start squandering for themselves, because there are cooks there. Na unajua mpishi anakula sana. So, wakati tutaweka guidance kwa Members of Parliament, hata wale wa chini, poverty will not be pinching us. Our children will go to school, our children will have good health, and they will live well. Thank you Madam.

Com. Kabira: Thank you very much Bwana Chief for your views. Asante. Tafadhali jandikishe. Gerald Baraza? And followed by Jasper Nyaote.

Jared Baraza: Thank you very much. My names are Jared Baraza, as you have heard. I wanted to comment on very few points.

The first one is on President's power: President should not be left with all those powers and should not be above the law, because he will misuse his powers.

He should also be snatched some powers and given to PCs. Such like, ASK shows. Those are minor cases, that should be given to PCs to conduct. Because you know where a government head is going, he is big and big money is also going there. So, we feel that one should stop.

Another thing is on things like educational graduation ceremonies. These ones should be left to the Educational Minister. So, I

have finished that.

Chiefs and Sub-chiefs over their powers: they are good, as they are doing good work, and should be given respect, yes. But they should be elected or voted in by their local people. This is to eradicate discrimination in the village, and also overpower the other people whom they don't want.

Land and lands' disputes: this matter of land and land disputes, I feel, it should be left to chiefs, sub-chiefs and clan elders. Because you find, these things are now too much in Kenya here, whereby, a very simple thing that could have been just solved by our local clan elders, is taken to court to molest those who are poor. Maybe the rights are for poor, but now the one who wants to take that right is rich. So you find they are molesting, we poor people. So to that one I say, it should stop at the chiefs, unless it goes beyond.

Another one is education: since we know that we Kenyans, most of us are poor, and we are giving in taxes to the Government, I feel primary and secondary education, at least should be free. And if not that, also, the adult education should also be free and a must to our elders. So that they should know first, what education is, is when they can have that interest of taking their children to school. And I think if this will be free, most of our Kenyan people will be learned.

Transport: it is seen clearly that transport means are very poor in rural areas. This is because, the Government is much concentrated in towns and urban centres. Whereby, these town centres are just industrious, but they don't produce raw materials. So, we find that in rural areas, we get more raw materials to those industries to those industries. And therefore, the Government ought at least to make good roads, to supply every corner of the Government of its country, so that, the raw materials reach in time into factories for procession. And this will increase, at least government's revenue.

Boundaries of our country which is well know to most of Kenyans. I think, I as one born here, I should know, and I have right to know where my boundary is. So that, when I trespass, I should know I have trespassed. And this should happen to every Kenyan. I think most of us just know Kenya on Map. Like for me now, if you take me to Turkana, I can't tell you I am at Turkana. Even Turkanas' themselves cannot tell you where their boundary is. So, I think, boundary matters should be clearly stated to citizens, and told, and also the economy should the jobs that are being done there, should be well known to the Government. If they are of help or not, so that the Government can look for ways of helping those people along that region. I feel the boundaries should be looked well into, and recognized very well by each and every Kenyan.

I come to security.

(Interjection) Com. Kabira: Okay, and that is your last point.

Jared Baraza: Yes.

Com. Kabira: Okay thank you.

Jared Baraza: I come to security, of which I feel, each Kenyan should know that he is secure. And here, it comes a case whereby, you find areas that can take ten to twenty years without knowing who is a policeman, who is an AP or who is a non-army man. So we find problems in security. Whenever there is no security, we find we are at least illegal at that place.

So, Kenya has concentrated its security in towns and urban areas. We feel it should also empower that security, even to rural areas, and we much better feel great, and feel at least guided. This should also be recognized by MPs being given their security, despite the parties that they come from.

You find in Kenya here, the MPs and Ministers from KANU are given much more security than these other MPs coming from other political parties. So, they are being hurt simply because they don't have security. So, I urge the Government, the coming Government should look into it. Thank you very much.

Com. Kabira: Okay, thank you very much Mr. Baraza for your views. Jasper Nyaote.

Jasper Waga: Thank you very much Commissioner. My names are William Jasper Waga.

By presenting my views, I would propose that the Presidential powers to be reduced, because, going by the current Constitution, it seems there is absolute powers on the President – to appoint Ministers, public officers. He has got the powers of (inaudible). So, I think, all these should be done by the Member of Parliament.

On the issue of appointment of the Attorney General: it should also be done by the Parliament, not the President. Because, it will be very hard for the Attorney General to prosecute members of the Government who are in the wrong, and be their advocate at the same time.

On the political parties: I would propose that political parties should be reduced to three to curb the idea of having so many tribal political parties, which might steer the country on tribal lines.

On the issue of Presidential elections: I would also propose that it should be given its special day – the Presidential elections. But it should not be mixed with the Parliamentary and civic elections.

For the Constitution to guarantee free and fair elections, I think it must have an independent election body or commission, not

the one being imposed by the President who is also a contestant in the elections.

I would also propose that, the Constitution should also provide for the impeachment of the President, when he violates the law, not just leaving him scott-free, even when he has master-minded for the killing of a citizen.

Constitution also should be taught in schools or rather it should be introduced in schools, because, it seems the majority of Kenyans are very green on the Constitution, even the current one.

Concerning the Lake, I would propose that the Lake boundary be revived. Because, going by the current situation, we are experiencing at the Lake, it seems that even the first 6% of the Lake we have, soon, it will go to the Ugandan Government, yet our Government is silent on this serious issue, and yet Kenya contributes two-thirds of the water flowing into the Lake. So, I would like our Constitution to be strong enough on the Lake boundary and its fishing activities.

On the issue of public land, I would propose that public land be privatized only in the public interest, not without them being given any consent.

And on elections, I would propose that Presidential and Parliamentary candidates be given all reasonable chances to campaign without obstruction, violence or other interferences. They should also have media access through radio and TV, not just in every weekend, it is KANU and Moi all the time. That is very unfair.

And lastly, I think Presidential benefits should be reduced. Not just like the one I saw in the newspapers, that, is being given discussion. All those allowances are extra-ordinarily too much. Thank you Commissioner.

Com. Kabira: Thank you very much for your views. It was very well co-ordinated. Do we have Benjamin Ngura? Is he there?

Response: He is not there.

Com. Kabira: He is not, okay. Vincent Omore. Do we have Nahason Ajongo? Stephen? Yuko?

Response: Yuko.

Com. Kabira: Okay. Hayuko? Hayuko au yuko?

Response: Hayuko.

Com. Kabira: Okay, thank you. What about Simon Akama? Simon? You are the one? Okay, thank you.

Vincent Omoro Maranda: Thank you Commissioners, my names are Vincent Omoro Maranda. And here are my views:-

First of all, I will touch on the issue of the national boundaries. Much has been said, but I will just elaborate. As I speak here, when I remember recently in 1981, I was the person who hoisted the flag of Kenya at Ways Island. Now, recently, the Island has been grabbed by the Ugandan authority, and the Government is doing nothing. Instead of tracing the islands which are being grabbed, it is just quiet. So I am suggesting that the boundaries should be reviewed, and if possible, the Government should install army barracks on those islands to safeguard the fishermen.

Point number two, I will speak on the Fisheries Act. This Act has helped us with nothing, rather than ruining the future life of the dot.com, depending on the Lake resource. The Fisheries Department has guided bribes and misguided the right gears. Therefore, I suggest that, the vigilante groups should be formed by people themselves. Then, powers should also be endorsed to these people, so that they work in collaboration with the security, in order to arrest the illegal gears. This power should not be left only for the fisheries.

On the same Act, beach leaders are playing a very vital role in the beach community. Therefore, they should be elected by fishermen as it has been happening. They should also be paid salaries by the Government. They should also have identification. They should be given powers to command anything illegal to law, in their area of jurisdiction.

Human Rights: all human beings are equal and are only answerable to God who created them. Many people have failed to know their rights, hence, they do what they are not supposed to do when it comes to justice. In this respect, a Kenyan citizen should know fully his rights. Therefore, I suggest, that the Government should introduce a teaching system or chief's barazas to teach the citizens who don't know their rights. They should also publish hand-books, containing the rights of the citizens. So I should know what I am supposed to do at the right time.

People should not be discriminated, when it comes to assistance in any of the Government offices. Many have been sidelined, because others are handicapped; they have been sidelined politically; tribalism; nepotism. So such things, the Constitution should look upon and make sure that the common man is free.

I will go to the elections of Members of Parliament.

(Interjection) Com. Kabira: Is that the last one?

Vincent Omoro Maranda: Second last please. There are many Kenyan citizens who are learnt and educated, and are also talented on leadership. In this respect, an MP should have a term of two periods maximum to Parliament, but only on merit. If he or she is not development-conscious, I suggest that he should only be tested for a term.

A Member of Parliament, as a representative of his constituency, should be honoured like any other MP, whether with ministerial post or not. They must be heard on any laid issue attaching its people, with regardless of the party, tribe or region one belongs. They should be treated equally, since they represent same people with same votes and colour.

Last one, is on the Chiefs' Act: for one to become a chief, he or she must be elected by the people, and must have a mean grade of 'D' silent and above in K.C.S.E., and must also have good merit known to the people. I suggest that, they should be transferable within the district area of jurisdiction.

I will also suggest that citizens should be forced to attend the chief's barazas in order to know more from the Government.

Com. Kabira: Thank you very much. Please give us the notes that you have put together. Thank you. Now, Simon.

Simon Akama: My name is Simon Akama Oriet. Langu la kwanza, ni section 20 of the Constitution of Kenya. Hii inahusu Ministers, Vice President and Assistant Ministers. Akitaka kutoka nje, lazima aombe ruhusa kwa Rais, na mimi naona hii ni makosa. Angepewa free movement.

Provincial administration – employment yao: mimi naona tuchague hao na kura.

Yangu ya tatu ni land: unakuta any Kenyan should have land. (*end of side A*)

Yangu ya mwisho ni the basic facilities, kama education, medical and food. Kila mtu awe na haki ya kupata hizi basic facilities.

Com. Kabira: Thank you very much Simon. Now do we have the Rev. David Ochieng?

David Ochieng: I am the Rev. David Ochieng Muhogo, a Priest in the A.C.K., Diocese of Bondo.

First, I would trade in the Preamble: yes we need Preamble in our Constitution to address our interests in the Constitution-making, we as Kenyans and as a nation – to set the goal.

Democracy: I appeal for a provision to be made to sub-list a free and a democratic system of government that will build a good governance, enhance the rules and laws to human rights and gender balance.

Power and authority: I appeal for a provision to be made to strengthen the authority to recognize the principles of separation of the authority. Checks and balance to be appealed in giving responsibility to the Legislature, Judiciary, Executive and Arms of the Government, so as to ensure that the Government and its officers are accountable for its people.

Elections: I appeal for a provision to be made in our Constitution to guarantee the democratic, free and fair elections e.g. so as to stop any other powerful person who wants to impose things, which can bring havoc or even war in the country.

I also appeal for a provision to be made so as to reduce concentration of exercise of powers e.g. President is above the law. Because, there is a saying that says that, “power corrupt and more power corrupts absolutely”. Therefore, the law should be supreme to each and everyone.

I also appeal for a provision to be made to respect ethnic diversity and social-cultural rights of different communities that exist in Kenya.

Public and natural resources: I appeal for a provision to be made that all natural resources that come from a district, at least, a certain percent should be left in that district, to cater for development, e.g. fish earns Kenya about 6.5 billion, yet, when you look at the roads leading to our beaches, they are terrible. Look along, the beaches, itself, are pathetic and out of place.

Lastly, look at the fishermen himself, he is the poor of the poorest. So, I propose that all the resources should be mobilized to access to all, and re-distribution must be done equally, to avoid another Kamlesh Pattni to rob Kenyans almost 3.5 billion, and it takes Kenyans about 3 years to reveal.

Fishing industry: fishing industry in Kenya has not been given a serious attention for its success. Yet, it gives Kenya 6.5 billion per year, compared to coffee or tea in other places. For example, I propose that fishing industry or fishing authority to be established along this place to look into ways as to how fish management can be attained.

Basic needs: education under.....

(Interjection) Com. Kabira: That one is your last point?

Rev. David Ochieng: Second last please. Basic needs – education, health, water, roads, etc. should be build in the Constitution as part of our basic rights, so as to provide positive relations and to promote our country. Like for example, education, how can a poor man’s dream be found when he cannot meet the expenses?

Barracks within the area of boundaries: we need barracks to be extended to boundaries to cater or to protect human life along the boundary.

I also wanted to ask for a provision to be made for people who retire. We find that so many people are forced to retire, yet, their benefits are not arraigned. So, one dies without enjoying his sweat after struggle.

I also ask for a provision to be made in legal advise in our courts. Our courts have lots of procedures concerning cases in the courts. So we appeal for legal advise should be allowed in the court for anybody who cannot afford to stand before the magistrate. Thank you.

Com. Kabira: Okay, thank you very much. Just a minute.

Com. Prof. Okoth-Ogendo: Rev. (inaudible)

Rev. David Ochieng: Yes.

Com. Prof. Okoth-Ogendo: The Constitution of Uganda says, Mageta is part of Uganda. You didn't know that?

Rev. David Ochieng: I don't believe that.

Com. Prof. Okoth-Ogendo: No, but you didn't know that the Constitution of Uganda says that Mageta is part of Uganda?

Rev. David Ochieng: The Constitution of Uganda, yes of course they say so.

Com. Prof. Okoth-Ogendo: Okay, thank you very much.

Rev. David Ochieng: So, I am from Uganda? (*laughter*). Thank you.

Com. Kabira: Sorry, Reverend, maybe I didn't understand the second last point you were giving. You were talking about barracks, I don't what is that.

Rev. David Ochieng: Eeh?

Com. Kabira: Barracks?

Rev. David Ochieng: We are living at the border, and you find that the Ugandan Government can force their people even to the Kenyan land, and Kenya does not even take any active action. So we need within the border. So, it takes Kenya about a whole week to carry information to other barracks when we have been attacked.

Com. Kabira: Okay, fine.

Rev. David Ochieng: Thank you.

Com. Kabira: You want Kenya to force Kenyans into Uganda?

Rev. David Ochieng: No, I want barracks to be implemented within the border to protect life.

Com. Kabira: Okay,

Rev. David Ochieng: Yaah, thank you.

Com. Kabira: Thank you very much Reverend. Ibrahama Sieba? He is gone. Peter Orengo? He has also gone. Do we have Samson Okelo Inditi? Jared Okite? Do we have Ojiambo Lucas? Okay, so you will.

Jared Okite: Kwa jina naitwa Jared Okite. Nataka kuongea kuhusu msaada. Naona hapa siku hizi tunaletewa msaada kama mahindi, tunaletewa msaada kama mafuta ya kukaanga, na hiyo tunaona pesa ambayo inaenda kwa msaada kama huu, wanunulie watoto vitabu kwa shule. Kwa sababu huo msaada ambayo unakuja huku, tena inakuja kwa ubaguzi, wengine hawapati. Kwa hivyo, afadhali, wanunulie watoto vitabu kwa shule, tutaona imetusaidia vizuri.

Naenda upande wa uvuvi: sisi tuko kama producers. Sisi ndio tunaleta samaki, zinakuwa nje. Na mtu kama Muhindi, ni mtu kama wholesaler. Yeye kazi yake ni kuja kununua tu. Sasa, sisi tunaona ya kwamba, ile pesa ambayo wanapatia Muhindi ati msaada kutoka kwa wazungu huko nje, tafadhali hiyo pesa, wanunulie wavuvi nyavu. Iwe wakisaidiana kwa bahari hapa, kuliko kuwapatia uvuvi kama donors.

Ya tatu, sisi tunaona upande wa kuajiri watu kama polisi, kama AP hawa, saa hii hiyo jukumu wangepatia watu kama chiefs. Hao ndio wanakuwa wanachagua watu kwa kijiji, wanajua tayari huyu mtu ni mzuri, anafaa aende atumikie kazi ya Serikali. Kwa sababu utapata kama sisi hapa mmeona communication ya kufika hapa Busia ni ngumu. Na mtu anataka kutoa hata pesa, anataka kwenda Busia, kufika pale, ubaguzi uko. Pesa umeharibu, na hakuna kitu chochote ambacho utapata hapo. Ndio sababu sasa tunaomba Serikali pia ipatie watu kama chief jukumu, wangukuwa wanachagua watu kwa kijiji tu hapa tu. Sasa wewe ukienda kule, unaenda tu ati jina lako unapeleka kama Nairobi huko. Hapo pia tunaona inaweza kutufaa kidogo.

Asante sana, ni hayo tu machache.

Com. Kabira: Thank you very much Bwana Gerald. Can we have Ojiambo Lucas?

Lucas Ojiambo: Thank you very much. My names are Ojiambo Lucas. I have a few recommendations to make.

First is about the local brews that we normally have within this area. We have local brews like, 'busaa' and 'muriija'. These ones have been there from early days, and have been very good. It is my suggestion that these brews are made legal, so that the widows, mostly the sellers of this kind of beer, can go ahead with their business without any harassment from the local provincial administration or the policemen.

The second thing is about drop-out of school-going girls. In this area of ours, the number of school-going girls has greatly dropped, simply because of early marriages. You find school girls aged 14 years marrying or forced into marriage. In fact, the Government has done very little to curb this kind of problem. We only see the community complaining when a school-girl is having, maybe an affair with a teacher, that is the time the community now, will come in total and harass that kind of person. But when a school-girl is married by a fisherman or a businessman, the community seems to keep quiet. So, it is my recommendation that a law should be enacted, that bars any school-going child from early marriage.

The third recommendation I have is about the formation of our Government: we should have a coalition government in our country with a Prime Minister being a lady, because this will reduce this problem of tribalism in our country.

Education: we realize that teachers are doing a very hard job, and therefore, they need to be paid handsomely. Therefore, a provision should be there, that says that, if any kind of a leader promises teachers something, then that thing should be implemented to the later. Like in our country here, when teachers were fighting for their salary increments, our Head of State had to step in when they had gone on strike and promised them that, their demands will be implemented in phases. Only one phase was implemented, and then the following year, a whole Head of State was ready to lament before the public, by saying that there is no money. By the time he was promising these teachers, didn't he know that there was money? And therefore, I would appeal for a provision which bars this kind of false and empty promises to these hard-working brothers of ours.

Last but not least is about the plight of the inhabitants within Yala Swamp. Dear Commissioners, what you should know is that, this place is not the central place for Obar. We are supposed to be either in Yanga or Bahuma, or Madwar, but not this place.

And all this is as a result of poor means of transport and communication in Yala Swamp. We have some people who have stayed in that particular area for very many years, but the Government seems not to have considered their problems.

We had the Lake Basin Authority. This Authority was meant to drain Yala Swamp. It only covered a part of it, and, phase II

of the other swamp has not been drained. So, it is my appeal that, the Lake Basin Authority is revived and made active, so that, it completes the remaining part – it drains the remaining part. Otherwise that place is very potential and the Government is going to earn a lot of money from the produce in that area.

(Interjection) Com. Kabira: Okay, thank you, you said that was the last one? You said it was the last one? I wanted to thank you.

Lucas Ojiambo: Okay, thank you Madam Commissioner.

Com. Kabira: It was the last one?

Lucas Ojiambo: That is the last one I had.

Com. Kabira: Okay, thank you very much, thank you for the last one, and thank you very much Mr. Ojiambo for those views. Thank you. Now, there is somebody E. Otari?

Okay. Do we Jackson Oloo? Okay. And William Nabudo? William Nabudo is not there. Peter Akida? Okay, Peter Akida you are there. George Owiso? George Owiso is not there. Charles Oyugi? James Tembe? Hayuko. Eliakim Onyango? Robert Olanga?

Response: (inaudible)

Com. Kabira: Okay, lakini hayuko hapa ndani?

Response: No.

Com. Kabira: Okay. Endelea Mzee Otari.

Ernest Otari: Jina langu ni Ernest Otari. Asante sana Commissioner. Yangu ni machache.

Katika hapa Kenya, tunataka mtu akizaliwa kuwa na miaka kumi-na-nane, apate passport bila kitambulisho.

Ya pili, utamaduni wetu unakwisha. Pombe asili ikuweco, watumie bila licence kama zamani.

Ya tatu, education iwe free, hasa sisi tulikuwa tunasoma zamani, tunapata textbooks, kalamu, kila kitu, school fees. Hapana sasa, hawa watu hawatasoma miaka inakuja hiyo.

Ya nne, maneno ya mpaka: Zamani mwaka 1946, mimi nilikuwa ninaona, tulikuwa tunavua katika kisiwa, tukiwa free, hakuna mtu anatuuliza, sio Mganda, sio Mkenya, ama ameleta bahari, ni Mungu ndiye alipeana wananchi ambao wako katika border ya baridi. Hiyo ndio kahawa yetu, hiyo ndiyo mavuno yetu, na tunataka Serikali ya Kenya isaidie sisi shauri ya border. (inaudible) katika Kenya, saa ile tulikuwa tunatoa kodi hapa, Sikulu Island mpaka tulikuwa tunatoa kodi – 1948, 1949, 1943, 1946, 1961, 1966, hii inakuja hapa juzi 1992. Hiyo ndiyo maneno nilikuwa nayo.

Upande wa wakulima: ukulima – agriculture katika zamani, walikuwa wanatembea katika pale akina mama wanalima, pale wazee wanalima, wanaonyesha. Ulime namna hii na ile, na agriculturalist anaweza kuwa anakaa huko Busia, yuko Kakamega, atajua je kama wewe unalima vibaya, au kama wewe unalima vizuri. Kwa hivyo lazima, watembelee wenye kulima, wawaonyeshe jinsi ya kulima. Yangu ndio hiyo, asante.

Na ingine inabaki moja ya sita. Ya sita ni hii, sasa mambo ya kupeleka samaki uwachiwe katika mikono ya wafrica, wasiwachie Wahindi. Waindi ni wageni katika nchi hii. Hiyo ndiyo mwisho.

Com. Kabira: Asante sana Mzee Otari. Tafadhali jandikishe. Thank you. Jackton Oloo?

Jackton Oloo: Kwa majina naitwa Jackton Oloo. Kufika hapa, niko na machache tu ile ninaweza kueleza.

Tupo upande wa Ministries, ipo failure. Kwa maana, unakuta Minister amekuwa kama Minister for Fisheries, na kazi yake, hafanyi vile inatakikana. Hata kutembelea, kukaribia wavuvi, anawezamaliza miaka tano kabla hajajua Lake Victoria iko upande gani. Kwa hivyo, iko failure kwa Serikali. Wangeweka sheria ya kwamba, ukipewa Ministry, mpaka ufuate vile inatakikana.

Halafu, hapo iko Sheria ile iko kwa fisheries, kama, 'net', ile tunafanya nayo kazi kwa bahari. Hapo, unasikia wanasema kwa upande wa fisheries, tunataka net inch nne kuelekea juu. Na hapo unaona, vile hawataki, unakuta factory inatoa hiyo, inch moja, one inch, two inch, three inch, na hiyo haitakikani. Inamaliza samaki. Kwa hivyo, tunataka waweke sheria kutoka kwa factory. Factory ianze aina ya net ile inatakikana kwa Lake Victoria. Kama ni inch nne, ianze hapo. Factory ikitoa ile inch ndogo, ijue pale itauza, ama achome, asitoe nje kwa duka.

Yangu ya pili, imesemwa hapa. The powers of the President: hii imepatia Kenya taabu sana. President anaenda ana-appoint directors wa parastatal bodies. Ana-appoint yule ndugu ya dada yake. Pesa zote zenye zinatoka kwa hii factory, anapata millions kadhaa. Anapiga tu simu, pesa inaenda. Hiyo nimeona, imefanyiwa kama nafanya kazi. Kwa hivyo, powers of the President ya ku-appoint directors, managers, iwe abolished.

Ya tatu, unakuta pande zingine wanaweka allowance – hardship allowance. Na unakuta kwa hardship allowance, hii ni kazi ya

Serikali, mwingine anaifanya hapa, na mwingine anaifanya pahali pengine, ama kama ni Mandera, na unakuta upande wetu huku, wame-neglect, unakuta waalimu peke yao ndio wanapata hardship allowance. Na hii ni kazi ngumu hapa. Mtu kama chief, assistant chief, wale wa department ndogo ndogo, wale wanafanya hapa, hawapati hardship allowance. Na Serikali inajua hapa ni pahali pagumu. Hiyo tunataka Serikali iangalie. Kama ni hardship allowance, iwe uniform.

(Interjection) Com. Kabira: Ya mwisho?

Jackton Oloo: Ya mwisho. Unakuta wale wame-retire, wakisha retire, huna pahali popote pa kupata pesa. Unategemea pension, na hii pension, hata kama mshahara unakuwa reviewed, hii pension hawaangalii. Inakuwa ile ile vile uliwacha kazi, na ndio unaipata. They don't add hata ndururu, na umekuwa mzee, umeshafanyia Serikali, umemaliza kazi. Inafaa iangaliwe vizuri. Kwa hivyo, hiyo ndiyo yangu, waangalie hapo, Serikali iweko maneno. Asante.

Com. Kabira: Asante sana Bwana Jackton. Kinda Peter?

Peter Kinda: My names are Peter Kinda. I thank the Commissioners, together with those who gentlemen who are with him.

My views goes to the census: I propose, the Government to review the system of census, because as much as I understand that (inaudible), the way of focusing the generation who are coming behind, and to focus where they are going to be employed. But according to the system that has been going on, that thing is very dormant. I say this because you find that, most of the young generation, about three-thirds missing jobs. If they are the future leaders, and by being dormant -- lack of doing something.

First, is something that has resulted to some kind of thuggery, and even the devil-worshipping. I support this, as the politician, because, as our generation, we focus ahead, even what we view from the videos, and if you happen to find yourself without even a single penny, and you are a school-leaver, you might be involved in such things, that are even going to ruin your life. So, I propose that the Government to review this census, as a way of investing for the generation, where they can even have a job.

Secondly, I want to support our fellow members who have been talking about the Lake. On my side, I propose the Government to review the border, and lay the rules that govern the fishermen. For example, fishermen are the people who go to the Lake to wait for their luck, and not even smuggling any items, but when they are going to fish, fish should not be snatched from them as the neighbouring country has been doing.

This is what I would prefer that, we are on the border-line, whereby, even the tycoons sometimes smuggle over goods, that they should be controlled or inspected to check if they have carried weapons that can harm people. The fishermen, should not

be denied the territory of fishing, because that has been so common in the neighbouring countries, and has caused poverty, especially, in this side of the Lake region.

So I propose to the Government to consider reviewing that Constitution, and to allow fishermen to even penetrate Uganda, provided they don't land onto their land. When you are over the Lake, you have not even gone on to the land. So, there, government officers should consider.

Another point that is really perturbing my mind, you find the Government has been so reluctant to help, the generation especially people who have involved themselves with this kind of fishing. The Government is well aware that the young generation are missing jobs or missing something to do. And this has resulted to kind of sugar-mummies and sugar-daddies. So you find this young generation, or if we are focusing their future, you will find that, it will be hard to find a leader during that period. Because, the kind of life they are leading by now, if we focus that they can continue with the same kind of life for twenty years to come, then nobody will lead our country.

And as the days go by, to deny a child education, is to ruin her life completely. So, I prefer the Government in terms of education, to set a system where there is primary education until secondary level, that is free education; and even this food donation, should be given to the schools, boarding especially, to help children in their survival in the school, and even buying books, and to allow parents to have a project where they can support their teachers.

Let us say for example here, in rural areas especially, there are not jobs that people rely on. But if the Government can implement a certain project that allows people to be able to make money that will establish the growth of the community, together with the nation.

Com. Kabira: Okay, thank you very much. Please sign our book. Thank you very much for your views.

Peter Kinda: Okay, thank you.

Com. Kabira: Do we Samson Dwelo? What about Lawrence Asioto? Ishmabel Mbwabi? Ishmabel Mbwabi is not here. Fredrick Juma? Do we have Fredrick Ouma? Fredrick Ouma?

Response: Ameenda.

Com. Kabira: Huyo ameenda, okay. Edwin Oduor? Edwin Oduor you are not there? Stephen Oundo? Okay go ahead – this is who? Fredrick Juma.

Fredrick Juma: Thank you. Mimi naitwa Fredrick Juma. Nimeshukuru kwa haya yenye imewaleta hapa. Na mimi kwa mchango yangu, naweza kuchangia juu ya maneno ya UKIMWI, kwa sababu hili janga ya UKIMWI limetukumba sisi sote. Na vile hivi Serikali inaendelea kutangaza na kutoa mchango mingi, pesa zinatolewa kwa hili janga la UKIMWI, na bado linazidi tu kuendelea. Hatuwezi kufaulu kwa haya maneno.

Na kwa mchango yangu mimi ningependa, Serikali itenge hata kama ni kwa kila wilaya, kwa sababu mgonjwa akiwa mgonjwa lazima aende hospitali, lakini hospitali lazima apimwe, na kama imepatikana anaugua UKIMWI, hakuna haja aachiliwe tena arudi, kwa sababu akisharudi hivi, ataona vile niko na UKIMWI hivi, siwezi kufa pekee yangu. Kwa sababu hii maneno ya mapenzi ndio hata imeshinda makasisi. Unaona siku hizi hata makasisi siku hizi wanaoa. Sasa mbona sisi tusifanye mapenzi? Imetushinda, imeshinda watu wote. Sasa mimi ningependa, Serikali kama inawezekana, mtu akishapatikana anahugua UKIMWI, hakuna haja aruhusiwe tena aende nyumbani. Angezuiliwa hapo, hili Serikali itenge mahali pengine pa kuweka hawa watu. Ili wasirudi tena waambukize wengine. Imekuwa jambo gumu kwetu sisi.

Jambo ya pili, nikirudia kwa maneno ya President – kupewa pesa ya area. Wameweka vitu vingi sana, ambao hata ukiangalia na tuko na watoto wenye wanarandaranda mitaani. Mara nyingi wanasema ati kuna mashirika yenye wanasaidia watoto wenye wanarandaranda mtaani, lakini, bado wanazidi tu kuwa mtaani. Mbona sasa hizi pesa zenye wanapatiana President, wagawe, wengine wasaidie hao watoto, ili wasiwe tena wanarandaranda mtaani.

Com. Kabira: Asante sana Mzee Juma. Now, Peter Kalumba? Peter akizungumza, Barack Wanyama? You are there, okay. John Ogola? You are there, okay. John Muingo? Uko, okay. Na Onyango Mbakuku? Huyu ametoka? Okay, and just give me a minute to finish the list. Dr. Olando (inaudible)? Benjamin Ogeto? Ako nje? Okay, thank you.

Peter Kalumba: Kwa majina naitwa Peter Kalumba. Na ningependa kuongea kuhusu nchi sheria katika mahakama yaliyotekelezwa. Mimi ningependa ya kwamba, hao Judiciary, wanapewa kazi nyingi, ambayo inasababisha watu wengine ambao wako innocent kumia kule katika jela na hata katika cell. Sasa ningependelea, cases zingine ambazo haziko-settled, ama crimes zingine ndogo ndogo zile, ziweze kufanywa katika district level, ambapo watu kama ma-chief na DOs na sub-chiefs wanaweza fikisha kesi kama hizo katika divisional level, badala wao kupeleka uko na kupelekwa remand siku kumi na nne, mwishowe unasikia ati, yule alikosewa, eti sijui bado mgonjwa na yeye anafanya kazi zake.

Jambo ya pili, ningependa kuongea kuhusu sheria, hii ambayo inahusu marriage and divorce. Mimi ningependa Serikali, angalau, ingerekebisha namna ya kule kufunga ndoa kwa jamii ya watu wa Kenya. Tuweke sheria, mtu yeyote awe mvulana, ama awe msichana, asifunge ndoa chini ya miaka kumi na nane. Hiyo at least ingesaidia watoto wadogo wanaofunga ndoa kama miaka kumi na tatu, kumi na tano, kuendelea na masomo, na hata kupunguza ukahaba.

Halafu kuhusu divorce. Sheria za divorce, wangekubalia pia zifanyiwe katika divisional level, na ma-chiefs na sub-chiefs na

DO. Kwa sababu, tunaona wasichana wengine wanateseka sana, wanakuta mtu ameo wasichana warembo labda wane, mwishowe anawaachilia hivyo. Hawana kitu chochote wamefaidika kwake, na wamekaa miaka mingi na yeye. Yeye atatupa hapo.

Jambo lingine ningependa kuongea ni kuhusu social amenities – yaani tafrija. Mimi naonelea, Serikali ingepiga marufuku hivi vipanda vya video na cinema. Wangechukua zile social halls ambazo zinajengwa na town councils ama hizo, watenge pesa katika budget ya Government, waweke pale vitu kama vile vya gymnasium. Vijana waende kule, na wafanye mazoezi kama hayo, badala ya kuingia katika vipanda vipanda za video, na kuona maneno machafu machafu, inawazuia katika kuendeleza elimu yao.

Jambo la mwisho, ningeeongea kuhusu elimu. Mimi ningependelea tuwe na kiwango sawa cha elimu katika Kenya nzima. Hata iwe ni mahali ambapo, iwe ni town, ama iwe ni bara. Vyuo vyote viwe katika kiwango kimoja. Wawe na facilities za kutosha, laboratory facilities na vitabu (textbooks), kwa sababu unaona kuna vyuo vingi, watoto wanasoma mpaka Class Eight.

Mtoto hajawai hata tazama textbooks, halafu anaenda kufanya mtihani na yule mtoto ambaye amesoma kuanzia Nursery Level, mpaka Class Eight akiwa na textbooks. Na Government inaongea kuhusu equality. Sisi hatuoni kama hiyo ni equality. Kama shule haina waalimu wa kutosha na facilities, ifungwe. Halafu, wajenge zile shule ambazo watu wanaweza kusoma vizuri, kuendeleza maisha yao. Asante sana.

Com. Kabira: Asante sana Bwana Peter. Barack Wanyama.

Barack Wanyama: Kwa majina naitwa Barack Wanyama. Na kwa leo, nimeshukuru, na ningependa kuongea kidogo, na ningalisema haya:-

Mwanzo, ningeanza na upande wa elimu kulingana na jinsi ninavyoelewa na vile ninavyoona. Kuna mutindo ya kuwa, mtoto kabla aende primary, lazima haende nursery. Lakini sasa hapa kuna mchezo. Ninaona ni kama Serikali inafanya mchezo hapa. Haitilii maanani kuhusu elimu ya nursery, maana, hii elimu, jukumu lote wamewachiwa wazazi. Hao ndio walipe mwalimu wa nursery, na kila kitu wanaofanya. Wangetusaidia hapo, kutulipia especially waalimu wa nursery. Saa zote tunatezeka, na hatuwezi, ni vigumu.

Upande mwingine pia, tunatakikana kila mtu asome. Sawa, hatukatai. Lakini sasa ma-shule mengine nayo pia ukiangalia, sio ma-shule. Labda naweza sema ni vibanda. Ma-shule yamebomoka, nini imefanyika, inatakikana wazazi wajenge, na inaitwa shule ya Serikali. Bendera ni ya Serikali inawekwa, lakini sasa ukiangalia contribution ya Serikali nayo ni chache zaidi. Hapo pia ningependa Serikali iangalie sana upande huo.

Upande wa hospitali. Kulingana na vile tunaolewa, ugonjwa hauna wakati, na hutajua ni lini utapatwa na ugonjwa. Lakini sasa, hapa inakuja shida ya kuwa, labda mtu anaogua, ameenda hospitali, hana pesa wakati huo, card anayimwa, na inasemekana ni hospitali ya Serikali. Kupata card, lazima ulipe pesa ndipo upate card. Sasa shida kama hizi, zitatufanya sisi raia wa kawaida tuogope kwenda hospitali, kwa sababu, mambo pale ni magumu. Lazima utoe pesa. Tungependa pia Serikali iangalie hapo sana sana.

Halafu, kwa vile niko Bunyala, na lazima nitasema mambo ya Yala Swamp, ni lazima nitasema. Sijui ni kwa nini, au sijui hatuko Kenya. Na ikiwa kweli watu wa Bunyala wako Kenya, then, Kenyan Government is not serious, na ndio tunakaa. Kwa sababu, sisi tunakaa kwa nchi ambayo ina maji, means za communication ni mbaya, inabidi wakati mwingine hata tuwe na council zile ambazo hazina nguvu. Sababu ni hii, tukiwa hatuwezi ku-communicate vizuri, hatuwezi tembea kwa urahisi, itabidi tuombe Serikali ya kuwa, ivunje vunje ile council, labda, ingekuwa na councillor mmoja, naweza penda labda iwe na watatu, kwa sababu, tukiweka mmoja hataweza kazi, itakuwa ni vigumu. Kwa hivyo, wafikirie mambo ya Yala Swamp sana. Imetusumbua, tumeonekana kama watu wengine, labda, sijui kutoka wapi, siwezi sema. Serikali itufikirie sisi kama Wanyala. Asante.

Com. Kabira: Okay, thank you very much for your views. John Ogola.

John Ogola: Asante sana ma-officers. Majina mimi ni John Ogola, na upande wangu, maoni ambayo ninayo, sana sana ni upande wa education. Elimu iwe free, na zaidi ya hayo, Kenya Schools Equipment Scheme irudishwe. Kwa sababu, garama ya elimu iko juu sana kwa wazazi wengi. Niseme, karibu three-quarters of Kenya ni poor people, na tena ndio wana watoto wale wana akili, ambao wanapita mtihani. Na sasa mtu hawezi afford na mtoto asome hadi kiwango anachopendelea. Mtoto kama huyo, zile akili zake, atabaki nazo nyumbani, na aanze kurandaranda. Ndio sababu mimi naona, Kenya Schools Equipment Scheme irudishwe. Hiyo itafanya gharama ya elimu isiwe juu sana.

Ya pili, upande wa matibabu: kwa mfano, ikiwa ardhi, community ndio imetoa; mjengo, community ndio walichangia wakajenga; vitu kama vitanda – yaani, amenities ama ma-godoro, community ndio wamechangia wakanunua. Sasa afadhali hata waki-charge, wa-charge tu malazi, lakini sio upande wa drugs and other services. Hiyo inakuwa too expensive kwa mtu ambaye ni mgonjwa. Kwa sababu ugonjwa haijui eti fulani ni poor ama fulani ana pesa. Ugonjwa ni ugonjwa, na inakuchukua wakati wowote. Sasa ningependelea upande wa matibabu, iwe free pia.

Upande wa ardhi: inaonekana very very ironical. Ikiwa wewe ni mwana-Kenya, na huna land, umezaliwa Kenya, sasa unatakiwa uwe na land katika nchi gani, na you belong to Kenya. And yet mwingine ni foreigner, na unatapa amepata land, alipataje hiyo land? Sasa mimi naona afadhali a pure Kenyan by blood, lazima awe na land. Hata kama ni maneno ya hizi land adjudication, watu waishi kama zamani bila kujua title deed sijui nini. Mnyama anaweza kuwa na ardhi kubwa na binadamu hana ardhi.

Upande wa boundary ya nchi yetu, sana sana western side of the country. Nasitajabu sana ikiwa upto now, Kenya inakaribu miaka thelatini na kitu tangu apate uhuru, na upande wa boundary inaleta maneno kila siku, kila siku. Hata kama ni shamba lako, huwezi lima shamba 30 years and above, na ujui mwisho wake ni wapi. Jusi jusi kulikuwa na chief hapa (inaudible), walikuwa wana-collect taxes.

Hapo mbeleni, ikiwa Kenya walikuwa wanatoa ushuru, mpaka islands karibu sita ndani. Siku hizi Kenya haina hata island moja upande huu. Mageta is the only one, and even Ugandans are claiming that Mageta is theirs. Halafu, Serikali ilichukua polisi karibu wanne, kwa (inadudible), na hakuna hata speed-post, hata anything, ama physical changes. Sasa kitu kikitendeka kwa maji, na askari ana bunduki katika ardhi, hakuna mtu atajiusisha katika hayo mambo.

Sasa mimi naona, Kenya does not react quickly towards something, especially, tunasoma kwa ma-gazeti wanaleta speed-post, hazijaanza kazi, na sisi ni wavuvi, unaenda kwa uvuvi, unakuwa kwa bahari, na net zako. Hata hakuna kitu chochote umebeba mkononi. Utapigana na security person ama gunmen kutoka Uganda, na yeye ana weapon, na wewe uko kwa maji, utapiganaje?. Na kwanza huna hata bakora mkononi. Hata hukuenda kupigana, ulienda kuvua samaki. Sasa inaonekana we are neglected. Afadhali mtuambie if we belong to Uganda side, instead of we being Kenyans, na hakuna chochote. And there are soldiers in the country earning salary.

Upande wa kazi: ninaona hakuna haja, mtu ambaye ameshafanya kazi, akastaafu, apate pension. Na karibu kila mtu, school-leavers, hawana kile hata wana-earn. Ya nini mtu apate pension akishafanya kazi miaka hata ishirini na kitu, ama thelatini na kitu. Bado anaendelea kupata pension kila mwisho wa mwezi. Na mtoto wake amesoma, na hana kazi, na hana pesa. Hiyo ndiyo hata inaingiza watoto wanaingia katika hii maneno ya ukora ukora. Kwa sababu lazima yeye pia apate pesa.

Upande wa price control: inawezakuwaje products in the country hazina price control? Inawezakuwaje? Ati uuze vitu vyako unavyopenda. Mtu anaweza kuuza chochote vile anavyopenda. Price control must be there. Na ikiwa haiko, staff wale walikuwa wakifanya kwa hiyo idara, mbona hawako na wanaendelea kula mshahara, na kazi yao ilisha simamishwa. Mimi naona, price control must be there.

Upande mwingine, mimi naona, sasa upande wa ununuzi wa hizo products. Ikiwa mimi ni mwalimu, kwa mfano, na nina-earn kitu kama elfu sita. Na mwingine ni direktor, ana-earn elfu ishirini na kitu. Mbona kwa duka tunanunua vitu at the same price? Why? Hata mwingine hafanyi kazi completely in the country, na pia ananunua bidhaa madukani katika ile bei ile ile, matajiri wanunua. Ndio sababu mimi naona, price control must be there, or wagawanye watu katika vikundi. Vitu vinunuliwe according to mapato ya mtu.

(Interjection) Com. Kabira: Na ya mwisho?

John Ogola: Ya mwisho, mimi ni sportman. Ninapenda michezo. Minister for Culture and Social Services, inaonekana hawatilii maanani sana upande wa sports katika area za ki-nyumbani. Sana sana katika these rural areas. Unapata ya kwamba, we can get good sportsmen upande huu, sana sana hata akiwa muogeleaji ama mcheza kandanda, ama mbio na kadhalika. Na ikiwa hawaji katika upande huu kuchukua watu hili, wawa-assist upto national level.

Kwa mfano, watu kama footballers, Kenya wana-sponsors wengi tena wazuri sana. Na unapata hakuna hata kitu kizuri ambacho ukipatia footballer, anaweza kuwa na ile roho ya kufanya kitu fulani. Na katika nchi zingine, even like Cameroon, wachezaji wanafanya vizuri kwa sababu wanapatiwa good things. Lakini katika hizi nchi zetu, mtu anaendelea anaumia, na anabeba jina la nchi juu, na hakuna kitu anapatiwa, instead, unapata hizo pesa, ama chochote ambacho wamepatiwa, inakuliwa na watu wote. Na wale walijitahidi wakafanya hiyo pesa ikaja, hawapati kitu.

Na, in another way, (ya mwisho), kuna wakunga katika area zetu, sana sana the whole country, C.H.W., community health workers. Wame-volunteer, wanafanya kazi nzuri kila siku. But they work, ile kazi nzuri sana. Mgonjwa katika community, anajua mtu ni mzuri, wanakuja kwetu sisi, tunawa-connect na health centres, na hakuna kitu tunapata. Ikiwa NGO yeyote, walete any project, na hiyo project wakaleta pesa, hizo pesa, zitakuwa zinafika level ile ya divisional or district, na wale wanatumia hizo pesa, sio wale walifanya hizi kazi. Na wale walifanya hiyo kazi, wanasikia tu kwa radio. Billions fulani zilitolewa katika (inaudible), sijui nini nini, na hamuweziona hiyo pesa. You work day and night, you volunteer, na hata kuna honoraria. Hakuna kile unapata. Unasikia kwamba, zile zilikuja ziligawanywa, na wewe hiyo baskeli hata hukuweko. Ama wale waliopata hizo baskeli, sio wale walifanya hiyo kazi. So, vitu kama hivyo pia, lazima, Serikali iangalie.

Na ya mwisho, ni kwamba..

(Interjection) Com. Kabira: That is the third mwisho.

John Ogola: Ya mwisho ni kwamba, mimi naonelea, President should not be above the law. Ama anybody with any position katika kazi yeyote, asiwe above the law. Hiyo imefanya kila kitu kimekuwa ovyo. Hakuna kile kitu kinaweza hata endelea vizuri, kwa sababu anaweza kuilekeza vile anavyopenda. Na hata iende mrama, hakuna yule mtu atampinga. Asante kwa hayo.

Com. Kabira: Thank you very much Mr. Ogola. Now, John Muingo.

John Muingo: Thank you very much. I am John Muingo Samunyo. I have a few recommendations to put across:-

One, much has been said about education. I fully support other speakers who have suggested that education should be free. But I want to stress on something regarding education, and this is particularly, the national exams. It is my humble opinion that these national exams be set by an independent body, outside the country, as it used to be during Cambridge examinations, to avoid rigging.

Two, on that same same note, If I can cast my memories back to 1960s upto late 1970s, there should to be these schools like Starehe, which are still existing. They were particularly meant for the poor, but now, a situation has arisen where, when you go to Starehe, you see the son of Omamo, a very big bull who can afford to take his son to a high-cost school. That is the son who is there. You see the son of my friend here, who is now at least getting some good money. The son is there. So, the reason for which such schools were intended, have lost direction.

Three, free medical services: much has been said, and the general public has suggested that it should be free. The only way to enable that be a reality, is for the Government to increase taxes on other luxuries like beer, etc, to get the money, to pump into the Ministry to avoid this situation where you find, even these people you call, who are they, they are not even clinical officers, these junior people here, they are called nurses. These are the people who are now opening their own clinics here.

If a Government hospital cannot even afford a pain-killer like panadol, then it will better be closed. Because, that is the very vital tablet that can even assist in reducing somebody's pain when he has been involved in an accident or what. I don't even also think it is fair for the Government to licence a nursing officer. Because this person is trained to nurse, he has not exhausted so much in medicine, to enable him diagnose a disease. He is only to be controlled by a clinical officer and one is some rank above.

Something was said about administration, and they were stating more so on local administrators – chiefs, etc. When it comes to the appointment of the chiefs, I think that is fair. But one thing that can be done in order to make the chiefs respect their work and respect the community, is to transfer them. Because, I was almost saying that, they should be elected, but something told me in my mind, that, if a chief has to be elected, the beneficiary will be the big clan. Because it will now be a family issue. Like in Osieko here we have people called “wahumadi”, those are the majority. So the trend will be that, when the last chief goes out, they claim, this is our leadership. So, these people should be appointed. But after they have been appointed, they should be transferred.

(Interjection) Com. Kabira: Okay, please make your last point.

John Mungingo: My last point comes to the Lake: it is my humble opinion that the Government should enact a policy, and this is more so about the East African Community, because, if we had a Fisheries Act binding the three countries, then this question of Ugandans harassing us, Tanzanians not doing the same, and Kenya not doing the same, should have been a gone case.

Because, if we are eating together from one plate, we must create a policy, and enact a Fisheries Act that governs the three communities. Otherwise we will be cheating ourselves if we talk of East African Community, and then when you go to Uganda, they tell you they have their Fisheries Act, Tanzania the same, Kenya the same. So, you are three leaders, with different laws. So you will not be working peacefully. They should as well have their own kitty, and not politicize the whole thing that, ooh, this fish is from Lake Victoria-Kenya, so once you have reached the territorial boundaries...

I think even when my friends were talking about the national boundaries, this is just political. Otherwise, when we cast our memories back to this East African map, you will see the British protectorate, you will see how the boundaries were marked. We know where we belong, but it might be somebody's interest to pin us down. Thank you.

Com. Kabira: Okay, thank you very much Mr. Muingo. Did you sign our book Mr. Muingo? Please sign. Christopher Olando.

Christopher Olando: My names are Christopher Owuor Olando. I would like, it has been said by so many people, but I would like to add on education, that we should have compulsory education upto Class Eight. Compulsory, take note of that.

Number two, free medical treatment in government hospitals is not free. Let it be free.

Concerning administration, I would like to say, there is another area – village elders. They are doing a very important job in the community, they should be in the Government payroll.

Concerning the election, it is my humble suggestion that the following posts should be created:-

- The post of a Prime Minister;
- The post of two Deputy Prime Ministers; then
- The Vice President should be elected by the people so that he should be responsible to the people, but not the President's appointee.

Concerning elections, I am suggesting that the new Constitution, we should go to elections using the new Constitution in total.

Pension for retirees: when teachers and civil servants's salaries are being reviewed, then that of those people who have retired should also be reviewed. Because, they are also looking after their families, some of them are still educating their children. So, they should not be left like that.

As a teacher, I am very much perturbed, and I would like to emphasize this. We would like the history of this country to be in order. I am a history teacher, when I was still a student, then one of our personality, a very good politician – Tom Mboya died.

Then, J. M. Kariuki died. Then, Ouko died. The present President formed a Commission and said, that no stone will be left unturned, so that we know the killers. When I teach about Tom Mboya, when I teach about J. M. Kariuki, I don't know why they were murdered, and I don't know who murdered them. So, I normally teach half-way. We would like to know, and the country should know. Because, the money we spent, commissions were formed, and nothing upto now. People are asking, Why? Why? Why? and Why?.

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

Christopher Olando: I suggest that since the Government has used a lot of money on this thing, the people that were in this Commission should tell us their findings. Thank you.

Com. Kabira: Thank you very much Mr. Olando Owuor. Mr. Olando was the last person on our register. Is there anybody in the room who did not sign the register, but who wanted to speak?

Speaker: I want to add.

Com. Kabira: No, we want to give an opportunity to those who did not sign up, and who want to speak. Yourself? Please come forward. Any other person? Okay, please come nearer here, so we can. So, can you come and sit decently. I think basically those should be the last ones. There is nobody else? Okay, hakuna mwingine. You wanted to add one point? Okay, then come here.

Odera Jura: Thanks Commissioners. My names are Odera Jura, Headmaster of Osieko Secondary School. Now, I have the following to put forward to you:-

One, as some speakers have said, the President should not be above the law, because you have seen the mess which has been going around.

Two, what I suggest is that, the Minister should not be Members of Parliament. Ministers should be selected from outside the Members of Parliament, for transparency and accountability as it is in other countries like in America. We should not have elected members become Ministers. They should just be there, to restrain the people and check on the Government expenditure and income.

Third one, if we look at our education system, I think we have had a hectic time with various changes in education system. I think we should have a concrete one, whereby, it will be accepted by all the nations, and all in the world. So, if we want to revert back to the old system where we had 'A' levels, I think that was a system that was making people mature, they go to

university when they are already mature during that time. But this time, I think, we have a problem with that system.

The other one, is that, let us have compulsory education, because, illiteracy has cropped in. Upto now, you get a Form Four or a Standard Eight, does not know how to write a letter. There are some applications here I have received, if you look at their letters and they are university graduates, you wonder whether they have really reached university.

So let us have compulsory education, and also, let us give the chiefs some powers to force parents to take their children to school.

Another one, is that, if it comes to elections, we want all the votes to be counted at the polling station. This idea of transferring votes causes a lot of problems, on the way and some people fix some votes on the way, but, if we can't count at the polling station, and then we have the number to the returning officer, I think that one can help a great deal, in order to avoid other problems on the way.

Now, the other thing is that, what I want or what I feel, is that, the Government should sponsor parties, the way Uganda was doing. We don't want a seating Government to harass the other parties, and the number of parties in the Republic should be limited, at least, maximum should be four. Because there are other mushrooming parties, anybody can come with an ethnic party and then it is registered. That is creating tribalism. We want a party, and really if it is a party, it should have a national outlook. I think that is all I had. Thank you very much.

Com. Kabira: Mwalimu asante sana kwa hayo maoni. Thank you very much. The next person.

John Ogillo: I am Ogillo John. A teacher at Osieko Primary School.

First, I will talk about the powers of the President which should be limited. Simply because, he has been given all the powers. One, he appoints the Ministers; he appoints the Judges; he appoints all the heads of the departments in Kenya here; and he heads where corruption comes about.

I am appointed the Minister, through my influence, I will also work out my husband is appointed somewhere as a big person, and if at all he messes there, I will rush to the President simply because he has the powers, that case will not be followed. When the case goes to the Judge, I as the President, I am the one who appointed the Judge. The same thing, has happened, and that is the reason why, we don't want the President to have the powers or to be above the law.

Once the President has been limited in all that, then, corruption will be limited.

(Interjection) Com. Kabira: Okay, let us go to the next one.

John Ogillo: The second one, is about police forces: the powers of the police forces should also be limited. Kenya is a democratic country, whereby, police should not be moving in the villages without an important reason. Here they get wazees who are just resting, and then the wazees are being harassed for nothing. For example, another mzee went there, just to meet a certain mzee, and that is something – resting somewhere, and then here they are being arrested. They are taken to court, they are charged for nothing. Those ones also should be limited.

At the same time, these two forces to be placed together, AP, the administration police and the police should be placed together, because they do the same work. Otherwise, that is all.

Com. Kabira: Thank you very much. Mr. Ogillo thank you. Please come over here and sign for us. So we give you one minute to add your point Okinda.

Peter Okinda: Fine, thank you. What I wanted to

Com. Kabira: Please, you have to give your name.

Peter Okinda: My names are Peter Okinda. What I was adding on was on Judiciary. The Judiciary should be independent, whereby, it is not being appointed by the President. Because, the Judiciary is a body which is standing to find the truth, and if it is being appointed by the President, there will be bias. So, I prefer it to stand as an independent body, whereby, it can change the Government for default.

Another point that I was to add on top of that, was on voting cards. You find especially most Western and Nyanza people, when it comes to December, they always travel back home, but they get their cards in the city. So if they go to the rural areas, they are not allowed to cast their votes, while, I prefer that when it comes to elections, every Kenyan should be given an opportunity to vote using that card regardless of the area where he is casting his vote. Because, there is a rubber stamp which indicates that the vote has been cast. So, I suggest that the Government reviews that line, in order to help us vote wherever we are so as to get good leaders. Those were the points I had.

Com. Kabira: Thank you very much Mr. Okinda. So, I think we want to thank very very much. Mheshimiwa, also thank you, for being with us the whole day, and as we said in the morning, this is actually the last station. Today we are completing the whole of Western Province, and not only Western Province, finishing the exercise of collecting views for this process and beginning the preparation for the report – you know that will be brought back to you. Prof. Okoth-Ogendo talked about this morning, that we are preparing the constituency reports and also the national reports, and both will come back to you, both for verification and for further debate.

So, once again I want to appreciate the like people said this is a hardship area, and yet quite a lot of work has been done as is reflected in the kind of representations that we got today.

So, we want to thank the Co-ordinator for doing a good job. We have had very good mobilization in Busia District, what we have listened there...they had a very high turn-out in all the three constituencies that we have been to Budalangi, Bunyula, and Butula.

We have had a very good time and we appreciate and wish you the best and we believe that the recommendations that you have given, will form part of the national report. And then we leave the rest to the national constitutional conference which will be composed as I said in the morning, of the three district representatives, the Members of Parliament, Representatives of Political Parties, and the 25% of the civil society. They are the ones who will make the final decision as to the kind of the Constitution that we are going to have. So we want to thank you very much. I will hand over to the Co-ordinator. Thank you.

District Co-ordinator: Thank you very much Commissioners. I am actually also delighted that I have gone through eleven hearing centres, in the whole of Busia District. I feel that the burden is down. It is like when you are (inaudible) quickly wakes up and just coming out of bed.

Let me take this opportunity also to thank everybody, thanks to all the people of Budalangi, (inaudible), Busia District. I know, we were not (inaudible), they were leaving some things which we shared. I tried my best, Commissioners to share within my ability to manage those few (inaudible). It may not have been very good, but there is one thing that I learnt, I have been thinking about it very seriously. I think Budalangi would have considered slightly over and above, and maybe be made something like a hardship area. It might have reflected better, because the district was on the land, and one has to go to to be able to get things working. It might have, maybe a problem I realized late, but that is the only reason for the next step we are going to. We have realized that there are sections we have to cover.

I think I will not take any more of the time, but Chairman you should come and say bye to the Commissioners on behalf of the whole Busia District, being an employee of the Commission, I feel I am part of them. And it is just good that it comes from you, especially, the place of Mheshimiwa. (inaudible).

Chairman: Thank you Co-ordinator. I had actually reserved that for the, whether I was going to say a vote of thanks. Nevertheless, as the Co-ordinator said, I wish to take this opportunity to thank the Commissioners who have been with us for

the entire, it is about a week now, takes the entire district, but with at least 33 days. This is a tremendous effort you have put in, and especially, when it involves quite a lot of traveling on rough roads.

We appreciate your patience and your encouragement. Take it from me that, all those who attended your seatings, have appreciated your efforts, and have a lot of confidence, that part of their contribution, however little it might have been, will be reflected in the final document.

As I mentioned when we started the first seating at Ports, majority of the residents in this constituency have very high hopes and expect some changes at the final stage. You might have noticed yourselves, Commissioners, that, I can't give a fraction, but majority of these people are desperately in need of the new Constitution, and will definitely love it, if we went into the next elections under the new Constitution. They are desperate, and you could easily see this from part of the presentations that have been made. You will especially get the feeling of individuals when they come in, without any serious preparation, and you give them a chance to talk, people will talk with anger, and they will talk their minds. That actually reflects the entire feeling of these people in Budalangi Division. Except those who prepared, tied themselves on the already drawn programme.

So, with those few remarks, I wish once again to thank you and to wish you a nice travel and continue with your working schedule which probably should take us up to the end of the final document.

Now, as I finish, I think there is one person whom I would wish to really thank, and that is Hon. Wanjala. He has, despite his heavy workload, spent the entire three days, staying, sitting late with us, and for Hon. Wanjala, I think that is very very good effort, and you have given your Constituency a lot of encouragement. That if you can be with them during this seatings, then definitely this reflects what you do even when they are not there

And then, finally, as I said, there are these few people here, but they are residents of this constituency, nawapongeza sana, hasa wakaazi wa Osieko, kwa sababu, Osieko ni mwisho wa constituency hii, na isipokuwa mulipewa nafasi week ya mwisho, because we have only had, it is about two weeks since we are now... that we have this seating in Osieko, I am happy and grateful that you had prepared yourselves adequately for this seating, within that very short notice.

Me, personally as the chairman, have been here only once, second time I didn't get here, I stopped somewhere in the middle. But second time I came here, and I must admit that we probably have not given them enough adequate time for preparation. But through their own efforts, and through other civic providers, they have done a tremendous work. So, naomba tuendelee namna hiyo, na tuwe na subira. Mimi nina subira mwenyewe, kwamba, mwishowe, Constitution ambayo tutapata itakuwa ni Constitution nzuri. Itageuza mambo. Mambo yote ambayo tumelia hapa, tunafikiria itakuwa ni jambo ambalo halitakuwa hapa tena.

Tutamaliza na sala, ningemuomba Mwalimu aje atuongoze kwa sala ya kufunga kikao. Tusimame.

