

CONSTITUTION OF KENYA REVIEW COMMISSION

CKRC

VERBERTIM REPORT OF

CONSTITUENCY PUBLIC HEARINGS,

BUTULA CONSTITUENCY,

HELD AT BUTULA BOYS HIGH SCHOOL

On

2ND AUGUST, 2002

CONSTITUENCY PUBLIC HEARINGS
BUTULA CONSTITUENCY, HELD AT BUTULA BOYS HIGH SCHOOL
ON 2ND AUGUST, 2002.

Present:

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

Secretariat Staff in Attendance:

Millicent Achieng	-	Program Officer
Elisha Ongoya	-	Asst. Program Officer
Regina Obara	-	Verbatim Recorder
Timothy Wesonga	-	District Coordinator

The meeting was called to start at 10.15 am and chaired by Com. Alice Yano.

Padri Peter: Baba Mwenyezi, tunajua ya kwamba kila kitu ambacho ulifanya ulitia wewe Mwenyewe amri. Hata mwenyewe ulitupenda ukapatia Musa amri ambazo sisi zote tunafuata. Nasi pia tuko hapa Bwana kutengeneza zetu kama sasa Binadamu,

utuongoze Bwana. Tunajua ya kwamba bila sasa amri, kila mtu atakua akifanya tu vyake. Na amri ndiyo njia, amri ndiyo uhai wa siku hizi. Kwa sababu Bwana ambao watatoa maoni, tunaombea Wakubwa wetu ambao wamefika. Bwana tunakurudishia asante. Tuanze na wewe, tuendeleo kati yako, tumalizie kati yako. Haya yote tunaomba kupitia kwa mtoto wako Yesu Kristo Mkombozi wetu Amen.

Timothy Wesonga- (District Coordinator:) Asante sana Padri. Tafadhali kwa sababu ya wakati, ni vizuri tuanze mapema kwa sababu mimi najua kuna maneno ya kuongea. Sasa, nitaanza na kuita Civic Education Providers ambao wako hapa wasimame tu tafadhali; Nimeona wawili watatu wanne hivi hapa. We recognize your presence Mr. Aggrey Wanga because I had mentioned your name. Nitaenda kwa 3C's, Khamati ya Katiba Butula, nafikiria tafadhali tusimame kwa sababu ya wakati tutaongea mwisho. Nafikiria Bwana Patrick Wambuya, ako nje. Anatusaidia na Registration. Lakina hapa tuko na Cllr. George Ekweni. He is a member of the CCC na Chairman mwenyewe ako, Mr. George Wesonga.

Kwa sababu ya wakati tutaongea. Mwisho nataka tupate nafasi kidogo. Nafikiria sitaenda kwa mengi. Nitachukua nafasi hii na kupeana micro-phone kwa Commissioners na tuweze kuendelea kwa sababu kutoka kwa experience yetu, tunajua tukianza mapema, huwa inaenda vizuri. Asante sana. Madam Commissioner.

Com. Alice Yano: Asante sana Bwana Co-ordinator, Viongozi wetu wote walio hapa, Mabibi na Mabwana na pia vijana wetu hamjamboni?

Audience: Hatujambo?

Com. Alice Yano: Leo ni siku kuu kwetu hapa, Batula, ni siku yenu ya kutupatia maoni yenu ili kutumia hayo maoni kurekebisha Katiba. Kabla hatujanza ningetaka kuwajulisha wale ambao tuko nao kufanya hii kazi ya kuchukua maoni yenu. Kulia kwangu tuko na Prof. Wanjiku Kabira. Prof. Wanjiku Kabira salamiana tafadhali.

Com. Wanjiku Kabira: Hamjamboni watu wa Butula?

Audience: Hatujambo.

Com. Wanjiku Kabira: Tumefurahi kuingia asubuhi na tutakua pamoja. Kutoka saa hii mpaka jioni, na tutachukua maoni yenu as long as we have people. Asanteni sana.

Com. Alice Yano: Asante sana Professor. Pia tungekua na Prof. Okoth Ogeto, lakini ako njiani anakuja. Tumesikia amefika Kisumu ako njiani anakuja, tufanye naye kazi hapa. Mimi naitwa Bi Alice Yano. Mimi leo ndiyo nitasimamia kazi ya kuchukua maoni kutoka kwenu. Pia tuko na wenye tumekuja nao kutoka Nairobi, tusaidiane nao kwa hii kazi. Tuko na

Program Officer wetu Millicent Achieng. Nafikiria yuko nje bado anafanya kazi kule nje, tuko na Asst. Program Officer Elisha Ongoya. Tafadhali salamiana.

Elisha Ongoya: Hamjamboni nyote?

Audience: Hatujambo.

Com. Alice Yano: Halafu tuko na Verbatim Recorder wetu Regina Obara. Millicent ameingia tafadhali salimiana Millicent.

Millicent Achieng: Habari zenu?

Audience: Mzuri.

Com. Alice Yano: Kikao hiki ni kikao rasmi cha Tume cha kurekebisha Katiba. Na kabla hatujaanza ningetaka niwapatie masharti ama taratibu tutakazo fuata tukichukua maoni yenu. Ya kwanza ni ya kua tafadhalini mujiandikishe. Kuna cheti kule nje ama kuna karatasi kule nje tunayo jaza. Form ya kujaza unaweka jina lako, unaweka address yako na signature yako. Kabla haujaingia hapa ndani, ujiandikishe. Kama utapatiana maoni ama la. Tumeelewana? Kwa sababu hii ni jambo la kihistoria. Na tunataka wakati hata kama ni miaka mia moja zijazo, tujue ya kua Bwana Wanjala alipatiana maoni, ama Bwana Wanjala alikua participant, alikua kwa hall ya Butula tukipatiana maoni. So it is a must that you register yourself.

Ya pili ni lugha ya kutumia ukitupatia maoni yako. Tuko na lugha ya kimombo ama Kingereza, Waweza kutupatia maoni yako kwa hiyo lugha, waweza kutumia lugha ya Kiswahili, na pia waweza kutumia ile lugha ambayo wewe mwenyewe unayo elewa.

Kama lugha ya mama, kama hapa. Pengine kama lugha yenu ya Marachi, Kiluhya, kama kuna Jaluo mwaweza kutumia hizo lugha zote. Tutatafuta mtu wa kututafsiria sisi.

Halafu kuna mara tatu yenye utaweza kutumia kutupatia maoni yako. Kuna ya kwanza ya memorandum ama kama umeandika na akili yako. Waweza kutupatia hiyo memorandum bila kuongea. Sio lazima utuongesha. Wewe mwenyewe unashika memorandum yako, unaenda kwa Millicent Achieng, unajiandikisha “mimi Fredrick Oduor niko na memorandum yangu na ndiyo nawapa nyinyi wenye Tume mkasome”. Hiyo ni kazi yetu tutaenda kusoma.

Na pengine uwe na memorandum likini ungetaka kuguzia maneno yaliyomo ndani. Ama kufanya summary kwa ile memorandum yako. Hiyo tunakupatia dakika tano. Uharakishe utuambie hii memorandum yangu, nimeandika maneno kama haya na haya na haya. Lakini usikatusomee. Utakua unafanya double work. Ukisha tupatia memorandum kazi yetu ni kuenda kusoma. Tumeelewana hapo?

Na pia pengine kuna wale wenzetu hawajaandika chochote. Hao pia tunawapatia muda wa dakika tano, mtupatie orally msembe ya kua haya ni maneno yetu ndiyo tunawapa kama wanatumie, mtumie kurekebisha Katiba

Halafu ukimaliza kupatiana maoni yako, ya kwanza ukisha patiwa nafasi ya kuongea, unakuja unaketi hapa, na kama pengine hauwezi kufika hapa utaletewa microphone. Utaanza na jina lako. Useme “mimi naitwa fulani fulani na ndivyo napatiana maoni yangu kama hivi” Lazima tupatie jina lako, ili tuhifadhi katika chombo chetu cha recording. Halafu ukisha maliza kutupatia maoni yako, unaenda pia kwa Millicent, ili ujiandikishe useme umepatiana maoni yako.

Na pia tunawahakikishia ya kua, ukipatiana maoni yako, usikuwe na hofu yoyote. Leo ni siku yenu huru, ni siku yenu ya kupatiana yale maoni yote yalimo ndani mwenu ama rohoni mwenu, akili mwenu. Leo ni siku ya kusema maneno ni haya, na tunawapatia haya maneno mtumie kurekebisha Katiba. Usikaogope Bwana Chief, usikaogope Bwana D.O, usikaogope President, usikaogope nani. Leo ni siku yenu. Tumeelewana hapo? Sheria yetu inasema ya kua hakuna mtu atakua intimidated whatsoever. Na ukiwa na hiyo shida, ukisha patiana maoni yako kazi yako tu ni kuelezea watu wetu wa CCC, Constituency Constitutional Committee. Committee yetu ya Constituency Constitutional ama District Co-ordinator wetu na tutapata kujua kuna mtu amekua threatened ama kupigiwa makelele eti alipatiana maoni hivi na hivi. Sasa mko na huru.

Ila tu ningeomba kusema ya kua. Huu uhuru pia tusikautumie ili ulete mzozo kati yetu. Kama pengine uko na shida na Chief wako hakuna haja useme, “Chief wangu Bwana Oduor ningetaka aondolewe kwa hicho kiti kwa sababu ametuletea shida fulani”. Ingekua afadhali sana useme “Ofisi ya chief, ofisi ya President, ofisi ya D.O.”. Hatutaki majina ili kila mtu awe na huru wa kuongea na pia tusikazozane pahali pengine. Tunaelewana hapo?

Halafu ukipatiwa nafasi ya kupatiana maoni, tafadhali hakikisha ya kua, kama ni shida fulani, unatuelezea. Kama ni shida fulani unatuelezea, tafadhali pia utupatie jawabu. Tuseme kwa mfano, useme juu ya gharama ya shule imekua ghali sana. Ni jukumu lako pia kutuambia ni nini ungetaka ifanyike. Kama pengine unataka mpatiwe masomo ya bure. Tunaelewana hapo? Give us the problem and a solution to the problem.

Na pia we are following our list very strictly. Leo hakuna rigging. Tunafuata hii list, kama wewe ni number moja, ni Fredrick Oduor wewe ndiye utakua wa kwanza. Na kama Number ya mwisho pengine ni Millicent Achieng. Wewe ndiye utakua number ya mwisho. Lakini ila tu, pengine kuna watoto wetu wa shule wangetaka wasikizwe ili warudi wasome. Walimu wangetaka kusikizwa haraka waende wakafundishe watoto wetu, daktari kuna mgonjwa. Mama mzee ama mzee kabisa mwenye anasikia hawezi kufikisha saa saba kabla haja kula lunch yake. Hapo tutaweza kuelewa. Na kwa hivyo utatuambia mapema kama uko na shida kama hiyo, ili tuone kama tutafanya hiyo rigging.

Na pia tuheshimiana kwa maoni. Mwendako akija hapa, ako huru ya kusema yale maneno yote anataka kusema. Na tafadhali kama hupendelei maoni yake mpatie muda wake. Wewe kimwa mpaka ifike wakati wako kama unataka kuja kukanusha,

ukanushe, tunaelewana hapo. Tafadhali tuache kupigania makelele. Heshima kwa maoni ya kila mtu. Na pia kelele. Leo tunachukua recording Obaro onyeshana recorder, na hiyo recorder inachukua maneno yote, Itachukua kelele, itachukua maoni yenu. Na ningewaomba sana, sitataka siku yenye tunakaa kusikiza maneno ya kutoka Butula tunasikia ni makelele tu. Tafadhali tuzuie kelele. Halafu tutawasikiza, we'll take all the time as long as there are people here to be heard.

Nakabla hatujaanza, kuna swali lolote? Kuna mtu ako na maswali? Asante.

Kabla hatujaanza, nilikua nimewaelezea hapo awali ya kua mwenzetu Prof. Okoth Ogendo ako njiani anakuja. Yeye ni Professor mashuhuri amefanya Kazi ya kurekebisha Katiba nchi zingine. Na leo hapa butula tumebahatika sana kuwa nayeye. Juu yeye anajua haya maneno ya kurekebisha Katiba. Tafadhali Prof. Okoth Ogendo salamiana.

Com. Okoth Ogendo: Good morning Ladies and Gentlemen?

Audience: Good morning.

Com. Alice Yano: Huyo ni Professor yeye sio mtu wa maneno mengi yeye anafanya kazi nyingi sana. Tunaanza sasa na Fredrick Oduor. Karibu na uharakishe tafadhali. Wewe ni kijana mdogo sana. Halafu atafuatiwa na Dominic Odhiambo. Jitayarishe.

Fredrick Oduor: My names are Fredrick Oduor from Butula Boys High School. I am presenting the views from Butula Boys High School students, on the Constitutional Review Process.

We wrote a memorandum and I will only talk about some serious issues. First of all, the former Constitution of Kenya did not have an introduction. Therefore the current Constitution should have an introduction to enable every Kenyan to be conversant with the Constitution.

The Youth: We would like the youth of this country to be represented in Parliament so that they can air views and the problems that are facing them in the nation. We have realised that the youth are having many problems but due to lack of their representatives, their views have not been aired. So the youth should have representatives and the representative should be elected from every region of the country. The youth should be elected by the youth themselves. They should not be imposed on the Youth.

The citizenship: Any person whose one parent is a Kenyan, should be an automatic citizen of this country.

The Kenyans mostly youth have faced alot of problems in getting the Identity cards. So in the Constitution that is being

reviewed, we would like that the Identity cards should be free of charge and the process of acquiring the Identity cards should be simple and should also be entitled to all basic rights, the right to justice, right to education, the right to security and right to freedom of movement.

The children of the nation should also be catered for by the Kenyan government. The Kenyan government should abolish child labour, so that the situations such as employment of children as housemaids should not arise in the country.

The aged: The aged should also be catered for by the Kenyan government. When one is old and able to work, he should pay some money to the N.S.S.F so that during his old age he can be catered for.

Land and property ownership: Every Kenyan should have a right to own property in any place in the country. The cases whereby a person from Nyanza is not allowed to own a land in Central Province should not arise in the country.

The succession and transfer of power: All Kenyans should have a right to elect their leaders democratically. In case any leader retires or steps down, it is the Kenyans to choose the next leader as the assistant of the retired leaders come to power for a given period before election. The President should also be sworn in by the Parliament after elections and the period of appealing by his opponents should be elongated. This problem has been facing Kenyans whereby after election of President, the duration of swearing in the President is very short. Such that the other politicians are not given time to appeal in case of any inconveniences that would have arisen during the elections.

Powers of the President: The powers of the President should be reduced to enhance exploitation of government resources. The President should not be given powers to appoint the Ministers, that should be left to the Parliament. Some of the leaders who handle sensitive issues should be appointed by the President but must be approved by the Kenyan Parliament. The President should also be answerable to the Kenyan Parliament. Thank you. (clapping)

Com. Alice Yano: Thank you very much Fredrick Oduor, you must have been very clear, no questions from the Commissioners. I have been reminded that I forgot to introduce myself. My name is Mrs. Alice Yano. I am a Commissioner. Thank you. Dominic Odhiambo. Dominic karibu. Halafu atafuatiwa na Milton Okala or Ohala.

Dominic Odhiambo: The Commissioners, my name is Dominic Odhiambo. I used to present the Council of Marach elders. Marach elders are an organization of elders above the age of 40 years. They sit from time to time to look at problems facing the community in Marach. As you had already told us, we got our memorandum already written.

We confined ourselves to the questionnaire which you send round. We did not deal with any thing outside that and so where you find an abbreviated answer such as yes or no. It is referring to the order of the questionnaire which we have. So whenever

there is an ambiguity, just have a look at the questionnaire and you will come up with what we were talking about. The various issues we have dealt with are;

We have dealt with the Judiciary for instance, we would like the Judiciary to have a particular clear statement in the Constitution, to reduce the rampant corruption in that body.

Also in the Executive, we have said that any person holding an office in the Executive, the nature of which the person can be transferred, that person must hold the office only on election. He should be elected because the post is such that he can't go on transfer and therefore he should be elected every five years. We also have looked at the land and we have said that land is a very sensitive issue in our community. The Constitution should clearly state all relevant issues on land ownership. For development we do have a situation where everybody wants to have access to the land. The Constitution should spell out whether that is possible and where the variation to that is necessary, clear statements should be stated in the Constitution.

We talked about things like discrimination to citizens. We have had situations for instance, take the social side of that one. Take a simple thing like going to drink beer. If you go to a bar here and you order beer, whether it is vodka or whisky or anything, you can drink yourself silly. No body is going to chase you up and down. But go and drink another one which is the African one. You find that when you drink busaa or you drink changaa, you have something to answer for. Why? We would like the Constitution to make it possible for citizens not to be discriminated upon according to their social order.

We have looked at this appointment for public offices where people are appointed to pay various posts. We think that so far, we have not gone for equality of people. We have rather gone for the person. If you are a Kikuyu you qualify more than a Luhya. That is not right, It is not good. The person should be qualified for an office because he is able to carry out those duties. The Constitution should spell out these things very clearly.

I don't think that I am going to read this, as you have already indicated that you will just have to highlight a few points which are necessary. So for that thank you very much.

Com. Alice Yano: Thank you Mr. Odhiambo. There is a question for you, just a moment.

Com. Wanjiku Kabira: Sorry Mr. Odhiambo. I wanted to find out from you, how many women do you have in the Marachis Elders Council?

Dominic Odhiambo: We are not a registered body. So whenever we have a meeting all are welcome. We just send out word that the council is meeting, and they come immediately. So at the moment, those who do come to our meetings are about eight. Women don't come very often maybe because of the nature of the occupation the society has left them to carry

out. (laughter).

Com. Alice Yano: Thank you very much. Kindly register yourself. We are grateful for your answer and your contribution to this review process. Milton Ohalo Ndonge'o. Then Milton will be followed by Okelo Benaire. Is he there? Okelo Benaire karibia.

Milton Ohalo Ndonge'o: The Chairperson of this panel, Hon. Commissioner, Butula leaders. Students and my fellow Marachian's Hamjambo?

Audience: Hatujambo.

Milton Ohalo Ndonge'o: My names are Milton Ohalo Ndonge'o. This is a written submission.

Introduction: This process or exercise is very much important to all Kenyans and we as people of Butula as other Kenyans, we are very glad to have been given the opportunity to air our views with faith and belief that we shall come up with a fine document to serve us for the coming 60 years. With this in mind, I have faith that the Constitution Review of Kenya will be given enough time to fine tune and come up with a complete process, through the laid down procedures or stages in the Constitution of Kenya Act which must include Referendum and National Constitution Conference.

Therefore I think that the Commission should not be disbanded before completing the exercise and should be de-linked from elections because these are two distinct and different processes which should not be tampered with because the document we want is not a temporary one or seasonal. This because an election is just a component.

Proposal in summary: The new Constitution should protect sugar cane farmers by:

1. Recognizing and including the current Kenya Sugar Board with its entire Acts, which include weighing cane on the farm. Farmers being paid within 30 days and if more then they should be paid with including interest. We wanted this because we feel that a mere Act can be messed up by a few fellows but the majority will continue to suffer.

Farmers should also be protected by banning in this Constitution, the importation of cheap sugar in to the country. That one can only be done if approved by the Kenya Sugar Board in liason with the respective companies. Here we mean that it is the companies to prove that there is a shortage. That one will be safeguarding the interest of the majority who are farmers who are the backbone of this country's economy.

We should also protect farmers by scrapping the outgrower companies like MOKO, POKO NOKO because they have

leased farmers money. Farmers should deal directly with their respective Sugar Companies. The outgrowers if allowed, let them act as Sales and Marketing Agencies. They can sell our sugar product.

2. The Education: Primary education if possible let it be compulsory and free. And with free we mean that at least a parent can only buy uniform or a pencil or a pen and other ABCD. This is because Kenyans have been very much impoverished and they cannot meet the cost of text books, desks and may be putting up class rooms.

The 8-4-4 system of education should be replaced with 7-4-2-2, which used to properly prepare learners.

3. I come to the Presidency: It should be tamed by vetting all Presidential appointees by Parliament to reduce nepotism, tribalism, sectionalism, incompetence and corruption that may have caused the collapse of our very important institutions, parastatals etc. and instalment of important projects. And as per that, we should make sure that these senior most appointed Civil Servants have security of tenure. We can tame the Presidency by making Parliament autonomous. That means with it's own calender of events which should include election's time-table, this is because in Kenya the population has now grown to thirty million and it is very risky to leave the responsibility to only one person, or to keep it as a secret weapon. We should know that on 30th October, after every five years, when the Parliament either dissolves itself or it is dissolved then we hold elections may be in December or so, as per the time-table laid down procedure.

Com. Alice Yano: Wind up please.

Miltone Ohalo Ndonge'o: Okay thank you. Presidential Candidates should have their running mates. The winning President should not keep Kenyans guessing as to who will be the VP or sucking a VP unnecessarily and if possible we do away with an MP or a VP acting for 90 days because it causes uncertainty in the country.

If there is any vacant post or if that post falls vacant, the Vice President should take over automatically to complete the term. Thank you very much.

Com. Alice Yano: Thank you very much. Kindly register yourself. There is a question for you.

Com. Okoth Oendo: Mr. Odongo. The reason why a President is allowed by the Constitution to dissolve Parliament is to enable the President to send Parliamentarians home if they become irresponsible. If they have their own calendar how are we going to deal with an irresponsible Parliament?

Milton Ohalo Ndonge'o: May you come again please?

Com. Okoth Ogendo: The reason the President has the power to dissolve Parliament is, to ensure if Parliamentarians become irresponsible he can take them back to the people. What are we going to do with an irresponsible Parliament if they have an affixed calendar?

Milton Ohalo Ndonge'o: I believe the process is in the hands of the learned friends. And they will come up with a provision also giving that the President...

Com. Okoth Ogendo: Now let me ask you a different question. You know that our Parliament has been having problems with quorum. Quorum is only 33 members of Parliament out of 222 but we cannot get 33 members in Parliament most of the times. So how do you deal with that problem?

Milton Ohalo Ndonge'o: I believe that as I am speaking other Kenyans might have given you much more submissions about it. And you will consider their provision or their suggestions on how you are going to do it, because this is just a part of it. And at least there are some who understand it better or they have something tangible about it. Because at least with views, this is just a diversified part of it.

Com. Alice Yano: Thank you very much. Kindly register yourself. And now may I recognize the presence of the Hon. MP for this place. Hon. Masakhalia. Karibu Mheshimiwa. I think the people of Butula you are very lucky. One thing is that during the National Constitutional Conference, one of the representatives to the National Constitutional Conference will be your member of Parliament. It is important that he has attended this session so that he will know, what to present or what to really fight for in the National Constitutional Conference. I don't know Mheshimiwa, do you want to say jambo properly? Yes karibu.

Hon. Francis Masakhalia: With your permission Commissioner, I think I will make my presentation following this. Again representatives of the Constitutional Review Commission and fellow Butula residents, I see mainly students. I trust that there will be others apart from the young turks, who will make presentations. My fellow members of the Butula Constitutional Review Committee headed by Mr. Wesonga (luhya greetings)

Audience: (luhya answer)

Hon. Francis Masakhalia: Let me seat over here and address you.

Com. Alice Yano: It looks like we have to leave for Mheshimiwa to give us his views, maybe he has somewhere else to attend to. Thank you. Mheshimiwa.

Hon. Francis Masakhalia: My name is Dr. Francis Masakhali. I am the member of Parliament for Butula. First of all I apologize, I made an announcement that this meeting will begin at 8:00. Unfortunately it is began a little later. And I have arrived after 10:00 O'clock so my apologies. I had to drive all the way. I had things to do in Nairobi last night, and I began my journey to Butula. Very early in the morning.

I have a memorandum to present to you. This memorandum is not entirely personal. It is a product of discussions with my fellow Butula constituents. Since it is going to be handed over to you, I will just highlight some of the points that I made.

First of all, I would like to commend the process that has been adopted for the review of a Constitution. There was a view that we would invite Constitutional experts who would come and in their wisdom, review our old Constitution and propose amendments, present them to Parliament and then Parliament would adopt them. However the process that has been adopted is different. It is people based. We have heard Civic Education to educate the public on the Constitution and what really goes into the Constitution.

Parliamental aspects about the Constitution: I think that was a good approach. Our fellow Kenyans have made very valuable contributions in terms of the views they have for modifying a present Constitution to suit our present circumstances and the future. Ours will be just to amend on the very many suggestions that have been made. And as I said, I will just summarize some of the views we have.

First let me address the preamble: The Present Kenyan Constitution lacks a preamble, to highlight the fundamental values on which it is founded. Through the media we have read about other people's suggestions that we should have a strong preamble outlining the overriding principle values of a nation. We would like to suggest that the Preamble should have a vision of the future. What are we aiming to achieve in a project? What kind of country do we want to have 100 years ahead? We would like to suggest also, that the preamble should catch on the historical perspective of a nation. Particularly after the achievement of independence. We have heard over 36 or 37 years now of independence and whereas we would have referred to a colonial I don't think it would be interesting to go that way, what has been experienced in the past.

Post independence spirit: We would like the preamble to highlight the social well being of Kenyans. Of course social well being includes such aspects as the freedom of the individual.

Second point is on human rights: I think our present Constitution just closes over the needs of human rights to be observed. That section of the Constitution should be looked at again, and be made more forceful, drawing on the experience of our first 36 plus years. It should reaffirm its commitment to the United Nations and the African Charter and Conventions on Human Rights.

Here is a little addition perhaps an innovation on our country. We would like the Constitution to incorporate among the human rights, availability of the basic needs. Food, shelter, free basic health care and certainly free primary education.

stall order, but if we are going to maintain democracy in this country, every one should have an equal chance, an equal opportunity at the beginning of his life. I may think that, equal opportunity will be provided by basic education, primary education which should be available to every one without the ability to pay for it.

I would like now to pass on to power sharing: It has been stated, and I know that you have been briefed, you the Commission have been briefed on the over centralized character of power. The present Constitution has centralized alot of power in the head of state. Divert some of the responsibilities that the head of state currently covers and proposals that have been made in relation to the creation of positions of Prime Ministers, Deputy Prime Minister and so forth, should be taken seriously. In that regard If I could further elaborate, the President should be assigned a range of responsibilities, which in our reckoning should include defense against external aggression.

Subjects such as economic management, finance, public administration and numerous public services should fall under the responsibility of the Prime Minister and other Ministers. On the President I could still elaborate on the subject. He could be responsible for the appointment of the Prime Minister and the Cabinet. But it is the Cabinet here; Parliament should be vested with the responsibility of monitoring the performance of the Prime Minister and the Cabinet.

The use of censoring mechanisms such as the vote of no confidence. Should be invoked and should be useful as a tools to maintain sound management of the national affairs. In other words, Parliament should have the powers of voting a Prime Minister and his Cabinet out of office.

Currently there some Bills on code of Conduct for Public Servants for leaders. We feel that those Bills should not only be left as Acts, they should be incorporated in the Constitution.

Again I want to revisit the subject of devolution of power from the centre. I had already stated earlier that Kenya has an excessively over centralized system of government. There are arguments for it and there arguments against it. I would like to highlight the floor in this over centralization that relates to the promotion of a bureaucracy, that lacks local accountability and control. Central government officers who are at local level are accountable to the Centre. They are not very sensitive to the local's wishes. For this reason, there should be devolution of power from the centre to the regions. In implementing this approach, there are several ways of implementing this approach. I do not subscribe to the Federalist type of government. I think what is needed, is strengthening the Local Authorities in their management incapacity for such services as health, education and infrastructure. There will be need to raise the status of the County Councils. Much as I have said, I am not for a Federal type of government and therefore I see Local Authority as the main conduit for achieving what we really want to

achieve and that devolution is of power.

County Councils currently do not command the respect they should have to carry out this responsibility. We could begin by getting the education requirements of Councillors raised and of course finances that will be required for the execution of the responsibilities that will be assigned to the County Council or Local Authorities. Such as health, education and so forth, to be provided, the financial aspect should be dealt with.

Now some thing of a local flavour. If I talk about these things which are so interesting nationally and I don't catch on some of the local needs. May be this will be in your notes. You may not even use it for the review of the Constitution. It would be a very bad omission on my part, when talking about getting the Local Authorities to diverse power from the Central to Local Authorities, if I did not mention the fact that we have been consistently freying Central government to have Bumala and Butula to be elevated to Town Councils.

For your information Bumula is still at a market state, It will surprise you, it generates 60% of the revenues of Busia County Council why? Because the other places, the other Divisions have already installed, have already elevated their markets to town Council status. Bunyula, Port Victoria, sio port, Nambari, Mata iyos and this is the only Division which does not have a Town Council. Our affairs cannot be properly looked after by one County Council which covers the whole of Busia with other Town Councils Authorities in the various regions and our Division lacking such an Authority. This is because what is in this is that this Local Authority including Town Councils will be vested with the responsibility of administering essential services.

Now if ours will only be Busia County Council, we will have a terribly raw deal. So this is some thing we would like to convey again to the powers that will be through you.

Let me touch on the gender issues. It is common knowledge that women in our society participated in contributing greatly to our social-economic activities. We concede that in terms of leadership, participating in policy formulation activities, they are marginalized. Whenever I have talked about this topic, I am giving my own example. I have three daughters and one son in my family. And I look at my eldest daughter. Will she have the same opportunity with others, with my friends who have three sons and one daughter? I doubt it. In Parliament we are just a hand full, in Administration, the same, in commerce and Industry, the same. This is what motivates some of us to suggest that some provisions should be inscribed in the Constitution to deal with this imbalance. If it would be possible to inscribe in the Constitution, a certain norm such as at least 30% of the National Assembly or Local Authorities or whatever.

All institutions of Public Leadership should be women, so be it. It would be a very good Kenya. I don't think we'll get there considering our culture that we have inherited, by things taking their normal course, by the qualified women asserting themselves. So that is what we would say on the gender issues.

On the environment: Over and over again it has been repeated that our rural area flora and fauna should be protected. Afforestation and conservation, of rivers and ecology should be I think a provision for afforestation and conservation of the river and (inaudible) should be enshrined in the Constitution. I know you would argue that this is a policy matter, why don't ministers responsible for environment come out with policies and provisions. But it is a matter of life and death that we cannot live to the vaggeries of Ministries and implementation flows.

Let me again come on the local scene and refer to something which is very close to our heart. The Rivers: This is a division which is so well blessed by God. We have rivers, natural rivers and streams. They have wherever you can conserve on the vegetation, around the river you would have the (inaudible) vegetation. You would have the grass 'uweiywe', amasani which are very good at protecting water, they conserve and increase the ability of (inaudible). Now I don't think that the Legislation that we have heard about the distances which we should maintain are being followed. I think if there is an appropriate provision is made in the Constitution on conservation of the River Rai and the indigenous trees I was going to forget, the Mahogany and the Ebony which during my youth, I saw in every village, they have become extinct, can we protect them? Can we protect them? I would perhaps express, what I am saying is better if I was talking to people but this is for record so I will not. We need some provision, an appropriate provision to be made for us in this area to be able to go back to the ecological situation that we had.

When some of us were young, when some of us were growing up protecting rivers which will always have the (inaudible) vegetation which provides a very useful raw material. You may not be aware that the chairs which you see in Nairobi, in the open air market are made out of (inaudible) Here we call them 'marachi sofa'. They originate from here and that industry which were trying to develop may be lost. A lot of jobs would be lost, if we do not have the appropriate norm inscribed in the Constitution protecting these.

Members of the Commission I am now getting into my final proposal. The Judiciary: We would like the current mode for appointment of Judges of the high court and the Appeal Court to be modified. I did not find time to follow what the Chief Justice said, when he addressed members of the Commission. So in addition to what the Chief Justice said, I would like to say that it is desirable for Parliament and if we are going to have a bi-cameral government so that we have a Senate. That I don't know what your blue prints now have.

Interjection. Com. Okoth Ogendo: Are you suggesting that...

Hon. Francis Masakhalia: Bi-cameral? I have not given it very much thought. I am just saying that if others have made that proposal and that in your wisdom you consider that proposal to merit your support. It is desirable for either the Senate or Parliament, I think it is done in the United States to vet these individuals.

Judges of the High Court and appeal court should never be appointed fully without those two bodies. If we don't have a bicameral system, so be it let that Parliament (inaudible)

Another thought: On traditional Court, the execution of justice is very much delayed. I think there should be a way of either extending the Magistrates Court to the divisions, so that cases that pertain to provision Act settled at divisional level or even in lower level. The traditional Court used to be very useful. After all, what do we have in the villages in the rural areas. Apart from real criminal cases which must go on. The Magistrates and others. The traditional Courts Institution should be reconsidered and assigned the responsibilities that they used to have. A lot of cases that could have gone to the modern courts, were very well executed and taken care of at that level. Before you write that chapter on the Judiciary, I would like you to have some debate in our Commission about re-introduction of the traditional Court.

Those are my thoughts and I am ready to defend them.

Com. Alice Yano: Thank you very much Mheshimiwa there are questions for you a moment

Com. Okoth Ogeto: Mheshimiwa I want to ask you a naughty question that I think politically is a very relevant question. Many members of Parliament who appear before us are telling us that the Presidency has a lot of powers but the suggestions they are giving us is a power sharing suggestion. Create a Deputy President, create Prime Minister, create Deputy Prime Minister and so on. It is like they want the Constitution Review Commission to solve their political problems?

Wananchi are telling us something different, they are saying there is so much power at the centre, we want it at the regions. Let the President be there but we don't want him to exercise any powers. They don't even care about being a Prime Minister, they are simply saying give us a government down here. Why should the Constitutional Review Commission solve your political problems?

Hon. Francis Masakhalia: I think my colleagues are justified in using the Commission to address this problem. This is because the powers that are given to the President are in our current Constitution. The system of government that we have invoked is drawn from the Constitution. So if we have an opportunity I would argue. We have an opportunity of looking at the Constitution again, undersigning responsibility and powers to various institutions, to the Executive, to the Chief Executives, if the President is to be the Chief Executive, that is if he could be a figure head, the President. I don't know what you have come up with we will look at it when the draft comes up.

I am told you have some blue print somewhere. Some people have said well you go and talk to them, but we have the thing. So be that as it may, I would like it to support my colleagues who have addressed these issues to the Commission because it is

the Constitution that creates the institution for governance.

We would supplement on them in Parliament. Mr. Aloo Aringo now is supplementing on that but by presenting a Bill that withdraws the powers of inaugurating the Parliament, determining the life of the Parliament, the calendar for Parliament. Not being the responsibility of the President but being the responsibility of Parliament. There is a struggle, yesterday, we didn't have right number of people in the house. Some of us were a little indisposed, we went to some places. And then we heard that they didn't have the right number of people to enable that bill to be looked after.

So if we can have enactment such as the Constitution, to solve that problem for us, to create institutions and define their responsibilities, we could endorse the other amendment thing in Parliament as we proceed. But the fundamental one that defines the responsibilities of the head of state should be undertaken. It should be addressed through the Constitution.

Com. Okoth Ogendo: To be sure I want to say it for the record and I am saying in my capacity as the Chairman of the drafting committee of the Commission, we have no blue print. We cannot have a blue print before we have heard Western Province. The reason we are here, is to hear all Kenyans then we will write a report and on the basis of that report, we shall start drafting a blue print. A blue print is very far away from today.

Com. Alice Yano: There is another question just hold on.

Hon. Francis Masakhalia: I am glad that that is the situation because my kind of presentation and the other people's presentations will be suicide.

Com. Wanjiku Kabira: I have three questions please Mheshimiwa but before I ask you the question I want to confirm as second vote what Prof. Okoth Ogendo has said that definitely there is no blue print. I just want to confirm that also as a member of the Committee in Chair. Now I am glad to hear you suggest the 30% women representation in Parliament but in your presentation I thought you may want to think about the concept of the mixed member proportional representation where we have extra seats through proportional representation or elections through colleges like what they do in Uganda. District representation for women and other groups. I thought you may want to suggest one how we would arrive at 30% that you recommended.

The other question, we have been getting a lot of presentations from the people on how to control Parliament. Majority of the Parliamentarians were talking how the powers of the President can be reduced and so on. And many of the people are also talking about how the powers of Parliament can be reduced. Including the rights of recall for the MPs and so on. So who should actually check Parliament so that it will look excessive in its own demands. You may want to tell us something about it.

Then on the environment, I was wondering about an issue which has also been cropping up. Who actually manages the natural resources? Should that management go to the community or should it be managed by the state? Some people think that if they managed their forests, then they would be able to take care of those forests, rather than gazzeting it as a state land and so on. And another small one here again refers to what Prof. Okoth Ogendo was saying. How do you relate now to those traditional courts with the roles and the responsibilities of the village elders as they exist at present. Thank you.

Hon. Francis Masakhalia: Thank you Commissioner. Let me respond to your questions in the order in which they were made. The first one is the modality of getting the 30%. The presentation of women in Parliament or wherever. Actually to be honest with you, I have not studied and finally come out with the best modality for getting the 30%. You have referred to the Ugandan approach. It has got its own merit but you see, the Ugandan one is in a situation where you only have the movement. You can very easily legislate, at the moment you can call it the one party state. So they can work out their configuration and come out with the 30%.

I would like the Norwigan situation to be looked at. We have now 50% of that Legislature represented by women. How did they get there. That was not the situation about 30 years ago. So let's draw some examples from the Norwigan case. It would be difficult to invoke the Ugandan case for the reasons I have indicated because this is multi party state and it would be very difficult to work out things to give it 50%, 30%, 10%.

How can we control Parliament? Now first of all I am very concerned by that public concern. That Parliament ... it can exceed it's mandate you know, this is because we are given the freedom of legislature and we are representatives of people. If the Domans have no confidence vote in Parliament, I think if you were to look at the problem objectively, you would invoke or come up with the proposal to have a check point, in another house. If parliamentarians in the lower house, in the congress are so irresponsible, they give themselves huge salaries and so forth, there are other gentlemen in the upper house who could check on that. I am just giving that as an example. By the way I don't believe that we have been outrageous. (laughter) Regarding the salaries increase, you come with me, if you want to know what I am talking about. I a have an engagement in Nairobi tomorrow, so I will try to finish up my affairs in my division as quickly as I can this afternoon. Even within those few hours that I will be in my home, you come the pressure around me say that this salary ----

Now the third question was whether I consider it appropriate for the community to look after the environment. I think both the sates should be concerned but the broad guidelines, the broad norms should be national and the communities should perhaps take on the implementation, the execution type of responsibility. That way, we will get there. We complain about the state being high handed and so forth but when we have a consensus, that a certain norm should be maintained, It better be national.

Incidentally it will not be a good thing for Butula to do so well in environment and for Funyula or Gudalanyi to insult and to be lagging.

The environment is global and we need to have a concerted effort. If the people in Mr. Elgon cut down the trees that they have that has impact ecologically to us, the winds which come from Lake Victoria go over to Mt. Elgon, form the clouds that come down and won't there because there is that natural process of vegetation having an impact on that. So we would like the norms to be completely national and let the communities to play their roles in implementation. That was all.

Com. Okoth Ogendo: Mheshimiwa I just want to, and this is not question but I just wanted to comment. I think that the complaint is not that Parliament is being outrageous but that we should not be Judges in your course. There some Constitutions that say, if Parliament passes any law that benefits them. That law is effective from the next Parliament not the one that has passed it and maybe that is what we should do.

Hon. Francis Masakhalia: Okay.

Com. Alice Yano: Thank you very much Mhemishiwa, we are grateful for your views, and be sure we are going to read your memorandum. Thank you asante. May I take this opportunity also to recognize the presence of our D.O here Kenney Osoro. Karibu Bwana D.O. We know how much you have played in ensuring that this process is a success. Asante. Now we go back to our list after successful rigging, can we have Okello Benaya. Okello sasa tunarudi dakika tano.

Okello Bebnard: Mheshimiwa, Ma-Commissioner, Waheshimiwa, wana Kamati, wananchi wa Butula hamjambo nyote? Mimi ni Okello Benaya, na akilisha Waskufu wa Nambale kama naibu wa Mwenye Kiti, upande wa vijana. Maswala ambayo nitaakilisha hatujawapatia nakala kwa hivyo nitaanza. Swala la kwanza ni kwamba mathehebu yako ambayo yamesajiliwa, na mathehebu yenyewe kuna wakati yanaleta shida. Yaani kuna mathehebu ambayo yanatisha vijana kwa ajili ya kuabudu vitu vingine visivyo kuwa kua Mungu. Kwa hivyo ni maoni ya vijana kwamba mathehebu kama haya, hata yale ambayo yataleta ghasia basi yafutuliwe mbali.

Swala la pili, nikuhusu kodi kutoka kwa municipal. Tunapata kwamba vijana hawawezi kufanya biashara kwa sababu kodi zimeenda juu sana na hawa vijana hawana pesa. Kwa hivyo inakua ni vigumu wao kufanya biashara. Ni hao vijana ambao wametoka shuleni. Kwa hivyo tungependekeza wapunguze hiyo kodi.

Swala lingine ni kuhusu hakikisho la kupewa licence na hii municipality. Pia tunaona ya kwamba ukikosa license utachukuliwa, utastakiwa, ama utachukuliwa tu na kutumbukizwa kwenye koro koro la polisi. Hiyo sio haki hata kidogo. Kwa sababu huyu ni mfanyi biashara na ako pale. Heri ajulishwe. Pia Municipal ipewe nafasi ya kuweza kukarabati barabara, sehemu ambazo wanafanya kazi. Kwa sababu unapata wanachukua kodi na pale pale wamesimama kuchukua kodi, barabara imechakaa, magari hayana hata mkondo. Nafikiria tutatilia hayo maanani. Kwa ajili ya wafanya kazi, wafanya kazi tungependekeza Katiba itakayo fuata ichague jumba ambalo litakua likiangalia mishahara ya wafanyi kazi, baada ya miaka miwili. Kwa sababu tunapata tofauti kati ya wale wafanya kazi wa juu na wachini ni kubwa sana na wote niwa serikali

Na kuja kwenye vijana katika shule. Ningependekeza kwamba Ratiba ama syllabus ile ambayo inatumika iweze kusaidia hawa vijana. Sio kila kijana anaweza kufanya somo la dini, na wakati ambapo tunafikia pale pa mthani, kuna kijana ambaye anaweza kufanya kazi nzuri sana kwa hesabu. Halafu hizi somo zingine zinamshida. Tungependekeza Katiba itakayofuata isaidie hawa vijana wale ambao wanaweza kubakia pale hata kama hawawezi kuenda chuo kikuu, basi awe na kitu cha kufanya, kutumia hilo somo ambalo alipita.

Tunakuja kwenye wafanyi kazi ambao wanastaafu, tungependekeza kwamba hawa wafanyi kazi ambao wanastaafu, watayarishie malipo yao mapema. Serikali na Katiba ambayo itafuta itayarishie malipo yao mapema. Mwaka mmoja kabla huyu mzee kustaafu kwa sababu wazee wanastaafu wanaenda huko miaka mitatu hawajapata pesa.

Nakuja kwenye uwezo wa Rais. Tungependekeza kwamba uwezo wa Rais wa Kitaifa kuchagua majaji utolewe. Tumia Judicial Commission. Hivi ni kwamba, hawa majaji watakapo kua pale na kitengo chao tofauti, bila kuhusishwa na serikali kwa njia yoyote, tutaweza kumaliza ufiisadi kwa sababu watakua wanatimiza kazi yao. Na wakikosa kutimiza, basi Judicial Commission itawamaliza.

Pia uwezo wa Rais, tungependekeza tuwe na Chancellor kwa vyuo vyetu vikuu badala ya kuwa Vice Chancellor. Kwa sababu tunapatia Rais wa Taifa kazi ngumu kuweza kufuatilia elimu kwa vyuo vikuu vitano vyote. Sijui saa ni vingapi.

Mwisho tungependekeza sehemu ya bima katika magari ya usafiri. Katiba iangalie na ipunguze, ili watoze Bima ya chini, na bei ya watu kusafiri iwe nzuri. Isiende juu sana. Kwa sababu usafiri utakuwa mbaya kwa sababu watu watakuwa wanaenda.

Halafu mwisho, wale ambao wanaenda kuhutubia taifa. Wale amabo wanahutubia swala lolote ambalo linagusia taifa, linagusia nchi, linagusia kijiji, tungependekeza, wawe wa utawala ama wawe wanasiasa, hotuba hizo ziandikwe. Ili kusiwe leo amesema hivi, kesho anasema mimi sikusema hivi. Hotuba ziandikwe ili zichunguze. Shukrani.

Com. Alice Yano: Asante sana Beneya. Anaye fuata Benaire ni Nobert Wangalwa. Robert karibu. Na pia Norbert atafuatiliwa na Charles Ogola, Charles jitayarishie.

Norbert Bwire Wangalwa: Bwana Commissioner I move straight to my report. I will start with the Presidency and the Vice Presidency.

Com. Alice Yano: Start with your name.

Norbert Bwire Wangalwa: I am Norbert Bwire Wangalwa, a teacher by profession.

1. The Presidency should remain Executive and elected directly by the people.
2. A person vying for Presidency, should declare his running mate, who then becomes his Vice President.
3. The minimum age of the President should be as in the current Constitution 35years and a maximum in my opinion of 65 years. His level of education should be a minimum of a degree and not just a degree but a degree from an Internationally recognized University.
4. So a person should be declared the President if he gets over 50% of the total votes cast. In addition to 25% in at least five of the eight Provinces. If none meets the conditions, a run off shall be called between the top two candidates, who within two weeks should vie again for elections. Whoever wins by a single majority shall then be declared the President.
5. In the event of the office of the President falling vacant for any reason, as a result of being incapacitated or being unable to execute the function of that office or by death, then the speaker of the National Assembly should be the acting President. And if he is the acting President, then he should not be legible to vie for that seat in the subsequent election.
6. The Vice President should not just be a figure head but should effectively act in the absence of the head of state, because we also expect that the head of state should have holiday like it happens elsewhere and not just to be there through out.

The head of state should also have leave and not just to be there like the country belongs to him. (laughter and clapping)

7. I want to propose that after every two months, that the head of state should have a national brief on our state media television or radio, where he is briefing the country on the activities of his government and we are able to feed questions to the President so that we know that after every two months the President is addressing the nation, then every body is glued to his (inaudible).

The Cabinet:

1. I propose that we should have a maximum of 18 Ministries as defined by Parliament, and each Ministry should be manned by one Minister and not two. We should also have the position of Deputy Ministers and these should be two in every Ministry and not as many as five with others not having any duties.
2. The President should present his list of nominees to Parliament for discussion and subsequent approval.

3. A Minister should not just be dismissed at will. The President should have valid reasons why the Minister should be dismissed and presented before Parliament, who then discusses the conduct of that Minister and be dismissed by simple majority.

Charles Onyango: My name is Charles Onyango of Butula Sub-branch. I won't take much time because I am presenting on behalf of the Kanu officials. We had already sat and drawn whatever we would have. So I will only add to my personal views. Although we know that we are in Kanu but we still know the evils that are in the party. So we won't be reluctant or we won't just say that the party is alright. So you will read all the points that we have said but I am going to express here some views that I had, just slightly.

First, we in local areas are really suffering on many things but I will specify on about three of them.

One, Transferring somebody's name or a transaction of land. Suppose your father died and the children are left, it becomes very tiresome for other people or for the children, to be going on paying more money, so that the name of the father can be transferred to their names. Please let this practice be abolished because the land is completely inherited. It is not the land that you bought from someone. I appeal to that because wananchi are really suffering on that point.

Second point, When a person dies accidentally, it is the responsibility of the government to take the body to the mortuary. However the government should also return the body to be buried home here. This is because if you leave the burden to the locals, perhaps the dead person is an orphan or perhaps the people that he stays with cannot afford to bring back the body. Please let the body be brought by the government and not the people that have stayed with the person.

The third one, I would also say something concerning the Magistrates. The Local Magistrates within the Districts or any other place, should be checked on cases they have dealt with weekly. This is because, most of them are not competent in their work, but are full of corruption. If a Magistrate is found guilty, he should be sacked forthwith because these people are really harbouring people on corruption.

I would feel that please let the government check on these people very very much because there others who are not doing the work as they should do. With those few remarks thank you.

Com. Alice Yano: A moment I want a clarification from you. This is because I know what the 'Liguru' is. You have already put it in your memorandum. Can you tell us the other name of in 'Liguru' either Kiswahili or English for purposes of recording.

Charles Onyango: A village leader.

Audience: Elder.

Charles Onyango: Well or village elder.

Com. Alice Yano: Ben. Khasenyi Ben karibu. Halafu atafuatiwa na Dominic Masinde. Na nikikuita jina tafadhali ujitayarishe na ukaribie hapa mbele.

Ben Khasenyi: Kwa majina mimi naitwa Ben Khasenyi. Niko na memorandum kidogo hapa. Na nitazungumza juu juu tu kwa sababu mtaisoma baadaye.

Local government: Mayors and Chairmen wachaguliwe na wananchi na hao wawe na minimum ya K.C.P.E. Wawe wamejua Kiswahili vizuri na Kingereza vizuri.

Parliament: Minimum education qualification to be K.C.S.E certificate na wawe wanajua Kiswahili sawa na Kingereza sawa. Na wakae kwa Bunge kwa miaka tano yote bila kutolewa. Na kama MP anatoka kwa chama chake kuenda chama kingine, arudi nyumbani kutafuta maoni ya watu wake tena.

Vyama vya siasa: Vyama vya siasa viwe vitatu. Na viwe viki gharamiwa na serikali na kupewa pesa.

Shamba: Vijana wawe na haki ya kurithi shamba na sio wasichana. Lakini wasichana wanaweza kupata mali ya wazazi yao. Mali ingini sio shamba.

Com. Alice Yano: Endelea.

Ben Khasenyi: Na mali hiyo ikiwa inagawanywa kwa watoto wote na wazazi wao, iwe ikifuata ile Public Trustee, sheria za Public Trustee zote zifuatwe.

Com. Alice Yano: Ya mwisho?

Ben Khasenyi: Ya mwisho ni Provincial Administration: Kile cheo cha PC na DO kitolewe. Kibaki cheo cha DC, Chief na Asst. Chief. Nafikiri ni hayo tu.

Com. Alice Yano: Asante sana, tafadhali jiandikishe, tumeshukuru kwa hayo. Dominic Masinde karibu. Dominic atafuatiwa na Butula Girls. Do we have Butula Girls now? Do we have them around? If we don't have them, Abubakar Mubale. You are there? Karibia.

Dominic Masinde: Bwana Mwenye Kiti na Commissioners, wananchi ambao wamehudhuria huu mkutano, mimi kwa majina ni Dominic Masinde, mini najiakilisha kama mtu wa constituency hii ya Butula. Nimefikira kutoa maoni juu ya mambo mawili.

Jambo la kwanza ni poverty-(Education and Health): Mara nyingi nimesikilza kwa magazeti kwa radio wakisema wanataka kumaliza umaskini. Na sioni wamefikia lengo lolote mpaka leo. Wanaendelea na kuimba tu. Basi ni lazima tutafute ni kitu gani kimeleta umaskini huu, poverty imeingia namna gani na mbeleni tulikua watu wa kawaida tu. Lakini tumekua maskini zaidi. Tena tunaendelea kuwa maskini. Na hiki ambacho kimeleta umaskini ndugu zangu nivitu mbili.

Mzazi akizaa watoto anataka watoto wapate elimu na mtu yoyote anajivunia watoto. Basi mzazi anamaliza mali yake yote, anauza shamba, anauza plot, anauza ng'ombe, anaelimisha mtoto.

Halafu umaskini mwingine unaingilia kwa upande wa health. Mtu akiwa mgonjwa akienda kwa hospitali, mzazi huyo anashindwa kuenda kumkomboa kwa bill ya hospitali, ama mtu maiti. Hii yote, imefanyika hivyo ndiyo imeleta umaskini hakuna njia ingie. Lakini serikali ingeangalia mambo mawili haya.

1. Sources of funds: Kama ni education serikali igundue njia ya school fees kwa kila mzazi. Na hiyo njia itapatikana tu kama iko special rates kwa kila mtu au tax. Kila mtu, atoe kiasi fulani, percentage ya mapato yake, na hii iwe ni lazima kutoka kwa watu wale wa juu, top posts, mpaka mtu wa chini, isipokua yule kiwete ambayehawezi kupata mapato. Na tukiwa na special rates kama tax na tuwe na departments ziwe formed kama department ya education ya fees. Hizi pesa zikusanywe na zielemishe watu ndiyo tupate njia ya free education. Lakini leo tutasikia free education. We are cheating the public. Hakuna free education.

Com. Alice Yano: Half a minute.

Dominic Masinde: Sina minutes. (lughter from audinece) Basi serikali ikiweza kubuni, njia hii ya special rates ya tax kwa kila mtu, education itaendelea vizuri na wazazi hawatauza mali yao na hawatakua maskini tena.

Kwa health vile vile tuwe na special rates, tax. Halafu watu wapumzike, hizo njia mbili tu ndizo zimeleta umaskini.

Neno la pili kama mnanisikiliza, ni Parliamentary campaign. Kama sisi ni watu ambao Kenya imesoma sana ina ma-professor wengi. Kenya ina watu educated sana, sasa hii campaign ya mtu mwingine ni Ford Kenya mwingine ni Asili, mwingine sijui ni DP ana campaign separately. Hii inamalizia sisi wakati wa kufanya kazi yetu. Tunataka campaign iwe jointly na tuone ni nani ataweza kuzungumza mbele yetu sawa sawa. Ni nani ana Manifesto ya kufaa sisi kumchagua. Campaign iwe jointly.

Com. Alice Yano: Asante sana muda wako umekwisha.

Dominic Masinde: Niongeze kitu kimoja.

Com. Alice Yano: Malizia, malizia.

Dominic Masinde: Tena kitu kimoja ambacho kinahusika sana kwa sisi, ni unajisi. Sikilizeni hapo sawa sawa. Mnajisi ni mtu ambaye amekwisha haribika kichwa, he is not normal he is no longer a normal person. Huyu mtu kifungo chake kingekuwa maisha. Hangekubaliwa kuja kuishi na watu. Akili yake ni kama ya kuku ama mbwa. Na sisi hatuwezi kupitisha kifo kwa huyu mtu, sisi sio Mungu. Sisi tufunge huyu mtu maisha, asije karibu na watu. Asanteni.

Com. Alice Yano: Asante sana, tumeshukuru kwa hayo maoni yako. Tafadhali jiandikishe kule. Na tafadhali kama uko na mobile switch them off, because they interfere with our recording. Inaharibu maneno ya recording, kama uko na mobile tafadhali zima. Abubakar.

Abubakar Ouma: The Commissioners, Ladies and Gentlemen. This is a very important occasion today in Butula. I am Abubakar Mubale Ouma from St. Catherine, Special institute for the Mentally handicapped. It is a big honour to appear before us the Constitutional Review Commission to deliberate on our long awaited issue which is nothing else but the Constitution. However, I will specifically dwell with the disabled affairs.

The current Constitution has not covered effectively the interests of the disabled people. I therefore propose that since the disabled is a wide group of people, there is need to come up with Legislation and Constitutional rights after categorizing them to smaller groups according to their disabilities and the degree of these disabilities.

Since I have already written the memorandum, I will just summarize it according to the following topics:

Education: The disabled people should have access to free and compulsory education, right away from primary section to university depending on their cognitive abilities. In addition, the learning facilities for example braille machines, adaptive and artificial orthopedic limps, wheel chairs etc which are related to their effective learning should also be provided by the state free of charge.

Health: Apart from the disability, disabled people in Kenya have also other very serious health related problems. Therefore there should be free health care plus orthopedic operation in both public and private hospitals.

Politically it is my proposal that the disabled people have a nominated MP to Parliament to cater for their interests effectively.

The profound severe and profoundly disabled people should have access subsequent allowances through out their lives.

I come to Judiciary: Many a times, disabled people have been abused because of their disability, more particularly so the mentally handicapped before the Court. I propose today that the coming Constitution should embrace and protect the disabled people by providing a lawyer, who will defend the disabled people especially the mentally handicapped before a Court. And that in judgment, the Court should take into consideration the responsibility and cognitive understanding of the disabled person who at that particular time would be facing the Court.

The rights: On the said rights, I propose that especially when it comes to acquisition of the national Identity card, that long and tiring process which is currently there, be exempted from the disabled people. So that the moment they are known there, theirs should be an automatic issue.

Com. Alice Yano: Your time is up, but I am giving you one more minute.

Abubakar Ouma: They should also be protected from all sorts of social abuse, economic abuse and other aspects. Thank you.

Com. Alice Yano: Thank you very much. We are grateful for that presentation. Eliud Oyat. Patrick Oruko, karibia hapa mbele. Eliud I am giving you strictly five minutes. I can see you have a memorandum.

Eliud Odhiambo: My names are Eliud Oyat Odhiambo na nitaongea maoni yangu kwa ufupi. Kwanza utangulizi wa Katiba yetu ya sasa, hauelezi chochote kuhusu sisi wenyewe, kwa hivyo ningependekeza katika Katiba mpya utangulize uwe ukitaja sisi watu wa Kenya na Taifa letu la Kenya, ili tuweze kuilinda na kuitii.

Kwa ajili ya usalama wa nchi, Katiba lazima ilinde vikosi vya majeshi kwa kuunda baraza la usalama ili vita kabla ya kutangazwa, Bunge na Baraza la Usalama lazima vijadili jambo hilo. Kwani kuachia mamlaka hayo Rais, anaweza akaotea na wakati mwingine akatangaza vita visivyokua na maana.

Bunge liwe na calendar yake na pia lipewe uwezo wa kujadili baraza la mawaziri kabla hawaja apishwa. Mawaziri wasiwe Wabunge ila wateuliwe na Rais wakiwa watu wenye ujuzi wasomi wanaoweza kuongoza wizara, kama vile America.

Mashamba yawe yakiamuliwa na baraza la wazee chini ya mkuu wa taarafa. Watu wengine wakiwa sub-chiefs na wazee wa vijiji. Mambo ya mahakama ya kuamua mashamba na mawakili, yaondolewe kabisa na Katiba mpya, kwani hayawasaidii chochote raia wa kawaidi wasi na uwezo.

Pombe lazime ipewe masaa ya kukunywa bila masharti ya sehemu. Kwa mfano, Nairobi Busaa inapewa liceni na ha hapa Busia ukipatikana ukinywa Busaa utapelekwa kortini na kulipishwa elfu tano. Hiyo sheria inabagua watu wa Nairobi na watu wa Busia.

Miwa yetu lazima ipewa nafasi ya kwanza kwa mkulima, kwani ndiye anaye kuza. Malipo yanayo tozwa ushuru wa kugharamia uchukuzi na kampuni, lazima yaondolewe. Kampuni ilipie gharama hizo. Miwa lazima ipimwe karibu na mkulima, yaani weigh bridge ziletwe hapa karibu karibu ili mkulima mwenyewe aweze kujua latiri zake.

Sukari pia bei ni lazina ichunguzwe. Kwani sisi wakulima tunao kuza miwa, bei ni lazima iwe chini. Kwa mfano saa hii, Nairobi sukari ni shilingi 40/= na hapa busia penye miwa inatoka ni shilingi 50/=.

Tuwe na mfumo wa kupanua maendeleo kwa kila mkoa. Tusitegemee kujenga Nairobi pekee. Kwani magaidi wa Kitaifa wakipiga Bomu kama wakati ule mwingine, Mali yetu nyingi inaharibikia Nairobi. Mikoa ipanuliwe. Hapa Kakamega tuwe na viwanda. Kwa mfano, njugu inakuzwa hapa Busia, na hakuna hata kiwanda cha Salad hapa Busia. Haya wimbi na mahindi tunayo hapa busia na hakuna kiwanda kama cha Unga, tunasikia Famila inatengenezwa Nairobi. Unga ya Soya na Wimbi, na Wimbi tunao hapa na Soya. Kwa nini wasijenge viwanda vingine hapa karibu karibu?

Watu tukienda Nairobi kusumbukana huko tukijaza Nairobi, na hapa pia kuna nafasi ya kutafuta pesa. Serikali ibuni hazina ya kulipa kila Mkenya anaye timiza miaka hamsini na tano. Alipwe ridha. Baada ya kufikisha 55 years ulipwe kitu kidogo na serikali kama ya retire. Hiyo pesa serikali ichukuwe marupu marupu kwa watu hapa halafu hiyo pesa ikuwe huko ya kulipa watu.

Elimu iwe ya lazima, tena ya bure kuanzia darasa la kwanza mpaka la nane. Mfumo wa zamani wa 7-4-4 urudishwe 8-4-4 haitusaidii kwa chochote.

Matawi matatu ya serikali lazima kila mmoja iwe na uwezo wake pasipo kuingiliana. Bunge liwe na uwezo wake, Judiciary iwe na uwezo wake na pia Executive iwe na uwezo wake. Mamlaka ya Rais yasiwe juu ya Katiba kwani yeye pia ni Mkenya. Kuteua na kufuta wakuu wa utawala wa mashirika ama wakuu kuu wa idhara ya serikali maneno ya “umefutwa mara moja” hiyo iondolewe katika Katiba.

Wazee wa vijiji wawe wanalipwa mishahara na wachaguliwe na wanavijiji kwa njia ya kura. Pia Sub-Chief na Chief pia wachaguliwe na raia ka njia ya kura.

Mwisho kabisa vyama vya kisiasa, visiwe vingi kama tulivyo navyo saa hii. Hiyo haitusaidii. Viwe vyama vitatu, na viwe vina thaminiwa na serikali kwa kufanya kazi yao.

Halafu mwisho kabisa nikimalizia, Katiba hii inapo kamilika, tuwe tunaweza kuitafsiri kwa lugha mbali mbali hata sisi Wamarachi, iandikwe kwa Kimarachi ili tuweze kuielewa vizuri. Asanteni sana.

Com. Alice Yano: Asante sana kwa hayo maoni yako, kuja ujiandikishe. Patrick Oruko. Karibu Patrick. Then Partrick atafuatiwa na Austin Msundi. Austin Msundi jitayarishe. Na kama kuna wanafunzi ambao wangetaka kupatiana maoni yao ili warudi darasani ama walimu, tafadhali mtuelezee.

Patrick Oruko: I'm Patrick Oruko, a teacher of Butula Boys High School. I am presenting on behalf of two other teachers Mr. Ogutu Joel and Mr. Okondo Gregory.

First I would like to put my points concerning Constitutional Supremacy. Parliament should not be given exclusive powers in the amendment of the Constitution especially on matters concerning remuneration of Parliamentarians, retiring President's remuneration package. The above proposals got from these Parliamentarians should go through a National Referendum before being adopted.

On Defense and National Security: Military forces should be intensely involved in income generating activities that will facilitate the development of the country. And not merely staying in barracks and fattening.

The Constitution should also come up with a mechanism to ensure that any person arrested by the police is considered innocent until proven guilty and not vice versa as the tendency shows. The persons arrested should have medical certificates from a qualified doctor at arrest and after leaving a police cell. This is to ensure that these victims are not manhandled inhumanly. Another point still under Defense and National Security, the laws should state the minimum conform conditions accorded to a person in police custody. He should be provided with a balanced diet, clean and conditioned bedding.

Access to information: Prisoners should be accorded with social rights like freely mixing with spouses for pro-creation purposes, especially married couples. Minors of an inmate who are single parents, the state should assume his and her responsibility. Meaning that if somebody is jailed and he is single parent, the children of that person who has been put in custody or in prison, the state should ensure that the children go to school and other things that go with up-keeping.

Political parties: A party seeking registration should have a different manifesto as compared to other existing parties, so that we don't just have so many parties coming up, with no apparent political direction. The Constitution should allow for a maximum of three political parties, so as to give them a national outlook, rather than what is coming up. We have so many parties which

are an outlook of tribal organizations rather than political parties.

A newly registered party should also be provided with a certificate of provincial registration for twelve months, during which it should not take part in Civic, Parliamentary and Presidential elections. This is to enable when a political party is registered, we don't have the political parties coming up all of a sudden and being registered for individual interests of the persons who are coming up with those political parties.

Com. Alice yano: Wind up please.

Patrick Oruko: Management and National Resources: Key government departments and Ministries should be distributed accross the country for the purpose of fair distribution of national resources. Appointment of senior government officials should be done by Parliament. There should be a code of ethics for holders of public office. Development projects should be constituency forcussed. All constituencies should be given a profit proportional amounts of funds from the Central government, every principle year. This means that BDC's should be do'ne away with and a new body at constituency level be set up. And 40% of tax collected in a region should be retained to be used in that particular region.

Interjection: Com. Alice Yano: I think you should hand to us the memorandum so that we can go and read it.

Patrick Oruko: The memorandum is long but I think

Com. Alice Yano: Yes we are supposed to read the memorandum but I just wanted to say that if there is something burning that you wouldn't like to leave out you may give it to us.

Patrick Oruko: Oh no.

Com. Alice Yano: Why not, your through?

Patrick Oruko: Yes.

Com. Alice Yano: Thank you very much.

Patrick Oruko: Thank you.

Austine Musundi: Thank you Commissioners. My names are Austine Musundi. I have registered myself and I want to register that I would like to present in the next meeting at Buhui. Thank you very much.

Com. Alice Yano: Thank you very much Austine. Naftali Mukosia. Karibu Naftali. Atafuatiwa na George Wesonga, George Wesonga jitayarishe.

Naftali Mukosia: Majina yangu ni Naftali Mukosia. Natoka Bwariro. Nihaya ya ya kusema.

Mayor, Wenye viti wa mabarasa, wachaguliwe na wananchi. Elimu ya chini iwe kutoka darasa ya 8 mpaka kidato cha form four. Mayor, Diwani, Chiefs na Sub Chiefs wachaguliwe na wananchi kwa mlolongo. Tuwe na masharti yafuatayo kuhusu wizi, kupigana, kuua, na kuwe mtu mnyenyekevu, asiwe mtu wa kukasirika haraka. Wananchi wanaweza kumrejesha nyumbani Diwani asipo zingatia masharti yao. Mishahara na marupu rupu ya madiwani, yatolewe na wananchi wenyewe.

Mmiliki wa mwisho wa ardhi awe ni mtu binafsi. Serikali iwe na uwezo wa kumtoa mtu kwa ardhi ya mtu binafsi ikiwa kuna madini kwa hiyo ardhi. Madini kama mafuta, gold na kama kujenga viwanda.

Mtu huyo apewe shamba na serikali na hata fedha. Dollar ziwe na uwezo wa kuthibiti namna ya umilikaji wa ardhi. Tuwe na kiwango cha kadiri cha kama heceter sita ama saba kwa kila mtu. Tusiwe na kanuni za umilikaji wa ardhi kwa mtu asiye raia wa nchi.. Umilikaji wa ardhi uhairidhiwe kwa kuandika mtu wa kwanza awe ni mme na mke wake. Mme hata mke mmoja akifa, aachie mwingine ardhi.

Mme na mke wake wawe uhusiano wa kumilika ardhi. Mkenya awe na usawa was kumiliki ardhi mahala popote nchini kwao Kenya.

Com. Alice Yano: Malizia.

Naftali Mukosia: Katiba ihakikishe haki ya kila Mkenya ya kumiliki ardhi. Asante.

Com. Alice Yano: Asante sana tafadhali jiandikishe. George Wesonga. George? Halafu George atafuatiwa na Martina Kubaso. Martina jitayarishe. I am giving you 5 minutes thank you sir.

George Kubaso Wesonga: Yes. My names are George Wesonga, Executive Secretary Busia Branch. Since a written Constitution spells out how the people of a Country should be governed, it is important that this Constitution should be written in very simple language especially in Kiswahili and English. So that the common man does not need a legal interpreter.

Preamble: The present Constitution lacks a Preamble and since a Preamble spells out the fundamental values. The following should be mentioned or contained in the Preamble: God, the people of Kenya, the need for unity, peace, love and justice,

development, equality before the law, sharing of national cake equitably.

Constitutional Supremacy: I feel that we should retain the present procedure of amending the Constitution but raise the percentage from 65% to 75%.

Citizenship: Kenyan Constitution should not allow dual citizenship. Automatic citizenship should be for children born of both Kenya parents and born in Kenya.

Defense and National Security: The disciplined forces that is the Armed forces should be retained especially through their own Courts but the affected officers should be allowed the services of the Lawyers of their choice. The Armed Forces also should also recruit qualified lawyers, who should act as Magistrates and Judges to chair or handle their discipline cases.

Here recruitment should also be spelled and the procedures in the Constitution. Today recruitment is very unfair and they seem to be following the rule of the jungle. As they come with names already and therefore this should be spelt very, very carefully in the Constitution.

The President should be the Commander in Chief of the Armed Forces.

Political Parties: The Constitution should regulate the formation management and conduct. The number of political parties to be limited to only three and they should be financed by the state. We should retain the Presidential system of government.

The Legislature. The Legislature should be given power to veto the appointments of Ministers, Permanent Secretaries, Parastatal bosses, Armed bosses especially the top ones like levy, police, Airforce and prison. I believe that the number of Ministries should be 15 and the Ministers appointed or lists of officials should not have dented reputation and should not have a criminal record or been in prison.

Parliament should also have powers also to control its procedures, though when it comes to salaries, the salaries of members of Parliament should be determined by the Public Service Commission since they are also Public Servants.

The contempt of nominated MPs should be retained but the MPs nominated should cover special areas like the disabled, Trade Unions etc.

In the multi party state, Parliamentarians should stick to their parties until the five year term. Those who defect should not be allowed to vie in the by election that follows since it is expensive to the state. They should remain out until the end of five years so that they can reapply.

As a representative, these are not my views so just give me two three minutes.

Com. Alice Yano: No, one minute. (inaudible words)

George Kubaso Wesonga: The President should not have powers to dissolve Parliament and should not be above law. When we come to the Executive, the President should be a graduate and should be married with a wife or a husband. Since we need a state with a first lady or a husband. Age should be between 40 years and 70 years. He should also declare his wealth before being elected. Some of the powers that the President should lose are, he should be a Chancellor to all the public universities. The public universities should elect their own Chancellors and Vice Chancellors.

Com. Alice Yano: Give us the last point.

George Kubaso Wesonga: Well they are so many but let me look at what I can give as the last one.

Local government, I believe has been touched. Let me go to electoral system and process. We should retain the present one, the current demarcation of constituencies and what is unfair and revision is needed based on population, size of area and infrastructure.

Management and use of Natural Resources: I want to say that the Present system, where we have the administration, should be retained but they should go through elections whereby the 'Liguru' should elect the Asst. Chief, the Asst Chief should elect the Chiefs. The DC's should elect the PC's. When we come to Natural Resources, still and management. The distribution of Natural Resources should be equitable in that this should be removed from one person, and that is the President giving out. This will remove situations where we have like universities in one area, when they should be given to other areas, like factories in one area when for example Busia is producing fish and then you find factories in Nairobi sugar cane and other things situated in Nairobi-----

(Interjection) Com. Alice Yano: Thank you very much. Kindly give us the memo, we will read. Infact the three minutes you requested for are over.

George Kubaso Wesonga: Very finally, just one point.

Com. Alice Yano: No.

George Kubaso Wesonga: The package for a retiring President should be determined by the successful economy which has

been there during their tenure of office. This is because if the economy has fallen, then they should not be considered for anything.

Com. Alice Yano: Thank you very much, I am veru grateful for your views. Martina. And kindly stick to the time I give you because right now you can see we have 120. Tuko na watu mia moja ishirini. Na wote wanataka kuongea, na itakua vibaya sana kama leo tutafunga hii kazi yetu, kabla wengine hawaja ongea, si ndivyo. Nikikupatia hayo madakika tafadhali tumia hayo na umalize uende upatie mwenzenu. Asante.

Martina Kubaso: Commissioners, Ladies and Gentlement. My names are Martina Were Kubasu. I am representing the Butula Women. We toppled on basic rights of women. One we started with: There should be no inheritance but if the lady is still very young, she should go for testing and then decide on her own.

Commissions should be established to handle cases, Domestic violence should be handled like any other serious offence. Dowry should be paid as familiarization to the two families. We should be given freedom in politics and also we should be given freedom in possession and in expression.

There should be free medical care for all people. There should be busary fund in secondary schools, colleges, universities for needy and bright children. Not for the rich people. Homes for the old and aged should be set up in each district to cater for those who don't have children.

The disabled people should get free education, free training and be employed as any other person.

Com. Alice Yano: Your last point.

Martina Kubaso: Any man who sexually abuses his own daughter, a child, or a disabled person, should be castrated.
(laughter from audience) Can I continue?

Ground office, vehicles should be structured to meet the disabled person's needs.

Political parties: Most political and ruling parties should be given funds for campaign. Political parties to be limited to only three parties.

NGOs: NGOs should be involved with all people in the constituencies, but not by an individual. Thank you.

Com. Wanjiku Kabira: Asante sana Martina, ningeuliza you talked about inheritance to land, for women, both boys and girls,

married and unmarried. That is what you meant?

Martina Kubaso: I said inheritance for a young lady, she should come up with somebody whom they have agreed to one another or accepted or loved each other, then you go for testing. Since we have the V.C.T these days every where in Kenya.

Com. Wanjiku Kabira: Wife inheritance?

Martina Kubaso: Yes.

Com. Wanjiku Kabira: So they should be tested before.?

Martina Kubaso: Before they remarry again, or before a woman remarry's another man.

Com. Wanjiku Kabira: Okay. What about the girls' inheritance of land?

Martina Kubaso: The girls' inheritance that we said, a girl should be allowed especially that one who has not been able to get married, she is entitled to the parents' land. The one who is married and his settled in her marriage, there is no need for her to claim for that land.

Com. Wanjiku Kabira: She is married Okay. Sorry I wanted to raise another question for you. The Council that somebody talked about this Council, I forget the name of the Council of Elders. Why are women not participating in the Council of Elders. 'Marache' Elders Council?

Martina Kubaso: 'Marache' Elders Council infact they don't recognize women, we are trying to push ourselves in by force.

Com. Alice Yano: Thank you very much Martina we are grateful for your answers, kindly go and register yourself. Bathromiah Okoth. Yohna Weunda. Yohna ako? Karibia hapa mbele. Halafu Leonard Wambale. Karibu. Na kama uko na memorandum tafadhali na hutaki kuongea. Njoo hapa ujiandikishe na upatiane memorandum yako. Si lazima ungojee mpaka tukuite hapa. Tumeelewana hapo? Asante.

Okoth Bathromiah: Okoth Bathromiah, we have a memorandum already written by us on behalf of Butula Mission Catholic Justice and Peace Commission. I will be very brief because, everything is here with us. We touched on a few areas.

One, on Citizenship: Here we said that every citizen should have the right to receive free medication. Simply because some people die before their time. We also touched on education and we said that this idea of interviews should not be there. One

should be taken according to the merit.

Then there are several we wrote here but I want to talk about pass ports. We said that every Kenyan has the right to have a passport without undergoing so many process like the ones we have at present.

Then we talked of Parliament. We said that for one to be a member of Parliament, he should have at least a degree and be 25 years of age.

Then in the case of a President, we said that one should have an average of 35 to 70 years of age. Then we went to still Parliament, we said that Parliament should have calendar and they should respect this calendar and any member of Parliament missing three sessions without a general reason, then his seat should be declared vacant. We talked about Legislature so that one is over.

We talked about Judiciary and here we said, we should have Constitutional Courts based at Divisional levels. And then for cases of Land issues should be solved at Divisional levels and no more or less.

Then we went in for political parties and here we said that we should only have three political parties which should be financed by the government and we should have an Auditor General to ensure that their funds are used properly and each political party should have its manifesto well spelt out to the people.

Then we also said that the leaders of the political parties should be elected by the wananchi.

Then we also talked of land and here we said that; The government should have the power to acquire private land for a purpose, but after compensating the owner. Under land we also said that children of the former owner should have the right to inherit land irrespective of sex. Under that, we also said that husband and wife have the right to own the land but the daughters should not own pieces of land, since they are going to own land from their husbands.

We also said that all Kenyans should have a guarantee to own a piece of land, anywhere in Kenya, without restrictions.

Last but not least here we said that, any land remaining fallow, that is without being used for a period of 10 years, the government should come in to give those in need because some other lands have no use at all to some other people.

I think last but not least, we talked of succession and transfer of power. We said here that the President, during Presidential elections, the Chief Justice should be in charge of Executive powers and for one to become a President you should at least get 25% votes from every Province.

Last but not least here we said that the Constitution should provide provision for security and welfare for the former President, but should be accused of any misuse of power during his term. In brief that is what we discussed.

Com. Alice Yano: Thank you very much in respect of your views Yonah? Kama Yonah hayuko, mpe Leonard Ombale.

Johna Weunda: Commissioners kwa majina naitwa Johna Weunda. Bila kupoteza wakati ningesema kwamba universities zetu za Kenya, ziwe na Chancellors wao wenyewe na bila kuhuzisha President. Na ikiwa President itakua ni lazima, a-supervise katika universities hizo. Awe na degrees za kumuwezesha kuenda kukagua hizo universities zetu.

Nikija hapa chini tulipo, hapa watu wa chini, hatufikiriwi zaidi na watu wa huko juu. Kwa maan watu wako hapa ambao wanapeleka watoto wao kwa shule lakini hawawezi kujimudu hata kupata pesa za kuwalipia karo ya shule zao. Na kuna shule zingine ambazo zimeletwa hapa, kam Starehe na vinginevyo. Badala ya maskini kuzitumia, matajiri ndiyo wanatumia hizo shule.

Jambo lingine bursaries zinazokuja hazijii wale maskini zinakuja tena kwa wale ambao wanajiweza. Na jambo hili ningetaka liangaliwe zaidi. Sina mengi ya kuendesha ni hayo tu ambayo ningeli contribute. Asanteni.

Com. Alice Yano: Asante sana mwalimu Leonard.

Leonard Wambale: The Chairperson, Commissioners, Ladies and Gentlemen, good afternoon. I am Leonard Wambale, representing the Kenya Union of Post Primary Education KUPET Union.

We would like the Constitution to address the following areas related to education. That the government should guarantee free primary education for all children in Kenya and therefore the government should not abdicate its responsibility. That means it should give grants to primary school to run them.

The system of 85% intake in secondary school education should be scrapped as this neglects creation of National Unity.

Employment of teachers should be in the hands of the T.S.E and not the B.O.G and other subsidiary organs as observed today.

The government should establish universities in all provinces. Teachers undergoing primary teacher training colleges, should be allowed to specialize and not going through all subjects. Mixed education in secondary schools should be abolished. Bursaries for university students should be given to all and should not be subjected to health conditionalities which are open to corruption.

Serving teachers proceeding to university education, should be encouraged and therefore loaned by the government. When

reiewing the edcuaton curriculum, the government should involve the teachers. T.T.C's should be established in all districts. With the absence of corporal punishment, the B.O.G's should be empowered to suspend and expell students and not the Director of Education.

The system of education should be refined to allow students with special talents to enhance them. Instead of tying them to compulsory subjects like English and Mathematics. So if a student is talented in Geography only, Mathematics only. Then the government should creat that avenue for this child to perfect his talents.

Now on politics we said that the victims of land crashes should be compensated.

ID's for children with Birth Certificates, the ID's should be given to them automatically without undergoing the registration processs which is rigorous. The rule by decrees and direticve by the power that he should be discouraged as these are considered to be personal views and they creat alot of confusion. For example there are so many Districts that were created here by decrees and directive and therefore, right now we are confused whether they are gazzetted or not.

Then people who are running business, they feel that there is too much taxation in business. Therefore there should be one stop centre for licenses for business in every District. We should not have Central government taxing, Local government taxing and what have you. So with those few remarks, I wish my views to be considered. Thank you.

Com. Alice Yano: Asante sana mwalimu. Philip Were. Philip? Karibu Philip. Philip atafuatiwa na Felistus Oduya. Felistus karibia hapa mbele.

Philip Were: The Commissioners, I present my memorandum. I start. My names are Philip Were.

The Preamble: To this I will quote my Preamble. In the name of the Almighty, we the Kenyan people we recognize our responsibility of propriation and agree that we shall be a democratic state by upholding to all democratic principles hence strengthen our solidarity and liberty. This shall build our unity and cause an end the error of new-colonialism and corruption. As we shall live our ethnic, cultural and gender diversities, thus subjecting all tothe rights of social, economic, civil, political and cultural practices. As the people conscious of our future generation, peace, unity and love for development and achievement.

Citizens: The Constitution should provide for automatic citizenship to all offsprings to the Kenyan citizens, all Kenyan spouses. Double citizenship should not be certified in the next Constitution and Kenyans should be identified by evidency of passport. Regardless of the manner in which the citizenship shall be acquired, all certified Kenyan citizens shall be provided for equal rights and as quoted in the Preamble.

Electoral systems and processes: The Constitution should provide for mixed member proportional system as this shall be done with regard to minorities and other political parties, that might have lower representation for both Parliamentary and civic elections.

The rights of the vulnerable groups: The Constitution should provide for the rights of the minority groups which should include, people with disability, youth and children women and the aged as from 75 years.

Land and property rights: The ultimate land ownership should be provided to individuals, but with a provision for acquisition by the government at cases of the death of the owner without claim for public use, with inventory of mineral mining for protection of natural resources. The local authority, should then be empowered to control the use of land by the owners. Concerning transfer and inheritance of land and land rights, the Constitution should address the following: All Kenyans are equal therefore, there should be no gender discrimination on land matters. All married couples should have equal access to land Title Deeds. All land transfer cases should be dealt with by the tribunal courts to avoid bribery and economic expenses.

Com. Alice Yano: Were please wind up.

Philip Were: Thank you. Land selling should be handled by the Tribunal Court as this shall vary according to geographical regions.

Automatic land ownership should be guaranteed to all Kenyans with a minimum of two acres each. Which shall be effected at any part of the country. Since it is a memorandum, I would wish to wind up. Thank you.

Com. Alice Yano: Thank you very much. We are sure we are going to read your memorandum. Felistus Oduya then followed by Titus Okello. Felistus karibu.

Felistus Oduya: My names are Felistus Oduya, I represent Maendeleo ya Wanawake Butula Division. I would request the Commission to give a little more time, because women are very few in this hall so that we can capture other issues.

Com. Alice Yano: (inaudible)

Felistus Oduya: Thank you madam. On the Preamble of Kenya, I could kindly request that in the Preamble we should recognize those who struggled for Independence and Freedom. We should also have a vision, we should have the ownership, we would have the values and fundamental laws and to that we would like to honour the National Anthem and have respect for every ethnic and culture for the Kenyans whereby we should not have luos being circumcised along the road because, they are found in Bungoma District.

On the citizenship, any child born by father and mother who are Kenyan, become automatic citizens. I could also request that Kenyan women married to foreigners should be granted the rights over on citizenship in relation to their spouses.

Three, land and property rights: To avoid injustice the land should be owned by individuals. The government should also have power to acquire private land for public interests at a cost and consultation to the public. Transfer and inheritance of land should be left to the family elders, whereby we could request a tribunal at the lower community level elders council, which should be empowered by the law to avoid corruption and financial constrain. Every Kenyan should be accessed to land as a citizen for proper sustainability and spouses names should appear on their Title Deed: The issue of Mr. and Mrs should not be indicated.

On Environment and Natural Resources: To my view is that Natural Resource is a bill of right, which should not be harmful to the health of the wellbeing of its citizens. To have the environment protected for the benefit of the present, reasonable Legislative and other measures to promote conservation and the will of secure ecologist sustainability, development and use of Natural Resources.

Basic rights: Every one has a right to have access to:

- a) Health care services, including reproduction health, sufficient food and water, social security including those not able to support themselves and their dependants appointed.

Appropriate Social assistance: Education should be for free from class one to eight. Employment should be allocated to every qualified person, avoid re-employment after retirement. President amesema. The state must take reasonable Legislative measure within it's available resources, to achieve the progressive realization of each other, of their right.

I am going to talk for street children, I don't know if they will come under vulnerable group, but you will see in what position you will put them. The state should ensure that every child has a right to family and parental care or appropriate alternative care when removed from the family environment. The child must have a basic nutrition shelter, health care and social services. The state must ensure that street children are kept out of the streets to their families or to the children's home orphanage for a period of child age and should achieve education standard and entitled to employment.

The vulnerable group: The people with disabilities and children are not fully granted for in the Constitution. The Constitution should establish the office of Ombudsman or the public protector to receive complaints from citizens on their non-observance or non implementation of Constitution provisions. The Constitution should provide free and compulsory education. It should also provide for other basic needs like having clothes, health, food and security to the vulnerable group.

Affirmative action: There should be a Constitution provision of election for disabled persons in Parliament through quota system. This should entail a provision that at least one MP per region should be disabled. Half of their number should be women with disability. The Constitution should create a Ministry for gender and women's affairs. The Constitution should provide for a barrier free environment to enable people with disabilities have access to buildings, roads and other social amenities.

Gender commission is a request. These should be granted in the Constitution to monitor and review progress in the implementation of gender equity law and policy to ensure existing national development policies and programs and we recommend an end to them to consist with a gender sensitive democratic agenda. The gender commission should have an appropriate interaction with a linkage to Parliament so as to ensure that the recommendations are legislated and monitored.

To do away with the discrimination against women in matters of inheritance of all forms of properties, the Constitution section 82 chapter (4) which allows such discrimination should be repealed. The Bill of rights or an equity clause should be introduced in the Constitution recognizing women's equal right to inheritance of every kind of property and land included as a resource.

The Constitution should provide for and project the transformation of Kenyan society from being a largely battle line sustainable descent economic to an industrialized Kenyan.

The Bill of rights: The Bill of rights or an equity clause should be obligated to the government to ensure that protection and the security of women and girls. This protection should be extended to cover all forms of violence against women and girls. Including election violence, domestic violence and rape within marriage.

Com. Alice Yano: Your time is up.

Felistus Oduya: Culture: The Constitution should outlaw those cultural practices which discriminate against women. The institution of dowry or bride price should be considered, it should not be outlawed. This is because it is of adverse consequences for the girl child and for women. Other cultural institutions like polygamy, wife inheritance, female circumcision and the disinheritance of the girls which should also be outlawed by the Constitution. May God bless Kenya and the Commissioners. Thank you very much.

Com. Alice Yano: Thank you very much. No question for you, you were very clear in your presentation. Thank you. Mwalimu Titus Okello. Then Titus Okello will be followed by Boniface Owino. Boniface jitayarishe.

Titus Okello: My names are Okello Titus, a teacher by profession, although I am not employed yet, I am just working on

Board.

Com. Alice Yano: I want teachers who are going to class right now.

Titus Okello: I am, I'm a teacher

Com. Alice Yano: So you are already teaching.

Titus Okello: I am a teacher by profession although not by TSC but I am on Board.

My proposals are just oral that is why I will try to be very brief, so that it can be put in record. One, I would just like to oppose one of my colleagues who came here and said that there should be no freedom of worship actually. That some religious groups should be abolished because of their activities. For me I feel that the freedom of worship is very pertinent to human issue and that people are just supposed to be left to worship their creator, or whatever they see to be God because actually God is an object of worship. So they should just be left to worship God in their own way which pleases them. Even if they feel like worshipping God, head down, legs up, there is no problem. As long they follow the word of God. This is because we are not going to believe other religious movements, who may dictate the spiritual status of other people. When they themselves are not doing the correct thing which is in the bible. So what I am trying to say that the freedom of worship should be there to remain. Unless if it is causing a state of anarchy or if it is infringing pain or causing some danger to the comfortable lives of people and it's way can be attended to.

Secondly, I would like to say that the powers of the President should actually be reduced. As my colleagues who have come ahead of me have said. Here you hear the head of state is the Commander in Chief of the Armed Forces. You hear the President is the Chancellor of all the State universities in Kenya. I wonder actually if we don't have other Kenyans, who have qualified to take up such positions and who could even be getting that honorary, you see. So this causes the President to have a lot of money, when other Kenyans like me who is a trained teacher but I am not employed actually. He is getting all that money just at my expense and I am suffering here.

What I would also like to say is that in the education curriculum, I think all the disciplines, mathematics, physics, chemistry, Kiswahili, social ethics, history they just be treated equally without discrimination. We look at the recruitment of teachers: We have seen that mathematics and English have been recruited twice this year. We have not even heard the cases of Kiswahili and even humanity coming in, Agriculture has not even been considered. I think it is a high time that we treated those disciplines with the same weight. On top of that----

Com. Alice Yano: Wind up Okello.

Titus Okello: Okay. I think basically I had three main points which I wanted to talk about.

Com. Alice Yano: Thank you very much Titus. We are grateful for that presentation. Boniface Owino. Halafu Boniface atafuatiwa na Mr. Ogombe Henry. Huyu ni mwalimu pia. Yuko?

Boniface Owino: Asante sana Commissioner, wazee, wamama, vijana. Kwa majina mimi naitwa Boniface Owino. Nikiwa kiongozi wa vijana wa KANU. Kuhusu Katiba hii, tungependelea upande wa vijana, yakwamba Katiba hii itaje kwamba ni ya watu wa Kenya, ambayo italeta umoja, amani, upendo na haki.

Mkuu wa Katiba: Tusiendeele kuwa na utaratibu ambapo Bunge inabadilisha sehemu yoyote ya Katiba. Tuwe na namna mbili. Namna ya kwanza, ni ile sehemu ndogo ndogo ambazo Commission inaundwa ya kuchukua maoni kutoka kwa wananchi.

Njia hii ya pili nikama hii ambayo tunayofanya saa hizi. Wananchi wote wahusishwe kwa kupendekeza na kuandika mageuzi haya ya Katiba.

Uraia: Mtu ambaye wazazi wake wote wamezaliwa hapa Kenya, huyu mtu apewe uraia bila maswali. Na mtu ambaye mzazi wake mmoja ni mzaliwa wa Kenya, na mwingine ni wa nje, huyu mtu apewe uraia baada ya kuhojiwa. Kwa mfano, yeye babake ni mraia wa Kenya, na mama ni wakutoka nje, huyo anatakiwa apewe uraia wa Kenya.

Bunge: Bunge lipige masasa na utarubini uteuzi wa mawaziri na ma-officer wa uma. Bunge liwe na majukumu ya kuidhinisha matumishi yote ya serikali, iwe na mamlaka ya kuunda Tume za kujadili maswala mhimu ya Kitaifa. Bunge liwe na mamlaka ya kuita mawaziri na kuwalaumu. Kazi ya Bunge iwe ya kila siku. Kutoka juma tatu, hadi ijumaa.

Mwisho. Utawala wa kushirikisha uwe na utaratibu ili kuhakikisha ushirikishi wema wa makundi ya utawala wa vijana, katika viwango vyote vya serikali kwa kuunda Tume ya kushughulikia maswala ya vijana ya kiwa pamoja na yale ya jua kali. Kwa hayo mafupi nita achia hapo.

Com. Alice Yano: Asante sana. Vincent Nahongo Ogombe yuko? Come and give out your views. Vincent Karibia hapa mbele.

Henry Ogombe: Commissioners ladies and gentlemen, thank you for giving us this chance. First I would propose that I am Henry Ogombe I am a teacher by profession. I would propose that the Constitution guarantees all Kenyans to have free education and health services. I think people have dealt on that but this will enable us to break that vicious circle of poverty.

No. two, I would propose that areas that are endowed with certain resources, benefit from those resources. For example in Kenya we will find that the lake region and the coast have got great potential in resources but they rank highly in poverty. So a certain percentage should be set aside to benefit those areas.

The third, I would propose that we have free legal representation for the poor and the marginalized groups, like the disabled and women. I would also propose that we create a legal office at constituency level or the District where members can go for consultation on legal affairs.

The fourth, I think people who suffer most in Kenya after working are the old or the retirees, so I would propose that people who retire at any age should be given their retirement benefits. Like currently you find that somebody retires at 30 years and he will wait up to 55 years before he is given his dues. So I think that is unfair and they should be paid to reduce their suffering.

The other thing is about the Presidency: I would propose that the President should not be an MP of his constituency because of two reasons:

1. Is because his area will be under represented
2. In a way it can be over represented.

One it can be under represented because the President rarely sits in Parliament to answer questions and address the needs of his constituency. Two it is over represented because as a President of the state he has more access to the national resources and therefore we can allocate these resources at his will to his own constituency.

Com. Alice Yano: Wind up.

Henry Ogombe: Okay Just two issues. I am suggesting that the President should have a running mate. This running mate, in case of incapacitation of the President, he should be allowed to automatically take over the leadership of the country until that term ends instead of having the ninety days as an acting President. He should automatically become the President for the remaining part of the term.

Lastly I would request that the village elder should be paid because they render services to the government.

Finally we should simplify the constitution in a language that everybody can understand. So that everybody can understand and we remember there was a verdict on the Odonde bill, where even the learned lawyers could not interpret the verdict that had been reached. So this Constitution should be made in a very simple language.

Com. Alice Yano: Thank you very much mwalimu. Vincent Nakhungu. Halafu Vincent atafuatiwa na Edward Ongaro. Edward jitayarishe.

Vincent Nakhungu: Jina langu ni Vincent Nakhungu, nitaanaza na upande wa Rais.

Kuwa Rais unatakiwa uwe na miaka thelathini na tano, na uwe na degree katika vyuo vyote duniani. Na sana uwe umehitimu na degree ya Science na Siasa. Vile mnajua Rais yule ako sasa, ako juu ya sheria.

Maoni yangu ni Rais akifanya makosa awe akishtakiwa katika mahakama yoyote nchini, asiwe juu ya sheria. Tuwe kama Amerikani.

Upande wa Ma-chief na Manaibu wao, yaani mdogo wa Chief. Uwezo wa Chief upuguzwe, awe akichaguliwa na wananchi kwa wingi wa kura, manaibu wa Chief wafutwe na wazee wa mitaa wawe wakipata angalau mishahara midogo.

Mbunge yoyote asiye fanya vile wananchi walio mchagua wanataka. Wananchi wawe na uwezo wa kuitisha kura ya kutokua na imani na Mbunge. Ikiwa atashindwa basi aondolewe mara moja.

Kenya leo, mtu mmoja awe akifanya kazi moja. Kwa mfano mtu anaye fanya kazi kumi na watu million tano hawana kazi.

Naingilia upande wa ufisadi, vile mnajua ufisadi umekua kikwazo kikubwa katika hali ya kiuchumi hapa kwetu nchini. Ndiyo mnaona nchi yetu imekataliwa na wafadhili wetu kama vile shirika la fedha duniani, benki ya dunia, muungano wa ulaya na zingine. Ningetaka mtu yoyote anaye husika na uhalifu wa kiuchumi ashtakiwe mara moja na kuachishwa kazi, hata akiwa Waziri au Rais. Akipatikana na makosa anyanganywe mali yake ile inatoshana na ile mali aliiba ya umma. Asanteni.

Com. Alice Yano: Asante sana tafadhali jiandikishe. Edward Ongaro. Edward atafuatiwa na Gaitano Odongo. Mlete hapa akaribie tafadhali.

Edward Ongao Ouma: Mwenye kiti, Commissioner wa katiba, wananchi wa Butula Division wamjambo?

Audience: Hatujambo.

Edward Ongaro Ouma: Mimi kwa majina naitwa Edward Ongaro Ouma, ni mwenye kiti wa kikundi kinacho jiita Katieo Disabled Group. Na nitazungumzia maneno ya walemavu.

Sisi kama walemavu tungependa yafuatayo yatiliwe maanani. Jambo la kwanza Project yoyote, ile inakuja Kenya kuhusu walemavu, lazima walemavu wahusishwe. Kwa sababu kuna wakati mmoja ILO walikua na project ya walemavu. Wakati hii project ilikwa hapa Kenya, walemavu hawakuhusishwa. Wale watu able walihusishwa na walemavu walienda, hawakufaidika. Mfano ni huu. Kama ulikua unapatiwa loan ya shilingi elfu hamsini hii loan inapitia kwa mtu asiye mlemavu, na huyu mtu ndiye anapatiwa uwezo wa kukuongoza, na huyu mtu hana ujuzi wa ufundi, huyu mtu hajui lolote, ataenda kwa Mhindi. Wakati anaenda kwa Mhindi anaambia Mhindi “kesho nitakuletea kazi, na utanipatia nini?” Wakati utaenda na yeye kwa Mhindi, ile raw material mtapatiwa na Mhindi ni ile inaitwa dead stock.

Kama ni nguo, kama wewe ni fundi wa cherehani, utakuta hiyo nguo hata ukipeleka kwa workshop yako hakuna mtu atakuuliza kama hiyo nguo inamfaa.

Com. Alice Yano: Pendekeza. Ungetaka nini?

Edward Ongaro Ouma: Ningetaka kama ni project ya walemavu, walemavu waachiwe mambo yao wenyewe si mtu asiye mlemavu, ambaye hajaenda kwa Special School, hajui hata bed ya mlemavu inakaa aje. Anakuja kuzungumza kwa maneno ya workshop. Mimi ningependa Constitution hii ikiwa itahusisha walemavu, maneno ya walemavu iachiwe walemavu.

Na kwa jambo lingine. Kama Makampuni zile ziko Kenya, lazima kama Constitution ingetilia maanani, ihakikishe Kampuni yoyote ambayo inaendesha biashara au inafanya mambo yake Kenya hapa iajiri mlemavu. Na ikiwa Kampuni itaajiri mlemavu, mshahara wa mlemavu mimi ningeuliza uwe juu kidogo kushinda wa mtu wa kawaidi. Kwa sababu hakuna siku moja ambayo mlemvu atatembea na mguu, Itambidi lazima achukue Bus. Na ikiwa saa ingine ule mshahara umeandaliwa pale, mtu wa kawaida anaweza akatembea kwa mguu akafika pale na mlevu hawezi akatembea kwa mguu. Hiyo pesa kama ni ile kiwango moja pengine haiwezi kumsaidia mlemavu.

Jambo lingine, kwa wale walemavu ambao wameenda training, na wamejiingisha kwa jua kali. Hata kama ni County Council, hata kama ni City Council, wangepatiana licence exemptions. Licence itolewe. Mlemavu yoyote asiulizwe licence. Kwa sababu kwa mfano, ikiwa walemavu wako hapa Busia, na wamejitahidi wanaweza kufanya biashara yao, na wakapeleka watoto wao kwa shule. Ni kitu gani, ni msaada gani kama County Council ya Busia inaweza kusaidia mlemavu? Ikiwa County Council, hakuna kitu ambacho wanasaidia nayo mlemavu, walemavu wanauliza wafanyiwe license, free exemption ya license katika County Council au mji wowote. Iwe hao waweze kujitihaji kutafuta riziki yao.

Com. Alice Yano: Sasa ya mwisho.

Edward Ongaro Ouma: Maneno ya elimu: Ningeuliza elimu kwa mtoto mlemavu iwe free from nursery ikiwezekana mpaka chuo kikuu. Kuna jambo lingine, tuna national funds for the disabled. Hizi national funds hazitusaidii. Kwa mfano. Utakuta

wakati mimi nitajaza form, nataka msaada kutoka kwa Ntional Fund. Mimi ni fundi, ile kitu nimeuliza ikiwa nimesema nataka welding machine, najua ile welding machine nataka itanifaa. Utakuta wakati National Fund itapatiana pesa kuenda kununua welding machine, Inapatiwa yule mtu asiye fundi na baada nitaletewa welding machine ile hata haiwezi kuchoma hata ile material nataka, inaungua siku hiyo. Mimi nimeandika kwa proposal yang, welding machine inataka number fulani, number fulani, number fulani. Unakuta welding machine ile nimeletewa ni ya shilingi elfu tano. Na hii welding ya shilingi elfu tano, itachukua week moja nainaungua. Sasa tumefaidika? Ikiwa mtu amekubaliwa, amepatiwa form na amejaza form, imetumwa Nairobi, kwa nini mtu asipatiwe kile kitu ameuliza? Kwa nini apatiwe mfano tu wa kile kitu ameuliza? Hii National Fund haitusaidii. Tungetaka hata Board ya National Fund isimamiwe na walemavu. Kwa sababu hii ninaona Body ya National Fund, mkuu mwenyewe ako huko. Na wale wengine, hakuna mlemavu kwa hiyo Board. Na tena ningeliza hiyo ofisi ya National Fund iwe inaweza kuleta maofisi katika District ama kama ni kwa province, ili walemavu wale hawawezi kufika Nairobi, wanaweza kupeleka matatizo yao hapa karibu. Kwa hayo machache ninashukuru sana.

Com. Alice Yano: Asante sana. Gaitano.

Gaitano Otieno: Commissioners, Ladies and Gentlemen, I am by the name known as Gaitano Otieno Odongo. I am representing the Kenya Union of the Blind, Busia District. Since I can't read the memorandum, I have few remarks that I have to confirm the memorandum with. The disabled should also be involved in leadership, not through sympathy but by chance. The Constitution should reflect the economical stability by standardizing the Place so as not to import those products that are the Kenyan made.

We are also pleading that the houses should be constructed in way that the disabled can move in easily. For example those storey houses and those houses using lifts, since blind people cannot read the numbers. They should be brailled.

After living our schools we stopped writing because we do not have those materials we use in writing such as the braille typewriting machines and the stylus and so forth. We are requesting that these things, the government should see in to it that we are also provided with.

Since we have the memorandum written, you will read and see the ones that are valuable and be reflected in the Constitution. Thank you very much.

Com. Alice Yano: Thank you very much Gaitano. We are grateful for your views. Then Gilbert Simiyu. Gilbert? Joakim Odhiambo? Karibia.

Gilbert Simiyu: My names are Gilbert Simiyu Juma. These are my suggestions.

Powers of the government: I would like to suggest that the Constitution elaborates fulfilments that a candidate for the seat of the President must be fulfilled in order to vie for the seat.

In order for one to be elected as a President he must have the following. He must be a member of any registered party, he must be a conceded member of the National Assembly, he must be between 35 years and 60 years of age, he must have been nominated by his party. Not having bad records in the government, he must not be of bad behaviour. It is also of my opinion that the powers of the President should be drafted in the Constitution and in case, they are violated, the President should be tried in the Court. Then the powers of the President should be as follows:

The President should have power to declare a state of emergency. He should give assent Bills passed in the Parliament to become law. He should dissolve Parliament in order for Members to go back to their electorate places to seek a fresh mandate.

However, I would also like to suggest that the following powers should not be exercised by the President. The President should not be the Commander in Chief of the Armed Forces. The Commander should be the head of the Armed Forces. He should not have powers to appoint Chief Justice and High Court Judges. This one should be appointed by the Judicial Commission. The President should not be the Vice Chancellor of all universities in Kenya. He should not be above the law because nobody is above the law, it is the law. They know which guides mankind. I would also like to suggest that the Constitution should rule out, so that the President can be removed from power in case of misconduct even chasing Asst. Chiefs immediately he receives this penalty from the Court of justice.

Com. Alice yano: Wind up.

I would also like to suggest that the only person to be granted citizenship in Kenya without question is a woman who is married to a Kenyan citizen and a single child born by a Kenyan citizen.

In every community there are some fundamental basics of an individual. Therefore the following are the fundamental types of an individual which I will suggest.

Finally I will give my suggestions about the formation and types of government:

I support the ruling government at the moment which I advocates democratic kind of government. Therefore people are free to elect any leader they feel able to rule them and the elected leader is answerable to the people through an elected Parliament. Thus I will suggest that our country Kenya should draft down a rule whereby the President should be elected on a five year term but may be re-elected to serve for a second consecutive term, but not more than ten years.

Com. Alice yano: Thank you very much. Kindly record with us and also give us your memorandum. Joakim, karibu. Na nikikuitaa tafadhali unakaribia. Asante. Karibu Joakim. Halafu tuko na mwalimu Savior Obiero. Savior Obiero, karibia.

Joakim Odhiambo: Commissioners wazee na akina mama. Mimi naitwa Joakim Odhimabo. Naakilisha Butula Division Disabled Workgroup. Na nina maoni ambayo ningelipenda, katiba hii ambayo inaelekea kuundwa tuhusishwe kikamilifu, bila kubaguliwa kama vile ilivyo sasa. Walemavu wanaomba waandikishwe bure na wapewe misaada bila kubaguliwa, wawe katika kikundi. Kwa sababu vikundi ukipata walemavu wengi, huwa wanajaribu kuunda vikundi vyao, lakini kwa ajili ya pesa vinafifia. Lakini ukienda kwa msaada unaambiwa umejiandikisha na hawana pesa. Kwa hivyo wanalipenda tafadhali kuandikishwa, waandikishwe bure.

Two, Walemavu waajiriwe kutoka ofisi ya juu hadi ya chini, haswa ukija katika taarafa Utapata kuna mwakilishi wa serikali aitwaye C.D.A. Lakini huyu C.D.A. sana sana anashughulika na vikundi vya akina mama, na vikundi vya youth. Lakini ukipata walemavu, wengine hata hawajui wanafananaje. Kwa hivyo tungependa sisi walemevu, mtu ajiriwe kama mlemavu ambaye atajua walemavu wengine.

Tatu, Misaada iwafikie haraka kutoka kwa serikali bila kubaguliwa na watu wengine. Hasa misaada huwa tunaandikwa majina kila mara. Kila mwaka tunaandikwa lakini utakaa bila kujua jina lako limeenda wapi. Lakini kila wakati unaandikwa tu.

Kwa hivyo ningependa hiyo pia tuhusishwe katika Katiba yetu ambayo sasa inajitayarisha kufanya kazi.

Nne, Walemavu wapewe ofisa kama kutoka hapa chini kwa taarafa, mpaka kule kwa DO. Kwa kua tukienda huko, huwa tunaambiwa tu ngojia mambo yenu inakuja. Sasa inakua ila siku inaenda na wengine wanasaidiwa.

Tano, Watoto wa walemavu, wanapata shida. Kwa sababu utapata mlemavu, amefanikiwa kupata mke na amezaa watoto lakini hawaendi shule. Ukienda huko headmaster anakueka.

Na ukijaribu kukimbia hata uende kwa ofisi ya elimu, hata wanakuambia kaa hivyo mpaka wakati saa inakwisha, wanakuambia saa imekwisha, jaribu kule nyuma. Kwa hivyo walemavu waajiriwe kama watu wengine serikalini ama kwa makampuni. Mipango ya walemavu ishirikishwe au itengewe hazina zao, na haswa isomwe katika budget ya nchi. Kwa sababu tunasikia kwamba tuko ha hazina ambayo inawasaidia. Lakini hii hazina inawasaidia wale ambao wanajiweza na sio wale hawajiwezi.

Wizara pia iwatambue na iwatembelee kama vile katika vikundi vya akina mama vinatembelewa. Kazi ya walemavu, ipewe ulinzi. Kwa sababu tunapopewa hata hizo vikao ambao serikali inatupatia, na tukiibiwa tukienda kwa polisi, hata tunafukuzwa.

Kwa hivyo ukiomba msaada tena unaambiwa ulipewa, sasa unaachwa tu unahangaika na watoto hivyo. Serikali iwakumbuke waliyo ibiwa. Haswa tusaidiwe tena.

Serikali iwape usaidizi wa kusafiri kwa magari ya abiria. Tuajiriwe katika vyuo kama Rehabilitation Centres and Polytechnics. Vifaa vyao ambazo sisi tunatumia. Utapata kama mkogonjo wangu huu, ninaambiwa shilingi elfu moja na mia tano na hata shilingi kumi, sipati, Kwa hivyo itanibidi nitembelee nyi ili hiyo itengenezwe

Michezo ya walemavu: Inatakikana watembee vijijini ama reserve, sio town peke yake. Walemavu wanaomba Commission ambaye yeye ni hazina wa walemavu, awe mlemavu. Walemavu, waandamane na kile kikundi ambacho kinawapatia walemavu vifaa vya National Fund for Disabled.

Com. Alice Yano: Basi tunaona uko na memorandum, tafadhali, tupatie hiyo memorandum tukasome.

Joakim Odhiambo: Nimemaliza madam.

Com. Alice Yano: Asante.

Joakim Odhiambo: Loan, hatupati loan. Loan inapokuja haswa kwa taarafa. Utakuta jina lako limeandikwa. Mwishowe wamepeleleza wamepata wewe ni mlemavu, ukienda mara ya mwisho utapata jina lako limefutwa. Wameweka tajiri mwingine. Tufikiriwe.

Walemavu, haswa wakati ambapo serikali inatupeleka training, hatupewi government trade test. Afadhali hiyo ingeshirikishwa katika Katiba hii wakati ambapo tunamaliza, tupewe government trade test. Nafikiria ni hayo tu.

Com. Alice Yano: Asante sana mwalimu kwa maoni yako.

Febio Shikuku: Commissioner I would like first to correct the names they have given me it si Febio Shikuku and not Obiero. Unless there is somebody known as Febio Obiero yaeh. Thank you very much.

This state is moving towards industrialization and you have heard on radio or in newspapers that the country is going towards industrialization and that one is going to be the back-bone of this state towards provision of jobs. Today you find that all our industries have been brought down, by certain very selfish individuals. Now this Constitution should see to it that those individuals involved in bringing down this industries which is denying this country's citizen's jobs, because we are sending kids to school, at least to one day get jobs. However these people are bringing down these industries and therefore the Constitution should see to it that these rich people are brought to book and find all that they have drained from these industries. Is taken from them so that the industries can go ahead and the year that we have been told that it will be industrialised should be realized.

Now the basic education starts from ECD to the pre-primary. The government trains these teachers and yet after training, they don't want to know what is happening with them. What is it's value of training. These people end up in homes, they end up in schools where the economy is so poor and therefore they are not paid and as a result, they nearly age live in homes. Therefore this Constitution should see to it that the ECD teachers after being trained, they are employed by Teacher's Service Commission.

Now when you look at areas like Western Province and even busia. We are farmers yet we are being snatched what we would have heard. For example the sugar cane that we harvest down here is weighed in places where we are not, so we don't know whether they are giving us what we are due for. Therefore, this Constitution should see to it that the weighing machines are brought near even to the Divisional Head Quarters so that the farmers may see what they have laboured for.

Now when you come to head teachers and deputy head teachers. These people should be considered especially in primary schools. You find that some teachers are earning more than these head teachers. In this aspect I don't see how these people, will respect the head teacher, who are earning less than them. So the Constituency should see to it that these head teachers are promoted so that they reach that level that these assitant teachers can't reach.

Now the curriculum: The curriculum should actually be left to the professionals. You find like the Koech commission, it was suspended or seen as hopeless. Yet actually its recommendations were up-to-date. So this Commission should see to it that Presidential degrees over curriculum issues should be abolished totally.

Com. Alice Yano: Your time is up.

Fabic Shikuku: I think that is what I wanted to say. Thank you very much.

Com. Alice Yano: Infact you will be lucky to know that one of the most emminent persons who sat in that Koech Commission is here. May be Professor you have something to say about the Koech Commission. Thank you. John Mbuya. John? Then Nikasho Nkoya. Nikasho yuko? Karibu. Halafu Mwalimu Barak Mkhola Wachie.

John Mbuya: Amera nangwa John Buya

Translator: My name is John Mbuya.

John Mbuya: Esunga bireke neloba

Translator: I want to speak about land.

John Mbuya: *Abandu banyakhane bubunji khulwakhubera mbu nocha khubandu bemukunda kata noli mbu wenye bakhulosie mukunda sibeche dawa*

Translator: People are really suffering alot because when you go to those concerned to come and help you settle the problem, they don't come.

John Mbuya: *Onyala khuba nende mukunda kata khurula tisaini na saba mpaka bulano nosiri khulima emirimo kia mukunda okwo ngawenyanga dawa.*

Translator: For example it may be that you have started following this issues as from 1997 to-date and these people have not come to help you.

John Mbuya: *Kho khwenya omundu ngomwenoyo registrar yetse mu-division*

Translator: I want a person of that office, that is the Registrar of Lands to be brought to our division.

John Mbuya: *Nusinga ebileka wakhukusibwa ebindu*

Translator: On the side of Prices of items or goods.

John Mbuya: *Ebindu birebwe khubukusu nocha khukula esundu sibekho obukusi nga magari kalitsingikho nikatsa Kakamega obukusi bulikho mbu mularunga amepasa kalukhula Kakamega.*

Translator: Items should be priced such as vehicles, like when we went to Kakamega, the vehicles fares were indicated so that you knew how much he was going to pay.

John Mbuya: *Abundu bwenowo abandu banyakhana muno*

Translator: That place people are really suffering.

Jonh Mbuya: *Ningalukha abundu wa mwosibitali*

Translator: Then I come back to the hospital.

John Mbuya: *Hospital omundu anyala khuba sianyala tawe lakini nga omundu yatsa yenye mbu arunge amapesa kabushere aundi alukusia omukunda aundi alisinga ebindu biaya khwarusia omundu owaye.*

Translator: You may find a person has got a patient at the hospital and he is not able to bring out that person and after payment, it will force this person to sell something like land, so that he may collect his patient from the hospital.

John Mbuya: *Ningalukha abundu khuwemukunda khandi sunga mbu emikunda kikalukho khu saba-chief nende abakofu bebe bolukungo lumanyire nga emikundakio nga kifana.*

Translator: When I come back to land issues, I would like to say that the land issue should come back to the Asst. Chief and Chiefs because these are the people who know what land means.

John Mbuya: *Khandi nisunganga aburuchib bebileka abasikari bakhoyire babirire khu sub-chief khubetse khulukongo lwa sub-chief oyo olikho kushera saa khulonda aba sub-chief amanyire ne banyolanga mbu babukule omundu musidonye siaye esie.*

Translator: When I speak on the side of APs and police, before they collect an arrested person from the area, they should first of all see the Asst. Chief of the area, so as to arrest this person.

Interjection: Com. Alice Yano: Malizia.

John Mbuya: *Nisunga mbu bulano elikhongo kabisa likhukhoyire khukhonye khukhonyenge amakhuwa kano kosi kabirire mwenywe maana mukhure ako kosi khunyole mbu khube munjira indayi ngalwakhuba nikhonywa mubulukho okhunyakhana khwakhunyakhananga nimukorurwe.*

Translator: If I say that you should help us. I want you to help us in all these things that I have said because we are suffering without you people knowing and we want your help.

John Mbuya: Nako kongane.

Translator: Asanteni. That is all.

Com. Alice Yano: Nikasho Nkoya

Kasi Akonyo: Nitaendelea tu. Ni jambo nzuri leo mimi naongea na Commission. Hili jambo limetusumbua sana.

Com. Alice Yano: Anza kwa majina tafadhali.

Kasi Akonyo: Jina langu ni Kasi Akonyo of Agrigorio Tree Nursery.

Jambo la kwanza changaa ipewe factory. Ili wazee waweze kupata kuuza changaa na kusomesha watoto wao. Kwa sababu kila siku tunadanganywa eti watoto wanasoma bure, na wakienda kwa skuli wanafukuzwa. Pia sheria ya kudanganya watu eti watoto wanasoma bure muondoe kabisa.

Ya pili, mtu akipanda mti mkubwa kwa jirani yake. Huo mti watumie wote wawili. Miti kupandwa kwa laini, yako na jirani sii vizuri. Kama unataka yako peke tumia foot tano.

Ya mwisho. President atawale miaka mitano. Akisha tawala miaka mitano, achaguliwe mwingine. Na pia anaweza pendekeza mwenzake kwa sababu kila mtu ana rafiki yake. Yangu imekwisha.

Com. Alice Yano: Asante sana Akonyo. Jiandikishe tafadhali. Mwalimu Barak Mohoro.

Barak Otieno: Thank you very much. I would like to correct that I am not a teacher, I am an Agricultural Engineer. My names are Barrack Otieno Mohoro. I want to talk and give my views on the Commission. Several Commissions have been set in this country spending tax payers money, wananchi's money but. What they do has been only gathering views, writing reports and forwarding. I would like the Commission, if it is a review Commission it should be permanent to collect views, reports and ensure that it is implemented or safeguard its implementation. We have Salary Review Commission, Constitutional Review., you can name them. If it is an enquiry Commission, of a death of somebody or some accident or whatever the case, it should go ahead and even prosecute you and ensure that every thing is concluded. Not only representing the report to somebody else who can seat on it. That is what I would like to say as point number 1. If it is an enquiry it should only be dissolved after prosecution, somebody who is responsible for the problem is jailed or action taken against that person.

Second point is on terms and conditions of Public Servants: I would like to tell this Commission that currently as I am talking now, Public Servants are suffering. They are not performing. I am a Public Servant and it is real. It is not good to cheat.

One, there is no harmonization of terms and services of government officers in various Ministries. You will get that somebody with certificates in the Ministry of Agriculture is earning less than somebody with a certificate in the Ministry of Health. Somebody with a diploma and degree forthwith. There should be harmonization and it should be safeguarded of terms and conditions of Public Servants. This one will reduce unrest and put moral on government servants.

There is a problem of funding. Ministries are allocated funds from Nairobi. They come up to the district, but the problem is, when they pass through the channels they pass, they don't reach the implementing officers. I would like if a provision can be put in the Constitution that facilitation of government workers who are in the front line offices, it be teachers, Agricultural officers, health at Divisional level, funds should be directly channelled to that particular office on the ground, to that particular officer handling that thing, so that when anything fails, you will have somebody to point your hand at.

Com. Alice Yano: You are finishing up?

Kasi Akonyo: Yes I am finishing up. Also on transport. This issue of (inaudible) transport G.K. Government officers

especially in the extension sector should be given private transport and allowances so that they are blamed when they don't work.

On Provincial Administration, I would prefer that a curriculum be set up for training of Chiefs and Assistant Chiefs and they be transferable because if they are working in their Sub-Locations where they are born. They are bound to be biased.

Politicians salaries: These are other people who have the authority of determining their own pay. Corruption; There is supposed a permanent economic Commission, which is supposed to balance the country's domestic income vis a vis the salaries of people and such alike things. This is because if you just award MP salaries without knowing where that money is going to come from, it will reach a point where we will get stuck in debts and we cannot move. Thank you very much.

Com. Alice Yano: Thank you very much. Elizabeth Maloba. Elizabeth Maloba karibu. Elizabeth atafuatiwa na Alfred Ouma. Alfred Ouma karibia hapa mbele.

Elizabeth Maloba: Kwa majina ni Elizabeth Maloba. Kwanza ningependa, mayatima wote wapate elimu ya bure, huduma ya matibabu na makao. Hii ni kwa sababu mayatima wengine wanaachwa kama bado ni wadogo sana ambao hawawezi kujitegemea wenyewe. Pia ningependa pawe na sheria maalum ya kuwalinda mayatima dhidi ya jamaa, na watu wanao wanyanyasa na kupora mali walio achiwa na wazazi wao kwa mfano shamba.

Ajira ya watoto yatima na kuozwa ni mambo ambayo ni lazima yakomeshwe mara moja. Hata kama wazazi walifariki bila watoto wa kiume, ni lazima wale wa kike wapate uridhi wao. Likiwemo shamba la baba yao. Wazazi wanapokufa huku watoto wao wangali wachanga ni heri pawe na khamati ya kushughulikiwa masilahi ya wale watoto, hadi watakapo fikisha umri wa kuridhi mali ya wazazi wao. Hii itazuia jamaa kupora uridhi wa mayatima. Pia ningependelea mtu anapofanya makosa, hata akiwa ni tajiri au masikini, ahukumiwe kifungo, lakini sio kulipa kiasi cha pesa fulani ili awachiliwe.

Ningependa kitu kama bursary, watu ambao ni maskini ndiyo wanafaa watumie huo msaada. Kwa sababu unapata inasemekana ya kwamba wametoa bursary kwa wale wasiojiweze, lakini sio hao ambao wanatumia. Wasiojiweza bado tu wanasumbukana ilhadi, wale ambao wanajiweze ndio wanatumia hiyo bursary. Asanteni ni hayo tu.

Com. Alice Yano: Asante sana Elizabeth. Alfred Ouma. Alfred atafuatiwa na Gerishom Mayavi.

Alfred Ouma: Commissioners, although I registered myself outside this hall this morning, I have decided to present my memorandum at Borinda on Monday.

Com. Alice Yano: We are grateful, we'll note that. Gerishom? Kama Gerishom hayuko. Christopher Mula. Christopher?

Anthony Ouma: Commissioners, Ladies and Gentlemen good afternoon. Mine will be an oral speech and I will be very fast. I will speak on reviewing some certain basic rights. My name is Anthony Nicholas Ouma. Talking on basic rights. In Kenyan law, the law states that an arrested person for any offence is considered to be innocent until proven guilty. Incidentally in Kenya, on one being arrested, the Authority starts treating him or her as person already in jail, while he is still under the company of police. He can be kicked about, slapped, made to do all odd jobs and even tortured, as means of getting evidence to present to the Court. This keeps the suspects too long in custody while an argument is that investigations are being carried out.

I would rather say that before someone is brought to Court or before arrested, and going through hard times, the police should do proper investigation. Police or C.I.D or whoever is carrying out investigation should do proper investigation first before someone is arrested. And somebody who is being arrested immediately or when investigations have been done, can be reigned before the Court within the time specified by the law. The Constitution should therefore provide for the police or Investigation officers to do proper investigations before making any arrest. Proper investigation should be done before any arrest so that the suspect is brought to the Court when proper investigations have been done. Otherwise, you will find, someone is remaining in the Custody for a long time and then he is released because there is lack of evidence. While he is under the custody, he undergoes a lot of hard times.

I should also talk about the same basic rights. I will talk about people who have retired. The Constitution should provide for the revision of pension for retired Civil Servants and salary revisions for existing staff in service. Since the retired officers have equal economic strength that necessitates the salary review for the officers in service.

I will possibly also talk about something, what the Minister talked about and that is in the question of County Councils. Before we got independence, I happened to be a Vice President of Western Region. During that time, we had majimbo Constitution and I was the Vice President of Western Province, while the late Wabugi was the President. From the experience I had, and that is why I would possibly not recommend for Federal government. At that time, the regions were required to raise their own funds. No body considered that even people in the region were paying tax. The Central government maintained to keep all the tax and the regions were told to raise their money so that you can carry out fair services. Now for that reason, I support that we should have a strong County Council. We need strong County Councils, whereby they should prepare budgets, after preparing budgets with the experts, they should be having employed and send over these budgets to Central government and from Central government we should have representatives or possibly through the Parliament who would dish out this money back to the Districts or the Councils. So that the County Councils can offer services like health, medical, road repairs and other things.

Com. Alice Yano: Your time is up.

Anthony Ouma: Give me one minute.

Com. Alice Yano: Okay.

Anthony Ouma: Thank you. Now I will talk about poverty. There is an argument that we have got to reduce poverty. The main line of poverty is corruption. Currently someone who has gone through school will not get any job because jobs are shared by the people who are already in employment, who are senior. And before anybody can get that, somebody must bribe him somewhere.

Lastly I will talk about political parties, I will recommend three or four political parties and I say that each political party, should have a minimum of 25,000 members in every Province so as to be considered a viable political party or else we are not seeing these political parties being any different. Thank you.

Com. Alice Yano: Thank you very much Anthony, we are grateful for your views. Johna Ombasa. Kama hayuko can we have Mrs. Rael Wanga. Rael Wanga, karibu.

Rael Wanga: Hamjambo wote?

Audience: Hatujambo.

Rael Wanga: Mimi langu ni hili. Jina ni Rael Wanga, kutoka Lugulu. Langu ni hili, mimi nina waschana wangu sita na sina mvulana. Na wawili hawana makao, na wengine wana makao. Na mimi Mungu alinijalia nikawa na shamba acre arobaine. Na sheria inapitisha msichana apate udongo kutoka kwa baba yake. Watoto wangu hawa ambao hawana makao, nitawaweka wapi. Nikiwa na mali nyingi nitawagawiya au ng'ombe na hawana makao. Watakua wapi? Sasa ningetaka turekebishe, kwamba mtu akiwa na watoto wake, na shamba lake kubwa awapatie watoto wake wasichana.

Naweza kuwa na wavulana wawili, na hawa wavulana watachukua hiyo shamba na hawatajua hao madada yao wakiwa na shida. Hawa wasichana watauliza wavulana hao “tafadhali ndugu yangu, nipatie pahali kidogo niwe nikiishi, nikifa nitakuachia. Naye atasema baba alikuacha kama wewe hauna makao, mbona hukumuuliza, mimi sikujui”. Kwa hivyo huyo msichana atalia, hata ukiwa unakufa, msichana huyo atalia zaidi. Kwa hivyo langu ni turekebishe. Baba akiwa na shamba ambalo anataka.....(end of tape)

Com. Wanjiku Kabila: Asante mama. Lakini ningetaka kukuuliza unataka wasichana wawe wakiridhi, baba akipenda

asipende, au baba akipenda tu?

Rael Wanga: Ukiambia baba kama hapendi, kumpatia hatampatia. Lakini watoto hao wasichana wapate udongo kutoka kwa baba yao. Kama ako na udongo wa kuwagawia.

Com. Wanjiku Kabila: Lakini unajua ikiwa sheria inasema ni lazima ampatie hiyo ardhi ni lazima ampatie. Akiwa anapenda, au hapendi. Hiyo nikusema hata huyo msichana anaweza kumpeleka kortini akikataa kumpatia hiyo ardhi. Si ndiyo.?

Rael Wanga: Sasa hiyo....

Com. Wanjiku Kabila: Kwa hivyo unataka tuweke sheria tuseme wasichana wapatiwe ardhi na baba zao?

Rael Wanga: Ndio

Com. Wanjiku Kabila: Okay asante.

Rael Wanga: Mimi niko na wasichana wangu, lakina huyo msichana anaoleka kwa boma ya tembo. Hiyo inaona heti kama haina tembo haiwezi kuishi. Na mimi pengine ni mtu wa wokovu au sinywi tembo, na msichana wangu ako kwa hiyo Boma. Nikienda huko, nikifika tu hivi, askari polisi anafika. “Mama ondoka” “hay huyu ni mtoto wangu anakuja ugeni, sasa unaona namna gani?” “Hata mama ondoka” “mimi nimeokoka mtoto wangu sitaenda”. Anasema wewe beba hiki kibuyu uende. Ninaenda kwa polisi. Sasa naomba marekebisho hapo. Mrekebishe kama polisi inakuja iwe ikilingana na mwenye Boma, mwenye nyumba, mwenye tembo. Na huyu mgeni ambaye anakuja kuona mtoto wake, wamuache aridi nyumbani.

Com. Alice Yano: Asante mama umenena hapo na tumeshukuru. Hayo ni maoni mazuri sana. Umemaliza sivyo? Sasa jiandikishe kule.

Rael Wanga: Moja. Lingine tunawachagua Wajumbe wetu kwenda Nairobi kua Wajumbe huko. Na huyo mjumbe, kama ana watoto wake wanasomea tu huko hawarudi huku. Mimi nikifundisha mtoto wangu anakua mkubwa huko tu Nairobi. Hata mtoto wake harudi huku nyuma akasomea huku. Kwa nini huku hakuna shule nzuri, huku hakuna hata college, huku Busia hakuna hata pahali mtoto wako anaweza kwenda kujifunza mechanics. Sasa tufanye nini? Tuache tu muende tu huko au muombe mrekebishe, maneno yawe baraara, watoto wetu wawe wakisoma huku kwetu. Ma-college sisi tupate moja ama mbili, watoto wetu wakimaliza wawe huko. Ni hayo tu.

Com. Alice Yano: Asante sana sasa jiandikishe. Naambiwa kuna wazee hapo wangetaka kwenda kula lunch. John Achola simama nikuona. Kweli wewe ni mzee kabisa. Kuja hapa mbele. John Muyondi. Wewe haujafikisha miaka sabini. Elakim

Odima? Hapana hiyo walisema uongo mzee wangu. Wewe bado ngojea.(laughter).

John Wesley Achola: Kwa majini ni John Wesley Achola. Mimi ni mtoto wa Sarah.

Neno la kwanza ningetaka kusema ni upande wa sukari yetu ambayo tunayo hapa. Western Kenya yote ni ya sukari lakini Western ndiyo inanunua sukari kwa bei ya juu kushinda Nairobi, kushinda Mombasa kushinda pahali pengine. Sababu sijui ni nini. Sisi tukiwa ndiyo tunalima sukari, tunatengeneza sukari, mbona hatuwezi kua na store ya sukari karibu hapa. Ili tupate kununua sukari kwa bei nzuri? Ground nuts vile vile. Pamba vile vile. Tunataka mahali pa kuweka vitu ilizitengenezwe. Mihogo pia.

Nikija kwa kitu kingine, ninashikilia education. Education yetu tulipo pata uhuru, tulikua na Katiba hii ambayo tunatengeneza sasa, Iliyo sema watoto wasome free. Kutoka darasa la kwanza mpaka la nane. Na ndioyetu hii tukitengeneza, tufike form four. Halafu tubaki tu na university. Free education should be from Std. one to form four.

Neno lingine ni pombe, Amayua. Ni neno la ajabu kwamba ukienda Nairobi mpaka u-taste pombe kidogo. Mimi mwenyewe nimeokoka. Lakini kuna watu ambao wanatabika kwa sababu ya pombe. Ni heri tupatie watu wetu njia ya kupata pombe. Walizaliwa nayo, wanywe kidogo. Pombe hii utapata kama ulivyo hivi unashikwa. Kufika tu hapa nje, lete elfu mbili. Elfu mbili zinatoka na wanarudi. Na wanachukua pombe na tukifuata pombe hiyo ilienda wapi. haikumwagwa ilipelekwa mahali pa kuuziwa.

Com. Alice Yano: Malizia malizia tafadhali.

John Wesley Achola: Pole sister nilikua na mengi. Kumbe nilikosa.

Watu kumuita MP ama Councillor arudi nyumbani, haifai. Lazima awe mtu totally hopeless ndiyo aitwe huko katika Parliament au katika Council.

Na jambo lingine, siku hizi kuna mchezo, mchezo ambao uko unapata a boy or a guy marries day and night. Huyu ni bibi ama mke mpya, kesho ni mke mpya, kesho mwingine hivi, ni mchezo. Mimi ningependekeza ya kwamba, these people should remain as married people together. Sioni sababu ya watu kuolewa leo au kuoa leo, kesho anaoa mwingine, ama unaolewa na mwingine. Maneno haya siyapendi.

Uridhi. Uridhi ni kwamba watoto wote waridhi. Mimi nimeza watoto tano na tano. Waume watano, wakike watano. Lakini wote ni watoto wangu. Mbona nibague watoto wengine. Kwamba watoto wa mtu fulani au watakwenda pahali fulani. Wakikosa je wataishi wapi? Tuwapatie makao.

Nikimaliza, neno hili kwamba watoto wawe wenye government, is illegal na tena ni vibaya. Nyumbani kwangu nikiwa nimeketi kama ninavyo keti hivi na mtoto aitwe hapa kwamba ndiyo boss wa mji huu, it is totally ilegal. Watu hao wawe mixed. Mtoto akipatikana anaweza tumpatie uwezo. Mzee akiwako ndiye mwenye mji. Hii nikusema kwamba kama mtu mmoja Kenya alisema, serikali itakua ya watoto. Hii haifai. Ni asante sana.

Com. Alice Yano: Asante sana kwa hayo maoni. John Muyodi. John karibu. Halafu ulikua umejiandikisha wewe ni participant. Hukusema wewe utakuja kupatiana maoni. Ni ukweli?

John Muyodi. Asante sana Commissioners. Jina langu naitwa John Muyodi. Profession yangu ni ukulima. Nimeandika memorandum yangu. Imeandikwa nitaitoa, lakini nataka kuongea tu kidogo kidogo juu yake. Kitu cha kwanza, ningetaka Constitution ambayo iko democratic. Ambayo inaangalia usalama wa watu na mapato yao. Kwa sababu Constitution ni sheria ya nchi. Sheria zingine zote zinakuja nyuma ya Constitution. Na Constitution ndiyo inalinda watu. Kwa upande wa serikali ninasema, tuwe na serikali ya Federal system. Watu wawe na serikali yao kwa region yao, wa-controll matakwa yao.

Kuliko uridhi wote kuweka pamoja na yule ambaye amejitolea kuchunga hizo vitu, anagawa namna anapenda. Kwa mfano hapa Kenya, unaona serikali ambayo, inapendelea tu upande mmoja. Kwa mfano kama ni serikali iliyo sasa, inajiita serikali ya kanu na watu wote sio watu wa Kanu. Kwa hivyo wale ambao sio watu wa Kanu, wananyimwa maendeleo. Na hao wanalipa tax kama wengine, hapo ni makosa. Kwa upande wa siasa, watu wa siasa wawe watu wa siasa. Mtu kama amechaguliwa kama member of Parliament, haitakikana awe Minister au Asst. Minister. Kwa sababu watu ambao wana pendelea Kanu hao ndio wanapata ukubwa ndani ya serikali. Minister and Asst. Minister. Na huyu mtu kama ni Mjumbe wetu kwa mfano hapo tuna Masakhalia, akiwa Minister, hawezi kutetea sisi namna tunapenda, kwa sababu yeye ni Minister, hawezi kuongea chochote, ambacho kinaguzia serikali yake. Akiongea hivyo anafutwa. Hiyo ni vibaya. Mimi napendekeza, upande wa Ministry mtu tu achaguwe wale ambao wanaweza kufanywa kazi ya office kama Permanent Secretary, atuambie mambo ya Ministry yake. Kuliko kumchagua Minister, alikua tu juzi kwa barabara na kwa bahati mbaya akakua MP, akapewa u-Minister. Na yule mtu ambaye ni Asst. Minister ama ni Secretary wake ama watu ambao wameandikwa kwa Ministry hiyo. Watamdanganya because he is ignorant.

Com. Alice Yano: Malizia tafadhali. Umemaliza?

John Muyodi. Bado.

Com. Alice Yano: Since uko na memorandum, tutaisoma.

John Muyodi: Iko hapa yote. Kwa hivyo kwa ufupi, hawa wanapendelea watu ambao waliwapa kura. Wanawachagua tu

wengine youth winger wake mkubwa anampa yeye hiyo ofisi kama manager, na hawa wanaharibu serikali.

Nikienda kwa upande wa wa nchi, sisi kama wananchi wa hapa Kenya, kila kabila lina haki yake. Kwa mfano, sisi hapa tunakunywa pombe Muriya au inakamuliwa tukunywa kama imekamuliwa. Kwa nini tukatazwe kunywa pombe hii, tunalazimishwa kunywa beer. Na hii hatuna pesa, na hii si beer yetu/ (clapping). Kwa sababu hiyo beer hatuwezi kununua kwa sababu ya bei yake, tunaelekea upande wa changaa. Kwa sababu tunaweza ku-afford bei ya changaa na ina-save. Na pombe ile ambayo tungekunywa hadharani inakatazwa. Kama mtu anatengeneza pombe yake ya kienyeji, watu wakunywe, anashikwa. Kwa hivyo watu wote wameogopa na watu wanakaa bila pombe yao ya kienyeji, na wanaenda kunywa pombe mbaya, na bangi. Kwa hivyo inaongozwa namna hiyo.

Upande wa registration mimi naongeza watu wa Provincial Administration watoke, wafutwe. County Council yenu ipate uwezo wa kuongoza sehemu yao. Na kama kuna msaada wowote, uwende kwa County Council, na wao waandike watu ambao wako capable kuchunga watu. Watu hao wawe kama village leaders ambao wamekua educated na wapate mishahara.

Com. Alice Yano: Pastor John achia wenzako tafadhali.

John Muyodi. Chief anafanya, D.O anafanya, P.C anafanya kazi moja hii, repetition of work. Thank you.

Com. Alice Yano: Asante sana. Eliakim Odima.

Eliakim Odima: Commissioner wa chama, Kwa majina naitwa Eliakim Odima Obiso. Neno la kusema katika hii Division yetu. Jambo kubwa kabisa, nitazungumza juu ya pombe, tulizaliwa tukiwa na pombe. Pombe hii ilikua na heshima. Mkwe akija mpaka umtengenezee pombe. Na pombe hii ilikua na heshima kubwa. Ilikua inafanya sisi watu kama 'Marach' ng'ombe upewe kwa wingi, ukiwa na msichana kwa sababu wewe unajua kutengeneza pombe. Siku hizi mtu akipatikana ametengeneza pombe kwa boma yake, anakamatwa. Na anakamatwa anaenda kupigwa fine. Na hatukuambia huku awali kwamba pombe ni mbaya. Na sasa wametuachia nini? Mambo ya pombe ya kienyeji yetu, tuachiwe, ili pia tuburudike kama Wazungu, wanapo burudika kwa bia na whisky zao. Na pombe ingine hii ambayo tunapata kama changaa, pia iruhusiwe na factor ijengwe halafu pia iwe na license bila kukamatwa kamatawa kila siku, watu kuozea kwa jela eti amepatikana na pombe. Amepatikana na pombe ambayo haithuru mtu ambaye amemshika, lakini wengine wanafungwa kwa jela kwa sababu ya hii pombe ya changaa. Na turuhusiwe pia itengenezwe kama Uganda wanapotengeza. Huko sasa hakuna makesi ya pombe ya changaa.

Viwanda: Sisi katika Busia District hapa tumesahauliwa sana. Sisi ndio tuko mwisho wa Kenya. Na hatuna kiwanda chochote ambacho tunaweza kutegemea. Kwa sababu tuliambiwa tupande miwa, tumepanda miwa Busia nzima, lakini

viwanda sasa tutaomba nani? Nyinyi Commissioners mtupeleleke maneno hayo, pia tuonekane watu wa Kenya tuna viwanda District zingine zimefaulu kupata viwanda. Hasa kama hapa kwetu Bungoma, wana viwanda viwili. Kimoja cha sukari, kimoja cha makaratasi, na sisi tunanyimwa kwa sababu gani? Tumeonewa sisi ni watu wa Uganda? Jambo hilo lifikiwiwe, tupate viwanda hizo.

Misaada: Misaada sisi tunasikia kwa magazeti Kenya imepata million kadhaa, na zinaenda Ma-District zingine, na sisi Busia District hii misaada ya million hizi haziji kutusaidia sisi. Sasa sisi ni watu wa nani? Sisi ni watu wa Kenya. Hiyo misaada pia ikija, wafikirie watu wa mwisho kama sisi pia tufaidike. Na kesi za mashamba zibakie kwa wananchi wenyewe. Kwa sababu mtu ambaye ako na pesa, akishtaki yule mtu ambaye hana pesa. Halafu anachukua advocate, anaenda kwa ma-judge. Mtu huyo ananyanganywa shamba bila hata kufikiria ni mwenye shamba. Na ingekua imetengezwa na watu wa nyumbani, wanaweza kumsaidia kujua ushahidi wa karibu, lakini maskini ukienda kupambana na mtu ambaye ako na pesa, wale majaji ama ma-advocate wamekula pesa, sasa wewe unarushwa tu na unafungwa. Kwa hivyo mimi napendekeza mambo ya kesi za mashamba zibakie kwa watu wenyewe wa nyumbani. Asante kwa kunisikiza.

Com. Okoth Ogendo: Jackson Ongoma. Followed by Charles Enani. Jackson Ongoma kwanza na Charles Enani baadaye.

Jackson Ongoma: Asante sana Commissioners, wa khamati ya Kurekebisha Katiba ya Kenya. kwa majina mimi naitwa Jackson Ongoma, mkaaji wa Butula Constituency. Mapendekezo yangu kurekebisha Katiba ya Kenya, ni kama yafuatayo. Kamati ambayo imeteuliwa kuchunguza na kurekebisha Katiba ya Kenya, lazima iwe chombo cha kujitegemea. Ni kisema hivi namaanisha ya kwamba isitegemee mapendekezo kutoka kwa vyombo vingine kama vile Bunge. Tukiachia Kamati iingilie kutoka nje, itamaanisha ya kwamba kutafikia wakati ambapo tutafanya uchaguzi kabla hawajamaliza kazi yao.

Ya pili, misaada ambayo inapitishwa Bungeni ni lazima itekelezwe. Isiwe tu ya kutolewa na kuwekwa kwenye vyombo vya habari, ile hali haiwekewi maanani ama haifanyiwi vile inavyo tekelezwa.

Ya tatu, ni kuhusu ukosefu wa kazi. Watu ambao wamefanya kazi na wamefikia wakati wa kustaafu, ni lazima wastaafu na wakae nyumbani waachie wengine wafanye kazi. Sio eti mtu amestaafu na tena ateuliwe kushikilia nafasi ingine, mahali pengine. Hivyo ni kumaanisha ya kwamba huyo mtu hajastaafu. Kumalizia, ningependa Kamati ambayo imeteuliwa, irekebishe iandike Katiba ambayo itafaa sisi wananchi wa Kenya. Na isiangelie ama kulinganisha Katiba ambayo itaandikwa na nchi zingine. Ilhali sisi wakenya rasili mali ambazo tunazo haziwezi kulinganishwa na mataifa kama hayo. Asanteni.

Com. Okoth Ogendo: Asante sana Bwana Ongoma. Charles Enani. Ongoma, please write your name there. Enani.

Charles Enani: Wakuu wa Katiba na walio hudhuria. Kwa majina ni Charles Enani. Mimi nilikua tu na maoni yangu ya oral kwa sababu sikiwa nimeandika memorandum.

Maoni yangu ya kwanza inatoka kwa upande wa Urais. Upande wangu ningependelea katika kamati hi ambayo kweli inategemea maoni kutoka kwa watu, Rais angelifaa kutembea na msafara wake vile hua tunaona akienda mahali, anatembea na msafara ule ambao hata unafilisisha serikali yetu. Awe na namba ambayo inatakinana akienda mahali, iwe ni namba ile kweli inaonekana kama ni watu sita ama kumi hivi. Presidential escort yake, inafilisisha serikali tumeona. Na tena upande wa matangazo haitakiwi akienda mahali popote, kunatangazwa kama wimbo. Kwa harusi, kwa kanisa, ni nini, awe na chombo ambacho anaenda nacho kwa press na aunde siku ambayo inapeleka matangazo yake. Hiyo ni njia moja anapotumia pesa ambazo angetumia kwa wale watu ambao hawana uwezo na iendelee kwa njia zingine. Na yeye huwa anachukua hizo pesa na kutumia kama yeye ndiye mwana Kenya peke yake.

Upande wa elimu: Kweli kuna watoto wengi ambao wamesoma na kwa hakika, wakisha maliza masomo yao ya form four, upande wa mtihani wana-register, katika Kenya tunajua ni watoto gani walifanya mtihani. Lakini nyumae tena wakisha maliza mitihani, hata kama wamepita. Hawafikiriwe kama watoto ambao walikua kwa shule yoyote. Mimi ningependelea hii Kamati, langalie ndani ione ya kwamba zile shule zote ambazo ziko katika Kenya, watoto wakisha maliza form four, ni wangapi ambao wamepita na wameshindwa namna ya kujiendelea, ama ku-join ma-collages ama kufanya nini. Wawe wakiandikiwa report kufuatana na wazazi wao, wasaidiwe kwa njia ingine ambayo itawezekana. Sio anaachwa tu na mzazi alisumbuka kutoka class one hadi form four, na huyo mtoto labda alipata nafasi nzuri na anaachwa tu hivyo. Hiyo lazima iangaliwe kwa ndani.

Com. Okoth Ogendero: Asante sana Bwana Enani. Ya mwisho?

Charles Enani: Mimi nafikiria ilikua yangu ya kichwa, sikua nimeandika mahali popote.

Com. Okoth Ogendero: Asante sana, please put your name there. Kamili Okello.

Kamili Okello: Mimi ni Okello Kamili. Mtu akiwa kamili anaweza kuendesha serikali.

Interjection -Com. Okoth Ogendero: Sema Kamili basi.

Kamili Okello: Ndio kamili. Kile ambacho nimeona katika Kenya hii sasa kama msipokua na Katiba ya kutosha, hiyo Kenya ita pitilia kupatana na Katiba ya mwaka wa 1963 ambayo iliunda serikali. Tulikua na groups zile zinaitwa National Assembly, tukikua na Upper House, na hao wote, maoni yalikuwa yanatoka hapa nyuma ndio yaende kwa lower house. Siku hizi mahali ambapo inatoka tu ni hapa kwa Members of Parliament, na unasikia imepitishwa.

Ya pili, hatujawai kujua mshahara wa President ni pesa ngapi, raia anaambiwa tu, President ana mshahara wake. Hawajui.

Siku hizi members of Parliament, wamejiambulia tu pesa zile ambazo wanataka, wanasema “mshahara wetu ni huyo” Na sisi huku nyuma, raia wanafanya nini? Wanaumia.

Ya tatu, katika education tunaona watoto wetu wanasoma kabisa. Wengine wanamaliza class ya nane, wengine wanamaliza university. Unapata sasa watoto wanatafuta njia ambazo wanaweza kupata pesa na wanashindwa. Wanaingia kwa wizi, mnasema watoto wetu ni wabaya. Hapa. Serikali ndiyo mbaya. Tuunde Katiba ya kulinda watoto hawa, watakapo toka katika shule wajue watapate njia ya kujisaidia namna gani. Hiyo ni ya kwanza.

Mnaweza pata katika station hiyo, hiyo waalimu, waalimu wako na Union yao na unapata ya kwamba kuna kitu kinaitwa Collective Agreement. Na unapata serikali inaanza kutupa tu namna hii, inasema hiyo nyongeza ilikua ya haramu, ya haramu na serikali imeshaa weka sahihi. Na unapata tena imepiga na inaunda Tume ya kuchunguza mishahara ya waalimu. Why? Hiyo ni lazima tuangalie kabisa. Hatutaki mtu kama anakua President, anajiamulia pesa ile anataka. Ni lazima awe anaamuliwa na watu ambao ni majority, sio yeye binafsi kujiamulia.

Com. Okoth Ogendero: Ya mwisho?

Kamili Okello: Ya mwisho tunaomba katika Katiba hii, askari wa A.P tupatiwe sisi raia. A.P akienda kwa nyumba ya Kamili, ni lazima apatie Kamili search warrant, asiwe anakuja kwangu na kusema “wewe unatengeneza pombe”. Ni lazima tupewe search warrant kwa nyumba zetu. Ndio askari aingie afanye search kwa nyumba yangu, na apatie sababu Fulani ya kufanya hiyo search.

Com. Okoth Ogendero: Asante sana Bwana Okello. Sign the book Bwana Okello. Gabriel Afuande. Endelea Bwana Afuande.

Gabriel Afuande: Asante sana Commissioner na wote. Mimi, jina langu ni Gabriel Afuande. Langu ni kuchangia kwa neno moja tu.

Langu ni kusema kweli kitu kinachoitwa ufisadi kimezidi kutokana na court ya maneno ya mashamba. Kwa maana hii shamba naona makesi ya mashamba sana, tafadhali Katiba yenye tunashughulikia iweke hii sheria ikuwe kama inaweza kutolewa kortini na ikuje kwa wazee. Kwa maana wazee ndiyo wanajua vile watu wanaishi, na inaweza kuamua namna gani kutoa ufisadi. Kwa sababu huko mtu ananyanyaswa akifika kortini anaitishwa pesa. Jaji haakilishi yule mtu mdogo kwa maana wanaenda wanachukua hard pockek, na yule anakukoroga kwa maneno. Case ikifikia, huwezi kuzungumza kitu. Na ile case jaji anafanya bila kuona chochote. Kesi ya shamba ni kitu cha kufanywa kama unasikia ushahidi wa wazee. Lakini inafanywa na hakuna kitu unaona kama kitabu. Kama ni mwizi, ako na kesi, si analetewa hapo shirt aliyoiba ama ng’ombe inaletwa ngozi, ndiyo inaamua kesi na hii inamfanya jaji anaye fanya Nairobi ama Kisumu kuamua hiyo kesi. Na hajui anaamua kwa kitu gani.

Sasa hiyo inaumiza watu wengine sana. Kwa hiyo tunaomba kwa hii Katiba itakayokua muitengeneze na kweli ikue ya kulinda watu wote. Kwa hivyo sisi wote tukiwa wakenya ni lazima tuwe tukijivunia Katiba.

Com. Okoth Ogendero: Asante sana. Asante Bwana Afuande enda ujiandikishe kule. Noah Namukwano. Okay Noah.

Noah Namukwano: Asante sana Commission na wananchi wote nawasalimu nyote. Neno langu ni moja tu upande wa mashamba.

Com. Okoth Ogendero: Jina kwanza.

Noah Namukwano: Noah Namukwano. Mimi nitazungumzia tu upande wa mashamba na Rasilimali yetu. Kwa sababu nafikiri mashamba yetu na sisi wenyewe hatujaangaliwa vyema katika Kenya hii. Rasilimali ni mtu, sio mali. Hii ni kwa sababu mahali kuna mtu ndiyo mahali kuna pesa. Mahali hakuna pesa, hakuna mtu, na serikali yetu inachukua pesa kama rasilimali. Kwa mfano kiwanda kile cha Mumias kama wangaleta Mumias bila watu wa Western kuwako miwa haingekuwapo. Ndiyo maana watu ni rasimali. Sisi hatujalindwa vyema kwa sababu mali yetu sisi tunalima. Tukisha lima hatujui mahali inaenda. Vitu kama wimbi, vitu kama mtama, vitu kama simsim, hivyo vyote watu wa zamani walikua wanalima na wanauza. Wakati huu hakuna mahali ambapo tunauza.

Mashamba katika Land Registration, kwa lands, sasa mashamba yamekua kama biashara. Ukienda kwa lands unapata shamba moja liko na title deed sita au tatu. Halafu unauliza na hii mashamba imetoka namna gani. Hata ukienda Busia utapata hivyo. Sisemi uongo. Shamba moja inaweza kua na Title Deeds tatu au mbili au nne. Ukienda uko unaambiwa leta pesa ya kuchunguza. Ukitoa wanakuambia mengine, Mwingine akienda ni mengine. Sasa huyu Registra anauza shamba, ama Registrar wetu wameanza kufanya kazi kama biashara.

Ya pili, serikali yetu kama imeshindwa na kuwa na surveys wale ambao ni wa serikali basi hiyo Ministry iishe, waache wale local surveyors. Kwa sababu tuna local surveyors wengi ambao ndiyo wanafanya watu wapigane. Serikali ya Kenya iko na land surveyor. Halafu nyuma yake unakuja kupata kuna local surveyor, ukienda uko unapata local surveyor ametoa map yake, na land surveyor ametoa map yake. Sasa je tuko na serikali ngapi katika Kenya? Tunataka nyinyi watu wa katiba mtusaidie muweke sheria ambayo inaweza kulinda mashamba yetu.

Com Okoth Ogendero: Ya mwisho?

Noah Namukwano: Ya mwisho ni ufisadi. Ufisadi umekua mwingi kulingana na wale ambao ni wasimamizi wa watu. Watu kama Chief, Sub-Chief, sasa hata askari. Sasa mtu anaweza kukimbia tu kuenda kwa nyumba ya mtu na kuanza kupekua. Mtu amenunua radio, amenunua television, askari akienda huko anaanza kumuambia “ Leta hii, leta hii, leta hii, badala ya

kuenda kuuliza kitu kimoja ambacho ametumwa. Ni hayo tu ambayo ningesema.

Com. Okoth Ogendo: Asante sana Bwana Noah jiandikishe kule. Ernest Ooko.

Ernest Ooko: Mimi naitwa Ernest Ooko. Maneno yangu ni haya. Sisi wanakenya wengine tuna nyanyaswa. Hakuna sheria Kenya.. Sheria ya kenya iko na ubaguzi. Ubaguzi wake, ukiwa na shida, ukienda kumshtaki mtu wanaangalia mwenye ako na tumbo, ndiyo wanamfanyia kesi vizuri. Ukisikia vibaya, wanaweza kukuita hata wazimu, kama huna pesa kwa mfuko. Mwenye ako na pesa ndiye anajulikana kama mwenyeji. Na sisi wote ni wenyeji. Sasa sheria inatunzwa na watu wangapi? Tunataka sheria ikuwe moja na ndio kusikuwe na maneno mengi Kenya. Maneno ya kuchanganya changanya kwa sheria ndiyo inaleta shida. Unakuta mtu anakunyanganya kitu chako kimacho na anakuuliza “utanipeleka wapi?” Kwa maana anajua ako na pesa ya kuhonga. Na wewe huna pesa ya kukimbia mahali popote.

Sasa sisi tunataka hii sheria vile wananchi wamefikiria neno kama hili, la wananchi kukaa pamoja, kufanya mkutan wa Katiba hii. Wengine tumeona vizuri sana kwa maana tulikua tunafinywa, unaweza kusikia tu mtu fulani, mtu fulani na hujui sura yake. Sasa kama tunaonana kwa sura namna hii, unaweza kumuambia mtu shida yenye inakufinya na akusikie.

Prof. Okoth Ogendo: Asante sana. Ya mwisho?

Ernest Ooko: La mwisho, sisi tunaomba tu muendeleo na bidii ya kuweka mkutano kama huu, tukuwe na umoja Kenya hii bila wengine kufinya wenzao.

Prof. Okoth Ogendo: Asante sana Bwana Mr. Ooko, please sign the book there. George Oluoch. Please take three minutes Georg Oluoch. Okay thank you.

George Oluoch: Bwana Chairman. Mimi mapendekezo yangu yatakua machache tu. Kwa majina naitwa George Oluoch Nakhungu Na kwa mapendekezo yangu yatakua machache tu.

La kwanza litakua kwa upande wa umaskini. Umaskini hautakwisha hapa Kenya mpaka Yesu Kristo atakapo rudi,ina sababu.

Kwa mfano kuna miwa ambyo imelimwa hapa Mumias, kuna machines hapa. Lakini tukafikira ya kwamba sisi watu wa Western, tutakua tajiri kwa mambo ya kulima miwa. Lakini mpaka waka koroga koroga tukawa na kitu kama MOB sijui nini, sasa mkulima miwa yake inaenda huko, inapimwa huko kwa ghafla, pesa zinaenda kwa MOB, wanakata, hizio pesa umepata shilingi elfu mia moja, unaenda unapatiwa shilingi elfu tano, ya kwamba hiyo ndiyo pesa zako ambazo umepata. Sasa umaskini bado utaendelea tu.

Ijapokua ningependekeza ya kwamba Katiba kwa maana sheria zinafuata Katiba, ndiyo inalinda watu katika Kenya yetu hii.

Ningeomba Katiba iangalie. Na ikiwa kuna mamilioni ya pesa ambayo inaingia hapa katika nchi yetu ya Kenya, na mtu akisha fikisha miaka arubaine na tano kuenda mbele na hana kazi yoyote, si mwalimu hakuajiriwa pahali popote, basi pesa zitengwe mahali pengine. Mtu akisha fikisha miaka 45 ataweza linda watoto wake na boma yake. Kwa sababu hana kazi yoyote, huyu awe na kiasi kidogo ambacho anaweza tumia, apatiwe kutokata na serikali yetu ya Kenya.

Ya pili ni makanisa serikali yetu ya Kenya imetupatia uhuru wa kuabudu. Lakini uhuru wa kuabudu makanisa yamesajiliwa hapa Kenya. Sijui sasa kuna mathehebu mia nne na themanini na ngapi. Lakini mathehebu haya yana uabudu tofauti, tofauti. Ikiwa mathehebu haya yanaweza kufuta muenendo wa Redeemed Gospel Church, Kenya Church of Christ, Roman Catholic Church inaeza kuwa vizuri. Lakini ningeomba ya kwamba Katiba ionelee ya kwamba kuna mathehebu ambayo yamesajiliwa hapa Kenya, lakini maombi yao ni machafu. Wanaomba usiku, tafadhali ningeomba ya kwamba Katiba iangalie hapo ya kwamba maombi ya usiku yafuatiliwe mbali. Na makani mengine ambayo yana mambo mengine kama ya uganga Wanatelea wananchi mfurugano zaidi kwenye vijiji, wanaenda kuomba usiku, pengine wanasema sijui ndugu yake alifanya hii, Katiba iangalie hiyo.

Ya tatu na ya mwisho yangu ni kuhusu criminals: umasikini umezidi hapa katika nchi yetu ya Kenya. Lakini mimi mtu masikini, common man like myself. Mtu ananipiga na kunipasua kichwa, ninaanguka chini. Sasa mtu mwingine Msamaria mwema anakimbia hapa kwa D.O. anataka wakuje wanipatie usaidizi, ataambiwa kwamba huyu mtu ako na shilingi mia tano tutoe motor car tuende tubebe yeye ama tukamate yule? Kwa hivyo naomba ya kwamba. Hawa watu wakija tu na useme ya kwamba changaa viko kwa Odero, hiyo gari itaondoka mara moja. Haya wanaenda. Lakini ukisema ya kwamba fulani amepigwa amepasuliwa kichwa pale. Watataka pesa ya mafuta ndio waondoke wafanye nini, waende wachukue huyo.

Prof. Okoth Ogendo: Ya mwisho. Asante sana.

George Oluoch: Ya mwisho yangu, ninasema ya kwamba haya mambo yangu ambayo nimependekeza yaangaliwe. Katiba iende iangalie ya kwamba maombi yawe maombi tu ya mchana kila thehebu. Kwa umaskini pesa zitengwe ambazo zinakuja na zingine zinaharibika bila kufnya kazi hapa katika nchi yetu.

Com. Okoth Ogendo: Asante sana Bwana Oluoch. Jiandikishe pale. Situma M.D? Situma? Wanga Dickson?

Wanga Dickson: My names are Dickson Wanga: Commissioners, Local leaders, Ladies and Gentlemen, good afternoon? First and foremost I would like to propose that, the office of the President the powers that are bestowed in it to be reduced. The first one should be that the President should not be above the law. The President also should have a running mate. The level of education of the President, should be a degree and above and also for the running mate. The President should not be a

sitting member of Parliament. This is because he normally under- represents the constituency, or over represents his constituency.

One, when it comes to resources he wields up so many resources in his constituencies and when it comes to representation in Parliament he normally misses sittings.

Education: The old system should be reverted into, that is 7-4-2. Also when it comes to education, we should make it clear that it should be free for all. And coming to private schools, whereby we have private primary schools, they should also make sure that they have private secondary schools or if not that only 25% of people from primary private schools, should be enrolled in public institutions.

On health. When it comes to health, the government should come up with a skim of insurance, where everybody should be treated freely. This idea of the government having National Insurance Fund does not serve the purpose because it is serving the few who are elite and who know what they are doing.

Concerning land, I propose that issuance of Title Deeds should be given on Locational levels and not the ideal of somebody going to District Headquarters.

Coming now to the Police Force, their terms and services should be looked into. We should not have a Police Force where their terms of services are very low. These normally entails them now to involve into corruption.

Coming now to party issues: The sitting President should also make a clear cut between the party issues and the state issues. They should not misuse state funds in pretext that he is attending political rallies.

Coming to party issues, the sitting President should make it clear, when he is attending a party rally and when he attending a state function. He should not misuse state funds on the pretext that now he is tackling national issues and yet he is just dwelling on party issues.

On Judiciary: Citizens should be provided with free legal services every where.

Com. Okoth oghendo: Thank you very much Mr. Wanga. Please register there. Robert Musili. Please take three minutes.

Robert Musili: Endelea. Commissioner na wageni wote nawasalimu. Hamjambo? My names are Robert Musii I represent Kanjala Community and this is what we discussed.

Education: They said there should be free education from class one to form four to enable the poor to educate their children.

Land: At least everybody in Kenya to own at least 50 acres of land, land dispute cases to be solved by area elders and Asst. Chiefs. Court succession methods to be gotten rid off since it only promotes corruption and ensure unnecessary expenses. Title Deeds should be free or the Title Deed fee to be reduced to a poor man's level, to a local person who can only afford ten shillings. Land survey fee should not exist. All land boundaries to be strengthened like the settlement areas. Land Registrars to be located in Divisions.

Inheritance: This should apply to both male and female.

Health: Free treatment as before to be reformed.

Police: The Police should be transporting people who die from accidents to the mortuaries and ensure they are identified by the owners.

Elections: Provincial Administration to be elected by a voting system and not interview style.

Harambee: The harambee money collection method from individuals through administration should be abolished and maybe another better method to be devised by the government.

Liguru elders to be paid salaries to ensure efficiency in their work. Thank you.

Com. Okoth Ogendero: Sign the register. Thank you very much. Violet Mwesonga. Violet? Violet is not there? Okay. Pamela Agola. Yes Pamela.

Pamela Ogola: Mimi mwenyewe naitwa Pamela Agola, natoka Butula. Ningetaka kuongea juu ya haki na wajibu kwa watu wenye virusi vya UKIMWI. Mimi nikisimama mbele yenu hapa ningependa kuwaambia kwamba niko HIV positive, na mtoto wangu wa mwisho pia ana virusi na niko na watoto wanne. Nina mengi ya kusema kutokana na maisha ambayo nimeishi na shida ambazo nimepitia.

Kwanza, Mimi kama mtu anaye ishi na virusi vya ukimwi ningependa kusema kwamba pawe na sheria ya kuhukumu wale wanao eneza viruzi vya HIV kwa makusudi. Imeona watu wengi ambao wamepimwa na wanajua hali yao wakienneza virusi na hata kujigamba ya kwamba wataenda na wengi.

Pawe na sheria kwamba vyeti vya kifo, viwe na sehemu ya kuonyesha ikiwa marehemu alikua positive au negative. Hii

itasaidia kupunguza UKIMWI hasa katika makabila. Yanayo ridhi mke ama mme wa marehemu. Kwa vile wakitangaza hadharani ya kwamba alikua positive huyo mke hataridhiwa kwa vile watajua mke pia amebaki positive.

Pili, wale watu wanaowashika watoto na kuwaambukiza maradhi ya zinaa, wahukumiwe kunyongwa. Mtu yoyote anayeeneza maradhi ya UKIMWI akijua, atangazwe hadharani, na kutolewa miongoni mwa watu.

Tatu. Kwa upande mwingine watu waliyo na virus wana haki kama watu wengine wowote. Wale ambao wanadhulumu watu wenye virusi kwa kuwatusi na kuwatenga, pia wachukuliwe hatua. Wale ambao wanawatusi watoto wetu kua ni watoto wa UKIMWI, pia washtakiwe na pawe na sheria ya kuwalinda watoto ambao wazazi wao wana virusi ama wamekufa kutokana na UKIMWI. Mtu anapo jitokeza na kusema wazi kwa ana virusi, ni vizuri serikali yetu imsaidie mtu kama yule kupata matibabu ya bure, kwa vile yeye ni mgonjwa hajiwezi. Na watoto wake pia wahakikishwe kupata masomo ya bure hadi chuo kikuu kwa vile sasa mwenye ako nao hawezi kufanya kazi ili atafute jinsi ya watoto wake kusoma.

Sisi tulio na virusi tuna wasiwasi mwingi sana kuhusu maisha ya watoto wetu, hasa kimasomo. Kwa vile hatujiwezi, na vile watoto wetu watasoma hatujui. Mtoto akibaki peke yake, huwa anateseka sana bila masomo akisoma anaweza kujitafutia maisha yake bila wazazi wake. Ni hayo tu. Asanteni kwa kunisikiliza.

Com. Okotho Ogendo: Asante sana Pamela, please sign our book there. Jennifer Iviolata, Atieno. Are you Iviolata? Okay I want to see her there. Okay sawa.

Joseph Baraza: Mimi kwa majina ninaitwa Joseph Baraza kutoka (inaudible). Niko hapa nitaongea kwa niaba ya Iviolata Atieno.

Katika memorandum yake ameongea tu kuhusu kitu kimoja. Ambacho ni haki kwa akina mama. Yeye ameandika hii memorandum kwa niaba ya akina mama ambao wameteseka sana katika ndoa. Kwa hivyo anapendekeza ya kwamba pawe na sheria ya kuwakubalia akina mama wasishiriki kwa mapenzi ya kimwili na mme anayehatarisha maisha yao. Akina mama wengi wamepoteza maisha yao kutokana na maradhi ya zinaa kwa sababu hawana sheria inayo walinda.

Pili, anasema ya kwamba mme na mke wanapotengana na watoto wabaki na baba yao, ni lazima yule mama awe na haki ya kuwaona watoto wake bila masharti yoyote. Ikiwa watoto wataenda na mama ni lazima baba yao azidi kuwatunza na kuwasomesha hasa mama hana mapato.

Tatu, wanaume ambao wanadhulumu wake wao hasa kwa kuwapiga waadhibiwe vikali na ikiwa ndoa ile itavunjika basi mali yote igawanywe sawa kati ya mme na mke.

Mwisho anapendekeza ya kwamba, mila ambazo zinawadhulumu wanawake katika kila jamii zitupiliwe mbali na badala yake, pawe na sheria itakayo sistiza usawa kati ya wanawake na wanaume. Mjane awe na haki ya kuishi anavyopenda bila kulazimishwa, kujifunga na mila zinazo mudhulumu. Asanteni.

Com. Okoth Ogendo: Asante sana. Odhiambo? Peter Lunani. Frank Omwalu. Costance Ouma? Okay.

Constance Ouma: Kwa majina naitwa Constance Ouma. Nitaongea maneno machache.

Kitu cha kwanza ni the type of government or form of government. Ningependekeza tuwe na de-centralization of power, under that I propose that we better have Federal type of government. Kitu cha pili, ni Provincial Administration. Ningependelea Provincial Administration itupiliwe mbali kwa sababu we have got experts in each and every stage. Let's say at the Divisional level, District level, up to the Provincial level. Na kama itaruhusiwa let it under go voting. Tuwapigie kura hawa viongozi wetu kwa muda wa miaka mitano. Kwa sababu at times tunawachukua wale viongozi ambao hawafai ama they don't qualify.

Neno lingine ni kuhusu Military. Hawa Majeshi wetu, wawe na kazi tofauti pia ya kufanya na kuingiza hali ya uchumi. Kwa sababu tunapata ya kwamba Majeshi wetu wamekaa, na ilehali wanapata mishahara.

Halafu kitu cha pili, kuna hii idea of job. Mtu akisha retire asiruhusiwe kupata kazi tena. Kwa sababu unapata retired officers ndio wanapata hizi kazi za contract. Tuwe na maximum wealth ama pesa. Unapata kuna watu ambao wako na pesa nyingi sana ilehali kuna watu wengine ambao hawana pesa. Ama hawapati hata kitu kidogo maishani mwao. Kwa hivyo haya mambo ya mtu kuwa na pesa nyingi pia, tuwe na maximum number ambayo serikali ikipata mtu ako na pesa kiwango fulani, ichuje hizo pesa isaidie masikini.

Ya mwisho ni over loading salaries: Kuna watu ambao wanapata mishahara mkubwa sana ilehali wengine hawapati hata kidogo.

La mwisho ni kuhusu Prisoners. Wafungwa pia wapate leave. At least wapate leave ndiyo tuwe na ile hali ya kuangamiza haya magonjwa ya UKIMWI kidogo. Asante.

Com. Okoth Ogendo: Asante sana Constance. Please sign our book. Nicodemus Ndege? Ndege is not there. Alfred Oganga. Alfred Oganga is not there. Patrick Mwanga? Rael Wanga? Mbanda Daniel? Okay Daniel.

Daniel Mbanda: Kwa majina naitwa Daniel Banda. Ningependa kutoa maoni yangu kulinga na Katiba hii mpya ambayo

tunataka iwe.

Jambo la kwanza ni umaskini: Kulingana na umoja wa mataifa tunaambiwa kwamba mtu masikini ni yule mtu ambaye hawezi kupata dollar moja kwa siku, yaani tusema kama shilingi sabini na tano. Na utapata hapa Kenya kuna watu ambao hata sumni hawezi kupata kwa siku. Kwa hivyo huyo ni maskini wa maskini kabisa.

Tungependa viwanda viweze kuletwa kwa mfano hapa Busia hakuna kiwanda chochote. Kwa mfano kulikua na kiwanda cha pamba. Hicho kilifilisika. Hiyo inamaanisha kulingana na isabati ile niliyo fanya kihesabu ina maanisha sisi wakenya tuko nyuma miaka sabini na tano na itabidi tufanye kazi kwa masaa kumi na nane bila ----- end of tape.

Boundaries and Formation of new area of Administration: Utapata ya kwamba Kenya kuna wilaya nyingi ambazo zimeletwa na zimeletwa na mtu mmoja tu, ili kupata kura. Kwa mfano utapata kuna wilaya mpya ambayo inaitwa Teso. Hiyo imetunyanganya sehemu nyingi sana. Na ningependa hilo jina Teso, litolewe kabisa, district ya Kisii itolewe, iitwe Magoro, lakini isiitwe kikabila. Kama ni hivyo, sisi kama wabaluhyia, ingelikua vizuri maybe tuwe na Luhyia District. Na unaona Wabaluhyia sisi hatuna witu kama hizo. Kwa hivyo utapata wilaya kama hizo zinaleta vita. Kwa hivyo yatolewe majina hayo.

Upande wa kupiga kura sasa, utapata kuna watu wengine ambao wanatumiwa sana na serikali hii ambayo sasa inatutawala na inatufanya sana na tunaumia. Kwa mfano polisi huwa hawapigi kura. Na hawa watu ndio wanatumiwa kutuumiza kabisa. Kwa mfano hapa sisi tuna Police Administration, hii police Administration ni poor sana. Na kuna watu ambao wanaitwa ‘watiti’. Wamarachi wanaitwa ‘watiti’ hiyo ni lugha ya ignorance yaani ya kutojua. Hawa watu utapata town kule hata hatujui kuna watu ambao ni Administration police, tunajua regular police.

Utapata watu wanatembea tu kwa streets wanawapiga watu ovyo ovyo.

Upande mwingine ni implementation of Commission. Yaani majopo yaweze kuitimizwa. Kwa mfano hakuna nchi ambayo iko na majopo mengi kama Kenya. Kwa mfano mwaka wa tisaini kulikua na ‘Ouko Commission’ kugundua ni nani aliye muua Ouko, hiyo haikupitishwa. Tumekua na Ma-Commission mengi na hatujui kama hii ya Ghai itaweza kutimishwa au ni siasa tu.

Com. Okotho Ogendero: La mwisho?

Daniel Mbwanda: La mwisho mimi kitu ningalipenda kueleza haswa wazee wa hapa mitaani. Hawa Liguru hawa, sisi vijana ambao tunaitwa born town kama sisi, tukisimama mahali utasikia wakisema eti hawa watu ni wakora. Hawa watoto wa fulani wanavuta bangi, wa Mombasa wa Nairobi hawa watoto wanavuta bangi. Unakuta tunaitwa kwa baraza, tukikaa mahali, na utakuta wazee wanapumzika mahali wanakunywa tembo yao. Vijana tukisimama mahali, “mtoto wa fulani ni mbaya” hicho kitu mimi sitaki kuanzia leo.

Com. Okoth Ogendero: Asante sana. Atanas Makanda.

Atanas Makanda: Kwa majina naitwa Atanas Makanda kutoka Mug'aro village. Asanteni, the Commissioners na wale walio kuja hapa. Kwanza ningependa kutoa mapendekezo yangu ya kusema serikali ikubali umaskini kwanza ili watu wake wawe tajiri, isikatalie kuwa tajiri na watu ni maskini.

Ya pili, Katiba iwe tayari kubadilishwa baada ya miaka arobaini. Tusiwe tu tunafanya alafu tunakuta shida kama hii tumepata wakati huu, eti tuna-force serikali ibadilishe Katiba bila msimamo wowote.

Tafadhali sijaandika na sina memorandum yoyote na ninaenda haraka, haraka,

Basic and financial rights: Hapa ikifika upande wa fedha inakuja, nyinyi haswa wale ambao wako kwa position ya kupata fedha haswa kwa Bunge. Manasema inafikia wananchi. Lakini ikifika, inaenda kwa Parliament, Parliament iki-pass inaenda labda kwa Province, District na mwisho inaishia kwa Division. Ningependelea hiyo pesa ifikie wananchi wa chini kabisa huko kwa kijiji kwa sababu wana kijiji hawana chochote, kama hela ama centi. Nikumaanisha kwamba kijiji kiwe na account number. Kila kijiji katika Kenya kiwe na account number, ili pesa ikitoka kwa government, government physical allocation iwe inawekwa kwa hii account, na wana kijiji wenyewe wajue ni namna gani watatumia hizo pesa zao hata zikiwa za kukopeshana.

Security Armed Forces: Jeshi letu liwe Army, Navy and Airforce. Ningesema hata wamama wao wale wakubwa ambao wako huko, wanapendekezwa na kupewa magari mengi. Hayo magari yangepunguzwa na inunue vitu vingine vya za kusaidia mwananchi. Na baada ya kusaidia mwananchi nayo serikali itaweza kupata pesa baada ya hiyo kutumika na isaidie watu wengine.

Corruption: Mnaita ufisadi. Hapa Kenya kuna watu wanaitwa ordinary citizens, mwananchi wa kawaida. Na wengine nafikiri wanaitwa special citizens. Sasa ningependa kusema kwamba corruption hata ikiwa bado iko hapa, na tunajua iko, hata IMF na Bunge inajua kwamba kuna corruption. Hata wale watoto wetu sisi, wale hatujazaa wako corrupt. Kwa hivyo anti-corruption board ipewe pesa na serikali na I-form Ministry. Provincial administration wapigiwe kura na wananchi. Sugar Act iendelee vile ilikua.

Village Councils should serve for two years.

Com. Okoth Ogendero: Ya mwisho?

Atanas Makanda: Administration, kuanzia PC na Luguru wapigiwe kura na wananchi na wa-serve kwa miaka mitano, mara

mbili. La mwisho ni kusema kwamba Rais wetu ako na vitu vingi ambavyo vinamfanya ama vinamfanya asijui mwananchi anaumia. Mimi mahali natoka nimekosa hata shilingi kumi ya kununua mkebe wa chakula na huko kwa mfano nyinyi ambao mmekuja hapa sasa, mtatoka hapa na kusema mumetumia ten billion shillings while you have only used twenty thousand shillings. Thank you for listening to me.

Com. Okoth Ogendo: Thank you very much. Please sign the register. Protas Ogoti? Protas Ogoti is not there. Patrick Musundi? Martin Baraza. Okay.

Martin Baraza: Commissioner wetu, wageni wetu waheshimiwa, mbele yenu ni Martin Baraza. Nawasalimu hamjambo?

Audience: Hatujambo.

Martin Baraza: Mimi nina machache tu ya kuongezea kwa wale wenye wamesema. Kwanza nitaongea kuhusu Katiba yetu. Nikianzia upande wa utangulizi ama Preamble, katika Katiba yetu, Katiba yetu haielezi utangulizi wowote. Tukiangalia kama Katiba za nchi zingine, tunataka Katiba yetu ianze na jina. “Sisi watu wa Kenya, tunasema hii na hii” Isiseme kuwa “The republic of Kenya” Hiyo inamaanisha kuwa sisi watu wa Kenya hata vile hii Katiba ilitengenezwa, hakuna Mkenya yoyote alichangia, isipokua ilitengenezwa na watu wa nje ambao ni hao tu walisaidika.

La pili, tukienda upande wa Defense and National Security: Bwana Commissioner, mimi naonelea kua maaskari wa Administration police, warudishwe kwa kambi ya wanajeshi, wafanye kazi sawa na General Service Union. Kwa sababu training yao yenye wameenda, haiambatani na wananchi wa kawaida. Tunataka Kenya Police wawe waki-deal na wananchi wa kawaida. Kwa sababu wanaelewa sheria kidogo kuliko Administration Police.

Tukienda upande wa Executive, tunaona kwua hilo tawi la Executive liko na power nyinge sana. Ukiangalia hii doc inasema Checks and balances. Ukiangalia Parliament, Executive and Legislature, unaona kuwa power nyingi zimekua kwa Executive kuliko haya matawi mengine mawili. Kwa hivyo Bwana Commissioner tunaonelea kuwa, ile power ya Executive kuwa na power nyingi sana. Hiwe irudishwe nyuma na hiyo power wagawane katikati. Isiwe tu eti tawi moja ndilo linafanya kazi nyingi kulishinda haya matawi mengine.

Tukienda kwa upande wa political parties: Bwana Commissioner ningependa, vyama vya upinzani visiruhusiwe kuwa vingi zaidi. Unaweza pata hapa Kenya, kila mtu yoyote anajitokeza tu eti “mimi nataka kusimama” sijui nini. Tunataka tuwe na mpangilio ambao mtu awe na haki, kua akijitokeza kwua anataka kusimama na waungane mikono kama wanataka kutoa chama ambacho kiko ama wanataka chama fulani kipitishwe, ni vizuri kama wangeungana halafu wawe kitu kimoja na vyama viruhiwe viwe vitano peke yake vya upinzani. Visiwe vyama ishirini, hamsini, vile ambazo hazina kazi yoyote.

Tukiingia upande wa siasa pia. Kama mtu anataka kusimama Ubunge, Urais ama U-Councillor, na alikua kwa kazi ingine, aki-resign, ningetaka sheria itungwe kuwa huyo mtu aki-resign kusimama Ubunge ama Urais na bahati mbaya itokee halafu aanguke, ni vizuri kama angeruhusiwa tena kurudi kwa ile kazi yake yenye alikua aendelee kufanya.

Tukienda kwa upande wa Bunge, ama nikienda kwa upande wa Local government. Naonelea niseme kuwa, Mayors , Councillors na MPs hao wawe elected na wananchi wa kawaida. Na Mayor awe kwa ofisi kwa miaka mitano, sio miaka miwili, na huyo Mayor achaguliwe na mwananchi wa kawaida mwenye alichagua Councillor na Mwenye alichagua Mbunge. Si eti sio sisi tunawachagua Ma-Councillor na Wabunge, halafu Councillor wanaenda kumchagua Mayor, halfu Mayor anatunga sheria zingine ambazo mwananchi wa kawaidi, hazielewi ama ananyanyaswa zaidi kuliko wale wenye wamemchagua.

Na la mwisho nitaongea juu ya mazingira. Bwana Commissioner, sisi upande wetu huu wa Butula ama Busia kwa jumla, tuna wanyama wengi sana ambao hua wanaharibu mimea yetu. Wanyama kama Monkeys. Kwa hivyo nimeonelea watu wa Game Wardens, ama National Parks zijengwe huku Busia ambapo hawa wanyama wenye wanaharibu mimea yetu, ama kuharibu wanyama wetu wenye tumefuga, wawe wakishikwa na kuwekwa hapo ndani ili wafugwe kama wanyama wengine wa kawaida ni hayo tu peke yake.

Com. Okoth Ogeta: Asante sana. Okay sign our book there. S. Onyango? Pius Okumu? Pius? Okay.

Pius Okumu Ochieng’: Kwa majina naitwa Pius Okumu Ochieng’ Nawasalimu wote hamjamboni?

Audience: Hatujambo.

Pius Okumu Ochieng’: Langu nilikua naonelea ya kwamba nita zungumza yangu huko Buhai mkifika huko. Kwa sababu leo, nilikuja tu kuhudhuria mkutano. Aanteni.

Com. Okoth Ogeta: Asante sana. Please sign the book there. Batholomeo Mwaro, he is not here. Vincent Ochanda. Batholomew is there. Okay endelea Batholomeo. Who is going to translate?

Batholomeo Mwaro: Esie ndalusinga mulimariki lwefwe betsa khungalukhaniria mulwaswayiri kuba ndakorwa lwaswaiyiri ndakorwa lusungu.

Translator: I will speak in my vernacular, because I don’t know English nor Kiswahili.

Batholomeo Mwaro: *Eliria lianga lilangwa Batheolomeo Buyundi Mwaro*

Translator: My names are Batholomeo Oyunde Mwaro.

Batholomeo Mwaro: Esie kirikhwa kebusia amukhululocho group.

Translator: I have come here to represent Maundu Herbs group.

Batholomeo Mwaro: Amakhululocho nimesali kia simali

Translator: These are traditional herbs.

Batholomeo Mwaro: Okhwenye mbwe makhulocho kalolokhane khuba abandu abamali bamenya misala zaidi

Translator: We want to high-light these herbs because people know quite alot of them.

Batholomeo Mwaro: Eliakhaba mbuchare linyala khubisibwa mu Katiba biakhaba bilayi abundu balolosie mishara kiabu kiakhonya abundi

Translator: it would be good if it would be reflected in the Constitution because they will go along way in helping people

Batholomeo Mwaro: Ndalomaloma khumakhuwa kadamu khulondakhane nende sirikali yefwe ngeinyala khutiririra

Translator: I will speak three words about our government, how it should work.

Batholomeo Mwaro: Ndalomaloma khumikunda esie nomanoma mbu serikali sitiririranga ebilayi da khubera khubera sino

Translator: Concerning land, the government does'nt operate well because of the following reasons.

Batholomeo Mwaro: Omundu sanyala khufwa nowenya khubukula title deeds ya soo

Translator: A person's father may pass away but you want to inherit the land by taking the Title Deed.

Batholomeo Mwaro: Niwenya khubukula khula mbu ositake so mbu okhwonyele title deed.

Translator: The thing is you succeed your father by way of going to Court.

Batholomeo Mwaro: Maana orusie amepesa amangi nefwe khuli abamanini

Translator: And you pay alot of money and yet we are so poor.

Batholomeo Mwaro: Mana abandi bandi bakhaywa khunyola title deed khulondana nende ebindu shinga ebio

Translator: So other people are unable to get title deeds because of that reason.

Batholomeo Mwaro: Biakhabere bilayi khwanyola title deeds sikhaya ngakhunyolanga ID cards

Translator: It could have been better if we got the title deed free of charge like we get the I.D cards.

Batholomeo Mwaro: *Ebienobio khwakhabere bilayi*

Translator: That would have been very good.

Batholomeo Mwaro: *Elia khubiri ni khulondakhana nende abakhasi nekhu abaana bebulwe bakhana*

Translator: Secondly it is in connection with women or the daughters who were born in the homes.

Batholomeo Mwaro: Abakhasi badekha sibanya babe saa nende ipawa nga sikari ibola mbu babe nende ipawa dawwe

Translator: Married women should not have all those powers, as the government says they should have.

Batholomeo Mwaro: Okhula khulonde ebima biasafwe bikhale biabira ngalwabakholanga bakhasi babwe.

Translator: We have to follow the traditions and cultures of our elder sisters, and like the fathers did on their wives.

Batholomeo Mwaro: Maana bali bamenya bilaya

Translator: And they were staying quite peacefully.

Batholomeo Mwaro: Isayino bulano mbu kholonda Katiba ya isayino khasi khumenyere bilayi dawwe nende bakhasi.

Translator: Now that we are following the present Constitution, we are not staying well with the wives.

Batholomeo Mwaro: Abakhasi bulano sibalondanga khuria omusatsa ngababu mama bali barichanga basefwe dawwe.

Translator: Women today don't respect their husbands, like our mothers used to do to our fathers.

Batholomeo Mwaro: Okhubere alola mbu basoma bakana maana samweresia siribwa khaba.

Translator: This is because they all went to school and they are equal, so they cannot give them food.

Batholomeo Mwaro: Kho lienerio liakhabere lilayi liarebwa mu Katiba mbu omukhasi khula abachi lwa musacha shinga yafunaka khulubafu lwa musacha.

Translator: That would have been better if it could be captured in the Constitution, that the wife should respect the husband as she came from the rib of the husband.

Batholomeo Mwaro: Kho njicha khulwalubeka lwa bakhana niwibule bakhane bong'eni siwibulekho omusiani dawwe

Translator: I come to the side of daughters only if you have no son.

Batholomeo Mwaro: Basefwe nende bakuka befwe ngabali niubule abakhana bonyene biarichingi mbu nolekha imali silamiranga omukhana imali eyo dawwe

Translator: That our late fathers and our great grand fathers were, that when they gave birth to daughters only, they never gave a will for their daughters to inherit property.

Batholomeo Mwaro: Yalamiranga omusiani wabwe khulinda lidala liaye

Translator: He gave the will to the brother or step brother or cousin, to take care of the home.

Batholomeo Mwaro: Hata nikali mbu bukimwi buliwo khwakhalongere shimara si khale siara siakhabere bilayi.

Translator: If there is no HIV Aids, we should have followed that old tradition.

Batholomeo Mwaro: Khwesie nomanoma mbu efwe abaluwo ngesie ouma mwana khulondenga esima siakhale khukhulamenya mubumenyo obulayi okhulondana nende abakofu ngali bamenya.

Translator: So I would say, as for we who are there, like me the child of those people, I would have liked that we follow that old tradition, so that we stay well.

Batholomeo Mwaro: Khusaba Commission mbu elikhuwa erio balebirira khulaini eyo dawa.

Translator: I am therefore praying the Commission not to forget to capture that word on the Constitution.

Batholomeo Mwaro: *Liamalirisia*

Translator: Finally,

Batholomeo Mwaro: Makuru niye auli nende ikasi inyingi okhukhirakho kata DO

Translator: ‘Liguru’ are village elders.

Batholomeo Mwaro: *Niye omanyira ingira yosi yosi ya bandu barukanga*

Translator: The ‘Lukurus’ or village elders have alot of work even more than the District Officers.

Batholomeo Mwaro: Emirimo nimingi saidi

Translator: Here is a man who knows how well Administration, certain issues and how people are governed.

Batholomeo Mwaro: Emirimo nimingi saidi

Translator: He does alot of work.

Batholomeo Mwaro: Akhoyere arungwe mushahara

Translator: He should be paid a salary.

Batholomeo Mwaro: Asante

Translator: Thank you very much.

Com. Wanjiku Kabira: Asante sana Bwana Batholomeo kwa hayo maoni, lakini ningetaka kukuuliza swali moja. Hiyo ya wanawake pengine nitasema tunauliza pia wanawake wanapenda hiyo tradition. Kwa hivyo huu ni wakati wa kuuliza kama hizo tradition zinafurahisha wanawake na wanaume. Kwa hivyo wanawake wakisema haiwafurahishi, hata hizo tutasikiliza, lakini si maswali. Swali langu ni kuhusu ile ulitaja mwanzo. How do you want to protect the Traditional Herbs, knowledge and so on. What you said at the beginning?

Batholomeo Mwaro: Amululutso kefwе Kenya kalindwa kari khwakhebere khwaba nende abundu khwaba nikhwakara mana kosi kamenya khulinda abundu.

Translator: We should protect them this way. That we should get a place where we keep them, so that they can continue taking care of citizens.

Batholomeo Mwaro: Mani kafibwengwe

Translator: These should be tested in laboratories,---

Batholomeo Mwaro: Khukamanyekhane kandi kachanga kabiyanga lwangulwangu

Translator: -- so that it may be known by quality, because others get spoilt very quickly.

Batholomeo Mwaro: Kho bamarachi bamanya emisale sa nikinyala okhukhonya obulwale.

Translator: Marach people know alot of herbs that can help in healing diseases.

Batholomeo Mwaro: Ako kang'ane

Translator: That is all.

Com. Wanjiku Kabira: (Inaudible) question.

Translator: Mwesi mukholanga nende abadakitari mwosipitali enywe abundu ba miti mukholanga nende abadakitari khalala

Batholomeo Mwaro: Khukholanga nende abandi ba RIB

Translator: We work with this NGO known as RIB.

Batholomeo Mwaro: Khutemanga mbu khwakhanyala khufumbuwa musala khulwa bulwale bwakhaye abandu buno

Translator: We are trying if we can invent or discover a herb, that can treat the HIV Aids, this disease that has defeated people.

Batholomeo Mwaro: Murio muno

Translator: Thank you very much.

Com. Okoth Ogendo: Asante sana. Vincent Ochanda?

Vincent Ochanda: Commissioners, Ladies and Gentlemen my name is Vincent Martin Ochanda. I don't a memorandum, but I am having an oral proposal. Much has been said on land -----

(Interjection) Com. Okoth Ogendo: Please speak (inaudible)

Vincent Ochanda: Much has been said on land succession. I would have suggested that there should be no strings or hazards when trying to inherit land from the deceased father. And land should be totally owned by the inheritor and not the government.

The second. The devolution of power with the Armed Forces: Presently there are more of other tribes within the system, but not others. Especially like luhyas, these should be equalized. Senior posts should be the same. For example Ambassadors. There should be no corruption during recruitment of Armed Forces. Presently, we have a lot of corruption. All districts should have equal number of recruits.

Three, Security: There is no good security in our country but you get police officers in (inaudible) uniforms raiding homes at night or day, trying to look for beer but when there is a criminal offence somewhere, you go to report, they will always ask you for petrol. This should be abolished. Also there should be no kangaroo courts within the Courts where exorbitant money is paid to the individuals.

Prohibited trespassing in Whites owned land or other prominent people should be abolished.

Five, Presidential retirement benefits and allowances should be reduced since there is a lot of poverty within the country.

Ordinary persons: All Presidential properties out vested abroad, should be brought back to elevate social economic status in our country. The same should be applied to other tycoons in this country. There should be one man, one job. This will create vacancies to school leavers.

No. seven, there should be equal infrastructure in the locational regions and districts but not as discriminative as it is today.

No. eight each person who is not working in this state should be given allowances for their daily life maintenance. This will enable each person to enjoy the national cake and hence reduce this alarming poverty within our community and reduce thuggery.

No. nine and the last, Issue of health: Doctors and nurses sometimes perform their duties contrary to their ethics. I therefore propose that any medical officer mishandling patients should be prosecuted by their relatives because they contribute to death due to the exorbitant charges. That is all. Thank you very much.

Com. Okoth Ogendo: Thank you very much. Please sign our book. Regina Were. Endelea.

Regina Were: Commissioners mulira nangwa Regina Were.

Translator: Commissioners my names are Regina Were.

Regina Were: Ndalomaloma khubakhasi bakhulundu

Translator: I will talk about elderly women.

Regina Were: Abakhasi bakhulundu khu basatsa khunyola tsishida

Translator: We elderly women get alot of problems from our husbands.

Regina Were: Walwana naye wanyola imali niyakhadekhia abandi nakhusikune

Translator: You worked very hard with this man and the moment he acquires wealth, he turns against you.

Regina Were: Muliparekho abwanawo

Translator: Try to help us in that area.

Regina Were: Abundu wa malwa

Translator: The place of beer.

Regina Were: Chang'a ni malwa malayi sana

Translator: Changaa is a very good drink.

Regina Were: Mbolendio okhubere mbu ndasomeriamo omwana

Translator: I say this because I educated my child from that brew.

Regina Were: Ndasomia muchanga khula mu form four khuchaka eight mpaka form four.

Translator: I educated my child up to the level of form four.

Regina Were: Maana amalwa abunywi niye babii

Translator: So beer is not bad, it is the drinkers who are bad.

Regina Were: Okhulondana nende Parliament

Translator: According to Parliament,--

Regina Were: Jamee abandu bamere sita

Translator: --as said, if there are six candidates,--

Regina Were: Abo boberwe chikura

Translator: -- those should be voted for.

Regina Were: Maana barulemo abandu babiri nomba mulala abemo aruruke

Translator: Then they should come out two or one person, to lead us.

Regina Were: Khumubira tsikura che imbire.

Translator: So that we vote him to go ahead.

Regina Were: Khukhayе khunyola eliye da

Translator: We should not have war.

Regina Were: Maana khukhire tsikura nga khwatsaka Kanu nende Kadu.

Translator: We should conduct elections as we used to do when we had Kanu and Kadu.

Regina Were: Biatsichanga sa ebiayi

Translator: It was going on well

Regina Were: Ebiama bingi bino binyasia sialo

Translator: Other political parties here are spoiling the country.

Regina Were: Ni bahati mbaya nimubisia munyolo khulaba banyolo bamaraki dunia mzima

Translator: And for that reason, if you happen to elect a Luo, or we shall all be Luoized.

Regina Were: Abaana balekhwa

Translator: The children who are orphans

Regina Were: Abandu bakofula ne khulekhwara baana mumadala

Translator: We aged people are being left with the young children at home.

Regina Were: Nikhumakho wa khwakhatsa kwayebwa ikasi da

Translator: I have got nowhere to look for employment.

Regina Were: Muliringirekho khukhusia khurie abaana bano

Translator: Help us. How do we bring up these children?

Regina Were: Owira musikuli ne mwalimu yerusia shilling ekhumi

Translator: You take them to school and the teacher is sending away this children for ten shillings.

Regina Were: Khata kha shilling khalala

Translator: And even one shilling.

Regina Were: Balimu bano barukhola barie

Translator: These teachers, what are they doing to us now?

Regina Were: Murulingarirekho amasomo ka baana ba isayino

Translator: Please try to look in to it for us.

Regina Were: Efwe okhwasomere sikhwerusibwangakho khurio da

Translator: During our days when we went to school, we were not sent away.

Regina Were: Ne sina sibi

Translator: What is this?

Regina Were: Tamaa, obulayera nombamba omusara mubetsanga balimu sikuyera

Translator: What is this? Is it just because of greed that people do not have enough, or what is all this?

Regina Were: Ni aibu sana shilling moja kufukuza mtoto

Translator: It is a shame to send away a child for one shilling.

Regina Were: Banyala khulira balio newo ouma mudala omwana yamenya mudala newe ouma mudala omwana yamenya mudala newe oli orwany

Translator: A child can be sent away from school and yet you are not at home. The child will have to stay at home until you come back.

Regina Were: Nebamanya mbu samwana yafwa

Translator: And the teacher knows very well that the father of this child passed away.

Regina Were: Niko ako konganyene

Translator: That is all I have.

Regina Were: Murio muno-

Translator: Thank you very much.

Com. Okoth Ogendo: Lawrence Sande.

Lawrence Sande: Asante sana Commissioner, kwa majina naitwa Lawrence Sande. Nitaanza kwa upande wa mashamba. Mashamba yamekua na shida kwa kupatana na wale ambao hawajiwezi. Utaweza pata, jirani ana mgorogoro na mwingine wa shamba. Sasa kwa vile yeye anajiweza sana, atamfinya mpaka aingie kwa shamba lake. Sasa ukipata ameenda mpaka kwa lands office, unapata amelipa huko pesa. Na wewe hauna vile unajiweza. Mambo yako yanapuuzwa. Na unaendelea kupoteza shamba kwa njia hiyo. La pili,

Upande wa Presidential: Baba wa Taifa inafaa awe mtu wa kutembea Kenya nzima, sio kupendelea sehemu zingine, na sehemu zingine zina lala. For example Busia ndiyo nitaweza weka example kamili. Busia imerudi nyuma, kufuatana na vile President wetu, ni mtu anasema yeye ni mtu wa upendo na ili hali upendo wake hauonekani.

La tatu, ni viwanda: Kuna vitu vingine sana kama mimea ile tunapanda huko. Lakini hatuna hata kiwanda chochote huku busia, kile kinachoweza kutumika kwa yale mazao tunatengeneza hapa. Yote inapatikana Nairobi. Na imagine expenses hizo zote, kutoka hapa kufika Nairobi, tuangalie hilo.

La nne ni upande wa vijana. Kuna vijana wengi hapa Kenya wale ambao wako na ujuzi zaidi. Ingawaje wamesoma na wana ujuzi wa kutumia njia za akili kwa mikono. Nayo serikali haijawai kufikiria mambo kama hayo. Ningelipendekeza ikiwezekana, serikali itembee mpaka kwa wilaya, na tarafa, kujua ni vijana wangapi wanalala idle but they have these skills to use. Na ingewezekana kwa njia nzuri, serikali itafute njia ya kupeana pesa kwa vijana ili wafundishe wengine na waajiri wengine. Tusipate vijana wale wamekua ngoroko.

Com. Okoth Ogendo: Na la mwisho.

Lawrence Sande: Utaniongezea muda mfupi.

Com. Okoth Ogendo: Hapana.

Lawrence Sande: Na lingine, tumekua na upande wa uchukuzi. For example Nairobi, Iko machoni mwa serikali kabisa, lakini unapata watu wananyanganywa vitu vyao, wanapelekwa kwa njia ile hata haifai. Mtu anabaki pale bus station ukiwa hauna chochote ila hali umetoka kwa nyumba unaenda reserve na vitu vyake. Na serikali imepuuza vitu kama hizo.

Com. Okoth Ogendo: Asante sana.

Lawrence Sande: Tuna bara bara,....

Com. Okoth Ogendo: Sema ya mwisho. .

Lawrence Sande: I have only two points to make.

Com. Okoth Ogendo: No, no just finish.

Lawrence Sande: Serikali imekosa kuangalia ni barabara zipi, zile ziko na maana sana nchi yetu hapa. For example Busia tuko na bara bara ya maana kutoka Maoni hadi port ile inaleta pesa kwa nchi ya Kenya. But it has not looked at it. Okay. Now imechangia bara bara zingine kujengwa, na hiyo bara bara mbona haiwezi changiwa kujengwa?

Hospitali: Bills za mortuary ziko so high, hakuna mtu ataweza kugharamia yule mtu ako chini sana. Vile wataweza kugharamia nido mtu wake atoke. Ni vigumu sana ni lazima atafute njia zingine.

Com. Okoth Ogendo: I am sorry your time is up. Can I have Stephen Odipo please. Enter your name in the register. Stephen Odipo. Where is Stephen Odipo?

Stephen Odipo: Commissioners, local leaders, Ladies and Gentlemen. Good Afternoon.

Audience: Good Afternoon.

Stephen Odipo: Mine is very short. I will talk on Judiciary and under Judiciary I will put my title as corruption. This will cause the delaying of the cases in Court for both complainants and the accused fellows regardless of the distance. There is no need for a case to be delayed for five years, when a case can be finished in three months. I will therefore suggest that the cases in law Courts, the hearing date should be limited, in such away that both the accused and the complainant don't have to spend alot of money. This one gives an allowance to the Court clerk to solícite money from both parties, the accused for their cases to be accelerated.

Two, Disappearing of files from the courts.

The Judiciary: The Judiciary has the Executive officers who are incharge of the files. Why should files be disappearing in Court and then the accused suffers at the expense of a particular person. I suggest that this particular person who is incharge of the files, if the file is lost. He/she should be dealt with. If not so, be dismissed from work.

Three, We have the filing charges for various cases in the Court. These charges are never reflected anywhere in the registry of the Court and therefore the people going down the Court to file the cases are never shown the charges. And they are charged exorbitantly and what is entered in the receipt is not exactly what they pay. That comes under corruption and that is a very bitter thing to us.

I go to defense: Kenya Armed forces, Police, Parliamentary Police and other things, the recruitment has changed that unless you have 30,000/- shillings, your child cannot be taken. I suggest that such a thing is an abnormal thing to an ordinary mwananchi and therefore we should change the rules in the Constitution so that these chaps are taken in according to their qualifications and not through corruption.

Com. Okoth Ogendero: Thank you Stephen.

Stephen Odipo: I have another thing the Commissioner, I am on education, this is the last one.

Com. Okoth Ogendero: Make it the last point.

Stephen Odipo: Education has become very expensive why don't we go back to the old system where we used to have

people being trained on sponsorship of the government. This time when you are taking a child to a Teachers Training College, you will have to pay over thirty thousand shillings when an ordinary mwananchi has got no income. Where do we get this one here? I suggest that the Government should sponsor these trainees in both categories. Thank you.

Com. Prof. Okoth Ogendo: Thank you very much. Please register. Joan Martin. Joan Martin. Habil Okoth, Habil Okoth? Norbert Bwire. Silvester Kwena. Silvester?. Okay.

Silvester Kwena: Commissioner na wale watu wamehurudhia huu mkutano nitawasalimu, hamjambo?

Wananchi: Hatujambo.

Silvester Kwena: Jina langu ni Silvester Kwena. Mapendekezo yangu ni haya.

Tunateseka sana, zaidi kama hapa Busia, tunanyanganywa mifugo nyumbani na wezi. Ninaomba Katiba ya saa hii ipitishe kwamba mwizi yule atapatikana na Ngombe, kama ameiba akatwe mkono wa kulia na mguu wa kulia.

Ni wale watu wananajisi watoto. Mtu akipatikana amenajisi mtoto wa shule, atobolewe macho. (Laughter).

Kuna wamama wale wanafanya kazi na amepimwa amepatikana ako na ugonjwa wa Ukimwi, anabeba rundo ya pesa kuenda kwa pombe na kununulia wanaume na kuanza kuwaambukiza viini vya Ukimwi. Huyu mama akatwe sikio na mkono wa kulia. (Laughter)

Com. Prof. Okoth Ogendo: Ya mwisho.

Silvester Kwena: Ya mwisho ni hili. Watumishi wauma, Idara ya DC, ya DO iondolewe haina faida. Sisi tunateseka kulingana na Idara ya DO na ya DC. Ufisadi ni mwingi. Nilipata mama mwingine amepigwa na anateseka. Kwenda kwa ofisi ya DO, kutaka usaidizi, wanamueleza atoe Shilingi elfu moja. Ni hayo tu. Ni mimi Silvester Kwena.

Com. Prof. Okoth Ogendo: Asante sana Silvester. Please register. Alfred Wanjiri. Alfred, Alfred Wanjiri? Alfred, fupisha.

Alfred Wanjiri Rajula: Kwa jina naitwa Alfred Wanjiri Rajula kutoka Lugulu. Pendekezo langu naomba Katiba itengeneze Sheria ya kuoana.

Wasichana wetu na wavulana wapate sheria ya kuoana. Hiki kitu kuowana kwao kinaleta hasara nyinyi katika Kenya yetu.

Kwa hivyo saa hii, mtoto akitaka kuoa, apewe nafasi na daktari, wapime msichana na wapime kijana. Wakiwa wanapata

hawa watu wako salama, waoane. Hatutaki watoto wetu kuoana ghafla halafu wakufe kabla ya kupata watoto wengine. Ni hio naomba Katiba itengeneze sheria hio ya kuoana.

Habari ya udongo: Habari ya udongo kutoka zamani tulipewa bure na Mungu. Na kwa saa hii, maneno yameingia kwa Serikali kutaka pesa zaidi kufuatana na mashtaka ya Court. Ninapenda Serikali hii yetu ya Katiba ipendekeze wazee wa kila Division wawe na wazee wao wakutengeneza maneno ya mipaka hii. Advocate hajui mipaka, mahali iko. Kitu ambacho advocate anajua ni sheria. Atatunga sheria tu halafu mwenye pesa achukue mahali pa huyu masikini. Advocate kazi yake ni kutunga sheria. Lakini kwa mashamba hawatembelei mashamba wajue ati hii shamba iko wapi? Na hawa watu wanaishi namna gani? Hawa watu ni watu wa mtu mmoja na wana gawanya namna gani?

Com. Prof. Okoth Ogendo: Na ya mwisho?

Alfred Wanjiri Rajula: Ya mwisho, mimi nina watoto watatu wasichana na mimi nawachia mama yao udongo. Na hawa wasichana wanaolewa. Wengine wanakosa ma bwana. Kwa hivyo mimi nasema Serikali yetu ipendekeze msichana apate mali (udongo) yangu hio. Hayo tu ndio mimi naomba maneno matatu hayo.

Com. Prof. Okoth Ogendo: Asante sana Alfred. Weka kidole kule. Dennis Baraza. Dennis Baraza. Agatha Sanda. Agatha Sanda.

Agatha Sande: Asante sana Bw. Commissioner. Majina, naitwa Agatha Sanda kama mwananchi wa Kenya. Nina mapendekezo machache. La kwanza Local brews like Chang'aa ihalalishwe ili ambapo wakisha halalisha haita uwa watu kwa vile mtu ataweza kupika ile nzuri, Serikali ingekuwa na kiwanda chenye ikiwa wanunue pia waende wa distill zaidi, so that they can import kwa ajili Serikali pia ina import pombe zingine lakini pia wanaweza ku-distil Chang'aa na ku-import for Government income.

8-4-4 itolowe irudi old system ili iwape watu fursa wengine ku-train under certificate na wengine ku train under diploma na wengine waende University. Mtu akienda University atakuwa mature enough, sio hawa watoto miaka kumi na nane, mika kumi na ngapi, they keep on rioting day and night. Hawajui chenye kiliwapeleka huko.

Chenye kinafuata ni increament ya salary: Ningependekeza ikiwa Serikali inapandisha watu mishahara, ipandishie kila mtu mshahara. Si ati unapandisha hawa na wengine wanabaki. Haswa la ya waalimu. Serikali ianze kukubali itawalipa waalimu mishahara Kufika kiwango, ati hakuna senti na wakati walikuwa waki-sign, ionelea kuna pesa. Tuwache kutumia ujanja ili tuweze kupata Kura. Tuseme haki na wazi, wazi. Ikiwa hakuna pesa, ibaki hakuna pesa. Inasema hakuna pesa na majudges wanaongezwa mshahara. Wanasema hakuna pesa, ma- daktari wanaongezwa mishahara. Lakini bila mwalimu, hakuna daktari, hakuna magistrate, hakuna nini. Because Mwalimu ndio anatoa watu kwa matope. So we should consider teachers –

first priority.

Com. Prof. Okoth Ogendero: Thank you.

Agatha Sanda: Then, na Rais mwenye atachukuwa ushukani baadaye asiwe mtalii. Kwa vile pesa nyingi zinaharibiwa sana. Akisha toka anatoka na umati wa watu, na huo umati wa watu, kuna allowances zao. Huku tunalia ati kuna ukame kwa Serikali, hakuna pesa, hakuna nini, Elimu ndio hio imepanda, ati mara tuko na cost sharing kwa hospitali. Unalipa pesa na hakuna matibabu, lakini pesa nyingi zinatumika kwa allowances. Leo President ako hapa, kesho hapa, kesho kutwa hapa anakuwa mtalii. Ni heri awachie yule mwenye anastahili akiwa mtu kama Minister for Foreign Affairs afanye hio shughuli sio kila mahali yeye akuwe akienda.

Com. Prof. Okoth Ogendero: Ya mwisho.

Agatha Sanda: Police Custody: Police wanahangaisha raia sana. Haswa ukisha pelekwa kwa station. Utapigwa kwa vile mwenye amekushtaki ako na chapaa. Unapigwa mpaka the sensitive parts of the body zinaumizwa kwa vile hauna mbele wala nyuma. Wengine they end up wanalalishwa kwa simiti kwa cell, kwa vile fulani ako na chapaa. Tafadhali tuangalie hizo. Tujali masilahi ya ordinary mwananchi because without ordinary mwananchi Government will not be Government. Thank you.

Com. Prof. Okoth Ogendero: Asante sana Agatha. Please sign our book. Pascalia Ochieng. Pascalia Ochieng. After Pascalia, Prisca Onyango.

Pascalia Ochieng: Kwa majina mimi naitwa Pascalia Ochieng. Nina represent Muuungano.

Basic Rights: Life, Food, Health, Water, Employment and Treatment.

Life: Planned killer should be killed but accidental killer should be jailed.

Treatment: We should be treated freely.

Security: Kenyans should be given enough Security.

Food: Affected people, magonjwa kama UKIMWI should be treated freely and also should be given food.

Education: Kenyans should have free and compulsory education from Nursery to Standard 8. Bursary should be given to poor families and to the rich.

The right of vulnerable groups: Women, widows, youths, disabled people. Women say that their husbands should respect their properties. If not so, they should be taken forward. They Should not be beaten without proper case, they should be taken to tribunal Court of the family.

Land and Property Rights: Title Deed should remain with owner of origin. Title Deed should have two names – husband and wife. Married girl should be given shelter but unmarried girl should be given a piece of land.

Cultural, Ethnic and Regional Diversity and Commoners: Dowry should be paid for properly married couples. Ligurus' educational Level should be from Standard eight onwards and should be paid salary. Ligurus, Chiefs and DC's should be elected by the community through mlolongo.

Assistant Chiefs, DO's and DC's should be left out because the salaries they get can help a number of poor families.

Beer should be there and allowed by the Government but the disordered drinkers should be disciplined. Asante.

Com. Prof. Okoth Ogendero: Thank you very much Pascalia. Prisca Onyango. Please enter your name in the book. Prisca, Prisca?

Prisca Onyango: Kwa majina naitwa Prisca Onyango. Kama Mwenye Kiti, nasimamia wale Lugulu Location, Wanawake. Tumeonelea uko wanawake, wale wasichana ambao wameolewa na wana mabwana, hatuwezi kuwagawia mashamba kwa maana tukiwagawia mashamba, watajivuna hawatasikia wanaume wao. Kwa hawa watoto kama unao, yule ambaye hajaolewa, utamkatia pahali kidogo pa kuishi vile akifa unamzika hapo, usimpatie Title Deed. Unampatia tu pahali kidogo pa kuishi.

Number two, Wamama tunaonelea wa baba wametufinya kwa maana wanatufinya kwa mashamba. Tunataka sisi wamama watuandike kwa Title Deed hata sisi wamama majina yetu yaandikwe hapo kwa maana ukikaa, unaweza kukaa tu unafikiri unashamba na kumbe baba ameuza tu pole, pole. Utapata hio shamba imekwisha na una watoto. Hapo tunataka majina yetu yawe kwa Title sisi wamama.

Watoto wa shule kuanzia Class one mpaka eight, wasome bure. Kwa maana kuna boma zingine ziko na watoto wazuri. Unapata hizo boma, mtoto akienda kwa shule, wazazi wake hawawezi kitu, unaona saa yote waalimu wanafukuza watoto hawa. Huyo mtoto angesoma vizuri na ange- saidia Kenya. Sasa hapa anashindwa na unaona mtoto anakaa tu. Hapo tunaonelea watoto wasome bure kuanzia Class One mpaka Eight.

Kwa hospitali tunataka tutibiwe bure. Kwa maana ukienda tu kuandika hata jina lako, wanasema toa pesa. Ukitoa hizo pesa,

kufika kwa dawa, wanakuambia hakuna madawa na hizo pesa zimeenda au kama wanakutibu wanakuambia pesa nyingi na kuna watu wengine hawajiwezi kwa maana inawezakuwa huo ugonjwa wanaweza kusaidia ukwishe lakini, unakosa pesa na unaona mtu anakufa tu kwa njia ya bure kama bado unatafuta pesa. Waangalie mtu na waone huyu mtu hajiwezi.

Tunawatu wengine hapa kwa nchi yetu wanaishi na hawana makao. Tunataka hawa watu tafadhali Serikali iwasaidie wapate pahali pa kukaa. Hata wapatiwe Title Deeds. Wanakaa tu kama ma-squatter. Unaweza kupata tu hata mtu amekodisha tu Duka na amekaa na mwanamke wake na hana pahali pa kuishi na hana shamba. Haya ndio yangu.

Com. Prof. Okoth Ogendo: Asante sana mama. Asante sana. Please enter your name. Selina Akoth. Selina? She is not there. Gloria Wabwire.

Gloria Wabwire: The Commissioners, my names are Habby Gloria Wabwire, Councillor, Eskoma Ward. I will centre on two issues. Illicit Brews, Court and Basic medication. I know about illicit brew, has been talked about, therefore I will only go to salient points.

No.1, what I would like to point out is that the majority of those who consume those drinks cannot afford the cost of conventional brands of beer thus no amount of banning or illegalising will make them disappear from the scene. The root cause lies in diminished income and unemployment.

Commissioners, farmers in this Constituency plant sugar cane for commercial purposes. The major product of this produce are crystal sugar and Jaggery i.e. Sukaringuru. It is this two which are used in Chang'aa distilling. It is the Government which licences Sugar and Jaggery production. The Government is aware that Jaggery is not used for animal feed as it is claimed. Residents of this Constituency are demanding that and this is to show the importance we attach to this drink, because it hinges on our cultural value. That Chang'aa distilling be legalized although its sale should not be made directly to consumers. Instead Co-operative Societies be established and refineries be set up within those societies. Distillers would then be required by Law to be delivering their Chang'aa to those refineries. It will be tested for the contents including inspection to ensure quality production thus standards will be set just like it pertains to the dairy industry. Having been refined or purified, the brew would then be bottled or packaged in conformity with the Kenya Bureau of Standards requirements then sold publicly. A similar situation is operational in Uganda and we have Uganda Waragi and in Tanzania, we have Konyagi and we would wish in Busia also to produce Kenya Miwa Whiskey. (Laughter).

As I said this brew hinges on our cultural values, I would like to go to Busaa and say that since pre-independence days, this has been a social drink in homes and later on in Clubs. Elders and even the youth use those forums to discuss matters of community interest including security and social norms. Unfortunately the Head of State banned the drink without taking those considerations into account. Busaa is sold in bars and clubs in Nairobi and some parts of the Country through Government

licencing. Thus, we in this Constituency of Butula are wondering whether we are part of Kenya or we belong to a different Country. Why should our poor people be denied to make an income through making and selling Busaa in favour of Nairobi and those other areas? Is this not what we call discrimination contrary to the provisions of the Constitution? Our demands, Commissioners of this Constituency is that legislation be effected to legalize brewing and selling of Busaa country-wide not just Busia.

Medication: Basic medication in dispensaries and health centres: Since pre-independence and some years thereafter, medical treatment in public health institutions was free of charge. This means that the taxpayer's money was being put to good use. Kenyans still continue paying direct and in-direct taxes and it has not been explained to them why the element of cost sharing was introduced to these institutions. We are demanding, i.e. Butula Constituency, that through an Act of Parliament, medical treatment in all dispensaries and health centres be free of charge because our poor people cannot afford that cost sharing aspect resulting into many untimely deaths. Should it be necessary, that element of cost sharing may only be applicable in levels of District Hospitals and above. Thanks alot.

Com. Prof. Okoth Ogendero: Thank you very much. Please register. Selina Akoth. Not there. Michael Ochoi. Anthony Okello Singo'ro.

Anthony Okello Singo'ro: Kwa majina naitwa Anthony Okello Singo'ro na nina neno. Mimi napigia asante sana kutuletea hii maneno pia tujiunge nayo. Tena napiga asante zaidi. Kwa nini? Nina maneno matatu.

Jambo la kwanza: Kama una baba yako anafariki, na anawacha nyinyi wanaume watatu, mwingine wa nne anaweza kujiongeza hapo ndani yake? Kama shamba baba yako anakuwachia shamba na jina la shamba iko mtoto mdogo au kwa mkubwa. Sasa, mtoto mdogo akiuza shamba na mkubwa anakuja anauliza, hii shamba imeuzwa je?

Kuna ruhusa ya askari wa AP kukuja kamata wewe ati unafanya makosa, kukuja kukupiga bure viboko hamsini. Na hivo viboko hamsini vilikatwa na daktari gani? Halafu tena anakuja na anampa ruhusa, wewe kaa kwa shamba hio, mwenye ananunua.

Tena kunyanganywa pesa zako, shilingi mia tano. Hizo shilingi mia tano, zilienda wapi? Kweli Serikali yetu inatunyanyasa. Tangu tulipata uhuru sasa mimi nafikiria tuko na miaka thelathini. Lakini sijaona tofauti hapo. Kila kitu ikikuja ----

Com. Prof. Okoth Ogendero: Mapendekezo?

Anthony Okello Singo'oro. Mapendekezo yangu, mimi nasema hivi. Kuna ruling ya kumuambia mtu kama haja fanya makosa, yeye pia wanamwingiza kwa makosa tayari amefanya makosa. Na ---

Com. Prof. Okoth Ogendo:----- na ya mwisho?

Anthony Okello Singo'ro: - ya mwisho yangu mimi nasema hivi, tangu tulipata uhuru, miaka thelathini sasa, huwa tunasikia tu misaada inakuja na tunafikiria msaada unakuja kwa watu gani? Si inakuja kwa watu masikini. Tena msaada huu unakuja tu kwa wale wanajua pahali msaada inatokea. Na sisi wamasikini tutapata nini? Kwa sasa, kama hii kweli neno ya Kamati hii, afadhali muchunguze watu masikini kama sisi. Tangu tupate uhuru, hata saa hii, sasa tunataka tena kupata uhuru tena. Nataka kupiga Kura. Na sasa tukipiga Kura, miaka hii yote mali ya Kura inaishia tu pale juu. Na pande hii, kwa nini kama najua namna hio, kwa nini tena wanakuja kwetu kuomba Kura?

Com. Prof. Okoth Ogendo: Asante sana Br. Singo'ro.

Anthony Okello Singo'ro: Asante sana.

Com. Prof. Okoth Ogendo: Jiandikishe kule. Ernest Omondi? Phillip Telewa? Okay Phillip.

Phillip Telewa: Elira lineage nangwe Philip Telewa

Translator: My names are Phillip Telewa.

Phillip Telewa: Esie maoni kanje

Translator: My feelings,

Phillip Telewa: Esisala sia President bakhayire bakalukhania Katiba ino Kakamega barewo miaka kumi President.

Translator: The seat of Presidency should be changed this time to come to Kakamega for ten years.

Phillip Telewa: Mombasa miaka kumi presidency

Translator: The Coast or Mombasa, ten years for Presidency.

Phillip Telewa: Kisumu miaka kumi presidency

Translator: Kisumu ten years, Prsidency.

Phillip Telewa: Meru miaka kumi presidency

Translator: Meru, ten years Presidency.

Phillip Telewa: Lano esisisali nisikenda round sirio abandu sibakhanyala khurera ishida dawwe

Translator: That seat should rotate so that people do not quarrel. There should be no war.

Phillip Telewa: Basi ngefwe abokofu bamiaka sitini serikali okhubechengekho khumwesi mbu khukulengekho obusuma

Translator: For us aged people of sixty years, the Government should be giving us about a hundred shillings to buy food.

Phillip Telewa: Ako kang'ane.

Translator: That is all.

Com. Prof. Okoth Ogendero: Ebrahim Okoth? Ebrahim Okoth? Okay, Ebrahim.

Ebrahim Okoth: Thank you the Commissioners. I am Okoth Ebrahim, a student. I have some few views, which are supposed to be aired out.

1. Misbalance of power to the Parliament. We feel that Kenyans we are only having men Ministers. No more women represented, no more youth represented. Now where are these views of youth and women going to be put into consideration? I propose that the Government to set regions to have youth and women MPs for proper representation.
2. As per the current political situation in the Country, we don't know where we are headed to? Does it mean that we have a hereditary type of leadership or is it through voting? Is it the President to elect the President to come into power or who is supposed to elect the President? I say this, the President has no power to say that this man is supposed to be the President. He is supposed to step down and to wait for us the local wananchi to elect in our new leaders.
3. When I come to Administration: The current one has been lying only on the denomination. Does it mean that it is only the Catholic and the CPK who are supposed to lead us as the chiefs or other small, small denominations also? This comes in when we find that they now come in with some illiterate Chiefs who cannot even express a single word in English and yet they have to write some minutes. When they go for their Barazas, they want to speak all the things. Now where are the views of us people?

Com. Prof. Okoth Ogendero: Please summarize.

Ebrahim Okoth: On the type of developmental: Is it that the KANU region is supposed to develop and not opposition? It is the Government to plan for every region either opposition or KANU region to benefit from the Government not only KANU places as per the situation now.

Com. Prof. Okoth Ogendo: Thank you very much Ebrahim. Please register. Jane Awino. Jane Awino is not there. William Waburaka. William Waburaka. Alois Oloo.

Chripinus Oyoma. Ouma Asidha. Confrido Auma. Francis Okwero. Thomas Nahayo? Erick Nyongesa? Oketch Andhima?

Oketch Andhima: Mbele yenu ni Oketch Andhima na nina mapendekezo kama haya. Pendekezo langu la kwanza---- kwanza mimi ni wa 'Boda Boda' na nitatoa pendekezo juu ya kazi ya 'Boda Boda'. Sisi Boda Boda wote tunataka Serikali itutengee au itubunie sehemu fulani kwa Wizara yake ya Uchukuzi na Mawasiliano, yaani Ministry of Transport and Communication kwa sababu tayari tuko Boda Boda Sector, nchi nzima ya hii Kenya. Na wasimamizi wetu wawe, yaani msamizi wetu tuwe na mtu anaitwa Director, awe kutoka hapa Magharibi au Nyanza Mikoani, yaani Mikoani, hii nchi ya Kenya kwa sababu hizi Mikoa mbili ndizo uchukuzi wa baiskeli utumika sana. Na hapo awali au mpaka saa hii tuko kwa Idara ya huduma za jamii ambaye CDA hutusumbua saa yote.

Kazi: Kazi iwe kwa vijana baada ya kumaliza shule hasa kwanza kazi kama uandikishaji wa Kura, Katiba hii ambayo inaendelea kwa sasa, ugombeaji wa nyathifa za uongozi wa kisiasa kama Ubunge, Udiwani hata kwa Mashirika ya Serikali yoyote ile. Sababu napendekeza hivyo, kwa maana kazi nyingi hapa nchini Kenya, upatiwa wale wameshaa staafu Serikalini au mashirika ya Serikali yetu hii ya Kenya. Na tayari wako na mshahara wa kustaaifu, pension. Hapo sasa ni mishahara mbili kwa wakati mmoja.

Pendekezo langu la tatu la shamba isipatiwe watoto wasichana. Hapo Serikali kwa pendekezo langu, ingewafanya hawa wasichana ambao wameshindwa au hawakubahatika kuwoleka na wapatiwe sehemu fulani kwa kila Wilaya ya Kenya. Sababu ya kupendekeza hii ni utamaduni ulindwe, shamba lenyewe halipo kwa sasa.

Pendekezo langu la nne: Mashirika ya kutoa misaada isipitie kwa mikono ya manaibu au ma- Chief ati ndivo zifikie wananchi mbali ningependekeza hayo mashirika kwanza yajenge Igala au Store na Serikali yetu ichague mtu yoyote asimamie ugawaji wa hiyo misaada kwa mwananchi wa kawaida kwa ida vizuri.

Com. Prof. Okoth Ogendo: Fupisha Bw. Oketch.

Bw. Oketch Adhima: Kumalizia: Pendekezo la tano,-----

Com. Prof. Okoth Ogendo: ---- ni ya mwisho.

Bw. Oketch Adhima: ----- Haitakua la mwisho, dakika mbili.

Interjection **Com. Prof. Okoth Ogendo:** ----- Malezi

Bw. Oketch Adhima: ----- malezi kwa wamama wakongwe na wanaume wenye umri wa kuanzia miaka sitini na tano hadi mia mmoja wapewe malezi mazuri na Serikali yetu hii ya Kenya. Kwa sababu ni hii, walikuwa wakitoa mchango wao kama ushuru walipo kuwa na nguvu kwa Serikali.

Com. Prof. Okoth Ogendo: Asante sana Bw. Oketch -----

Bw. Oketch Adhima: ----- just, I am finishing.

Com. Prof. Okoth Ogendo: --- Bw. Oketch your time is up.

Bw. Oketch Adhima : Hao wakongwe wazee -----

Com. Prof. Okoth Ogendo: Oketch, your time is over. Augustine Ogutu? Kuna maswali hapa.

Com. Wanjiku Kabira: Sorry, Mr. Oketch. Ningetaka kuuliza, ulizungumuza juu ya Boda Boda.

Bw. Oketch Adhima: Yes.

Com. Wanjiku Kabira: Nilikua nikifikiri utazungumza mambo ya vile bara bara imetengenezwa, kwa sababu ukiangalia vile baskeli inatumiwa, bara bara ikitengenezwa, inatengenezwa kwa gari na watu wa Boda Boda wanatumia hio bara bara and therefore security is not on the road. Isn't so? Like in many parts of Nairobi, you can't ride bicycles because it is so dangerous because when you construct the roads, si unasikia vile ninasema. Ninataka ku --- eh, unasikia eh? So I thought you may want to recommend that those who are working on the roads, they should also have space for Boda Boda and space for the pedestrians so that you are not on the main road and then putting people into danger so that ----- They do that in Europe by the way. If you go to a place like the Netherlands where there are ten billion bicycles. They have the roads for the vehicles, then a path for Boda Boda and a path for the people to walk on which is very important in terms of security of the Citizens.

Bw. Oketch Adhima: Hapo Madam, naona kwa upande wa security saa hii, hizi nchi zetu au bara bara zetu hasa hapa Magharibi au Nyanza, hatuna msongamano wa magari au nini. Kwa hivyo kwa upande wa usalama au bara bara tuko vizuri sana.

Com. Prof. Okoth Ogendo: Okay, Okay, Bw. Oketch. Please register. Augustine Ogutu? Ogutu? please make it brief. Where is Augustine Ogutu. Musa Omutu. Livingstone Abuoga. Christopher Mwanza Makokha? Zakayo Oduor? Christopher

Mwanza? Okay, Christopher Mwanza. Mwanzia or Mwanza? Christopher Makokha.

Christopher Onyango: Good afternoon Commission. In front of you is Christopher Onyango not – it was mis spelt. In front of you I have this to comment to the review..

Com. Prof. Okoth Oendo: Your name first.

Christopher Onyango: Christopher Onyango. Christopher Onyango. I recommend that the farmers who get loss from destruction of their crops, or animals from causes beyond their control for example adverse weather conditions, the Government to have a provision of compensating them hence they play a major role in the economy of this Country.

Another one is this, National Register be set up for students who finish University and also School Certificate so that the Government gets a proper programme for those who get employment and also out of employment to cater for them.

Another one is on Beer. Traditional African Beer be legalized to enhance the culture of the people especially the youth who grow up knowing the culture of their people because what is happening today, when the old men have sat to discuss matters pertaining to their culture for their community, they get dispersed by the AP's and therefore they have no time to discuss other similar problems affecting them.

Another point is Chiefs and Assistant Chiefs to be elected by the public and also the Ligurus who play a major role on the grass roots to get a regular pay rather than leaving them without any pay and yet they help to co-ordinate the Government affairs.

Tribunal Courts to be set up to discuss or to be restored. The Present system be retained. Drastic powers to be cut drastically especially on Vice-Chancellors, appointment of Ministers, Permanent Secretaries and High Commissioners be vetted by Parliament, not the President to go autonomous the way he has been handling things. Parliament to have powers – I mean, I have said that.

Retired President not to be given a provision in the Constitution to help other leaders succeeding him to run the country because already the Bill in the process to compensate him and he will remain as a retired person quietly not again indulging in the future politics of the Nation.

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

Christopher Onyango: That is the last one.

Com. Prof. Okoth Ogendo: Thank you very much. Please register. Is Zakayo Oduor there? Edward Wanzala. Andrew Okaya. Charles Akeyo. Simon Makokha. Simon Makokha. Yes Simon.

Simon Makokha: My name is Simon Peter or Masinde not Makokha as is written there.

Com. Prof. Okoth Ogendo: Who wrote it?

Simon Masinde: Somebody wrote but he misused his language.

Com. Prof. Okoth Ogendo: Masinde. Simon Masinde or not Makokha.

Simon Masinde: Mine, I wanted to challenge the Commissioner and the house as a whole because mine I want to comment on what we call Child's Rights, Care and Progress because I heard you say that a woman should also be provided with land and she can only be provided with land if she has no good stay probably maybe she was married somewhere and God did not give her a child or she is a barren woman. A barren woman is ready to be offered land where she can cultivate or construct her grave and not any land should not be provided to an illegitimate child who had not tilted or the father of the child had not tilted that land.

Second reason, County Councils: County Councils should not run to the self-business traders that have not expanded. Because we have some other people who have not expanded his or her trade and you find tax payers come to an individual just urging them to give them money and may be the trade he is having is only fish or something like that, a very small trade.

Chang'aa brewing should also be avoided because it brings problems or fights in most areas or villages because you find a person, an addict comes in just quarreling you for nothing. She can also come in just abruptly with a quarrel and we don't want such like things to continue. The Government should stop brewing of beer and buying of jaggeries because jaggeries is the main implement, it acts like a catalyst in the brewing of the beer or Chang'aa brewing.

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

Simon Masinde: The last point is we say that women should not be above men because when a woman becomes of high rank, she cannot respect a man in any case.

Com. Prof. Okoth Ogendo: You want follow that up? Thank you very much Simon. Please go and register. Can I have
Linus Ouma

Linus Ouma: Thank you very much. My names are Linus Ouma Asuva. We had given our contribution as ---- teachers but these are now my local or general views.

On Local Authorities, I would recommend that the Councillors should have a minimum education of at least a Form four certificate because most of them just go there to get salaries and say yes. They don't contribute much to their communities.

Then we should also just have one Local Authority in every District because what is happening is that they are mushrooming at the expense of the tax payers. We should have one in every District so that there is a broad financial base to sustain these authorities. They are parasites wananchi. You find that somebody gets some little money to start a business then they pounce on him snatching his sufurias, which they end up selling. And does not help traders. These Local Authorities should also provide loans instead of just collecting taxes.

System of Government: My recommendation is that we should have a Federal System of Government because the current attitude in Kenya is that people have that habit of getting as much as they can without being caught. So if you want to steal, let them steal from their Jimbos. What I am saying is that if people have work in their Jimbos, then they will work knowing that they are working for their own. So my recommendations is for a Federal System of Government to encourage people to work.

The Presidency: I would recommend that this Presidency should be rotational among the eight Provinces to avoid the idea of animosity.

Then on pension: The President should not just have pension depending on the laws which are there like any other retired Civil Servant. If he is not above the law then I don't see why he should have a special scheme for his own. As a President in any case he was earning much more money than any other citizen, so I don't see why he should have a special scheme again. He should have built a house when he was President.

On corruption: There is so much of it that I don't want to say anything about it.

There is this idea of establishing an office of an Ombudsman. If it entails fighting corruption, then I would encourage that because what is happening especially among the Policemen, they behave as if they don't get salary because for every service they offer mwananchi, they have to be paid for it separately. So there is something wrong. You look at Traffic Policemen for example, they are sort of toll stations. These are toll stations. In fact there is no traffic they control. If anything they should be confined to urban areas. They rise the cost of running vehicles in rural areas.

On health care: My recommendation would be that we should have a herbal wing established at every District Hospital. You

will find that this system works well in China where people are using their herbs and in any case even the proved medical drugs we use are also made from herbs. So we should have herbal wing established at every District Hospital because these herbs were meant for the local community and they are still effective up to now. Those are my recommendations.

Com. Prof. Okoth Ogendo: Thank you very much Mwalimu. Moses Linus. Please Mr. Linus sign our book. Moses Lukiri? David Okoth? Nerman Nuvura? Okay. Leonard Okumu? Roselyn Onyango? Francis Were? Okay.

Francis Were: Asante sana Commissioners kwa kunikubalia mimi pia nitoe maoni yangu na nina maoni na mapendekezo. Jina langu naitwa Francis Hadudu Were. Mimi ni mwenyeji na mzaliwa wa hapa, hapa na kwa sasa niseme nimestaafu hivi majuzi kutoka Serikalini. Now, nina maoni na mapendekezo ma nne.

La kwanza ni kulingana na Rais, tungependelea kwamba Rais wetu awe elected na over 50% ili awe na majority. Na wakiwa wengi kama sasa wanaweza kuwa wa sita, wa saba, tuwe na run-off ili wawili peke yake wasimame halafu yule atapata 50% and over ndiye atakuwa Rais.

Ya pili, pendekezo langu nikuwa Provincial Administration kwa vile ilivyo sasa is irrelevant. Nataka tutoe ma-DC, ma-PC na ma-Chief, wote watolewe na mamlaka yao yawe devolved kwa these County Councils. So we need to strengthen County Councils ili hizi County Councils ziweze kutake power za mamlaka ya Administration in terms of health, education na mambo kama haya. Kwa hivyo itatakiwa kwamba tu strengthen County Councils kabisa ili ziweze kuendeleza na ku take over those responsibilities.

Pendekezo langu la tatu ni kulingana na mambo ya Youth. Tunajua kwamba katika population yetu, vijana wanazidi sisi na hao ndio wataishi zaidi. Lakini ukiangalia kwa mapendekezo na hata investment za Serikali, unapata kwamba ni pesa kidogo sana ambazo ziko allocated to the youth na youth nikisema youth na mean studenys, watoto education iwe free mpaka Form four na Unviersity kila mtoto ambaye amepita, akienda University apewe bursary. Hii mambo ati fulani wengine wanapewa na wengine hawapewi hio discrimination ikoke.

Na pendekezo langu la mwisho ni Human Rights: Na hizi Human Rights nataka kuzi-categorise into about three. Kwanza ni elimu ambayo nimesema kwamba kila mtoto, elimu is a human right ambayo ni lazima tu-entrench in our Constitution.

Ya pili, ni health. Yaani kila mwananchi wa Kenya lazima aweze kupata matibabu whether he money or not.

Ya mwisho ni food security, kwa sababu mtu akiwa na njaa hata ijapo ndio tunasema wengi wetu ni masikini, umasikini mwingi ambao tuko nao hapa Busia kwetu, ni wakujiletea na huu umasikini unaweza tu kumalizwa ikiwa tunaweza ku-embed katika Constitution kwamba kila mtu as a family member or a community, lazima aweze kujilisha. Ni wale tu ambao ni disadvantaged

kwa njia mmoja au ni mgonjwa au ni mlema au mambo kama hayo ndiye Serikali inaweza kuweka what we call safety net. Yaani pesa zitengwe za kusaidia wale ambao hawajiwezi. Lakini mtu ambaye yuko able bodied, kama hawezi kuji-feed mwenyewe, lazima Constitution tuweze kuuliza kwa nini, wewe ni mtu mzima, una afya nzuri na huku unaenda kuomba, omba at wewe ni masikini. Hio lazima tu include katika Constitution yetu. Ni hayo tu Commissioners, ambayo ni nayo.

Com. Yano. Asante sana. Kedi Juma. Kedi yuko? Stephen Oloo Afwande. Afwande karibu.

Stephen Afwande: Majina yangu ni Stephen Afwande. Napendekeza hivi, hii sheria yetu ya zamani kuhusu mashambandio nitazungumzia

Upande wa mashamba, sheria ile yetu yenye tunayo hii, ilifinya sana masikini. Mashamba ya hapa Kenya ni kama ni ya matajiri. Masikini hawana mashamba, kwa maana unapata hapa Kenya masikini wengi hawana mashamba na unapata tajiri mmoja acre hata mia tano ata acre elufu kumi. Na unapata huyo mtu hio shamba ameridhi, sio yakununua. Pengine amenyanganya juu ya pesa. Na wewe masikini ukimshtaki anakimbia Kortini huko, anakimbia kwa advocate, anaenda anahongana huko, wewe kufika huko, unafukuzwa, na kweli wewe ndio umezaliwa hapo. Kwa hivyo ningependekeza mambo ya ma-shamba irudi kwa wazee ndio wanajua mipaka, venye watu wanaishi.

La pili, ma-Chief na ma-Assistant Chief wapigiwe Kura, watu wenyewe, wananchi wawachague sio mtu kuenda kufanya interview, akimaliza kufanya interview, anakimbia huko Nairobi anaenda anahongana, anarudi huko na barua kuonyesha watu ati nimepita na pengine ametafuta njia ya kufinya wenzao ndio apate njia ya kuwafinyia.

La tatu, ningependekeza ya kwamba, haya mambo ya wamama wale ambao tunakaa nao, wanawake. Usawa hatukatai, lakini isiwe usawa hata uende kwa jiko kupika venye niliona kwa sehemu zingine, mwanamke `anaambia bwana ati tuko na usawa kwa nchi hii, tuko na usawa, wewe pia leo enda upike ama aibishe mwenzake kwa mambo mengine yasio ya maana. Na ni hayo tu sina mengi.

Com. Yano: Asante sana Stephen. Tumeshukuru. Kuna wale wenye bado wako na memoranda. Memoranda? Mikono juu tafadhali kama uko na memoranda. Tafadhali kama uko na memorandum kuja hapa mbele. Kuja hapa mbele tafadhali. Na wale wengine wote ni oral presentation? Ni wangapi tuko na oral presentation? Mikono juu. Sasa chenye tutafanya ningetake nyinyi nyote mje hapa mbele ili tuwapatia numbari halafu kila mtu apatie maoni yake. Kujeni hapa mbele wenye wako na maoni ya oral presentation. Ketini hapa mbele, ndio. Wewe keti hapo. Nikukupatia nambari. Sema moja. Tafadhali ukipatiwa nafasi ya kupatia maoni, usikarudia yale yamesemekana. Sema maoni mapya. Sema jina lako na utupatie maoni.

Kizito Wangalua: Waheshimiwa, ma-commissioners, jina langu ni Kizito Wangalua na ningependa kupendekeza -----

Com. Yano: Jina lako tafadhali.

Kizito Wangalua: I will read through my memorandum so that I can keep myself to what I have written.

The Constitution ----(interjection)

Com. Yano: You don't want us to have your memorandum ---

Kizito Wangalua: No, I will use it just for reference then I'll

Com. Yano: Then just highlight the points, don't read.

Kizito Wangalua: Yes, please. I want to propose that the Constitution having guaranteed the freedom of association, religious worship, speech and others should go further and guarantee that every citizen is entitled to a basic minimum welfare status i.e. every citizen should be guaranteed at least some minimum quantity and quality of food, education up to at least the basic Primary Education and basic health and shelter. This however does not remove the responsibility of the citizen to promote a culture of hard work, prosperity and progressive wealth creation.

Citizenship should be guaranteed to the following: All children born of all male Kenyan Citizens, all children born of all female Kenyan citizens upon application and after a continuous stay in this country for at least ten years and a foreign spouse of a Kenyan citizen should also be eligible only after a continuous residence of at least ten years in this country. However, that kind of person should also be able to communicate at least either in Kiswahili or any local language of Kenya.

Com. Yano: Move to the next point please.

Kizito Wangalua: The next point; that corruption must be condemned within the Constitution and all those people who in one-way or another have promoted corrupt practices should be named, punished to pay at least ten fold and to be barred from holding public offices. These corrupt practices should include things like misappropriation, tax evasion, tribalism and nepotism.

Then Political Parties having been introduced should be guaranteed their chance to grow other than the ruling party and therefore any party, which registers at least ten per cent of the voters of this country should be financed by the State and any party also which is able to secure at least five per cent of seats in Parliament, should be financed from the consolidated funds. I want to propose also that centralizing power has made communities to run away from their responsibilities and therefore we should be able to decentralize power to the masses by having regional government at Province level. However, we should have a President and Vice-President directly elected who should not be MP but should have executive powers. To create any other

Province, which means creating another regional Government, should only be on the basis of increase of population where any Province that has more than ten per cent of the Country's population should be split into two.

Com. Yano: Wind up please.

Kizito Wamalwa: I want to wind up by saying that the President should be at least forty(40) years not more than sixty-five (65) and with at least a University Degree and not serve for more than two terms of five years each.

An MP should be at least twenty-five (25) with at least a Form IV Division II Certificate and serve not more than three continuous years and a Councillor should be the same as an MP and finally, we should be able to legalize and regulate our local liquor such as Busaa and Chang'aa so that the local persons can also be able to have something to resort to after a hard day's work. Thank you dear Commissioners.

Com. Yano: Thank you very much. No.1 please, I am giving you two minutes. Salimiana kwanza.

Josphat Okumbe: Tafadhali hio ni -- nitafanya kwa ufupi.

Com. Yano: Endelea.

Josphat Okumbe: Mimi naitwa Josephat Okumbe na sehemu yangu ya kwanza ni upande wa uridhi. Kumekuwa na case kwa mfano wakati ambao mtu amepoteza mtoto, sana sana mtoto wakiume mpaka watu waelekee Kortini. Hio inaonyesha ya kwamba Serikali haijaweka sheria fulani ya kwamba mali ya mtoto, mwana igawiwe namna gani wakati mzazi amepoteza mtoto. Kwa hivyo akina mama wamekuwa wachoyo kidogo kwa sababu unakuta kwamba, bwana amepotea, yeye anakwama na mali yote Nairobi kwa hivyo, napendekeza ya kwamba Serikali iweke ya kwamba at least 40% of the property should be given to the parents and the brothers na ile asilimia ingine ibakie namama. Kwa sababu hawa wazazi pia, huwa wanategemea huyu mwanao peke yake na mandugu zake. Hilo ni pendekezo langu la kwanza.

Ya pili ni upande wa Jeshi letu. Kwa sababu ya hali ya uchumi wa sasa, hali ya uchumi ni mbaya na tunaone ya kwamba Jeshi linafanya sana uchumi wa Kenya. Ningependelea kamba, Serikali iwe na Jeshi, ipeleke training na baada ya kupata training ya kutosha, wawache bunduki kwa barracks, wakuje nyumbani walipwe allowance fulani, na wakati wanahitajika waende wafanye kazi. Badala ya kuwekwa huko na kukula pesa ya Serikali vile wanafanya saa hii.

Pendekezo langu la tatu ni kwamba, kwa sababu ya umasikini ambao umeenea sana Kenya, watu wanataabika sana wakati wa matanga kwa mfano Nairobi. Unapo poteza mtu wako, unasumbuka kutafuta mchango kwa kila corner ambao huwezi kupata. Kwa hivyo ningependekeza ya kwamba kuna misaada kutoka nchi mbali, mbali, Serikali inunue magari fulani ya kusaidia

wakati wa shida kama hizo kwa mfano ukipoteza mtu wako Nairobi, Kenyatta Hospital, Serikali itoe gari ipeleke maiti nyumbani. Hio ndio kusaidia mtu hata kupigia yeye kwaheri, Serikali itakuwa imefanya jambo la maana kushinda kuwachia watu wake, labda huyu ameenda kutafuta kazi na haja pata, amepatwa na janga, na wazazi wake nyumbani wameshindwa vile yakumleta. Na Serikal naona kuna magari hapo tu kwa Police, ka Jeshi, inafanya kazi gani?

Ya mwisho ni upande wa Elimu: Hatuwezi kujifanya kwamba sisi ni matajiri na sisi ni masikini. Hatuwezi kutoa elimu ya bure, hio ni ngumu. Nina aibika, Okay mimi pia ni mwalimi, lakini ninaaibika ya kwamba tunapigania mishahara kila mwaka ambayo haikui. Mimi nimeona ya kwamba kuna kitu hapa, ya kwanza, Serikali haina msimamo kamili katika mipango yake ya elimu. Shule, zilizengwa bila mpango. Moja hapa, inataka waalimu, hata shule kama ina wanafunzi mia mmoja, ingine ina waalimu kumi, ingine iko na wanafunzi mia nne, na iko na waalimu kumi. Na hizi shule ziko karibu, karibu. Badala ya kuziweka pamoja, waweke hawa waalimu pamoja, wafanye kazi na walipwe vizuri hio imewashinda. Haya, wanafunzi, nilisema kuwa hatuwezi kujidanganyisha sisi ni matajiri na tunaweza elimu ya bure, hapana. Mpaka Serikali itenge hot head kwa kila mwanafunzi alipe shilingi hata kama ni mia mmoja na iende direct kwa Central Government. Hii mimi najua kwa kila mwanafunzi, tuseme hata kwa Primary ama Secondary, inaweza saidia Serikali kubeba mzigo wa kulipa waalimu. Hio nafikiria itasaidia kidogo badala ya kusema ati sisi hatuna pesa. Na pesa watoto wanalipa nyingi sana hata zaidi ya mia lakini inakwishia hapa kuanzia kwa DEO's office mpaka kwa Headmaster hapa. Serikali inaenda bure na Serikali ndio ina mzigo mzito wakulipa hawa. Kwa hivyo ninaonelea kwamba kitu kama hicho mpaka kifanywe ili Serikali ipate vile inaweza kuongezea malipo ya waalimu. Asanteni sana.

Com. Yano: Asante sana Josephat. Tunashukuru kwa hayo maoni. Tafadhali kuja utupatie maoni yako.

Anthony Agai: My names are Anthony Agai. First I would like to go to the point of Education. Much has been said about free education but a solution should be provided because these schools are like homes. I talk through experience because I am a teacher in this Division. We need Chalk, we need buildings, we need books and we need other different things in the schools.

So a solution should be provided. Not just saying free education. When we just define it openly like that, parents take it as if it is a must that children should get free education.

Com. Yano: Give us the solution.

Anthony Agai: The solution is that there must be a hot head to be provided so that this money goes to the schools to provide Chalk, the payment of the watchman, the payment of the post office and pieces of chalk.

Secondly, Corruption: We should not allow loopholes in the Constitution that allow corruption. A penalty should be set, a harsh penalty to punish those who are corrupt.

Lastly, Run-off of elections: The Person who should rule this country should get over 50% and if the winner is not found, then we should go for the second election. Thank you very much.

Com. Yano: Thank you very much Anthony. The next one please.

Peter Makokha Opio: Asante sana Commissioners kwa kunipa nafasi hii kuzungumza. Kwa majina, naitwa Peter Makokha Opio, mzaliwa wa hapa, hapa Butula, (inaudible)Village na nina mapendekezo matatu hapa.

La kwanza ni kwa upande wa sheria. Mara nyingi katika jamii yetu au katika Taifa letu la Kenya, cases nyingi zimetokea sana za wizi wa umma. Mtu ameandikwa kazi au manager fulani, au mfanyi kazi wa Serikali fulana anapoteza ma-million mengi sana, na akisha poteza, na kumbe amechukua na hapo, apelekwa Kortini, akimpleka Kortini anaandika au wakili anaweza kumtetea na inajulikana amechukuwa hizi pesa. Mimi naomba hivi, Katiba itengeneze iwe sheria ya kuwa, ikiwa wakili, wakili asitete mtu ambaye ameiba mali ya umma, pesa ambazo nyingi sana zimeenda. Atashika million kama mia moja hivi au hamsini, je amezitoa wapi? Wakati huo, huo, mtu kama huyo, Serikali au Sheria hio itungwe, mimi napendekeza hivi, mtu wa aina huyo lazima apeleleze mali ambayo anayo kulingana na yale mapato ambayo alikuwa kama mfanyi kazi kulingana na yale mapato alikuwa anapata kazini. Hapo yakipatikana kuwa mali yake imezidi yale mapato yake, anyanganywe mali hio au akiwa kazini, afutwe kazi, au mali arudishe na kufungwa pia afungwe lakini sheria iwepo wakili asitete mtu aina hio. Sheria iwepo.

Pili, pendekezo langu la pili: Ikiwa President wetu wa nchi yetu hii, wakati ambao anapendekeza au ana-appoint ma-Minister, a-appoint Minister kulingana na ile kazi ambayo Minister anao qualification nayo. Kwa sababu mimi kama nilikuwa mwalimu halafu anipe kama Ministry wa Defence, na hata bunduki sijui kushika, itaendelea namna gani? Akiwa anajua mimi nilikuwa mwalimu, anipe kazi kwa Idara ya Elimu. Hapo kazi itaendelea vizuri. Ikiwa nilikuwa kwa upande wa Jeshi huko, anipe Defence, kazi itaendelea vizuri. Kwa sababu najua procedure ya kazi, hiyo.

Tatu na ni ya mwisho. Mwisho nitasema hivi. Mvurugano wa mambo ya uridhi au nini, Serikali ifanye sheria ya wosia, a will, everybody must write a will. Lazima uandike wosia, wosia huu, ikiwa wakati umefariki itakuwa kazi raisi hata Serikali ikiingilia jamii fulani ambayo ina mkorogani ama mambo ya mashamba vile wenzangu wamesema hapa, nini, huku na huku, wosia, ndio uheshimiwe. Ikiwa ameandika uheshimiwe hata Kortini ikiwa Serikali itaweka maanani, iwe kama sheria. Asanteni.

Com. Yano: Asante sana kwa haya maoni. Anae fuata tafadhali.

Charles Jakoya: Ndio asante sana.

Com. Yano: Anza na jina.

Charles Jakoya: Jina langu mimi naitwa Charles Jakoya.

Translator: My names are Charles Jakoya.

Charles Jakoya: I was born here.

Translator: Nimezaliwa hapa, hapa.

Charles Jakoya: Lakini Katiba yange ndetea likuru

Translator: I want to protect the village elders ‘village ligurus’.

Charles Jakoya: Baguru bakhola ikasi ya maana sana mulukongo

Translator: Village Elders do good work in the villages.

Charles Jakoya: Kata sub-chief mulukongo alaraba muguru ali

Translator: Even the Assistant Chief when he comes to the village, he will definately wish to know where the Liguru is (or village elder).

Charles Jakoya: Akonye omundu aba niyenyanga

Translator: So as to go and look for the person he wants.

Charles Jakoya: Khwamunyole

Translator: So as to get to him or her.

Charles Jakoya: Hata Chief yesi yari yetsa mulukongo mpaka alaraba mukuru

Translator: Same to the Chief.

Charles Jakoya: Khwesie ndetea bakuru bayebwe emishara

Translator: So me, I am advocating for the Ligurus to be paid.

Charles Jakoya: Makosa nikokholekha mulukongo sub-chief niyetsa arangiranga khureba mukuru

Translator: When there are problems in the village, the Assistant Chief when coming, will first of all look for the Ligurun or village elder.

Charles Jakoya: Kata esie nindakhanyola eshida njichaka wa mukuru ali kata nail mundalo ndalamurusiamo

Translator: Even me when I have a problem, I run for the village elder even if he is in the garden, in the shamba, I will look for

him.

Charles Jakoya: Khumukurwa akhoyere anyole mushara

Translator: This man Liguru (Village Elder) should be paid.

Charles Jakoya: Omundu kama nga mwalimu akholenga ikasi indunyu sana

Translator: A person like a teacher does a lot of work.

Charles Jakoya: Khwibulanga abana nibali basuru sana

Translator: Because we give birth to children when they are very raw.

Charles Jakoya: Nikhuberesia balimu

Translator: We give them to teachers.

Charles Jakoya: Lano balimu becha khukenda nende abaana mupaka abaana babe na makesi

Translator: The teachers will enable these children to grow until they get knowledge.

Charles Jakoya: Khu mwalimu nomundu wa maana akhoyeri bamumede omushara omukhongo

Translator: A teacher is very important and he should be given a big salary.

Charles Jakoya: Nindakhaba esi

Translator: (inaudible)

Charles Jakoya: Chikambi chefwe cha Chief tsibiya

Translator: All our Chief's camps are spoilt.

Charles Jakoya: Onyala khudira omwifwi

Translator: Because you can arrest a thief,

Charles Jakoya: Ne ni wakhadira omwifwe niwakharera mukambi

Translator: and when you take this thief to the chief's camp,

Charles Jakoya: Ne bakhurebanga mapasa mburusia mapesa khukhwire omundu uno Busia

Translator: They ask you for money before they can bring him to the Police cells.

Charles Jakoya: Nayebwa ma officer akatsa khumulinda ma officer sita

Translator: and he is given six officers to go and take care of him and to protect him,

Charles Jakoya: Nayebwa inyumba itsurumu kumi na mbili

Translator: and he is given a house of twelve rooms,

Charles Jakoya: Khandi oundi ario khandi oundi ario

Translator: another one like that and another and another,

Charles Jakoya: Ne eno serikali ilira mbu ibula mapesa

Translator: and yet the Government says it has no money.

Charles Jakoya: Khusikari ifinya raia abwenewo mulingekhowo

Com. Yano: Pendekeza, hapana sema shida bila kupendekeza.

Translator: So this Government is annoying the public. Look into it.

Charles Jakoya: Etsho nicho tsishida tsiri mukenya ni kaba mbu omundu mulala yakhayoyerenga amepesa kosi ne masikini

Translator: All the problems in Kenya will remain if only one person will be collecting all the monies

Charles Jakoya: Ako niko kange.

Translator: That is what I had.

Com. Yano: Asante sana.

Roman. Odhiambo: Kwa majina ni Roman Odhiambo. Mimi nitazungumza juu ya Provincial Administration. Juu ya Provincial Administration, nitapendekeza PC atolowe na waweke District Resident awe anasimamia. Na DO atolewe waweke Senior Chief awe anafanya kazi ya DO. Na mahali pa Senior Chief huyo, watoe Administration Police, na waweke Police. Administration police wapelekwe kwa GSU ama kwa Military, wawe trained huko. Na ikiwa wanataka Administration Police, wawe wanakaa kwa division, waende training ya ku-handle watu, wasome law.

Liguru, yaani village elder, inatakikana minimum qualification awe mtu wa class eight na awe anapata mshahara. Hayo ndio mapendekezo yangu. Asante sana.

Com. Yano. Asante sana. Tumeshukuru kwa hayo maoni. Nani anayefuata?

Blasio Okwedo. Kwa jina naitwa Blasio Okwedo na nina mapendekezo kuhusu wafanyi kazi. Katika upande wangu nilikuwa naonelea kama Serikali ingeshughulikia wafanyi kazi wa companies kwa sababu mara nyingi sana wakiwa wanatangaza mishahara ya wafanyi kazi, hakuna siku wafanyi kazi wa company huwa wanapatiwa minimum ya mshahara yao. Kila wakati, Serikali huwa inasema imeongeza wafanyikazi wa Serikali kwa kiasi fulani. Lakini kuhusiani na ma-company, hawatamki kitu. Kwa sababu ukienda kwa yule ambaye ni muajiri yeye huwa hachukui hasa mfanya kazi kama sisi wafrica kama wafanyi kazi. Ningependekeza kama mtu angeweza kuja kuleta company yake katika Kenya, apatiwe sheria ambapo ingeweka mfanyi kazi ama mwana Kenya kuwa huru, asije akafinywa jinsi tulivyo sasa hivi. Sasa hivi, wafanyi kazi wa Kenya tumefinywa sana na watu kutoka nje hasa wale ambao wame-employ watu wa Kenya kwa sababu mengi za companies ni watu kutoka nje. Kwa hivyo kwa upande wangu ningependekeza kama Serikali inge, au wakikuwa wamekuja wapatiwe sheria ambapo uwa inatii hapa Kenya. Hapa Kenya tunaishi lakini wale wakija kutuandika huwa wana madharau na mambo kadha wa kadha.

Na upande mwingine, ni sababu ukiwa unapata mshahara duni, hauwezi kusomesha mtoto. Mtoto atakushinda kusomesha. Na sasa katika hawa vile wanakuja kumpatia mtu mshahara duni, inashinda watu wengine kusomesha watoto. Upande wa maoni yangu, ningenelea Serikali iangalie hapo na iweke sheria kwa hawa watu ambao wanaandika wafanyi kazi wa Kenya na mshahara uwe mzuri. Nafikiri maoni yangu ni hayo.

Com. Yano: Asante sana. Anaye fuata.

Desterio Ochie'ng: Kwa jina naitwa Desterio Ochie'ng. Mimi kwa pendekezo langu, nasema hivi. Nimesikia hapa maoni ikitolewe kuhusu akina mama, ninaonelea hivi, kwa upande wa baba na mama, hapo ninaona huruma zaidi kwa sababu mtoto msichana akitupwa asiwe kufikiriwa kama amekosa mahali au hakubahatika kupata bwana au akapata njia yoyote, yakujimudu, au mahali pa kuzikwa na mnaonelea tuachie Serikali jukumu hilo, hapo niliona huruma zaidi nikasema hapo Serikali ifikirie sana kwa sababu mama na baba ndio walizaa mtoto huyu, Serikali haikuzaa mtoto huyu. Hapo pendekezo langu ndio hilo.

Pendekezo langu lingine nasema hivi, hapa Marachi kwetu tunalima miwa na tunalima njugu na hatuna kiwanda hata kimoja kwa wa-Marachi. Miwa inatoka hapa inaenda kupimwa Mumias, tuliambiwa tutaletewa kiwanda hapa na miwa inalimwa hapa, inatolewa hapa, inaenda kupimwa Mumias huko hali ya transport inakatwa nyingi na kiwanda hatuna. Njugu tunalima hapa na hatuna kiwanda. Zamani tulikuwa tunalima hapa pamba, hio pamba imekufa hatuna kiwanda cha pamba. Pendekezo langu ni hilo.

Tena ingine hapa Marachi, naomba kweli watu wa Serikali yetu ya KANU vile tulipata uhuru, sheria ilipitishwa baada ya kuandikwa Lancaster House wakasema wanakubaliana watoto watasoma bure katika shule. Naona watu wakipinga hapa sana. Mambo ya kusoma bure watoto ndugu zanguni, tukubaliane, tusaaidiane, watoto wasome bure. Mtusaidie watoto kutoka class one hadi hata kama ni class cha nane kama munaweza Serikali yetu, musaidie watoto wetu wasome bure. Kwa sababu watoto hawa wanasoma classs cha nane kuanzia class one, huwa wanatusumbua sana. Mtoto huwa anafukuziwa hata shillingi tano, hata shillingi kumi kwa shule. Na huyo mtoto ni wa darasa la nane. Mtoto akakaa kaa nyumbani kama hakuna pesa kama siku mbili au siku tatu kama hauja pata pesa.

Com. Yano: Asante sana Desteria tumesikia hayo maoni yako. Tumefurahia. Tafadhali jiandikishe. Asante sana.

Blasio Ochi'eng: Ni hayo tu yangu machache.

Com. Yano: Asante.

John Odwasi: Jina langu ni John Odwasi. Maoni yangu mimi mwenyewe nina eleza hivi, tafadhali nitaanzia upande wa President na tunataka wale kama inawezekana wakuwe watu wawili ambao sisi tuangalie uzito wao. Hatutaki wakuwe watu wengi ni kelele bure. Tunataka watu wawili na ndio tuone uzito wao ambao kura itachukua nani na itabakia kwa nani. Kwa upande huo.

Neno la pili, neno lilisemekana kila dola itachukuwa kila kabila ya Kenya tulivyo kabila arobaine na something mbele na tunataka kila kabila ifanye miaka tano hata wakati ule wao walienda Lancaster House huko ng'ambo wabeberu waliambia hao, kila kabila itachukua five years, miaka tano, tano. Sasa hili tunakataa kwa neno la kusema kama unawacha kazi ni lazima uchukue mtoto wako ndio umuweke. Sasa itakuwa tu watoto kuwekwa, watoto kuwekwa mpaka miaka mia mmoja. Hilo neno hatutaki. Tunataka Serikali yetu ichukue tena upande ya shurki kama Serikali, mtu anaitwa Serikali, akitoka ndani ya kambi ako kwa mkono wa DO na yuko katika mkono wa Chief, ni lazima aweke signatures yaani aweke mkono kwa ofisi aseme mimi nataka kuenda mahali fulani, matatizo fulani, matatizo fulani iko huko. Asije kuchukuwa tu bunduki, na anaenda huko kufanya maneno halafu akifika wanasema oh! Askari wa fulani, askari wa Butula au askari kutoka mahali fulani. Hio lazima askari wakiija ndani ya camps akuwe chini ya mkono wa DO na chini ya chief ndio amupe yeye mahali pachafu ndio aende. Hayo ndio yangu maoni yangu.

Com. Yano: Asante sana. Tumeshukuru kwa haya maoni. Anaye fuata?

Jason Odhiambo: Asante sana Commissioners mimi kwa majina naitwa Jason Odhiambo yangu ni maoni nafikiri. La kwanza vile tunajua kwa mafikirio yangu, maoni yangu ya kwanza inasema ya kwamba mtu kama President anatakiwa pia akuwe na sheria fulani ili President awache kuwa mtu wa udanganyifu kwa raia wake. Hio nikusema ya kwamba President aongee neno

la kanuni kwa raia halafu ndio raia wengine wafuate vile President amesema kwa sababu President ameshikilia watu kama baba wa boma. Ikiwa President ataanza kuzungumza uongo hio inaonyesha hata kila mtu atakuwa mdanganyifu kwa nchi.

Lingine ni upande wa umasikini Kenya, masikini ni wengi sana kama sisi, masikini ndio watu wengi. Mimi kwa upande wangu ningependelea ya kwamba ikiwa mtu anaweza kuwa raia mwema ambaye anaweza kufanya mambo ya maendeleo hata sub-chief wake anajua ya kwamba huyo mtu ni raia mwema na ameshnidwa kwa fedha kujisaidia. Serikali ingechagua watu kama hao halafu iwe inawapatia msaada fulani ama kama ni loan ama kama ni mshahara kidogo ya kuendeleza maendeleo yake kwa boma ili atunze boma lake likue sawa sawa. Hio ingekua safi kuliko mtu kuwachwa tu namna hiyo pengine una nia ya kujiendeleza kimaendeleo lakini umeshindwa kwa sababu hauna kitu chochote, sasa hata Serikali imekuwacha uko tu namna hiyo. Nafikiri hayo machache ndio yangu.

Com. Yano: Asante sana. Asante sana Jason. Anaye fuata?

John Kwena: My name is John Kwena and I will discuss over the --.

My first point is about freedom of worship. Actually in this new Constitution, I would request the Commission to take this that we need freedom of worship but it doesn't mean that if there is freedom of worship, we should have devil worshippers around. The Government should take in consideration before they register any denomination, they should scrutinize properly and confirm that they are true believers of Jesus Christ rather than registering devil worshippers within the country.

Second point is that any Church should not interfere with another Church. This causes a lot of inconvenience because various denominations, they have their own regulations rather than following the regulations of the Bible.

I will talk about the NSSF Fund: This one I would request that the Act to protect those people who are normally terminated before they reach the age of retirement. They should actually be given loans to survive, to do their daily or to start a business or whatever and when I come to the side of employment, they should also consider, there is some work where a woman should not interfere with a man. This heavy commercial work. It should actually, let them give the first priority to men or let it just remain for men, this heavy commercial work for example driving, nowadays I can see ladies are driving in Government sections, they are employed as drivers. You will find if you go to building constructions, you will find there, women struggling with young men and whenever you go to that gate where they are recruiting those guys, these supervisors, they normally consider these women rather than considering these boys and these boys are the people who can get the little they can to assist their families at home and these ladies, you will find them interfering with these young guys in Industrial Area, you will find that these ladies, they get this money and they cannot help even a boy who has been left outside the gate. So better, these hardship work let the first priority be given to the men rather than being given to ladies.

Com. Yano: Kwena, thank you very much. I realize that (laughter) you are really a progressive Kenyan. Karibu.

Gaitano Okello: Asante sana Commissioners. Kwa jina mimi naitua Gaitano Okello. Mimi nimzaliwa wa hapa. Yangu ningependa kuongea kwa Idadi ya watu, imekuwa zaidi sana hapa Kenya. Na hio idadi, ningependa Serikali iweke sheria. Na hio sheria kwa maoni yangu iko namna hii. Nimeona ama nimezaliwa kwa familia kubwa sana. Nimepata mzee ameo mabibi watano. Hawa mabibi watano wote wamezaa watoto. Hawa watoto wamekua na shida. Huo mzigo wote unapelekwa Serikali. Hapo mimi ningependa Serikali iweke Sheria hapo ya Wazee kutooa mabibi wengi.

Com. Yano: Basi pendekeza. Unataka Sheria iseme nini?

Gaitano Okello: Mzee aoe bibi mmoja au wawili hao wametosha.

Com. Yano: Haayo ni maoni yake. Endelea.

Gaitano Okello: Baada ya kuowa hawa mabibi wawili wametosha aweke sheria pia ya kuzaa watotot.

Com. Yano: Wangapi?

Gaitano Okello: Kama ni watano wametosha. Tusipate mzee amezaa watoto karibu ishirini. Shida imetokea, watoto wamesha kuwa wakubwa. Wale wanataka kuolewa wanataka kuolewa, wale vijana wanaotaka kazi, huo mzigo wote unaenda kwa Serikali. Sasa shida zote tunaweka kwa Serikali na ni sisi wenyewe tumejiletea. Hiyo tunafaa tuangalie.

Com. Yano: Point ingine?

Gaitano Okello: Point yangu ingine, sasa mimi nakuja kwa upande wa Serikali, itusaidie ituwekee Sheria ya watoto kusoma free. Masomo ni kitu cha muhimu kabisa na ndio imefanya hata Kenya ikaendelea kwa sababu ya masomo. Mtoto asome kutoka darasa la kwanza mpaka Form four freely.

Ya pili, Afya: Mtoto atibiwe bure au mtu yeyote atibiwe free tafadhali. Hayo ndio maoni yangu. Asanteni.

Com. Yano: Asante sana. Nafikiria kufikia hapo tumemaliza kuchukua maoni ya watu wa hapa Butula.

Nawahakikishia ya kuwa bado tunachukua maoni yenu, hatuja maliza na hii Constituency. Bado tuko kwa hii Constituency na wiki ijayo bado tutarudi hapa. Sasa kwa wale pengine wangetaka pia kuongezea yale maoni wamepatiana, muko na uhuru kufanya hivyo. Tukisha chukua maoni yenu vile tumechukua leo, tutaenda tukawatengenezee ama tutatengeza riporti, na hio

District Co-ordinator: Ma-Commissioners, viongozi ambao wako hapa, kwa niaba ya wakaaji wa Butula, ninataka kuchukua fursa hii kushukuru ma-Commissioners kwanza kwa kutupatia nafasi ya kutoa hotuba na maoni yetu. Ninajua ya kwamba wangependelea tuendeleo hata sisi lakini vile mumeona wamekaa tangu wakuje na tumeendelea kutoa maoni mpaka saa hii. Ninataka kuwashukuru nyinyi wale ambao mko hapa kwa maoni yenu, maoni huru na ninafikiria kwamba vile walisema hakuna mtu atawalaumu ama achukue hatua yoyote kwa maoni ambayo yametolewa.

Assistant Chief: Tusimameni tuombe. Baba katika Jina la Yesu tunataka kukupongeza na kukushukuru, tuna nyenyekea chini yako kwa sababu umekuwa na sisi mchana wote. Tumetoa maoni yetu na yameshikwa vizuri sana na ma-Commissioners, tunawaomba baraka ya safari wanapo rudi mpaka tutakapo kuwa Juma tatu na hata Juma nne pamoja nao tunaomba ya kwamba tuendeleo kukaa pamoja vizuri. Asante kwa kila mwananchi ambaye amewakilishwa hapa na familia ambazo zimewakilishwa hapa, Baba tunaomba usalama. Ni katika Jina la Yesu Christo ninaomba. AMEN.

[illegible]