

CONSTITUTION OF KENYA REVIEW COMMISSION

(CKRC)

VERBATIM REPORT OF

CONSTITUENCY PUBLIC HEARINGS,

EMUHAYA CONSTITUENCY,

KIMA MISSION CHURCH

Wednesday, August 7th, 2002

CONSTITUENCY PUBLIC HEARING- EMUHAYA CONSTITUENCY, ON
WEDNESDAY, JULY 11TH, 2002 AT KIMA MISSION CHURCH

Present:

Com. Pastor Zablon Ayonga
Com. Dr. Abdirizak Nunow
Com. Mutakha Kangu

Secretariat Staff in Attendance:

Samuel Wanjohi - Programme officer
Hellen Namisi - Assistant Programme Officer
Grace Gitu - Verbatim Recorder
Agnes Auma - District Cordinator

Meeting started at 10.00am with Com. Pastor Ayonga in the chair.

Mrs. Doris Orison: Asubuhi ya leo tuna bahati kuwa na wageni wetu ambao ni Commissioners na tunawakaribisha nyinyi nyote pamoja na hao, mujisikie muko nyumbani. Na kabla hatujaanza mkutano wetu, tutauliza muhubiri atuweke kwa maombi kabla tuendelee mbele. Na karibisha muhubiri wetu, Reverend Wycliffe Otundo. Kuja uombe.

Rev. Wycliffe Otundo: Tujiweke katika utukufu wa Mungu.

Prayer: Tumekaribia hapa katika kanisa lako takatifu kusudi tusikizane katika maisha yetu kwa kudumu katika ulimwengu ulio na mashaka mengi. Watumishi wako wamefika hapa, wakitafuta maisha ya wenzio na maisha ya dunia yetu na maisha ya Kenya yetu na utawala wetu. Bwana utupe mawazo mazuri. Uwape akili leo, uzungumze na wao katika mawazo yao, jinsi wawezavyo kutawala Kenya yetu ilio na mashaka mengi na adui wengi na watu kutosikizana, Bwana tunakuomba zunguka katika mioyo ya watu wako katika Kenya, washikamane katika kusema, washikamane katika kuongea, kufanya kazi pamoja, kujua wao ni watu wa Kenya. bwana bariki hawa wazee, bariki vijana tulionao, bariki Kenya yetu, Bwana ututawale. Ingawa tunataka mtawala, zaidi sana tunataka mtawala kutoka kwa uwezo wako. Bwana bariki hawa wageni, na neno watakalo zungumza,

Bwana liwe na chumvi, liwe la msaada la kusaidia watumishi wako Wakenya. Bariki Kenya yetu kwa jina la Yesu Mkombozi wetu, Amen.

Mrs Doris Orison: Tumefika wakati wa kujuana. Lakini kabla tufanye hivyo, ningependa kumpatia muhubiri ambaye ni msaidizi wa yule anasimamia kanisa hili, atuingize sisi kama wageni wake ili tujuane, karibu muhubiri.

Rev. Patrick Maina: The Commissioners, your pannelists, and all in attendance, my names are Reverend Patrick Maina, standing here on behalf of the Bishop of the Church of God in East Africa, the Right Reverend, Dr. Byron Makokha. We are most delighted to host you here as we participate in this most noble occassion of collecting views. Ni madhumuni yetu ya kwamba munapointia hapa siku ya leo, ijapokuwa tuko katika hekalu, lakini mujisikie uhuru kiasi cha kutoa maoni yenu na mazungumzo yenu katika mjadala wa leo kwa uhuru wote lakini tukijua ya kwamba, vile muombaji amesema, Mungu ndiye mkuu wetu sote. Lakini tuwe uhuru kama Wanakenya, mujisikie uhuru katika jengo hili kuchangia makusudio ya lengo la leo. Na tunawakaribisha kwa moyo wote. Mujisikie muko nyumbani. Tuko sehemu moja na nyinyi, hata kama ni kanisa, lakini we are still part of the Kenyan society. You are most welcome. Thank you.

Mrs. Doris Orison: Baada ya kukaribishwa, ningependa kuwajulisha ya kwamba, Emuhaya constituency imekuwa ikisimamiwa ama ikiongozwa na kamati teule ya Constituency Constitution Committee, na imekuwa ikiongozwa na Mrs Obuluta, who has just arrived. Na mimi nikiwa secretary wa kamati hiyo, ningetaka kumuingiza ili atujulishe kamati ya constituency na ningependa pia kuwajulisha kwamba tuna mikutano miwili katika division hii. Huko Eburnangwe, kuna kikao katika Itile church, Eburnangwe, na wale ambao wanatoka sehemu ile tumewaambia waende watoe maoni yao huko chini Eburnangwe na Members wa kamati wengine wameenda huko. Kwa hivyo hapa tuna wana kamati watano na pia Bishop Reverend Makokha ni member wa kamati hii na ametuambia kwa sababu ana kazi zingine, sisi tutaendelea. Kwa hivyo namuingiza Madam Obuluta, ajulishe kamati yake kwa Commissioners na nyinyi wote ili tuanze. Karibu Madam Chairman.

Mrs. Getrude Obuluta: Commissioners na wageni wetu, hamjambo?

Response: Hatujambo.

Mrs. Getrude Obuluta: Niko na furaha kuwakaribisha hapa kwetu. Na hawa ndio wana kamati wale tumekuwa tukifanya kazi nao. Tukianza na George Oredo. Yeye yuko kutoka Wehomo location. Halafu tuko na Arthur Etale, kutoka Central Bunyore. Halafu tuko na Dorah Orison, kutoka East Bunyore. Halafu tuko na Christopher, yeye alikuwa representative wa disabled. Sasa ningependa kuwakaribisha Commissioners, waendeleo na kazi yao. Asanteni. Mimi mwenyewe naitwa Getrude Obuluta kutoka West Bunyore.

Com. Pastor Ayonga: Mrembe mwesi. Mimi ni Mnyore, ni Mnyore, lakini naishi upande wa Kisii ingawa kuna Mnyore

mwingine hapa ambaye si Mnyore haswa lakini anazidi kunipinga, anataka nisifuute roots. Unajua watu wenu ni watu wenu, upende usipende. Kama tungeita mtu leo aje achukue damu ya Wanyore, yangu itapatikana huko tu. Asubuhi ya leo, tumefurahi sisi kama wawakalishi wa Commission yetu ya kuchukua maoni kuwa hapa kwenu. Na kwa maana ni lazima tuanze mapema na tufuate taratibu, kwanza nitawauliza Commissioners wawasalimu. Lakini kabla hawajawasalimu, upande ule, tuna secretariat, watu ambao wanatusaidia katika kazi hii kwa kuchukua record, kwa kuchukua memorandum ambazo mumetuma, kwa kunasa maneno yenu, kwa kuandika maneno yenu.

Ningalipenda ndugu Wanjohi usimame. Kila wakati ukishamaliza maneno yako hapa mbele tutakwambia uende kule. Yule atakuandikisha, uweke kidole, utoe memorandum yako kule kwake na yeye ataiweka. Halafu tuna dada wawili hapa. Mmoja anachuka maneno yenu yakinaswa katika kanda. Hebu waonyeshe hiyo kanda. Huyu ndiye Grace, yeye, wakati mwingine mutakuja kuona hapa huyo mtoto wa Wanyore haandiki na utanza kufikiri amedharau maneno yangu au utamwona daktari hapa haandiki au mimi. Nasema mimi nilipokuwa nikisema sikuona wale watu wakiandika. Maandishi yetu hapa ni ya kuchukua pointi fulani ambazo pengine tunataka kukuliza maswali.

Lakini kule, kila neno utakalosema litashikwa. Kwa hiyo kazi yetu, misemo yenu yote itaingia hapa kwa kanda. Halafu baada ya Grace tuna dada mwingine. Helen ambaye atakuwa pia anaandika na kutunza record ya mambo yote jinsi yanavyoendelea. Kwa hivyo hao dada Grace, Hellen wana kazi. Wanjohi ana kazi na sisi hapa tuna kazi ya kuwaelekeza.

Lakini sasa kabla hatujaanza nataka mupate salamu ambazo ni za pekee kutoka kwa Dr. Abdirizak Nunow. Huyu ndiye anatoka mbali kuliko sisi sote. Si mimi nilisema mimi ni Mnyore, mimi nilisema “mrembe” na hebu nikwambie kule tunaposema kile kinyore chenyewe, tunasema “Omurembe mwesi”, unasikia. Si kwamba nina-guess, ni omurembe mwesi, mwesi ni wote, na omurembe ni amani. Hiyo ndiyo original na tulienda nayo huko tulipowaacha hapa. Mulichoka, milima pia iko mingi, mawe ni mengi, basi mukaona mukalie hapa na hakuna ubaya. Ndugu yako ni ndugu yako hata awe wapi. Kwa hiyo mtasalimiwa salamu ambazo zimetoka mbali, kule North Eastern na amezibeba, wakati mwingine alitembea nazo na miguu, wakati mwingine alizibeba akiwa juu ya ngamia, wakati mwingine amezibeba akiwa kwa ndege, wakati mwingine amezibeba akiwa kwa motokaa, na hizo si ni salamunzito?. Daktari salimia watu.

Com. Nunow: Asante sana Commissioner Ayonga. Mimi vile muliambiwa kwa majina ninaitwa Abdirizak Nunow, mmoja wa Commissioners wa Tume. Wananchi wa Emuhaya constituency, nina furaha sana kuwa nanyi leo, na natumaini kwamba mutatoa maoni yenu bila hofu, bila kuogopa kitu chochote, na jinsi mpendavyo. Kusudi ni kwamba lile liko chini zaidi kwenye bongo la mtu litoke, liweze kusaidia kutengeneza Kenya mpya. Karibuni na asanteni. Ahsalamu aleikum!

Com. Ayonga: Mumesikia hizo salamu ni tofauti sana? Eeh, mulisema aleikhum salamu. Vizuri sana. Mimi ni Pastor Zablon Ayonga, Commissioner, na leo nitakuwa kama mwenyekiti kwa wakati wa asubuhi, lakini sasa wacha huyu mtoto wetu wa kando hapa, awasalimie na tena awaambie taratibu. Taratibu tutafanya mambo haya namna gani. Salimia watu kwa Kikisii sasa.

Com. Mutakha Kangu: Asante Bwana Pastor Ayonga.

(Kiluhya dialect) Mimi naitwa Mutakha Kangu, nimekuwa hapa siku ingine tukizungumza na nyinyi, na nikamwambia

(Kiluhya dialect). When I am teasing him as a grandfather from whom I get wisdom, I normally tell him that the Kisiis' were looking for baridi, wakatuacha hapa wakasonga huko mbele, halafu wamefika huko wameharibu kiluhya. Badala ya kusema 'makuru', wanasema 'makoro'.
(?) Wanasema

(?) si ni kiluhya tu wameharibu kidogo? Sasa n dio unasikia yeye akisema yeye ni Mnyore kwa sababu nimemwambia they are not Kisiis', they are luhyas who have just spoilt Kiluhya. Asante sana. Sasa, siku ya leo ni siku yenu ya kutoa moni kwa Tume ya Kurekebisha Katiba na kama hatujaanza, tuna utaratibu tunaeleza, ndio watu waweze kujua vile mkutano unaendeshwa.

Jambo la kwanza ni kwamba huu ni mkutano wa Tume ya Kurekebisha Katiba. Kiongozi wa kanisa ametukaribisha na tuko na yeye, na munaona yeye mbele yenu. Mkutano wa leo si wake ni wa kurekebisha Katiba na hata kama mkiangalia kati yenu, pengine kuna viongozi wa serikali, provincial administration, pengine ma-chief, sub-chiefs, tunasema huu ni mkutano wa Tume na kwa hivyo hata kama hao watu wa serikali wako katikati yenu, wasiwe ni watu wa kufanya wewe uwe na uoga usiseme yale unataka kusema. Tumefanya kazi na watu wa serikali ikakubalika kwamba mradi wa kurekebisha Katiba, ni mradi wa Wakenya wote, ni mradi wa serikali, na kwa hivyo watu wa provincial administration wamekuwa wakisaidiana na sisi, wanasaidia committees zetu on the ground na wamekuja hapa wakijua, hata nao wamekuja kutoa maoni yao, sio kuja kutisha wewe usitoe maoni.

Kwa hivyo ujisikie uhuru. Feel very free to state your views, kwa sababu tulisema kuna shida hapa Kenya kulingana na vile tunaendesha maneno yetu, na tukaamua tutafute ni shida aina gani na tutafute suluhisho itakuwa nini na hatuwezi kufanya hivyo ikiwa wewe utakuja hapa na tena uogope kusema yale uko nayo. Hata kama unataka kusema provincial administration hatutaki, feel free to say that because those are your views. Hata kama unataka kusema, " ooh, makanisa yamekuwa mengi sana, don't fear because mtu wa kanisa ako hapa. Juzi tumekuwa huko Teso na mwingine akatuambia, we seem to be investing too much in churches when people are going hungry. We need to kuchunguza haya maneno. So even if you wanted kusema hivyo, hapana ogopa kwamba kiongozi wa kanisa ako hapa mbele kwa sababu tunatafuta suluhisho ya shida ile tuko nayo. We must be able to put all our ideas together ndio tujue tutaelekea upande gani. Hata kama mwenzetu ni Pastor na unataka kumwambia," ooh, haya maneno ya kanisa hatutaki, wewe mwambie tu. Hapa leo ni Commissioner tu, yeye hapana Pastor. Hatahubiri leo. So, zungumza ukiwa free.

Jambo la pili, maoni tunataka kuchukua kwa kutoka kila mtu, wazee, wamama, vijana, walemavu na watu wa aina yote. All the diversities zenye muko nazo hapa. Tunataka mchanganyiko wa watu wote na wakati mtu anazungumza tunasema tunataka tuwe na uvumilivu. Usisikie mtu anasema mambo hukubaliani nayo, uanze kupiga kelele. Mpatie nafasi aseme yake, amalize na wakati

na wewe utapatiwa nafasi utaweza kusema lile hukubaliani na yeye na yale unafikiria inafaa badala ya yale yule mwingine amesema. Tukifanya hivyo, tutaenda sawasawa. Sababu ingine nasema tusipige kelele, ni kwamba mumelezwa maneno munayosema tunaandika, na tena tunanasa kwa mtambo wa kunasa sauti. Na mukianza kupiga kelele, hiyo ita-interfere na ile process ya kunasa maneno. Baadaye tukikaa tukitaka kusikiza maneno yaliyotoka Kima tunapata tulirudi na kelele badala ya maneno. Kwa hivyo, muwe watulivu na hapo tunasema hata ikiwa mtu ansema jambo linalokufurahisha, hapana anza kupiga makofi, you will interfere with the recording. Tulia akimaliza

(in luhya dialect)

Translation: Umpatie sifa huko nje, badala ya kupiga makofi hapa. Utaharibu the record.

Maoni tunachukua kwa namna tatu. Ya kwanza ni watu wenye wana maandishi, lakini hawataki kuzungumza lingine lolote. Yake ni kuleta maandishi yake hataki kuelezea hayo maandishi, hataki kuzungumza lolote. Ukiwa wewe una maoni aina hiyo, unaweza toka pole pole unapeane pale, jina lako linaingizwa kwa register, unaweka sahihi, na details zingine utaulizwa zitawekwa. Na ukitaka kukaa usikize wengine wanazungumza nini, unakaa. Ukiwa na shughuli mahali pengine unataka kwenda, unaweza toka pole halafu uende, utakuwa umepeana maoni yako.

Namna ya pili, ni wale wana maandishi, na tena wanataka kuelezea hayo maandishi. Unataka kuzungumza juu ya hayo maandishi, unataka ku-explain. Tutakupa nafasi ukae hapa ueleze, lakini tunasema isiwe nafasi ya kukuja na wewe unataka kusoma yote umeandika. Kwa sababu saa ingine itakuwa mrefu, inachukua muda mrefu. Jaribu kumulika tu yale ya muhimu. Highlight the key issues kwa sababu utatupatia, tutaenda kusoma yote yenye umeandika. Utafanya hivyo na ukimaliza upeane pale jina lako liandikwe uweke sahihi.

Namna ya mwisho ni wale hawana maandishi yoyote, lakini wana mambo wanataka kutueleza kwa mdomo. Tutakupatia nafasi ukae hapa ueleze tunaandika na tunanasa na ile mitambo ya sauti. Hata na wewe ukimaliza uende uandikishe jina uweke sahihi. Huo ndiuo utaratibu tunafuata. Kwa wale wana maandishi na wanataka kuelezea hayo maandishi, tunasema tutakupatia dakika tano ya kueleza hayo maandishi. Kwa wale hawana maandishi, tunasema tutakupatia dakika kumi ya kujieleza. Sababu ni kwamba yule hana maandishi, hana kitu kingine atatuachia, na kwa hivyo ni afadhali tumpatie muda aeleze mambo yake yote tuende nayo. Wale wana maandishi, tutaweza kusoma maandishi baadaye, but tuna discretion, wakati tunaanza mkutano watu hawajakuwa wengi tunaweza kukuongezea wewe muda kidogo.

Wakati inaanza kufika jioni watu ni wengi na masaa inaenda tunaweza kupunguza hata hiyo masaa. Sasa tuseme badala ya dakika tano ni dakika tatu na wewe ujaribu kutusaidia ndio tuweze kusikiza watu wengi. Pia tuna discretion tunasema kuna watu tunaweza angalia, tunaweza kusema huyu ni opinion leader, na ako na maneno ya wengi afadhali tumwongeze muda kidogo aeleze mambo yake kwa niaba ya wengine. Ama tukianza kufika afternoon, wengi wenu mtapata yale mlikuwa mnataka kuzungumza yameshatajwa na wengine na kwa sababu muda inaenda tunasema, saa ingine hakuna haja kurudia yote. Unaweza guza pale na pale, halafu ulete ile ingine haijazungumzwa na mtu mwingine. Ama kama uko na a new perspective kwa ile

imezungumzwa, na wewe utupatie that new perspective ndio tuweze kupata mambo yote. Hivyo tutasikiza wengi na tupate maneno mingi.

Kwa hivyo tuweze kupata huo utaratibu na tuende sawa sawa. Ukimaliza kuzungumza tunaweza kuwa na maswali ya kukuuliza wewe kufafanua mambo umesema. Tutakupatia hayo maswali, unatujibu kama una majibu. Kama haujafikiria, hauna majibu, tena si lazima ujibu. Unatuambia hukuwa umefikiria, pengine utaenda kufikiria baadaye. So muweze kuelewa.

Na mwisho, lugha, tunasema hatutaki kuambia watu kuja mbele yetu uzungumze lugha fulani. Wakenya tulisema watoe maoni yao na kwa hivyo hatuwezi kupeana nafasi na tena tuinyang'anye kwa kusema lazima utumie lugha fulani. Uko na uhuru wa kuchagua mwenyewe ni lugha gani utatumia itakuwezesha kueleza mambo yako bila shida. Ukitaka kuzungumza kiingereza uko na uhuru. Ukitaka kuzungumza Kiswahili uko na uhuru.

(Kiluhya dialect) (?)

Halafu tutatafuta hapa mtu wa kutafsiri kwa wale hawaelewi, waelewe unasema nini lakini (?)

(Kinyore dilect)

Feel free say everything you have to say kwa sababu saa hii tunatengeneza historia ya inchi hii na baadaye itakuja kujulikana. Saa hii tukifanya watu wanaweza kufikiria ni mambo ya mchezo but much later watu watakuwa wanasoma wanaona kweli hawa watu walikuwa wanafikiria nini na nini. Juzi nilikuwa ninasoma ile inaitwa the Federalist Papers zile ziliandikwa na wale walitengeneza Katiba ya Amerika over two hundred years ago. Na ukisoma unaona kweli walikuwa wamefikiria mambo mengi. So yale tunasema hapa leo, we will preserve it for many years to come.

(Kiluhya dialect)

Com. Ayonga: Sasa nasikia anawaambia mtaongea kwa Kinyore lakini sijui kwa nini hakusema pia mnaweza kuongea kwa Kikiisi kwa maana hiyo yote ni mang'ana ee na hiyo kuboranga yote zote tunabora. Kwa hiyo ikiwa mtu atashindwa kuongea Kinyore aongee Kikisii na tutamsaidia tutakuwa na wale wanaotafsiri. Sasa asante Commissioner Kangu kwa maelezo ambayo umetupa. Kuna kitu ambacho tutafanya, tutafuata orodha ya karatasi ambayo mlioji-register mlipo toka kule nje. Na tutajaribu sana kuifuata lakini wakati mwingine tunaweza pia kuwacha kuifuata na tukafuata mambo tofauti.

Tofauti hii inakuja namna hivi, ikiwa katika watu ambao wameingia mtu anaweza kuwa mgonjwa na yeye amekuja nyuma lakini amejisikia ana homa huyo mtu, tukijulishwa kupitia kwa program officer, kwa secretary hapa na kusema mimi ni mgonjwa, tutampa nafasi. Kwa hiyo hatutafuata list, tutamuuliza tu jina lake ni nani. Pia ikiwa kutakuweko mtu hapa ambaye ni mzee sana, mama mzee sana au mwanamume mzee sana na hatutaki kumweka katika hizi bench ngumu kwa muda mrefu, tunaweza kumpatia nafasi. Ingame, inaweza kuwa watoto wa shule. Mtoto wa shule akija hapa anataka kutoa maoni na tunajua huyu mtoto amewacha wengine wakisoma, tutampa nafasi aseme maneno yake, arudi darasani. Au mama mja mzito tutampa nafasi, au mtu mlemavu wa namna fulani ambayo tunaona kukaa kwake kwingi hapa kutamdhuru tutampa nafasi. Lakini zaidi tutajaribu

kufuata hii list jinsi ambavyo first come first served. Tume elewana? Kwa hiyo yeyote asije anung'unike kwamba kumbe naona uko upendeleo hapa, mbona naona yule ameitwa na yeye amekuja saa hii na mimi nimekaa hapa toka asubuhi.

Kitu kingine, tafadhali tutii time. Mnajua tukishirikiana kwa kutii mambo, yana-kuwa rahisi. Mara ingine mtu anakuja anazidi kurudia rudia kile ambacho anakisema na tukimwambia time yako imekwisha anasema ngoja kidogo, ngoja kidogo. Hata fikiria kwamba tutakuja hapa tukunyang'anye microphone, hatuwezi kufanya hivyo. Lakini tunataka ujue kwamba Wanyore wote ambao wako hapa wanataka kuongea. Na kwa hivyo hao they are as important as yourself. So hebu tutunze time.

Sasa ninaanza na kwa kuanza ninasema hiki kikao cha Constitutional Review Commission tumekifungua sasa kirasmi. Na tunaanza kazi ya Constitution Review na kazi hii jinsi ambavyo Commissioner Kangu alisema, hakuna kupiga mikono makofi hakuna. Tuko kama watu ambao tuko kotini na zaidi ya yote niwakumbushe kitu kingine, hapa tuko katika nyumba ya Mungu. Hii nyumba ni nyumba ya Mungu, ilijengwa kwa ajili yake. Kwa hivyo ingawa tutatoa maoni yetu, shida zetu, namna zote jinsi tunavyomletea Mungu wakati wa maombi, hebu pia tutoe heshima kwamba hatuko katika baraza hall tuko katika nyumba ya Mungu na ni yeye atakayetusaidia kutengeneza Constitution ambayo ni sawa. Kumbuka amri zake ni kumi nazo zimeguza kila sehemu ya amri yeyote ambayo inatengenezwa hapa ulimwenguni. Zake ni perfect na hazibadiliki.

Ninaanza sasa. Unapokuja hapa mbele kitu cha kwanza tunataka ufanye ni kusema majina yako, 'mimi ni fulani fulani.' Ikiwa unawakilisha kikundi unasema kikundi hicho. Lakini kama huwakilishi kikundi sema jina lako na utuambie maoni yako. Msiwe mkija hapa muanze kusema Bwana chairman, mkuu wa nini, hivi na hivi. Zile salamu nyingi nyingi. La! Hakuna hiyo. Tuko hapa katika serious business, kuja tu utuambie maoni yangu ni hivi na hivi na hivi. Na kama una memorandum na hutaki kuongea juu ya hiyo memorandum, hata saa hii wewe unaweza toka hapo usingoje kuitwa ukaenda hapa kwa Bwana Wanjohi na ukatoa memorandum yako ukajiandikisha na ukatoka ukaenda kufanya mambo yako. Hiyo pia, ruhusa hiyo iko. Usije ukakaa hapa kama mahabusu kwamba jina lako halijaitwa. Unaweza kuja na memorandum yako, submit it and register, leave for your other businesses. Sasa ninaanza. Bensewel Muchilwa.

Bensewel Muchilwa: Ma-Commissioners wetu na ma-cordinators na wananchi wote hamjambo? Hamjambo tena?

Com. Ayonga: Bwana Muchilwa hiyo ndio nilisema tusifanye, sikusema tufanye hiyo.

Bensewel Muchilwa: That is alright, we learn by mistakes. Okay my name is Bensewel Muchilwa. I'am a representative of Kenya National Chamber of Commerce and industry Vihiga District based in this division of Emuhaya. Now, I have a written Memorandum here which I am going to present. But before I present this memorandum, I have drawn a summary of the contents of the memorandum which I would like to read to the audience here to know what the bussines community of Emuhaya is talking about. The views that we have requested to make to the Commission, may be I'll request the Commissioners to bear with me because the summary is abit long but I'll try to shorten it as much as possible.

Now this is a summary of Constitution views of Emuhaya business community under the Kenya National chamber of Commerce and Industry Vihiga district.

We need a preamble in our Constitution. In the preamble, Kenya's vision of nationhood should be set out clearly as we Kenyan citizens. And the Kenyans should own the Constitution.

Directive principles of state policy. We need statements in our Constitution capturing a national philosophy and guiding principles. For example, all citizens must be equal before the law including the President.

Parliament must not be allowed to pass certain matters or issues without consulting with citizens of the country like the extension of life of Parliament, increment of salaries for Parliamentarians, civic leaders and civil servants in general.

We must have a Salary Commission which should be charged with the responsibility of reviewing salaries and other remunerations for all other public servants at large.

It must not be mandatory that presidential candidates be elected Member of Parliament but be nominated by his or her party and subject to having attained the minimum age of thirty-five years or above and a required percentage of votes. That is 33.3% or a third of the total votes in the eight provinces of Kenya. If an elected Member of Parliament is appointed minister, he or she should relinquish the constituency seat and people allowed to elect another representative.

Constitutional Supremacy. (?) practise whereby Parliament has been allowed to change any part of the Constitution by a majority vote of 65% is unfair and must cease. But should amendments be necessary, Parliament should be allowed to draft the same and refer them to the public through referendum by Special Commission to be appointed.

For citizenship, anybody born in Kenya, I mean anybody born in or outside Kenya but whose parents are both Kenyans by birth will automatically become Kenya citizens. Foreigners who want to become citizens of Kenya shall have to be of good reputation with tangible assets or investments in Kenya and must surrender any other citizenship.

Foreigners who marry Kenyans and reside in Kenya, their children can only become Kenyan citizens by naturalisation if the father is a foreigner. And if the father is a Kenyan by birth, then they automatically become Kenyan citizens. The Constitution of Kenya should not allow dual citizenships. Kenyan citizens should be identified by national identity card, birth certificate and Kenyan passport.

On defence and national security, the disciplined forces must be established by the Constitution. Security council to be established by the Constitution to take charge and responsibility of disciplining Armed Forces, advising the executive on security measures before declaring war under Parliament's guidance.

Political parties. The Constitution should restrict political parties to three only at a time and should regulate the formation and management of the same. The parties should not only be for political mobilisation but also involve themselves in the development projects, checking and balancing the ruling party through Parliament. The government of Kenya should finance all political parties during elections.

Now, structures and systems of government...

Com. Ayonga: Hebu nikumbushe. Nataka ujue haya maandishi sisi tunaenda kusoma...(naudible)

Anza kuona ni point gani utakuja utuambie infact you should not come here to read for us tutaenda kusoma na tuna computer huko mambo yetu yote yataingizwa. Hiyo maana yake nimesema ukiwa (?) una maelezo unaweza kutukabidhi hiyo memorandum. Nakupa dakika mbili tu umalizie, mmeelewa?

Bensewel Muchilwa: Okay vile Bwana Commissioner amezungumza hivyo si vibaya nitajaribu kuwacha mengine. Na nilikuwa nafikiri kwa sababu na-represent a whole constituency, wanabiashara wote kama wangukuja hapa wote...(Interjection) Okey. Now, being Members of the business community and main stake holders of the economy, we feel the government should have been very fair to its people. Instead of protecting these young business community and young , it has subjected them to very unfair competitions. Consequently, most of the indigeneous businesses which are unable to cope up are collapsing gradually and vanishing away. We feel in order to assist the young community grow, the purchase price for goods should be seriously looked into. By purchase price of every category of goods like manufacturers warehouses and whole salers should be informed in every budget. I'll go to another point.

Basic rights on succession and inheritance. The current Constitution and law provides for daughters to succeed and inherit their parents property along side with their brothers and other dependants. That is, things like pieces of land, premises and other properties owned by their parents. Consequently this practise discourages the daughters from getting married since they feel they can peacefully settle for life in the property given. Eventually they end up cohabiting with relatives and other Members of the clan thus incest and producing illegitimate children in disappointment and embarrassment of the clan and society in general.

In the African customs and traditions, a daughter is supposed to be married away from her parents home or clan to either a foreigner or a man distant from the clan in relationships. There, she is supposed and she can easily access her husband's property by succession or inheritance after the husband's death. The new Constitution should therefore rule out this practise and be entrenched with only sons as successors and inheritors of their parents properties or estates. Only daughters who may be permanently disabled or incapacitated and cannot marry may be accorded the same privileges as boys. There's a common attitude in one's children assuming the right to demand property or some privileges from their parents after or before death. This may be in order but the law remains silent as to whether the parent is also entitled to such demands from the son after he dies

leaving behind a young or childless widow who might abscond after selling away the deceased's property leaving her dependants miserable.

The new Constitution must therefore state clearly, that the parent is the rightful person entrusted with overall responsibility of the son's estate if the latter dies earlier. He will be key player in all matters relating to the distribution of the son's estate and property at all times. This practise is intended to secure a man's property against a deceitful wife who may wish to escape away with the property after the man's death. Thank you. (Interjection) Yes please.

Com. Ayonga: Asante sana. Sasa unaweza kuchukua hiyo memorandum kule, utaambiwa mambo ya kufanya. Unaacha hiyo hapo chini. Asante. Next ambaye tutamwita ni Ishmael Ombwara. Natumaini wale wote mlio na memorandum mmeanza na kuangalia na kuona main points ambazo mtasema. Ishmael sema majina yako na endelea.

Ishmael Ombwara: Majina yangu ni Ishmael Ombwara. Natoka Luanda division, hii constituency, Vihiga District. Na ningependa kuongea juu ya crime.

Crime ni kitu ambacho hakitatanishi serikali peke yake, kinatatanisha hata sisi wananchi. Na mambo mawili ambayo yanasababisha crime kwenda juu ni umaskini na ukosefu wa kazi. Na wale watu ambao wanasababisha crime kwenda juu ni watu kama chokora, watu ambao wameacha kazi either kwa majeshi ama kwa civilian jobs. Na jinsi ya kusaidia kupunguza crime... ama kwanza ni kusema kwamba serikali isifanye mzaha na hiki kitu kinaitwa crime. Kwa sababu ni time bomb. Crime na umaskini ni time bomb ambayo inaweza kuiangamiza nchi yoyote kwa wakati wowote. Kwa hivyo serikali isimame na ianze kuchukua hatua mathubuti juu ya crime. Na vile nimesema watu ambao wana sababisha crime ni watu kama chokora na watu ambao wameacha kazi either kwa majeshi ama civilian jobs. Na jinsi ya kusaidia hawa watu wasifanye crime kwenda juu, kwanza watu kama hawa chokora ningehimiza serikali iwajengee makao nje ya miji mikubwa. Outside the main towns wajengewe makao huko na walindwe hata kama ni kulindwa na askari, walindwe huko, walishwe huko na wasitoke huko.

Kwa sababu hawa chokora wanafanya mambo mabaya sana sehemu za town sehemu za miji. Wananyang'anya in broad day light hata saa zingine wana-rape na ikiwa ni hii mambo ya kuongeza ukimwi naweza kusema chokora wana-play a big part ya kuongeza ukimwi, juu kwa sababu ya raping na wanatisha watu na mavi, ambao wanawanyang'anya pesa wanawatisha na mavi. Sasa vitu kama hivi vinaletea nchi aibu. Na jinsi ya kukomesha hawa machokora nimesema ni kuwajengea makao nje ya miji mikubwa na walindwe huko. Walindwe wasitoke kwa hayo makao kurudi town tena. Na hao ni wale chokora ambao walizaliwa na Aids victims. Lakini kama ni chokora ambao wazazi wao wako hai, bado wako hai na wako able, basi hao wazazi wafuatwe na walazimishwe kuishi na hao watoto wao ama sivyo wapatiwe kifungo cha juu, kifungo kirefu ambacho kitakuwa funzo kwa wengine, kufanya watu wengine ambao wanazaa tu watoto carelessly na kuwatupa ovyo ovyo waogope.

Na hawa ex-servicemen, upande wa ex-service men, tuseme watu ambao walikuwa kwa majeshi kama ploisi, army ama GSU ambao walifutwa on disciplinary offences, ningepomba serikali ifikirie kitu cha kuwasaidia nacho. Ikiwa itawapatia loan ya kufanya biashara, ikiwa itawapatia kazi ya ki-civilian, kwa sababu walikuwa wakizoea pesa, wasijiingize kwa hizi gang groups ambazo

zina-terrorize wananchi. Serikali ifikirie jinsi ya kuwasaidia hawa ex-servicemen.

Mwisho ningeomba Kenya iwe welfare state kama America na ulaya ambapo watu ambao hawana kazi, tunaambiwa na vyombo vya habari ya kwamba kuna watu hapa Kenya ambao wanapata mishahara minono minono. Wengine nasikia hata wanapata milioni, milioni mbili, ngapi na hizo na resources zingine ambazo serikali inajipatia pesa, hizo pesa, badala ya watu wengine kupata mishahara minono, hizo pesa zingine zipunguzwe zipatiwe watu ambao hawana kazi wapate kitu kidogo kidogo ili nao wasifanye crime kwenda juu.

Com. Ayonga: You have made your point kwamba tuwe na welfare State. That is the most important thing. Cha mwisho?

Ishmael Ombwara: Ni hiyo tu.

Com. Ayonga: Asante Bwana Ishmael, unaweza kwenda kule ujiandikishe. Next tunaye J. Bukachi.

J. J Bukachi : The chairman of the session, I'll be very brief. Naitwa J J Bukachi ama Josphat Jaques Bukachi. I am going to comment on the kind of the state we propose.

We propose that we have a federal state comprising eight different states. This will help to bring the service to the people. Tukikuwa na state kama nane vile tunasema provinces kama North Eastern, Western... ziwe scrapped ili tuwe na Western state, Central State, Nairobi State, Eastern state and so on. In these States tuwe na governors ambao watapeleka servise kwa people and these governors wawe elected through a secret ballot. And the new Constitution to form an electoral college whereby the eight different governors from the eight states form an electoral college whereby one of them becomes the President, Executive President, a Prime Minister, a Deputy Prime Minister, and a Deputy President. When I talk about a Deputy President I mean a man who has authority just like the sitting President.

I propose ya kwamba important Institutions like the courts, a supreme court be introduced into the system. Things like the Central Bank, the Immigration department and the Attorney general, registrars office, all of these important institutions be decentralised from Nairobi. Kwa maana wale watu wanatafuta important services wanaenda Nairobi and they spend the whole one week wasting the tax payers' money waiting for a very important service.

I propose that the police post be scrapped because it is a source of all evil in our society, promoting corruption and all kinds of evil. Instead of having a police force, we may have a community police whereby those people in charge of the security machineries live with the people, they come from among the people. If we have that kind of a system the corruption we are experiencing from the police will cease because it will be very hard to ask from your neighbour for something small for you to render services.

I also propose that when we have created the States, the local authorities, that is the mayor and the governor be given full mandate to seek for donor funding, for support from outside to develop their local state. You'll ask me what will happen with some provinces like North Eastern Province and Eastern where resources are quite limited. To be able to accommodate that kind of a society, I propose we may take all Industries and all manufacturing companies from Nairobi, relocate these services to those less agricultural productive areas like North Eastern Province and the Eastern Province so that we refer to those states as industrial states and Nairobi is only left to serve as a centre for the finished goods. But the real manufacturing process be done in the less fortunate and unagricultural provinces like the North Eastern Province and the Eastern Province.

I also propose education system be opened up. The tribal problems we have today is as a result of the quota system which was introduced within our government, and which has sort of made the Luhyas to be Luhyas and the Kikuyus to be Kikuyus and the Luos to be Luos. I propose we may scrap up that system and open it up. So that a child who has performed well for example in our constituency like Emuhaya, that child can get a chance in a secondary school even in Eastern Province or in North Eastern province. That will help us to destroy the tribal foundations which have been created by the quota system of education.

I propose also that the 8-4-4 system be scrapped. Of course I know this is not the right forum to address that. The 8-4-4 be scrapped that we may revamp back to our older system whereby we send to the university quite well matured brains to be able to handle the pressure at the university level.

And I propose in our new Constitution we may have a cultural subject. We should put up in school a cultural subject. This cultural subject will be able to intergrate our cultural backgrounds and bring out a real Kenyan cultured kind of being than what we are today because we seem not to know where we really belong.

Briefly, on land matters, I propose that, we may borrow the British system whereby the local authority is given full mandate to control the land. Because in our country we have very big chunks of land not being used because either those people who own them are absent or they have no plan. So the local authority be given the full mandate to cultivate these lands so that they can be productive hence be able to improve the economic stability of the citizens or of the local state Members.

In order to be able to reduce the slum problems, I propose that the Central Government through the Constitution, comes up with a balanced payment scale whereby those who have afforded to be in a full time employment are able to be paid well so that they afford a decent living.

And as I finish, I propose also that the Local authorities be given the full mandate to source for funding and to source for donors so that all the local resources collected, they should be pumped back at the constituency level or at the state level to develop the place. This will help us in one way, that the money we collect for example in Vihiga or in Emuhaya constituency will come back

to us, will lift up the standard of living around this place and we will be able to catch up.

Now, I also Propose that on Chief's act, (I am just finalising) the office of the Chief be retained yes but the powers be reduced. So that the chief becomes a servant of the people. And he should be subjected to election like any other public office. This will help us in reducing the powers which have been abused by the chiefs in using the local administration police as their cover up.

My final proposal, I propose that we may do away with identity cards. Instead, every Kenyan citizen be given a passport and a birth certificate as identification documents thank you.

Com. Ayonga: Bwana Bukachi, asante. Lakini ningependa kukuuliza swali na pengine Commissioners wenzangu wangependa kukuuliza swali. Swali langu ni hili, umesema Police force iwe scrapped and instead form a community police force. A little while ago, somebody said the reason why we have so many crimes in the country is because we have some of the forces who have been disciplined and sent back home, wanachangia crimes kwa maana watu hawa walikuwa wamezoea pesa. Now tunapo-scrap hii police force, hawa maelfu ya Police men and Police Women ambao tunao, baada ya kutolewa kazi huko wanakuja hapa nyumbani. Wengine ni Wanyore wenyewe, wengine ni Wakisii Wanarudi kule kwao nyumbani na inaonekana kwamba wengi wao wanaenda kuchangia crimes, utawapeleka wapi? Uliwafikiria? You don't have to answer me kama ulikuwa haujawafikiria. And tutafanya nini na hao kuwatoa kabisa au tunawarudisha nyumbani waende ku-play the role of community Policemen au wanatolewa na tunaanza na watu wapya at ago.

J . J Bukachi: Kukujibu Bwana Commissioner, we have two options. Option number one. Wale officers ambao their service is commendable, wamefanya kazi mzuri and they are good for the people, tunaweza kuwarudisha for retraining. Kwa maana kile kimetendeka in our society, polisi have been seperated away from the people. They don't live in reality, they live in another lifestyle that is out of the reach of people. That is why when they retire they are not able to continue with that kind of lifestyle. They have got to face reality. Kwa hivyo we bring those whose services have been comendable warudishwe wakuwe retrained on how to live with people. So that they understand that the gun is not the answer. The answer is communication. Some of them can be trained in different aspects. For example counsellors, serious counsellors to handle crime, the kind of people who are always involved in crime, they can be retrained so that now instead of living in the Police camps wanakaa na sisi. They become our neighbours and then they will be retained on a payroll. That would have saved the government pesa nyingi sana ambazo tunatumikia kwa kujenga nyumba za Polisi. Kwa sababu polisi atakuwa anatoka kwake na ni jirani wangu, we have a good relationship, anaenda kutumikia community.

Com. Nunow: Bwana Bukachi, a few clarifications that I would like to seek. One is a follow up of the community policing. You might be aware that Kenya has started training police on community polising now and I think they started with Nairobi and probably going out of Nairobi, so that might be a beginning. You might see how the new skills they acquire on community polising some of whom are already sent abroad in countries where community polising, has taken root to come back and train others, but that is as far as it goes.

On the issue of national schools I mean you mentioned quota system of education being abolished so that students get a chance to go to any other training school they qualified for. That is a noble idea but the distribution of those good schools in itself is acute and they are already located on what is a key to a huge imbalance with some concentration in various areas and none in other areas. So would you stretch the quota system and leave it at that or you would go further and say you know the decentralisation of the good schools, centre, of excellence, so that as you send your kids from here to Mang'u, the Kiambu children are able to come here because there is an equivalent school in Emuhaya or Vihiga.

And the issue of relocating industries to the drier areas, are you suggesting that, that should be done for all industries or you exclude agricultural industries? The reason being the cost of taking those raw materials as bulky as they are across long distances, how would you reconcile that? Because then the cost of production will be increased which then will be passed over to the consumers and then resulting into commercial agricultural products that are expensive and probably difficult for people to acquire.

On the other hand, the so called arid and semi arid areas also might have resources. It is only that probably you have not been able to see them. For instance, 75% of the meat consumed in Kenya comes from Northern Kenya, that is stretch from Samburu up to Lamu, and there have been no industries to address that. You probably would like to think through stock taking, rationalisation, to see indeed what resources exist where, before even assuming that some areas are endowed and others are less endowed. But the key question is, how do you reconcile if you are to relocate agricultural industries, the cost of production shooting up?

J . J Bokachi: Now I don't see the cost of production shooting up because the very very manufactured goods in Nairobi are still bought to the North Eastern Province and so what I am trying to propose here is let's look at the Japanese kind of system whereby you have particular cities known for industrial work and as you may discover that Nairobi is a slum city and in fact we are not proud as Kenyans to have Nairobi as our capital city because it doesn't bring out the image other cities bring out. For example if we took all this manufacturing firms, companies, factories, and we relocate them in Northern Eastern, Eastern province, it means we are going to have a very big exodus from Nairobi to the North Eastern province. What's going to happen now. These people as they come, they are going to promote high level of currency circulation. Now the town or that city or that state which we had thought before that is a very poor State because in this country we heavily depend on Agriculture, and looking at North Eastern province, agriculture cannot work either due to little rainfall and may be the government has not moved in to come up with boreholes so that there is sufficient water.

Now, that problem can be tackled because what will happen when an investor comes here and is taken to the North Eastern and is told, "Now look, this is the place we have available for you because this is our industrial city or industrial State, you've got to develop here." These very very people will begin to deal with one thing to find how to get water and when water is found then

anything can happen. Because everybody who is being relocated there will not find it being a problem. The question of the high cost of consumer goods, what is going to happen is that means and ways will be provided for and I believe when you see a goat is pregnant, when it gives birth you will find things are moving. The problem is we don't think along that area and we think it cannot work. And that is why we have been at stand still. But if there is a mechanism put in place and we all look forward that we want to see this thing move, definitely a way is going to be found. We'll have enough water supply we may not be able to term that province as unagricultural or it might not deal with an agricultural product.

But we can also note some other fertile kind of a province. Take for example Rift Valley, we call it an agricultural state where all kinds of agricultural produce are got from and then we can have at it's extreme far end factories that can deal with all agricultural produce and I believe that every province in this country has some enormous resources that can be used. For example like Emuhaya you can see because all the tourists are taken elsewhere we have dry stones and those people who have read geography, they know that stones are a very good resource for teaching and education and anybody who wants to persue that area, is able to learn so many things around here but what has happened? We cannot have anybody coming because it seems that our resources are concentrated on one place only, as a result of that the rest of the country is dying in languishing poverty.

Com. Ayonga: Thank you very much now you can submit your papers at registration area. Next is Mama Dora Ingolo.

Dora Ingolo: My names are Dora Ingolo. Mimi ni mwenyekiti wa Maendeleo ya Wanawake, Vihiga district na nina memorandum ya Maendeleo ya Wanawake ambayo nitapeana lakini I have also memorandum yangu binafsi ambayo I want to highlight some points.

Katika memorandum yangu I first want to highlight on vulnerable groups in this country. And under vulnerable groups I have identified thirteen vulnerable groups including women, children, veteran, unemployed, the elderly, retirees, touts and drivers, boda boda, disabled, local bar and hotel attendants, HIV aids ophans, widows and widowers. May be I will highlight on a few of them starting with women.

Affirmative action should be put in practice at every level of governance and monitoring should continue to make sure it is implemented.

Civic education to be a continous exercise for both women and men to ensure every one is conversant with the Constitution, in order to ensure everyone's rights are being upheld by those in power at every level.

We need at least 50% of representation of women in every area of decision making to realise women's participation. This should be capable qualified women for indented positions.

Men women and girls and even boys should be treated equally according to their human and basic rights in all places of need, interest, education, culture and employment.

Cultures that are negative on women, like in this District of ours, the Tiriki believe that women cannot be in positions like in the

provincial administration, such cultures should be done away.

Violence against women should be fully addressed by the Constitution and it must provide for a monitoring to ensure the culprits are brought to book and appropriate punishment awarded. This should be done through the Gender Commission, which I recommend should be formed.

During rape case reporting, women police should attend to the victims and should ensure the rapists are brought to book and the right punishment is taken up. Preferably, I recommend such people should be castrated.

Women work hard tirelessly towards the economy of this country but they realise very little benefit from all that they work upon. They should be allowed by the Constitution to reap atleast 50% of their income even at family level.

Children have been mistreated in this country even by the government, parents, employers and even the teachers in school. I therefore recommend the following to be observed in the Constitution;

Every Kenyan to be conversant about the new Childrens Act, which came into use recently. This should be done through provision of civic education.

Children should be given forums at all levels to participate in decision making, because this will reduce the strikes that have become rampant in our institutions, especially in secondary schools.

Primary education and nursery should be free and really free. This must be compulsory to every Kenyan child.

Secondary education should be affordable to all parents. Therefore the Constitution must ensure that fees is controlled to a standard affordable to a local Kenyan.

Abortion should be discouraged and the victim should be punished by the law.

Irresponsible parents who neglect their children should be punished and forced to take care of their children.

The Affiliation Bill, I propose should be revived.

Let me highlight on the youths. For those that have comfortably completed school, they should be taken to colleges, trained and employed by the government of the day.

University education should be made affordable to all Kenyans. All the qualified youths should be admitted without too much strain to the parents. They should be given loans.

Youths who drop out of school should not be left idle but they should be trained in a given skill, and be given loans to start their own busines or be employed.

The use of abusive drugs and selling of the same should be fully addressed in the Constitution.

Recruitment of the youths to trainings should be completely changed. The present mode of recruitment leaves too much room for malpractises where most parents loose large amounts of money in the name of kitu kidogo before their youths are admitted. Hence most of them are not admitted, despite the fact that their parents have paid the amount in question. The girls are exposed to sexual abuse by some people with promises of being employed or given chances in colleges. The people who are found in such deals should be prosecuted and sent to prison.

Now, clubs. Football, music, drama, netball, athletics and so on should be organised from village level to national level to occupy the youth, for competition at all levels identifying their talents and the final stages should be employing them as national

players in different fields according to their talents, like national players in football. This will improve the standard of games or sports in this country.

I want to finish by highlighting on street children. These are part of the Kenyan population and unless the Constitution takes into account about their state in life, the country will soon face a security threat, it is already in a security threat. I recommend the following; grown ups who are on the street should be cleared and settled on pieces of land set aside for such families to discourage such families on the streets. Children on the streets who have no parents should be taken to rehabilitation centres then to schools compulsorily. Then these children, I suppose, should be trained in given skills and employed to curb this menace on the streets. On the other groups, you will have to read. Let me please highlight on the Judiciary.

This sector has become too corrupt and most kenyans have lost too much money in the name of bribing right from the police constable up to the highest judges in order to set or offset their cases. I suggest the following to the Commission; the Judiciary should be an independent body without interferences from the Executive powers. There should be a Constitutional court to deal with matters concerning the Constitution. Judicial officers should be appointed by a Judicial Commission and be vetted by the Parliament. The Judicial Commission should be incharge of the discipline of the Judges and other officers enjoying security of tenure. Qualification of the Judicial officers should be determined by the Judicial Commission and vetted by the Parliament. Legal aid should be mandatory to every Kenyan. This should include when the people in power, including when the state has been sued by an individual or a group.

I want to... I'm looking at you and it is as if you are worried about my time. Please give me two more minutes.

National resources, management of national resources: These resources belong to all Kenyans and to our surprise, they only serve a small fraction, while the larger fraction only hear or get nothing from it. I'm suggesting that the following be put into action by the Commission: The Kenyan resources should be managed from the local levels, we want the resources to be devolved to the lowest level so that every Kenyan can benefit; Affirmative action should be used to develop industries for local areas; There should be equitable supply of the national resources; There should be better remuneration of everything including jobs where by one man or woman should have one job. There must be better pay in every field.

On land and property, I suggest we need to become urban in Bunyore, where by loans should be availed to people to put up permanent business structures to enhance income because we have no land for farming in Bunyore. You will find 4 people living in one square acre, one acre. Inheritance of land should be for all. Sons and daughters and even women should inherit land. There should be ceiling on land for a given number of acres for an individual, preferably 100 acres per individual. This will allow all Kenyans to acquire at least some land. Foreigners should be given conditions on land use. They should be only allowed to lease and not to buy because some of them have too much money and they will rob the poor all the land. The government can only acquire land from private owners on agreement of being reimbursed or given land else-where for public utility. Transfer of land should be freely done. Women should be allowed to inherit land from their deceased spouses without interferences from their family Members. The process of transfer of land should be simplified. It is too complicated that it robs people a lot of

money. Men and women should have equal access to land. Kenyans should own land anywhere in the country and every Kenyan should be guaranteed access to land.

The last point my dear Commissioners is on environment and natural resources. When we talk about environment and natural resources, people in Bunyore possess about a few resources which are exploited by people from out or within. We need to talk about our Bunyore stones which occupy most of parts of Ebuhandu up to Maseno and other parts of Bunyore. We also need to talk about our rivers, we have the river Jordan whose water is rarely realised by the Banyore but runs towards the neighbouring province while taps in Luanda town are dry. Bunyore houses do not use the water. So I want to suggest the following; Our natural resources should be managed by our selves right from local levels. This should be done by having in place committees from local up to national levels comprising of civil society.

Our Bunyore stones, we need to have our own Bunyore granite to manage the stones, so that we benefit from it our selves. This will also create employment to the local community. The waters from our rivers, especially the Jordan river, should be well utilised to benefit the Banyore people by supplying into houses before it goes out of the Constituency. This water would help to enhance horticulture on our small plots during the dry season.

Misuse of human resources can be minimised by creating employment to human beings in this area. That is by opening small industries to process our horticulture products starting from stones grinding industries, availing stones for construction of business premises, creating jobs opportunities to the youth who complete schools and training and empowering women economically. I think I should leave at that so that others can find a chance. But I'm seeing as if we have very few women and that is why I did take more much time to give their views here. Thank you sir.

Com. Ayonga: I think I gave you all that time because you are the only woman who has spoken and I don't see many women present. But let me thank...That what you have given to us is solid views and I'm sure, hata huyu amekubali. Si una-agree na mimi? Kile kitu nimejua leo ni ya kwamba kuna mawe yetu yanayo-itwa Bunyore stones na kuna River Jordan ambayo we are not making use of. Kwa hivyo tukiweka hizo resources zetu pamoja tutatengeneza mali. Thank you so much. And what do you make out of these stones?

Dora Ingolo: These stones lie fallow here but recently we have seen the Indians come and take some of them, carry them to Nairobi and those beautiful houses you see glittering are from the stones from here.

Com. Kangu: I'm coming back, I'm coming back to stay. What she is saying is true and you must wake up and protect that stone. Wahindis are now coming from Thika, they take one huge one, put in a lorry and take. That is the stone that is producing what you call in the houses taraso. And why don't they be asked to come and put a factory here so that they can employ your children?

Com. Ayonga: Mama umesikia hiyo?

Dora Ingolo: Nimesikia.

Com. Ayonga: Sisi hatuchochei lakini tunasema fact kwamba ikitengenezwa hapa hiyo sasa imekuwa factory na ni Wanyore wetu ndio watafanya hiyo kazi na ndipo ipelekwe pahali.

Com. Nunow: Madam Ingolo, I would like to take you away from the stones to the rapists. You mentioned that rapists should be given high penalties including castration. What do we do with female rapists?

Dora Ingolo: Surely, I have never heard of a man complaining to have been raped. If there are such women that rape men, then the men should highlight that. May be before I finish sir, I have a point that I would like highlighted to the group that men who want to have as many wives as possible, we are recommending here that the many wives as a man has, because there is a recommendattion here that the title deeds should bear the name of both spouses. So, if he has ten women, he should also have ten different pieces of land to tame those women and give them different titles for the land.

Com. Ayonga: That point has been proposed in some other places and women, I'm talking to men now, women have told us wherever we have been, they are not going to prevent you from marrying your many wives but whenever you marry a woman, you must have found a land some where, you marry, go stay with that woman there, but the land of the first woman is for that first woman. If you have ten plots then you marry ten women, women have no quarrel, but you can't bring women to this one plot here. And I think we have gotten the message and men have gotten the message reluctantly, not accepting but the war goes on. Now, Christopher Kwache? Christopher Kwache sema majina yako.

Christopher Kwache: Majina ni Christopher Kwache Amwayi, ni mmoja wa CC member Emuhaya constituency na mimi nawakilisha walemavu katika Emuhaya. Nina memorandum ya walemavu hapa, ingawa ni ndefu lakini nitaisoma kwa ufupi kidogo kwa sababu ya wakati. Na nitaanza kusoma hivi:

The new Constitution should ensure that there is free education for the disabled children from standard one up to university or colleges.

Two, the new Constitution should ensure that the children of the people with the special disability to be considered first when giving education bursary.

Three, the new Constitution should ensure that the people with special disability who have no land who have no land be given free land from the Government.

Four, the new Constitution should ensure that there is free health service for the people with special disability and their families.

Five, the new Constitution should ensure that those who cannot walk be given free wheel chairs or artificial legs. Ni kama sasa kuna wengine hawawezi kufika hapa kwa sababu ulemavu wao ni mgumu sana, hawawezi kufika hapa.

Six, the new Constitution should ensure that there is a free license for the people with special disability for their business.

Unaweza kuta ya kwamba kama county wanakimbizana na walemavu na kuwanyanganya vitu vyao sababu wanafanya biashara bila license.

Saba, the new Constitution should ensure that there is a loan for the people with special disability kuwawezesha kufanya kazi zao

Eight, the new Constitution should ensure that every person with special disability shall have the right to own properties anywhere in the country.

Nine, the new Constitution should ensure that every jurisdiction has a person of special disability as councillors to serve the other disabled and should be appointed by the Minister for Local Government.

Ten, the new Constitution should ensure that every province of Kenya has the person with special disability as MP to serve the disabled persons. If possible (s)he be appointed by the President of the Republic of Kenya.

Eleven, the new Constitution should ensure that every sector in the Government has a person with disabilities at divisional, district and provincial levels.

Twelve, the new Constitution should ensure that we must have a united Kenya without regard to the tribe, religion, sex and age.

Thirteen, the new Constitution should ensure that there is the right of freedom provided for by the new Constitution is available to all citizens equally.

Fourteen, the new Constitution should ensure that all society will be guided by the rule of law and will apply equally to everyone.

Sixteen, the new Constitution should be translated into local languages to enhance people's rights.

Seventeen, the new Constitution should ensure that Kenya remains a multiparty state with maximum of five or four state funded parties.

Eighteen, that the new Constitution should check the power of the President.

Nineteen, the new Constitution should ensure that nobody is above the law.

Twenty, the new Constitution should prohibit the nomination of any person rejected by the electorate as a Member of Parliament or councillor.

Twenty one, the new Constitution should not allow any one to urge Kenyans to vote for somebody, kama hii ya sasa Mnaambiwa mpigie Uhuru Kenyatta, uchaguzi si ni wenu?

Twenty two, the new Constitution should ensure that the office of ombudsman should be regarded to act as the publics watch dog.

Twenty three, the new Constitution should ensure that the Police Commissioner is appointed subject to the Parliament's approval, given security of tenure and monitored by the office of ombudsman.

The new Constitution should ensure that, with respect to Presidential power, the new Constitution will ensure that the President should be bound by the Constitution and the country's law.

The President should not have the power to summon or dissolve the Parliament.

Parliament should have its own time table.

Twenty four, as regards Presidential election, the Constitution will ensure that any person above 48 years should be eligible to run for the presidential post.

Twenty five, the new Constitution should ensure that date of general election should be established under the new Constitution and should be in the third week of November of the fifth year after the previous general election.

Twenty six, that the new Constitution should restrict the amendment power of Parliament by requiring approval of a larger majority, say 95% and provide the amendment of each based structure and its principle.

Sasa naelekea mwisho. Ya mwisho ni hii, that the new Constitution should have a principle of separation of power and enactment of checks and balances amongst the various arms of government; Executives, Parliament Judiciary.

Ya mwisho kabisa, the councillors, MPs and President must be, by law and the Constitution be made accountable to the people.

Nikimalizia kabisa, the new Constitution should ensure that every division has a special schools for the disabled like that one of Roaster man in Western province.

Com. Ayonga: Na tunakomea kabisa kabisa. Huyu alikuwa ni Christopher. Christopher sasa kama unaweza kujiandikisha, umetupa maneno ambayo ungetaka yaonekane kwa Constitution mpya. Kuna Allan Omwoha?

(Inaudible Interjection)

Thank you, thank you. Halafu kuna Hola Masinde? Hola Masinde atafuatwa na Arthur Etale. Hola Masinde ana memorandum, ni Hosea. Unajua hawa watu wetu wa Bunyore side saa ingine wakiandika wanaandika namna ingine ngumu sana. Kwa hivyo sema majina yako mzee.

Hosea Masinde: Majina yangu kamili ni Hosea Hamadi Masinde. Niko hapa kwa niaba ya Kenya National Chamber of Commerce and Industry.

Kwanza kabisa Bwana Commissioner tungependelea ya kwamba Katiba yetu iwe na hicho kitu wanakiita uanzilishi, preamble. And this preamble should, lazima ituhusishe sisi raia. Iwe ikianza kwamba, "Sisi Wakenya..." Wakati huu hatuna preamble ambayo inahusisha wananchi. Kwa hivyo tunataka tuhusishwe kwa preamble yetu ya Katiba.

Wafanyi biashara wanaonelea ya kwamba basic rights, kila mtu anatakikana apate basic right ndipo ajisikie ya kwamba ni Mkenya. All Kenyans must enjoy basic rights.

The Constitution must guarantee security, healthy care, water, education, shelter, food and employment rights to all kenyans. Those are some of the basic rights. The rest you will have to read about them in the memorandum.

The rights of vulnerable groups: There must be full Constitutional protection for vulnerable groups. You will have to read more

in the memorandum.

Land and property rights: Individuals must have ultimate rights to ownership of land. There should be a ceiling on land owned by an individual Kenyan. No one should be allowed to own more than 100 acres unless for special purposes. Non-citizens should be restricted on ownership of land.

The other thing, cultural, ethnic, regional diversity and communal rights. Kenyans' ethnic and cultural diversity contribute to a national culture and should be protected and promoted in the Constitution. The rest you will have to read for your-selves.

Management and use of national resources. The management and distribution of national resources should be vested in the hands of the Executive alone. The Constitution must put in place checks and balances to make sure that national resources are distributed equally to all Kenyans and managed well by Kenyans themselves.

The other issue is on distribution of national resources. For example, business people are really suffering due to unfair competition. You find that we have got some people, they are not Kenyans, but they are competing nationals in business. Kama Wahindi, unakuta Mhindi anafanya biashara ya wholesale and at the same time anafanya biashara ya retail. Tunataka Constitution yetu iweke kabisa demarcation triction ya kwamba ukifanya biashara ya whole sale usiwe ukifanya tena biashara ya retail under the same roof or in the same town. Kwa hivyo tunataka halmashauri ambazo zita-angalia hii mambo. Kama zamani tulikiwa na Kenya National Trading... what was it? K.N.T.C. ambayo ilikuwa ikirekebisha mambo ya distribution of goods. Wafanyi biashara wanaonelea hii ikirudishwa itatusaidia sana kwa maana kama wakati huu ambao wahindi ambao wengi sio Wanakenya, wananunua sukari yote kule Mumias halafu Mwafrika akienda huko kununua sukari anaambiwa atoe mamilioni ya pesa na hiyo yote inafanya non-Kenyans kuchukua uchumi wetu mikononi na sisi wenyewe hatuna kitu. Given that we don't have money na hawa watu wanatoa pesa popote wanafikiria na wanakuja hapa kutunyanyasa kwa kibiashara. Kwa hivyo tunataka business, I mean Constitution yetu itulinde kwa upande wa kibiashara. Mengi mtayasoma hapa.

Environment and Natural resources: The Constitution must protect the environment and natural resources such as forests, water, wild life minerals and others. Parliament should have powers to enforce laws on the protection of environment. Also Kenyans should protect and have powers to enforce laws on the protection of environment.

Next, we come to participatory governance. Participatory governance is very important for it will make every Kenyan feel part and parcel of the Government. Non-governmental organizations and other organized groups should have a role to play in Governance. They should be involved in decision making, planning and implementing of the policies in order for them to succeed. Tunataka hata kama kwa local authorities watu wenyewe waende huko ku-present mambo yao kwa maana hawa councillors saa zingine hawa-present mambo ya wananchi yote. Kama wafanyi biashara tungependelea mfanyi biashara, wale wafanyi biashara ambao wanafanya biashara in their local communities waende huko ku-present mambo or maslahi ya wafanyi biashara

wenyewe. Hiyo tena imekuwa explained kwa hii memorandum mtasoma.

Halafu tunataka hii Katiba yetu iandikwe kwa lugha zile ambazo zinaeleweka. Kama wafanyi biashara wakienda kotini kuna lugha ile ya learned friends ambayo sisi hatuelewi. Ukitaka kuelewa ni lazima upate advocate ndiyo awe akikutafsiria. Lakini kwa Katiba ambayo tunataka kuunda wakati huu, tungependelea sana iwekwe kwa lugha ambazo tunaweza kuelewa, tafadhali.

Kitu kingine ambacho tungependelea, wafanyi biashara wanaonelea kwamba hii mambo ya provincial administration irekebishwe. Kama P.C. afisi ya P.C, saa ingine hatuelewi inafanya kazi gani. Kama tungekuwa na D.C, halafu P.C apewe mamlaka awe co-ordinator between the Government na raia, nafikiri hapo itakuwa vizuri. Tena tunapendelea ya kwamba tuwe na korti kwa kila district, hata ikiwezekana every division iwe na korti yake. Halafu tuwe na High Court kwa district, halafu tuwe na supreme Court kule Nairobi or kwa Head-quarters. Hiyo itakuwa vizuri kwa maana korti za wakati huu zinaonekana ni chache sana. Kesi nyingi sana zinalala huko kotini, hazijakatishwa mara moja. Na tena tunataka Constitution ieleze kesi inaweza kukaa kotini miaka mingapi kwa maana kuna kesi zingine ambazo zimeshakaia kotini hata kwa miaka kumi na hazijakatishwa bado. Tunataka lazima Katiba ieleze wazi kesi inatakikana ikae kortini kwa muda gani.

Nafikiri la mwisho Bwana Commissioner tunaonelea kwamba every constituency should have a constituency office. Sio ofisi ya chama, hapana. Iwe ofisi ya constituency ambapo tutakuwa na committee, na hii committee ndio itakuwa ikifuatilia mwenendo wa Mbunge. Akifanya jambo au akija kwa hiyo ofisi, hapo ndio wananchi wanaweza kumkosoa au kum-praise kwa vile ikiwa ni ofisi ya chama kama hapa kwetu Emuhaya tuko na ofisi ya KANU, sasa hiyo ofisi ni ya wanachama wa KANU peke yake. Lakini pengine kuna wengine ambao sio wa KANU lakini wangependa kuongea na Mbunge wao. Tuwe na ofisi ambayo anaeweza ku-meet all his constituents akifanya makosa huko, aitwe hapo na tuseme anaweza kukosolewa kwa hiyo ofisi. Nafikiri Bwana Commissioner mengi mutasoma kwa hii document, asante sana.

Com. Ayonga: Asante Bwana Hosea Masinde kwa yale ambayo umetupa, unaweza kuenda kule ujiandikishe na uache hayo makaratasi kule. Arthur Etale?

Arthur Etale: My names are Arthur Etale. I am a C.C.C member of Emuhaya constituency but on the other hand I'm also representing the interests or the memorandum of the people of Central Bunyore. However, I will highlight a few issues.

I will start with defense and national security. The Central Bunyore people say that discipline forces should be established by the Constitution.

Two, world defence. They also said that the discipline forces should be, there should be martial courts to deal with those who are indisciplined in the Armed Forces. They also suggested that when we do not have a lot of problems like wars and disasters, these people should be involved in government building infrastructures like road and bridge construction. They also suggested that the President should be the Commander-in- Chief of the Armed Forces.

I will move straight away to the political parties. They suggested that the political parties should be practical and involve themselves in nation building. They should be able to unite and educate people on their rights and should be able to provide checks and balances. They also said these political parties should care for our national security. They also suggested that the Constitution should also regulate the formation, management and conduct of all political parties. They also suggested that in order to have a strong government, we should not have so many parties. They suggested that there should be two strong parties making up the the government.

Legislature. They said that certain appointments should be vetted by the Parliament, that is; the Chief Justice, Chief Magistrate, Attorney General, Solicitor General, Provincial administration, let us say P.C.s, D.Cs, Secretary to the cabinet and Permanent Secreries to the ministries, Chief of the General Staff, Police Commissioners, Commissioner of prisons. Also Vice Chancellors of the universities should be vetted by the Parliament, and in future, should be made full Chancellors of public universities. They said they should also control the contracts and tenders given by the Government so that they they ensure that such contracts are not given to comen. They also said that somebody who intends to contest for Parliamentary seat or presidency, for Parliamentary seat they suggested that somebody should be 35 years and above. For a President, they said that he should be a minimum age of 40 years.

Let me go straight away to the basic rights. They said that at the moment, we do not have provision of fundamental rights for our Kenyans, such as social economic ans cultural rights. They also suggested that the death sentence to life sentence, to respect freedom of life. They said that it is not good to give someone death sentence. They should be given life sentence so that we are giving people life iwe we are not busy killing people. And also, they suggested that the Constitution should guarantee security of life and property. They should provide health care, water, education to all. School going age must attend, must go to school. In which case, the provision for free education should be looked into. They also said there should be freedom to worship, freedom to security. Otherwise the rest of the items will be found in the memorandum.

Com. Ayonga: Thank you Bwana Etale. Bwana Etale unaweza kutupatia memorandum kule na uende ujindikishe. Moses Angote? Moses Angote? Joshua Ambubi ?

Joshua Ambubi: My names are Joshua Kwendo Ambubi. I'm here to represent the views of the Abahando people, that is Ebuahando sub-location of (inaudible) location. The memorandum is a bit long but am just going to highlight only on the electoral system and process.

We are of the view that the current geographical constituency system should be changed. For example the Abahando people who are bordering Nyanza province, since independence those Abahando people have never been represented effectively. Infact administratively, they are in Kisumu district, in Nyanza province, yet their existence as the Abahando and Banyore has

not been recognised since independence. Therefore there is an urgent need for a political boundary review. Now the demarcation of the constituency and wards are not satisfactory. Therefore, population census should be considered such that elected leaders have almost equal representation in terms of votes cast. For example, Luanda division in Emuhaya constituency population wise is bigger than Vihiga constituency in Vihiga district, hence the need to split Emuhaya constituency into two or even three constituencies.

Then, we are of the opinion that the holding of civic, Parliamentary and presidential election should be separated such that presidential elections come first. We also suggest that election date be specified in the Constitution and not left as a weapon for the Executive. We are also of the opinion that the 22 Electoral Commissioners whose function is to conduct elections and by-elections, their qualifications should be such that they be of O-level and above, and these Commissioners can be removed from the office in case of incapacitation or end of tenure of office or incompetency or breach of contract. The rest, because of time, I think you will read. Thank you

Com. Ayonga: Thank you so much Bwana Ambubi, sasa namtaka huyu Reboam Mutsili. Sema majina na uendelee.

Reboam Mutsili: My names are Reboam Mutsili. I have a few observations to make.

First, our new Constitution should state clearly how many ministries we should have in Kenya. If they are 17, they should be 17 and each ministry should be manned by one Minister and two deputy ministers. I see no point of us having two ministers or three ministers in one ministry like energy and health. So the point of having one Minister and two deputies will be convenient in our new Constitution.

Second one is that we should have six registered political parties in our Constitution. I mean the Constitution state clearly that...

NB: No proper connection from side A to side B.

...in their payments when the working civil servants are being considered for review of their salary. That is my last point.

Com. Ayonga: Asante sana Bwana Reboam Mutsili. Ngoja kidogo.

Com. Nunow: I would like to ask you whether you thought through how the current number of political parties that are 48 or 47 can be reduced to the proposed number of six. If you haven't thought about it you don't have to answer, that is a task for the Commission. But if you thought about it, it could assist us if you mentioned what you think in your opinion could be the modalities of reducing that number.

Reboam Mutsili: Bwana Commissioner, some of them are already dead, they have no Members in Parliament and they do not even exist. So if they are scrapped by the Attorney General and we remain with only six parties, those that are worthy can be merged by the other parties and we remain with only six parties in our Constitution to run the country.

Com. Ayonga: Reuben Okeyo

Reuben Okeyo: Jina langu ni Reuben Okeyo na maoni yangu ni kuhusu ndoa ambayo tuko nayo katika Kenya na kuhusu pombe ambayo imekuwa ni haramu katika Kenya. Hivi vitu viwili vinanipa matatizo, matatizo yake ni hii; Vijana wa siku hizi wanafanya vitu kama ndoa ya kuwekana ambayo inaletea wazazi matatizo sana. Mambo ya chokara yaliingia kutokana na watoto ambao wanazaliwa ghafla namna hiyo kwa ndoa ambayo haina ukweli. Sasa unakuta ya kwamba unapeleka msichana kwa shule asome badala ya kukuletea certificate ya masomo anakuletea watoto. Sasa unakuwa na watoto mfululizo kila mwaka. Hiyo ni kusema kwamba hatuna sheria ambayo inazuia kufanya mambo kama hayo. Kwa hivyo tunataka Katiba mpya iwe na sheria mpya ya ndoa ili msichana akiolewa awe ameolewa. Na kama anaweza kupata mimba nje ya ndoa, kuwe na sheria fulani ambayo inaweza kukataza.

Sababu vile wanavyozaa namna hiyo na hii ndoa ya ghafla, hii ya kuwekana hii ndio imeanza kufanya chokora kuonekana wengi wakati ambapo kuliondolewa sheria kuwa msichana akipewa mimba na kijana fulani aweze kuchukuliwa hatua yaani alishe huyu mtoto kuanzia kuzaliwa hadi miaka kumi na nane hivi ndio aweze kuachiliwa halafu ndio akitaka amchukue ama akitaka asimchukue akatae. Kwa sababu atakuwa mtu mzima. Sasa wakati huu imekuwa ni mzigo kwa sababu akizaa anaachia tu mzazi kwa sababu kama babu na nyanya, watahughulika na hio imekuwa ni mzigo. Kutokuwa na sheria ama kutokuwa na ile amri ya kuzuia mambo kama hayo ndio imetuletea shida. Hapo naona ni kama chokora walianzia hapo na ndio sababu tuko na mzigo. Tunataka upande wa ndoa tuweke sheria katika Katiba mpya ijaribu kuweka sheria kwa ndoa ili tusipate watoto ambao hatuwezi kujua misingi yao vile inaweza kuwa.

Jambo la pili ni kuhusu pombe haramu. Pombe haramu imekuwa mzigo na hapa inatakikana Katiba ya wakati huu ifikirie kwa sababu yenyewe hii pombe si kitu mzuri lakini iko sababu inanyoa. Lakini mkiambia mtu asikunywe busaa na mwingine anaburudika na beer ama na whisky ingine ambayo inakuwa recommended na serikali, sasa huyu mtu ambaye anataka kunywa atakunywa nini kama hawezi kutengeneza uji mwingine uwe kidogo kama kali kali ili avite pombe akunywe. Hiyo imeleta shida kwa sababu imefanya sasa badala ya kuwa ni sheria ya pombe, imekuwa ni pombe haramu. Sasa inafanya serikali ama askari wameingilia hiyo na ni kazi yao. Akina mama wale ambao wanafanya hiyo kazi ya kupata unga kwa hiyo pombe, hata saa ingine hawana raha sababu zile pesa ambazo wamezipata pale wanagawana na askari. Hata kama korti iko kwa sababu hiyo imezuiliwa ya kwamba ni haramu, hata Judge hawakutani na hawa watu wote, anakutana na watu wawili kati ya watu hawa walikuwa wamekwenda kunywa ambao ni ishirini, anapata yule ambaye hakuwa na pesa ndio atawafanyia kesi.

Lakini wale wengine walikuweco kumi na nane wanapotelea mistuni kwa sababu iko koti mara mbili. Sasa imefanya askari

wanakuwa na nguvu ya kushughulikia kazi ya pombe kuliko kazi ingine ambayo wanafanyia raia wafurahi nayo. Sasa serikali, Katiba hii itafute sheria ambayo inaweza ku-release hiki kitu. Labda iwekwe rahisi kwa watu wengine ambao wanaweza kuwa wanahitaji starehe za aina fulani, wapewe nafasi kidogo ama wapewe nafasi ambayo inaweza kuwa ni free kufanya hivyo kuliko kuwa imekazwa sana kwamba ni haramu. Huku si haramu, huku inaleta faida kwa askari.

Sasa hii sheria, ningemba Katiba ya wakati huu tafadhali irekebishe hapo kwa sababu pombe haitamaliza shida. Nguvu za Mungu ndizo zinaweza kumaliza hamu ya kila kitu mtu anatumia lakini sheria peke yake ambayo inasema watu waache pombe haramu, hawatawacha hata ikifanywa namna gani. Na kama inawezekana afadhali ipigwe marufuku kabisa kuliko kuwa nusu nusu ambayo haiko ndani ya sheria. Na kama sivyo, irekebishwe ili raia wawe na raha kwa balance mtu aweze kujirekebisha kwa njia ili anaweza. Ni hiyo tu.

Com. Nunow: Asante sana na, jilandikishe Mzee, Mzee tafadhali njoo ujilandikishe. Eric Obunyasi.

Eric Obunyasi: Kwa majina ni Eric Obunyasi, na ningependa kuwakilisha mambo yafuatayo:

In the first place I would like to refer to the old Constitution, part one, dealing with Executive. In 1978 we had a Constitution change after the death of the founding father and this year God willing, we may have transitory change and this is the area I would like to comment on. In the new Constitution I recommend the following, and I quote: "It should be made illegal for anyone to hand pick and campaign for any aspiring candidate for that high office". I say this because it interferes with the democratic rights of individuals, specifically the individual political opinions. You will agree with me Commissioners, we all have different opinions. Some of these Emuhaya people are opposition supporters. If you tell them to vote for KANU, some of them will commit suicide overnight others are strong KANU supporters, if you tell them to vote for opposition they will even commit suicide. Therefore the political opinion right should be left to individuals to decide what to do.

I would like also to highlight on part 7 of the old Constitution, finances. And it states that all finances of the government should be collected and be made a consolidated fund. And in that Constitution, it recommends that the withdrawal must be made through Parliament or Appropriation Bill. However, it has happened that money has been spent without following the right channels and there is no punishment for the offenders. Therefore I suggest that anyone withdrawing funds outside the Constitutional means should be punished and punishment should be specified. Even if he is a public figure, he should lose his job.

My good Commissioners, I would also like to refer to chapter 8 of the old Constitution. The new Constitution should try to fight corruption kwa sababu corruption is a disease that is killing our society. For example young boys and girls are graduating from schools. Somebody in Nairobi or somewhere else is asking them to pay 50,000 or 40,000 for them to be admitted in teachers training or medical institutions, it is very unfair. Also a very influential politician may also manipulate the situation when these are the interviews for military police or AP. He comes and picks his own people for his political benefit. So I suggest that institutions

like Public Service Commission, Judicial Service Commission, Parliamentary Service Commission and you name it, should be left to handle personnel, discipline and other personnel matters. But when it comes to recruitment I will strongly suggest that in the new Constitution, there should be an external consultant to do the recruitment which will not be manipulated by either powerful politicians or corrupt civil servants.

Those recommendations were in the form of... I will say (inaudible) amendment to the old Constitution. But now the two areas I'm going to highlight are what I will call progressive development to the new Constitution.

Number four, distribution of resources: You will agree with me that most of the Kenyans who are rich now, they are not rich because they are highly educated or because they are hard working. They are rich because they happened to have high offices which they have already abused and then enriched themselves. And I would suggest that distribution of land, finances and appointment of people to high offices should be discussed in Parliament if possible. Soft loans coming from the international community should be given very wide publicity particularly in the news and print media. The common man does not actually read the news paper but if they are put on the radio, most of them will have an access to that information.

Finally, I would like to touch on two important issues. Kenyans need bread and butter they are not interested in politics. Therefore our economy is collapsing because of mistakes of our own making. Only few are participating in the economy but $\frac{3}{4}$ of Kenyans are idle, that is why the economy is collapsing. I would suggest that Parliament should allocate funds and these funds should be sent to districts and be given to local entrepreneurs to start their own small business. Funds should be allocated every year.

Another point which is connected to that, as I put it, Kenyans are not interested in politics they are interested in bread and butter. (inaudible) political parties: If a political party wins elections and fails to revive the economy, instead of serving on finishing five years, they should resign after 2 $\frac{1}{2}$ years so that elections are held, a new party comes in to revive the economy. This will help the people instead of enriching themselves, they will help them to concentrate on minding the welfare of the common man.

Lastly, I wish to recommend that in the new Constitution, we should have only three political parties. Some of them, most of these parties we have are just to enrich individuals and solicit funds from international communities. This is the way I suggest; three political parties and to register a party, each political party should receive about 6,000 signatures from the districts. Thank you very much.

Com. Nunow: Asante sana, tafadhali ujiandikishe pale na utupatie hiyo memorandum nashukuru. Rabo Okola.

Rabo Okola: Kwa majina ni Rabo Okola. Niko na memorandum ambayo imeandikwa na karibu watu 30, majina yao yako

hapa. Na mengi ambayo yamesemwa, mengi ambayo watu wamesema yako kwa hii memorandum. Siwezi nikasoma kwa sababu nimeona mengi yameandikwa lakini walikuwa watu wa Emuhaya constituency. Yale machache ambayo ningesema, kwa sababu hii nitapeana hapa, ni kama hivi; Amendment ya Constitution ambayo tunandika sasa, walionelea kwamba to be amended, we need about 95% of Parliamentary. If not, it should be referred to the people and particularly important issues should be referred to the referendum to be able to amend it.

Citizenship, walifikiria kwamba anybody born in Kenya should become an automatic citizen whether he or she French or British so long as one is born in Kenya, he should become a citizen. Secondly if either mother or father is a Kenyan anybody borne out of those two should become a citizen of Kenya. It also recommended that if one of them is a Kenyan and the other one is a foreigner, the spouse should also be given citizenship.

Now, they also recommended that the present system of government, the presidential system should continue. They felt that if we have a Prime Minister it will mean creating more jobs and that will require a lot of money and since our country doesn't have enough resources it will not be fair to have a big Parliament. Secondly, if we have a Prime Minister and a President, one will be more of ceremonial and since the country cannot afford to pay someone who is ceremonial, it is just like when you consider the British Government we have the queen and the Prime Minister. The queen holds a ceremonial position and she is drawing a lot of funds from the Government and yet she does very little. So we don't need that kind of system here.

Thirdly on Prime Minister, they felt that it will be not good, if you have two people and Kenya being made up of so many tribes it might as well divide Kenya into divisions. Some will be following the Prime Minister, some the President and that will bring division in our country. So those are some of the things that were discussed, in this memorandum but a lot of what was discussed they were following guidelines and you will read for yourselves.

The Constitution should also give limited powers to the President. In other words, checks and balances. The Constitution should also protect the President. Now there are very many people who feel that they are fit to become the President and if the Constitution is not protecting them, they might try to abuse their rights so that the President doesn't have power to control them. He has limited power so that he can also be able to control those that claim that they are equal in the government.

Political parties: This particular group felt that there is no need to have so many political parties. For a party to be registered it must have a national outlook covering all the whole country. Now, in that case, they felt that maybe three parties will be good enough. There must be enough people in every district to support that party to be registered and then that party should be financed by government and not for them to start looking for money elsewhere and so fourth. If it has a national outlook, it should be financed by the government.

On the judiciary, they felt that it should be independent and then paid well to avoid corruption. Because one reason why they

are now getting to corruption is because they are paid less. So if you can pay them well, perhaps that might limit corruption. And then they should, in the Constitution, the penalty for corruption should be very high to discourage them from taking bribes. Individuals, particularly the ordinary people should be given legal aid, should be given lawyers to protect them because some of them are just manhandled because they don't have anyone to defend them. They will require some kind of protection.

Age for the President: It was felt that anyone who is 40 years and above should qualify for the Presidency and a Parliamentary candidate should be anybody who has got an ID. That means from age of around 20, one should qualify to be a Member of Parliament so long as he can be able to win people in that respect.

And they talked about land ownership which you will find in this one. Land ownership should be for the family and not an individual say mother, father and the children. All should actually own, and then transfer of land should be made easier because people are spending a lot of money in trying to get land transfer to them. Even for subdivision it is a lot of money that people cannot afford and this should really be reduced. I think a lot that has been said is in this memorandum and you look at it, thank you.

Com. Nunow: Thank you Bwana Okola, please wait for a moment.

Com. Kangu: Bwana Okola, you are saying citizenship should go to anybody born in Kenya. I'm a little worried because today we have buses travelling from Tanzania through Kenya to Uganda and you can be sure we are not going to stop mamas who go into labour giving birth in those buses in Kenya. Do we give citizenship to such people?

Rabo Okola: (inaudible)

Com. Kangu: If they choose?

Rabo Okola: (inaudible) so that if now wanted to go to that country, you will have no problem.

Com. Kangu : You know there are Kenyans who sometimes travel to places like Britain just for maternity so that the child may get citizenship in Britain. Supposing some other neighbouring Africans think our economy is good and they start doing that, what are we going to do?

Rabo Okola: If it is a question of economy then it means there is something wrong with the system of government because they are not taking care of... I mean they are not providing inducement to those people so that they can work here in the country. But I was not thinking of people who are passing. Say an ambassador comes to Kenya and stays in Kenya. A child born here should actually have automatic citizenship although we know that he will go back to his own country. It doesn't really

effect us, thank you.

Com. Nunow: Okey, thank you. Let us have your memorandum and you sign the register as well. Enos Kweno?

Pastor Enos Kweno: My names are Pastor Enos Kweno. My presentation will be very brief. I was looking or made an observation that when we marry we as Christian Churches, we marry our people. When they want to separate we are not involved in separation. But the Muslims when they marry their people, when it comes to separation they are involved. So I was praying the new Constitution, if at all this could be looked into, we may also be considered as our fellow colleagues, the Kadhis. We appear in court or wherever the divorce is taking place and at least give our contributions.

Two, the Christian churches do not allow registration of more than one wife. Therefore, whenever we restrict our Members to one wife, they sneak out, go to the DC's office and they are married there to their second wives and third wives of which we as christians we do not encourage. We feel the law should at least come to our aid so that though we have the freedom of worship we should protect the church.

The other area I made an observation was on the elections of mayors and chairmen. I think it should be carried out by voters and not by councillors. And as somebody mentioned or the minister said, the chairman and mayors should be graduates. It is my prayer that the new Constitution should also include that all those who aspire to be mayors and chairman of councils and cities in Kenya be graduates, and the councillors' minimum qualification should be school certificates.

I also made an observation that the Minister of education should be a personel who is highly qualified academically. So that he becomes the chancellor of all universities, private and public universities.

Another observation I made is the opening of new administration boundaries. Let's say if we want to form a new district, this should be brought to Parliament and approved by Parliament. The holder of the office of the Attorney General should also be somebody competitive appointed by Parliament if possible. Just as we had one in 1978 when we had a transition. If we didn't have a highly qualified person, I think the transition would not have been so peaceful the way it was. He intervned during the change of Constitution and it has come. So when appointing the Attorney General, I feel he must be somebody of high calibre, high academic status and mature. Thank you.

Com. Kangu: I would like you to clarify a bit on what kind of protection you want the law to give to churches particularly concerning the issue of marriages and...

Pastor Enos Kweno: When they go to the DC's office for marriage, I think the DC's should be people... If the law protected the church, the DC would know if the person marrying has ever been married through the church, official marriage or any other

kind. Or if he is a member of protestant church, because to the protestants, once married to one wife, that is enough. But the muslims allow up to the fourth wife.

Com. Kangu: You see the problem we have is that I think that the current Constitution, the law says that you cannot marry at the DC's office without the DC first issuing a notice. The marriage registrar issues a notice, it is normally posted on the wall there for a number of days and I am sure for a person who is married in church and he chooses to go and marry there secretly, even if you say they should be disclosed to the marriage registrar, they will not. So may be propose for us what would be the proper mechanism of ensuring that people do not go to secret marriages even when they are officially married elsewhere.

Pastor Enos Kweno: Sorry, it is a bit difficult to come out with a clear way because even the first wife is not informed when the husband goes to register the second wife. Normally it is done very quietly and very far away. Let us say we are in Emuhaya constituency and DC is in Vihiga, this way, we may not know when the notices are hanged outside the DC's office. Of course the advertisements are put there but it is not easy for the people here to know what is happening at the other end.

Com. Kangu: Make a difference. If we were saying that we devolve registration of marriage from the DCs office to the chiefs because at the Chief's level the Chief will know you and he will know you have a wife at home and will tell you, "Really why are you coming with this other one and we know you married the other one in church?"

Enos Kweno: I think that will be okay. I have heard them laugh behind me. Thank you very much.

Com. Nunow: Thank you. Wellington Atolwa?

Wellington Atolwa: My names are Wellington Atolwa. Mimi nitazungumzia, nitajadilia sana sana kuhusu wale ambao hawana kazi.

Jambo la kwanza ningelipenda wakati mjadala huu unapoendelea, hawa ambao hawana kazi malezi yao ni magumu sana, nataka free health care.

Jambo la pili, ningelichangia upande wa education. Tunaambiwa ya kwamba eti kuna free education kwa primary school, na tunaonelea ya kwamba hata kwa nursery schools lazima atoe shilingi zaidi ya elfu moja ndio mtoto aende kwa nursery school na hali hafanyi kazi. Kwa hivyo inafanya watoto wengi wa wale ambao hawafanyi kazi hawaendi shule. Nataka tuwe uhuru, uwe sawa kwa kila mtu kwa Kenya. Isiwe wale ambao wanapata, wapate uhuru zaidi ya wale hawapati.

Nikiacha kwa hayo maneno, nakuja kwa upande wa unywaji. Unywaji mwingi wa pombe, inakuja kwamba kuna pombe ambayo wengi wanakunywa kwa sababu hawapati pesa nyingi ama hawapati pesa. Kama hii pombe ya kienyeji inaitwa busaa. Na kwa wale watu wanapata pesa nyingi milioni moja, milioni umi na nane wanaweza kuenda kununua vodka, whisky, na wakunywe na hiyo pombe haionelewi kama ni pombe ya haramu na kumbe pombe ni pombe. Kwa hivyo hiyo iangaliwe.

Pombe kama ni kupigwa marafuku pombe yote ipigwe marafuku, iwe vodka na iwe busaa yote ipigwe marafuku. Na kama ni huru, busaa iwe huru na vodka iwe huru. Asanteni.

Com. Nunow: Asante sana, tafadhali jilandikishe pale. Rev. Maina, Rev. Patrik Maina? Reverend ametoka? Okay, Raham Munianga.

Raham Murianga: My name is Raham Murianga. First of all I am going to speak on Constitutional supremacy.

The Constitutional amendments should not be left for Parliament alone. For any amendment this should involve the public through the referendum. This is because from the past experience it has been abused.

Now, political parties. Political parties play a very important role in national development and public mobilisation and this should be regulated by Parliament. This means that the conduct and management should be seen to focus on development issues, economic and unity of the people. And for any registration of political party or parties, it should reflect that national outlook and not on tribal basis. The funding of political parties should be self sponsored. The first three political parties should be supported by public funds. Any political party to be registered should have ten registered Members in every District.

Electoral system: Now, defection should not be allowed during Parliamentary term. Any member defecting should cease to be a member until after the five years term. And then we should have an election, a by- election should be held.

Coming to legislature, Parliament should be given power to appoint ministers and Ambassadors, top civil servants and Parastatal heads and this should not be left to the President whereby, we have heard so much mess in the civil service. Members should be elected on contract terms of five years, and this should be made clear by Parliament and should not be those ones that will... The terms of the contract should be specified by Parliament not to be that one that will burden the public funds like the case we had just recently whereby you get that a cook was paid a hundred thousand shillings while we have university graduates who are merely earning seven thousand shillings.

Now, appointment of cabinet ministers. This should be done by Parliament to determine their qualifications in those posts. There should be a mechanism whereby all bills passed in Parliament are not defective and do not have negative impact on its citizens. For example we had the Donde Bill which was rejected and taken to court and this shows some poor ways of enacting Bills in Parliament. A Bill should not be challenged.

Now, on appointed or nominated Members, this should be done by political parties from each province and there should be one from each province and the remaining three from the three political parties and one for the President, that gives a total of twelve. The Members nominated should be above party politics. They should be people of high integrity who have shown distinguished service to the nation. Nominated Members should not be given cabinet posts as we have seen so much laziness at

the moment. They should not have vied for any Parliamentary seats. Then a member who is found to be corrupt should be taken to court and if found guilty should be punished and a by-election should be held.

Local government; Mayors and councilors should be elected and should be given more terms just like that one of Parliament and this should be done by the people. The academic qualification for the councilor should be a form four leaver who knows English as well as Kiswahili so that he is able to communicate with the local people. The nomination of councillors should be limited according to the councils resources and this should be set out by the Parliament. Promotion of local area to certain status should not be left only to the minister but to a Commission.

The funding of councils should be done by the government but they should be left to manage their own resources and development. Where the council is unable to meet its obligation to the residents, it should be reduced to a lower status. The powers of council clerk should be reduced and the councilors should have the power to remove the clerk from the office if found inefficient.

Then we have land and property rights. Land is a basic right to every Kenyan and every effort should be made to see that all landless people have access to land. Every Kenyan should have a right to buy land and settle anywhere in Kenya. Should the government acquire any land for development, then those ones affected should be immediately compensated for we don't need a person taking six years before they are compensated for. Now, the succession of land should be simplified so that it is done immediately to avoid these struggles here and there.

The management of resources like, water, minerals, forest should benefit the community around. For example we have water here, so these people of Emuhaya feel we have water but we don't actually benefit a lot while other areas are benefiting.

Constitutional Commission and Constitutional offices: We need to have a provincial, District and other boundary Commissions looking into the demarcation disputes and promotion of those ones. We don't want to have such issues of tribal District like Teso, Suba, and sooner or later we shall also ask for Bunyore District. We want to have a District which has a national outlook. Now when such things are done, then the findings should be sent to Parliament for approval.

Education: Every Kenyan needs to have free universal basic education, which should be funded by the government. The system of education, should return to the old system where we had seven years of primary education, four years of secondary, and two years of higher education. The secondary education should be divided in language stream, science stream and technical stream. This used to cater for all interests of individual talents. The government should plan expansion of all technical schools and give more grants and bursaries especially to the needy. Thank you.

Com. Nunow: Thank you very much, tafadhali jilandikishe pale. Reverend, are you ready? Please come.

Rev. Patrick Maina: Thank you Commissioners, I am Reverend Patrick Maina, representing a memo on behalf of Church of God in East Africa, Kenya.

In summary, it is our view that the Constitution of Kenya should have a preamble setting forth the mission and vision of our nation. This should encompass the ideological foundation and structures of governance as a sovereign State. Our Constitution should state clearly that it is our supreme instrument of governance. And therefore, it should re-establish the rule of law as a source of legitimate governance and authority. In other words, our Constitution should deter military coups in such a sense that at any given time of our existence, if there will be any military coup, then it should not have the legitimacy to govern the affairs of the republic.

The country should be ruled through a democratic process in all aspects of its operations. That is, the Constitution should guarantee participatory governance right from local councils or counties up the Central Government. And it is our view as an institution to propagate for a unitary system of State governance. We are saying that we don't need a federal system given the diversity and the economic imbalance existing in our country.

On citizenship, it should be automatic that anybody born in Kenya by one parent who is Kenyan should enjoy the rights as a Kenyan citizenship. On the other hand, by virtue of marriage, the non-Kenyan spouse should enjoy the Kenya citizenship only on the provision that he forfeits his or her previous citizenship.

On security, that is the Armed Forces, being a supreme security instrument, it should be incorporated in the Kenya Constitution to allow or to state clearly when they can be called to service because we have seen that most of our military people spend a big volume of our budget but they do very little during our peaceful existence within our territories. And therefore they should be made to provide labour like the maintenance of roads, bridges and other necessities during disasters. We should use them to reduce additional budget on our economy.

Political parties should be governed through the Constitution, a mechanism of control and their registration should be stated in the Constitution. And no political party should be registered based on tribal or sectionalism. It is our preference that we have a presidential type of government and limitation of presidential powers be clearly incorporated in the Constitution. We propose that we should not have a Prime Minister's post in the Constitution because even currently, we have a Vice President who is a leader of government but due to abuse of power and office or misuse of power and office, the President has not allowed the Vice President to run that portfolio effectively. Therefore, we don't see if creating a whole new office of the Prime Minister will make any difference because the abuse is with the people in the office.

Parliament be empowered to provide direction for appointment and reprimands and dismissal of certain key public officers like, Controller, Auditor General, Attorney General and Chief Justice. Also, Commissioner of Police should be vetted by the Parliament before the appointments. The other sentiments have already been echoed by some people who have already represented their views concerning Commission of Judiciary, which should be entirely in charge and responsible for the

appointments of High Court judges.

Special courts should be established mostly to take care of the interests of Religious groups. In the current Constitution, we only have reference to Chief Kadhi, and we know that we have another enactment Cap 16 157 which allows for the Hinduism on matters of inheritance, whereas it is very silent, our Constitution is very silent on Christian Religion and how christians or widows and widowers, can carry out the affairs concerning inheritance and land matters. We should have a Constitutional court to deal with all matters pertaining to the Constitution.

Local government should be given more autonomous powers to govern matters affecting local authorities. In particular, trust land and natural resources within their jurisdiction. Mayors in the cities should be elected directly by the voters and preferably candidature for Mayorship should be non political; Should not have political party affiliation to give it the independence of operation.

Presidential candidates should qualify... We should make the Constitution to state clearly that only an African Kenyan shall contest for presidency. Because under the current Kenyanisation, you might end up having another colonialist in the name of the Leakeys and the like ruling us again and therefore we must insist on a President being an African Kenyan. She or he should garner atleast fifty percent of registered votes in atleast five of the eight provinces.

The Electoral Commission should be enshrined in our Constitution as a supreme body to govern the timetable of the elections.

Fundamental human rights should be incorporated in the Constitution. And a bill of rights should be clearly stated with the protection of the minority groups.

The communities should have the right to determine the use of land and that is in reference to trust land and other natural resources within their premises. Women should be included in the issue of property inheritance without discrimination. Parents should have the right of inheritance of their childrens' assets incase there are no spouses.

We advocate for eradication of outdated traditions but we propose that we should have other ideals or values in their replacement. Like genital mutilation of women. Whereas we say it is outdated, only on the premise of medical or health grounds. Otherwise it is a healthy exercise within the given community, and therefore its replacement should be devised and not just to be slummed as a primitive exercise because the west people who are advocating against it practise homosexuality which to most African traditions, is a taboo.

The distribution and use of national resources be incorporated in the Constitution. In other words, the tax payers money should be incorporated in the Constitution to define use or how the tax payers money should be used country wide. Natural resources like forests, national parks, marine and minerals should be guarded within the Constitution. Special interest groups like the aged,

women , the disabled and the minority groups like the Ogiek among others, their rights should be enshrined in the Constitution.

Constitutional Institutions like the Review Commission should become a permanent body within the Constitution and all future matters relating to the review of our Kenyan Constitution should rest within that Commission. Parliament cannot determine the amendment or an overhaul of the Constitution because it is a creation of the same and therefore it is an interested party in the affairs of the Constitution. Given the current circumstance, we can conclude that Constitutional review should be delinked from Parliament except for enactment.

Certain appointments of key government ministers, like Minister for Finance, Foreign Affairs, Defence and Agriculture, (given that Kenya is an agro-economic country) should be subjected to Parliamentary vetting.

Transfer of powers, popularly known as Transition, should be clearly spelt out in the Constitution and it is our proposal that Chief Justice be incharge of state affairs during election period until the swearing in of the newly elected President.

There should be freedom and security for all, that is protection of and respect for life, liberty and property should be a first principle in our Constitution.

Com. Nunow: Thank you Reverend for your submission we will be happy to receive this memorandum unless my colleagues have any questions. Okay, there are no questions, it is, I think, quite clear and direct. We will be happy to receive it, thank you. Stanley Onsotsi? All right, thank you. John Olubui? Mama Velva Okatso?

Mama. Velma Okatso: I have the memorandum for the people of Emuhaya Division and actually much has been said and I'll just highlight on some few areas.

I begin with the rights of the vulnerable groups and that is haki ya makundi yanayoweza kudhulumiwa. Now, haki za wanawake hazitekelezwi kikamilifu; Kwanza... sorry. Okay I am Velma Okatso, representing Emuhaya Division.

Now, haki za wanawake hazitekelezwi kikamilifu; Kwanza Katiba irahisishe njia za kufuatwa na wajane kupata ama kurithi mali ya marehemu Bwana. Malipo ya pension ya Bwana au bibi aliyefariki yaendelee hadi kifo cha mriithi, yaani miaka mitano ni mifupi mno. Kipindi kilichopo kati ya marehemu na mriithi kupata marupurupu kifupishwe. Kwa jumla wanawake wapewe haki sawa na wanaume kikatiba.

Walemavu. Maslahi yao hayalindwi kikamilifu. Maslahi ya walemavu hayalindwi kikamilifu. Inapasa Katiba iwalinde kama mwananchi mwingine wa kawaida. Katiba iwashughulikie kwa upande wa kazi, vifaa vya elimu, na hata ikiwezekana Katiba imshughulikie kila mlemavu kulingana na mahitaji yake.

Haki za watoto. Kila mwananchi asome sheria mpya za watoto na azingatie haki za watoto kikamilifu.

Jinsi nilivyosema, mengi yameshugulikiwa na mengine yatasomwa kutokana na hiki kijikaratasi. Hata hivyo, apart from that, personally I have something to talk about and that is in how the youths from schools are admitted to these colleges like medical training colleges, teachers training colleges. Now I feel there should be a change because we find that this idea of corruption has actually brought in a lot of problems. In that, you find that those who are able to do well in these colleges and are not financially stable as in they cannot give kitu kidogo in these offices, they are not able to be absorbed so it has left most of these youths unable to join these colleges because they can't afford. They don't have the 'whom do you know' from up there. I feel the charges for these universities should be reduced to enable most of these youths from secondary school be able to join universities and further their studies. Thank you so much.

Com. Nunow: Thank you Mrs. Okatso kwa hayo maoni, we will be happy to receive your papers. So sign the register. David Tianyi?

David Tianyi: My names are David Tianyi, I represent the Kenya National Union of Teachers.(KNUT)

In our memorandum, we started with a wish that the new Constitution being enacted should have a preamble. A preamble will give as a direction, vision of national unity, it will also guarantee every citizen security and reassure the provision of education, health and settlement for every citizen.

Constitutional supremacy. The Constitution of the country should be the supreme document and the Parliament should not have power to amend the Constitution in any way it acquires. We have seen the side effects of that during the days of section 2a. Whereby the Constitution was amended and used quite in an impunitive way.

Just about the Constitution still, we would like the current Constitutional Review Commission, to be transformed into a long lasting Commission that will be looking into the issues of Constitutional review. Such that it can be given powers to conduct debate and national referendum on issues that are pertaining to the constitution and need to be amended.

Citizenship: It is our wish that the Constitution will guarantee every son and daughter born of a Kenyan man or woman, the citizenship of this country. And this should also apply to a wife or husband of a Kenyan son or citizen, thus allowing for dual citizenship. This will save us from the expensive maternity leaves. Like one of the Commissioners talked of people going to Britain for maternity so that the child born in that country becomes a citizen of that country and is also a citizen of the country where the parents come from, that is dual citizenship. Now, such like a citizen should be guaranteed to have the documents that are required. That is an ID card, a birth certificate and a passport without very many hurdles being placed in the way of such a person.

Political parties. Now, there should be a maximum of three political parties. If we looked at the players in the political scenario at this time, we have got the two extremes and the moderate. If the three formed the political parties, then that would be enough and would save us from the noise that we are hearing at the moment. Also, the registrar of societies should be tamed in the way he does it. Because at present, we know political parties are being formed either to destroy a certain section or for the benefit of one person or another.

The Legislature: The Parliament should have a right to vet all public appointments. That is the appointments of ministers, assistant ministers, permanent secretaries, ambassadors, directors and chairmen of state corporations. Such that this person should be a person of a good reputation. We have seen people plundering some corporations and they end up being transferred to another one just to go and do the same. For such, they should be tamed by such like a Commission of Parliament.

Now, the Constitution should also allow for a coalition government. Now, why I am fronting for that is that, you will find that some areas vote as a block. And you might vote as a block and end up not getting a person going to the party that will win the coming elections. That should not mean that you should be sidelined from the affairs of the government at that time. You are citizens and should be incorporated in the running of the government affairs at that time.

And then the President should not have control over the calendar of the Parliament.

The Parliament should be given mandate to run its own calendar. Election date for the country should be enshrined in the Constitution. We can say that in the last forty days, before the end of the current life of Parliament, elections should be held. That will show us where we are heading to. We shall not be held at ransom as we are now that only one person in this country knows the date of the coming elections. Other people are just at his mercy.

The Executive: Qualifications for the presidential candidate and even their CV's should be made public. We are beginning to get worried that we don't know where some people went to school, how they behaved in school, and how they behaved in the communities where they grew up. And they are coming up to tell us they want to be Presidents. We are going to have people with some wrong morals being elected Presidents if we don't know their CV's.

Now, the presidential terms should be two terms of five years each, that means that the longest period one can serve as President is ten years only. That will give people some rest. If somebody is bad enough, you know after ten years the person will go and you can breath a little.

Now, the President's functions should be spelt clearly in the Constitution. We have heard people who have behaved like small gods, they want to do everything and at there own will. Let the duties be spelt clearly in the Constitution.

The provincial administration is not bad. But the current Constitution has not spelt out the duties of provincial administration and

how they should be used such that we have seen assistant chiefs, chiefs, DO, P.C even Permanent Secretaries attending political rallies of the ruling party. That is not their duty. They should totally be delinked from political functions and do their duties as civil servants.

Now when we come to the Constitutional affairs, there should be a Minister for Constitutional affairs to deal with Constitutional matters in Parliament and the political side of the Constitution, and not the AG. The AG should be in office and execute his duties as a public prosecutor from his chambers. I am just finalising.

The local government: The chairmen and the Mayors should be elected by the people directly. And the education standards for local authority leaders should be at o level and even Parliamentary leaders. That will save us from conducting language test because somebody who has reached o level standard of education is literate enough. The local government should also have a local government authority, which will hire manpower for the local authorities putting in mind that now the local authorities are going to run a bigger share of the government money. And as such, it should have qualified people employed by the government Commission.

The electoral system should cater for people who have special needs like the handicaped, women, senior citizens, farmers and trade unions. Then an MP and a councillor should get atleast over half of the registered votes in that area. We have seen a senario whereby an MP is elected with 6,000 votes and the number of registered voters in the area is 45,000 votes. That person cannot have a mandate to rule such a bigger number of people who did not vote for him.

Trade union as an organisation should be taken into account. It should be respected because we have seen somewhere in this world whereby, trade unions have offered alternative governments in times of crisis such that the agreement Trade Unions sign with the government should be respected and should be clearly spelt out in the Constitution not like the impasse we are seeing in some places at this time.

Lastly as I finalise, land. Lands has been a thorn in the flesh in this country and as a resource, if it is shared equitably and for the betterment of the citizens, there will be no problems. But as of now, land is a problem or a bomb waiting to explode. Whereby owning a thousand acres of land, I feel that person is owning too much yet some people are on the streets without even a quarter an acre of land. So, let us share these resources equitably.

The title deed; there should be a provision for a title deed to be owned by a couple, let me say a man and a woman. Because some people mortgage their land without the family knowing. When they die or when the family property is auctioned, is when they come to discover that one person in the family misused the title deed.

Then lastly on languages, I still feel English should be the official language of the country, and Kiswahili should be the national language. That will enable a wider scope of Kenyans to transact their bussines. Management of national resources: The Auditor

General has always come up with a report of what is required to be done. This one has been overlooked because we have made him to be toothless. The Constitution should come out clearly giving the powers and duties of the Auditor general, then let the report be implemented if somebody has misappropriated from a public corporation, let him pay for it or face prosecution. Thank you very much.

Com. Kangu: Now, you said that land is a time bomb and that one should not have a thousand acres and so on and many people I know have also said we should have a land ceiling. Some have said ten acres, some have said a hundred acres, but we have been in other parts of this country particularly the pastoralist areas where they have told us they cannot accept the concept of land ceiling because they are saying they are pastoralists, they must own very large tracts of land to be able to move from one pasture to another. And infact in Maasai, they told us some people come up with the concept of what we call idle land, they come here and find we have left one pasture to go to another one and they think this one is idle. They still don't want to hear that. Now, how are we going to implement this policy of certain ceiling put on land? Are we going to zone the country so that we say in certain areas the maximum should be so much and in other areas the maximum should be so much?

David Tianyi: Thank you very much. The way you have put it, that clearly demarcates the country into two areas. Areas where people practise arable farming and areas where pastoralism is practised. And if you look at those two areas, the areas where the land issue is very explosive are areas where arable farming is practised. That is, if you divide the country into parts, the Western part of the country mostly, that is where the land issue is very explosive. When you go to North Eastern and most parts of the Eastern province, I don't know how much is necessary because those are pastoral communities. So if we zone the country in such a manner, its in these parts of the country, Central province coming to this side where we shall require, we should know how much land we have and to an average, aproximately how much each person can have and then feel comfortale. I think that will minimize the tension that is building up at this time.

Com. Nunow: Thank you Bwana Tianyi, please let us have your memorandum. I will ask some of the ladies to present. Alice Anjehele?

Alice Anjehele: My names are Alice Anjehele, I am representing an organisation that is Christian Pastors Development Agency, together with Kenya Women political caucus. So we are gender sensitive.

So under citizenship, we propose that anybody born by a Kenyan man or woman, should be regarded as an automatic citizen of Kenya. Kenyan women and men should be able to confer citizenship to their foreign husbands and wives. Any child born of one Kenyan citizen should be granted automatic citizenship regardless of parent's gender. Kenyans should have their identification cards and birth certificates as evidence of citizenship.

Under defence and national security, it should be established by the Constitution.

It should have Armed Forces Commission under the ministry of defence to discipline the Armed Forces. The President should be the Commander-in-Chief of the Armed Forces under a defence council. The Executive should have power to declare war but in conjunction with the defence council. The Constitution should allow use of extra ordinary power in emergency situations such as war, national disasters but the Executive must do this within a council which should be provided for in the Constitution.

Under Legislature, we propose that Affirmative Action, that is 35% of Parliamentary seats should be reserved for women. A Parliamentary candidate to have a minimum of B- and above. A Member of Parliament should be a full time job. MPs' should have offices established in their constituencies to enable them conduct the constituency's affairs. Public debate should be conducted before a Bill is passed to become a law.

Then functions of Parliament should be expanded so that they may have the power of appointing all government heads of Commissions and the Judiciary. Age should be...

...by petitioning through the Electoral Commission if they are not performing. MPs' should act on the instructions from their constituents. Then lastly any Member of Parliament who will defect from the party that elected him to that seat should loose that seat and go back to the people to seek a re-election.

Under Executive, the relationship between the President and the Parliament should only be (inaudible)

Then, we need a provincial administration only that the structure should be improved and their roles should be: one, to maintain law and order; security; peace and unity then eradicate all illicit drinks and drugs. Then to add on that, administration should start at village level, and those village elders should be employed with the government. And the government should consider how they are going to survive by atleast providing them a token for survival. Then age requirement should be thirty years and above for village elders. Then the administration should be elected by the people and not appointed. Then, there should be affirmative action in electing the administration from village level to higher level.

Under Judiciary, we propose that legal aid should be provided as a right to for persons unable to afford services of lawyers especially in serious cases and mandatory in cases relating to abuse of rights. Minimum qualifications for judicial officers should be a degree in law. The Kadhis should have qualifications similar to the magistrates. Judicial power of the state should be vested exclusively in court.

Lastly on land and property. Land tenure should focus on gender equity. Then, a spouse's approval regarding any disposal, acquisition of land should be mandatory and included in the Constitution. The right to own and inherit land and other movable and immovable properties by women should be included as a right in the Constitution.

Then, lastly on the electoral system and process, voter education to be a continous excercise to eradicate ignorance and illiteracy. Use of electoral police force to prosecute election related offences.

Then issuance of Identification cards should be made faster; Within two weeks from the date of lodging a request.

Then also making it mandatory for parties to field 35% women candidates for election.

Then other vulnerable groups such as disabled, children and young people to have representation in Parliament and local government. Then, voter registration should be a continuous exercise. I think those are the few highlights I had and the rest of the information will be found in the memorandum.

Com. Kangu: (inaudible)

Alice Anjehele: Now, you find that when somebody is mature or may be from 50 years and above, that one may be very much experienced in that field or the office that he is working in. So when you say 50 years to be a limit, we assume that at that age of fifty, someone has become very much resourceful and that is why we say it should be from atleast 35 to 70.

Com. Nunow: (Inaudible)

Alice Anjehele: Okay let me just consider the last one of a human being. I don't think you can get one. There are just very few individuals in society who are 70 and above but most of them are in their mid 60's na utapata ya kwamba mtu sasa ameaga dunia. So I think 70 years can be a good limit.

Com. Nonow: (inaudible)

Alice Anjehele: Okay I think you can't put that limit there that when you are seventy and above you cannot vote. They are now voting, it is somebody's life. So if you put that limit you shall be depriving one's rights as Kenyan citizens because voting is one's right. So shall we deprive it from that person?

Com. Kangu: (Inaudible)

Alice Anjehele: In that case it is good for him continue upto the age of 70.

Com. Kangu: Okay Samson Sikinye? Samson, njoo.

Samson Sikinye: My names are Samson Sikinye Tero and I will talk about some issues that are affecting the lives of everyone in the country. One is that we would like the Constitution to make sure that the elected Members of Parliament including the President do not have extra powers that make other people feel that they are frustrated in life. Because like in the Moi government or the leader who is leading right now, when he came to power, he gave jobs to ten percent of the unemployed whereas 90% of them have been living in poverty and are unable to survive.

For the MPs' the President should not nominate MPs' and the nominated persons should be representatives of other

organisations like disabled, judiciary and other bodies just to mention but a few.

We have these local brew and in Emuhaya right now, 80% of the people know that we had this busaa before. We feel that instead of being affected economically because of busaa being taken to court day and night, busaa should be left for the people of Emuhaya as we have beer here which are too expensive for the locals.

Petitions. When it comes to petitions, once you have been petitioned against, you should not occupy the office until the case is solved and it should be done in the shortest time possible.

Well, on the other hand, we rural people have been denied some other rights whereby we all feel that we should be treated equally as other Kenyans. For example in Emuhaya here, we cannot receive the Nation TV signals and other channels too apart from KBC. We feel that the government should let all those machineries of getting information to reach the rural folk.

On the issue of retirement, I don't see why Parliamentarians should be given benefits after retiring because they work on contracts and that contract is the same as for other Kenyans who go to work and are not given any benefits because of the Parliamentarians. Retirees or those people who have retired should not be given other positions because we have other people who have not worked even a single day and they are educated, even more educated than those people given opportunities. For example in Emuhaya here, the Electoral Commission is using retired officers and they are earning a lot of money, more than what they were earning and yet some of us we have never worked.

Lastly, natural resources. A lot has been said and there is another contentions resource affecting the people which is the issue of Maseno. Maseno is our educational resource but right now is benefiting Nyanza people, whereby all the university staff working in Maseno come from Nyanza and yet Maseno is ours by origin. So we feel that we people of Emuhaya are not well represented in the campus.

Com. Nunow: Thank you very much. Okay, please let's have your paper and you sign the register. Agneta Ambe? She has left. Margaret Lugadilu? (interjection) Okay, okay thank you. Then let me call Caleb Isiche.

Caleb Isiche: Majina yangu ni Caleb Isiche nina mambo mawili au matatu nitaongea.

Kwanza nitaongea juu ya vijana. Tumeona wakati huu hatuna mipango ambayo inafaa vijana. Vijana wengi wanapomaliza shule zisiwe wanakaa katika vijiji. Sasa ningependekeza tuwe na wizara ya vijana tu. Na chini ya wizara ya vijana tutakuwa na vituo vya vijana katika vijiji ambapo hivi vituo vitakuwa vinajaribu kuangalia talents na vile vile tutaweza kuwa katika vituo kama projects. Wale vijana ambao hawafanyi kazi wanaweza kujishughulisha na projects kama hizi wakiwa wanapata haki yao ya kawaida na vile vile wakipata ushauri ili kuzuia hualifu ambao unatokea mara kwa mara.

Vile vile wizara kama ya vijana itakuwa inaangalia fedha tujue vijana wangapi wako katika kijiji na wanaweza fanya nini. Katika hali kama hiyo wanaweza tafuta wafadhili ambao watakuja iangalie masilahi ya hao vijana, ili vijana wajiandae kwa maisha ya usoni. Wakati huu vijana wanamaliza, hawana kazi na wakianza maisha ya kawaida inakuwa vigumu.

Mbali na hayo nitaongea juu ya masikini. Wengi wetu katika nchi yetu ya Kenya ni maskini na tunapojaribu kuangalia jambo kama hili lazima tukuwe na mpango unaofaa kulingana na rasilmali katika kila sehemu. Tuseme sehemu fulani ukulima unaweza fanyika, kuna sehemu ingine mambo fulani yanaweza tendeka ili tuangalie wale watu wanaweza kufadhili projects ili watu wawe wanaweza kutumia rasilmali yao kupata haki yao ya kawaida kuliko kutazamia kuomba. Tuseme tu kuomba tu mambo ya nje ili wenyewe tuwe tunajiweza kifedha.

Ya tatu nitaongea juu ya siasa kidogo, juu ya parties. Ningelipenda kama upande wa President, mamlaka yale yachunguzwe kwa maana President ni binadamu. Wakati mwingi kama ako katika mamlaka, akikosea, awe na haki ya kuulizwa mbona alikosa. Na vile vile asikuwe na mamlaka mengi sana kuliko wakati huu.

Mbali na hayo pia tutaangalia upande wa Bunge. Kuna wabunge ambayo wana ile tabia ya kuhama hama katika chama kimoja wakienda kwa chama kingine. Niseme ni haki ya wale watu wanaowapatia kura hata wakifika wakati waseme, "huyu tumempatia kura." Na kama tunaona mtu akihama katika party akienda party ingine, basi ni heri atolewe tu asipatiwe tena nafasi ingine. Vile vile hii tabia ya kutumia pesa tukiwa katika harakati ya kutafuta kura, kuna watu ambao wanajiweza kifedha, na watu wengine hawajiwezi lakini lazima tuangalie huyu mtu ana-qualities gani kuwa kama leader ili kama mtu ambaye hatakuwa anatomia pesa katika campaign, huyu mtu atolewe tu katika hali ya kutafuta kura. Ili tukuwe na lengo fulani ya kutafuta kura.

Vile vile tena tungependa kama State itoe viombo vya habari, watu kama hawa ambao hawawezi kufikia kila watu, tuyasikize maoni yao kupitia kwa TV kupitia kwa radio, kupitia magazeti ili tuchunguze huyu mtu anaweza kuwa MP anaweza kutuletea mambo kama haya. Nafikiria ni hayo tu, asanteni.

Com. Nunow: Asante sana, ujiandikishe tafadhali. Angote Mitekwa?

Angote Mitekwa: Jina langu ni Angote Mitekwa, kwa maoni yangu ningependelea Electoral Commission ibadili mtindo unaoendelea sasa wa kuweka pamoja uchaguzi wa Rais, Wabunge na Ma-councilor. Maoni yangu, ningependa Rais apigiwe kura peke yake na wabunge wapigiwe kura peke yao ili mtu atakayeshinda wenzake kwenye kura ya Urais awe Rais wa taifa. Na chama kitakachopata wabunge wengi katika Bunge, kiongozi wa chama hicho, Katiba imchague awe Waziri Mkuu; Waziri Mkuu ambae ataunda baraza la mawaziri wake ikiwa chama hicho kitakuwa kimeshinda. Na iwapo chama hakitashinda kwa wabunge wengi, viungane vyama viwili vitatu vitakavyoweza kutimiza Wabunge wanaoweza kuunda serikali na itakuwa serikali ya mseto.

Maoni yangu ya pili yanahusiana na kuchagua waziri wa sheria sababu nchi ikiwa haina waziri wa sheria, watu wengi hutumia

mamlaka kinyume cha sheria ambapo haistahili.

Maoni yangu ya tatu, yahusika na uchumi. Uchumi wa nchi yetu unatakikana uwe na Commission ya kusimamia uchumi ili uchumi wetu ujulikane utakuwa kwa njia gani. Katika Commission hiyo ichukue wataalamu, ma-engineer, wanaviwanda wachague chairman wao katika hiyo committee.

Maoni yangu kwa upande wa elimu, ningependa serikali ianzishe ushuru wa elimu kwa wakenya wote walio na uwezo kufanya kazi ili serikali ipate pesa za kulipa walimu na kutengeneza majengo ya shule na vitu vingine bila kutegemea harambee.

Maoni yangu ya tano yanahusiana na Commission zote zinazoundwa. Commissioner ya uchaguzi, Commission ya Katiba, ziunganishwe zikuwe Commission moja ili ziweze kufanya kazi pamoja kama Commissions zinazoangalia masilahi ya sheria za nchi hii.

Uhuru wa vyama vya wafanyikazi; Vinatakiwa vikuwe vya kujitegemea. Visiingiliwe na wanasiasa au viongozi wowote wa serikali, ndio viweze kutetea wafanyikazi kwa njia ipasavyo.

Maisha ya ndoa na watoto, wanaume na wanawake wasiwachwe waishi bila ndoa ya halali na wasipewe nafasi ya kuzaa watoto kiholela kwa sababu hiyo inaleta wanaume wengi kuzaa na wanawake bila kuwaoa halafu wanasababisha watoto ambao hawana malezi mema. Ningependa Katiba mpya itunge sheria ya kuwalinda wanawake kutotakana na wanaume wanaowanyanyasa baada ya kuona hawawapendi. Wanawaacha wakiteseka na watoto, na hakuna sheria inayolinda wanawake kama hao na watoto kama hao.

Namaliza maoni yangu nikisema kwamba, sehemu ambazo zinamanufaa ya vitu fulani vya kiuchumi kama vile sehemu zenye kulimwa mahindi ingekuwa ni bora viwanda vya kusiaga mahindi na store za kuweka mahindi hayo, zijengwe huko kunakotoka mazao hayo. Zisijengwe mjini ambapo hazitafaidisha watoto wa wakulima wa hivyo vitu. Ambapo itawabidi waende tena kutafuta kazi sehemu ambazo hizo vitu zilipandwa na wababa yao hazipandwi. Hiyo ikiwa utapeleka viwanda hizo huko, kunapopandwa hizo vitu, itapunguza mminiko wa vijana mjini. Maoni yangu yanafikia hapo na ninawashukuru sana.

Com. Nunow: Asante sana kwa maoni yako, ujiandikishe hapa. Christopher Omasaba? A.K Olukosi.

A . K Olukosi: Thank you very much for the work you are doing. I wish to participate by contributing my proposals. I think this Constitution Review Commission is doing a very wonderful job and I congratulate you. The Constitution of any nation is, must, should and always be pivotal (inaudible) center of life and force of law of that nation above every thing else as the sun is to the universe. The Constitution of the Republic of Kenya should, in keeping with the fundamentally basic universal norm, therefore, be defined, designed and made in such a manner that strictly forbids and prevent any care free egocentric parochially selfish adulteration of the document through uncalled for subjective amendments.

However, necessary amendments that shall be conducive to development; political or social, and in the best interest of the country and people of Kenya should be allowed but only after very exhaustive public debate following proposals made by government, representatives of people in Parliament or individual citizens through formal Bills. Thereafter, a referendum is then held to approve or reject any proposed amendment. No voting in Parliament to amend the Constitution, must either be enshrined in the Constitution or allowed in any other form.

Parliament: It must be simply and clearly stated in the Constitution that Parliament is the supreme authority of the Republic of Kenya. Parliament should, as an institution, determine its timetable of sittings and recesses for the full term of five years. On the 30th November of the fifth year of its life, Parliament should be dissolved and the Speaker assumes authority of the state as acting President, though being Speaker of the National Assembly. The Speaker should act thus with full powers of the President through the whole election exercise in which he should not participate until the swearing in of the new President. Administration, management and control of Parliamentary affairs should be carried out by Parliamentary Service Commission which must be made up as follows:

The Commission should not exceed...

Com. Nunow: Mr. Olukosi, just a moment. Excuse me I can see you've got very good ideas but if you read them you will not go beyond a page before your time is up. So you might want to pick key issues in each section and consider limited details because we will read it our selves.

A. K Olokose: I don't read the whole...

Com. Nunow: No, just give us the... If you say electoral laws, you want them to be these. Parliament to have its own calendar that is the point. You move on. That way, you will cover many points. That is because we are limited by time.

A K O Lukosi: Okay I say Parliament should be responsible for its timetable sittings and so on and so on. And that there should be a Commission, a Parliamentary Service Commission to deal with the affairs of the Constitution to which Members will be subjected to respect through the Speaker, like about the attendance and so on.

The concept of democracy should be enshrined in the Constitution in that there should be a feed back system where Members of Parliament can be recalled by the electorate if they are not doing their work properly.

The the review of the Constitution of Kenya should accordingly create seventy-five additional constituencies, to make a total of two hundred and eighty five and establish a legal basis and authorisation upon which the Electoral Commission shall redefine proper boundaries after some names and so on in accordance to the criteria.

There is a serious volatile Constitutional problem here in Bunyore which could very well trigger hostility between the Luo's and the Banyore people. This is over the boundary between Vihiga and Kisumu district. No boundary was properly demarcated

during the majimbo exercise due to rowdy protests in which many people died and a mzungu was brutally assaulted and very badly injured near Maseno Hospital. At the time of the sub-division made to create Vihiga District from Kakamega, a proper Boundary was drawn in 1986-87 which has not been recognised. We wish this Constitutional review to see to it that this boundary is recognised. And Emuhaya constituency to be added two additional seats plus the Division of Maseno which should be transferred to Vihiga District.

Position of President and Vice President... First of all before I come to that, I think counting of votes, during any election should be carried out at the polling station and not any other place.

Position of the President and the Vice President: The Constitution should provide for nomination of the presidential candidate by political parties, to be enjoined with that of a running mate. Both of whom must be subject to the popular vote of the electorate. They should not participate in or represent a particular or specific constituency. Besides being a proper manner to guarantee equal and effective representation at grassroot level, this method will always limit the number of aspirants for President to only two or three since very few people will wish to or lose their chance to contest election at the constituency level.

The position of Prime Minister should not be created. And the President should only have the power to nominate or appoint ministers according to the ministries that there are. And not any more than it is necessary. Instead of having assistant ministers, we should have deputy ministers who should actually deputise for their ministers in their absence of performance.

The Electoral Commission should be empowered to get into and resolve the complaints during elections. And they should be able to discipline Members of the warring candidates and even the candidates themselves to be disqualified if their supporters intimidate other people and cause violence.

To the cabinet and ministers, there is a very serious overlapping of duties and responsibilities due to carefree uncontrolled creation and establishment of some obviously unnecessary ministries. The Constitution should state the number of ministers determined and shall constitute a responsible cabinet and down the line create an efficient civil service. Abolish office of the President as a specific ministry and adjust and establish only eighteen ministries.

Before I finish, I think the universities should be independent institutions to promote educational policy of the government. The government should not be responsible for appointing chancellors and vice chancellors, these people should be promoted according to their qualification and experience.

Corruption is rampant in the country mainly because, civil servants engage in private business. For instance, doctors running clinics and so on and so on. I think to eradicate these problem, the Ndegwa recommendation should be legally abolished and Members of Parliament must not be allowed to engage in business either. For instance a Member of Parliament who is a

lawyer, practises law and being a Member of Parliament at the same time. I think this is wrong and the Constitution should forbid this kind of behaviour. Thank you very much for giving me this chance to be able to contribute.

Com. Kangu: I would like you to go back to the point you made about the boundary, I want to get that point very clearly because we have heard a lot of complains about the Maseno problem. You say that proper boundaries were drawn... was it in 1986 or so when Vihiga District was being established. Then you give us full details and if there was any report, what it said. And when you are talking of drawing of the boundaries, are you saying it put Maseno in Western or Nyanza? We want to get very clear information on that. Yesterday, Mitumbwi people didn't seem to be very clear on what the position is.

A . K Olukosi: I personally think it is a Constitutional matter that boundaries should be defined because...(interjection). Yes, what happened was that the people of Bunyore were against areas of Maseno being put in Kisumu District and they protested and there was a serious fighting and even many many people died. Therefore, all this time since independence, Maseno has never had a boundary between Kakamega or Western province and Nyanza Province. And people just took things for granted and for the time being that Maseno University is there, there's some kind of reference to Maseno being in Kisumu District and this is a provocation against the people of Bunyore. We think the Constitution should very clearly define this boundary.

Com. Kangu: About boundaries being drawn afresh, I think you said around 1986 or so when Vihiga District was established, you mentioned earlier that when Vihiga District was being established, proper boundaries were identified. If that was done, where did those boundaries put Maseno? Did they put Maseno in Kisumu District or in Vihiga District? And if these proper boundaries were done, who did them? Is there any report? And can we get a copy of that report?

A.K Olukosi: At the time of the creation of Vihiga District, the boundary was properly demarcated in 1986-87, that was done by the late Musa Mudavadi, the late Robert Ouko and administrators that were there, the Nyanza Provincial Commissioner, the Kisumu District Commissioner, the Western Provincial Commissioner, the Kakamega District Commissioner and I was on the panel which included the ministers Mudavadi, Ouko and others which toured the boundary all the way. Moses Mudavadi, Robert Ouko and the Provincial Commissioners from both Kakamega and Kisumu. And for your information, this is why the late Robert Ouko had to transfer from Kisumu rural constituency to Kisumu Town because the boundary was put in his home in Vihiga district.

Com. Kangu: (Inaudible)

A . K Olokose: Of the group that went round yes.

Com. Kangu: (inaudible.)

A . K Olokose: Kisumu Rural constituency to Kisumu town (?)

Com. Kangu: (inaudible)

A . K Olukosi: What I would like the Constitution review to do is find out what happened to the map. There was even a map, a map was drawn redefining the demarcation of the boundary but that map somebody has decided to put it a side and it lies somewhere in hiding. Infact I think this is mainly because after the death of Moses Mudavadi and Robert Ouko, someone would like this thing to be forgotten. It is wrong.

Com. Kangu: (inaudible)

A . K Olukosi: Well, as I remember, as a member of the public community, I cannot tell whether there were documents, official documents by the government people and so on. But what I know is that a map was actually prepared, I was with a very senior officer in lands whom I saw long after that and he had a map which (interjection inaudible) prepared. Yes. Yes

Com. Nunow: Thank you Mr.Olukosi for your views that are very detailed. The boundary case is very contentious, that is why we have to get as much details as we can because we hope the new Constitution should be able to resolve any conflict; existing or potential. Councilor Ayub Muchele, you've given it in? That is Christopher Omasaba na diwani yuko? Is the councilor there, councilor Muchele Ayub/ If he is not there Joshua Iungu?

Joshua Iungu: Yes, thank you Commissioners. My names are Joshua Iungu I am a professional teacher, a primary school teacher and this is what I feel, I propose should be done;

First of all, I'll talk profesionally. Seemingly or the way it is, Kenya is an agricultural country but at the moment it appears that the Kenyan government is going to eliminate agriculture in the syllabus of primary education. So I feel it should be included. Even though it is there, teachers are not teaching it because it is not tested. It should be included and tested. I propose agriculture should be taught in primary schools from class four up to form four, as one of the compulsory subjects from class four up to form four. Reasons are that many of our pupils or students, at all levels they drop out along the way. Reasons are due to poverty, they are unable to continue with their education and therefore further in agriculture at University level.

So when they drop at form four level or at primary level we have seen some of them doing practice in their very small shambas within Bunyore. So I feel agriculture should be included in the syllabus and tested in class eight exams and should be made compulsory from class four up to form four level.

Next point, we used to have FTC farms. Of course they are there but at the moment they are dormant. There are no practicals we are getting from FTC farms. And that's why I say agriculture should continue being taught in schools. And those instructors who are in FTC farms should be trained as teachers and posted in secondary schools and primary schools to teach agriculture.

Although we have condemned 8-4-4, I want to say that some of the subjects or all these subjects that are being taught at primary level like music, arts, agriculture and so on, I think they are very important because each one of us has got his own talents.

Com. Nunow: (inaudible)

Joshua Iugu: Okay, I am sorry. So, we used to have Technical schools and these Technical schools, I remember by the time I was still in school, they were 17 in the country. So, instead of bringing this music, art and craft and so on in secondary and primary level, they should have increased technical schools. From seventeen up to or may be forty or more or so according to how they would get personnel. Now I have stopped talking professionally.

Now let me talk about politics. I feel our MP's, are somehow... I am sorry to use the word 'robbers'. They are approving huge their salaries for themselves. I would like a Commission to be set up to look into the salaries of MP's every after five years or every after ten years. Not MPs to approve salaries for themselves. That is stealing. That is robbing, it is like allowing a thief to come to your house to steal. I don't like that and if this kind of thing is going to continue, I am telling you that so many people will be poverty stricken. They will be hard hit .

Okey, next point I would like to speak about the PS. Permanent secretaries, I know they play a very vital role but I am sorry to say that they are the ones who have run our economy down. They should be appointed by MPs, by Parliament. That is what I mean. Not one person who fills the civil service with his relatives only, who fills the civil service with thieves, who will continue transferring thieves here and there. Let the Parliament approve them because I believe that our MPs have the basis for that right because we are electing them from grassroots.

Secondly, I want to say this...(Interjection) Just a minute please, thank you. Just a minute.

I am not supporting Federal state reasons being that we don't have resources in some areas and I know what a Federal state means. I know it means that resources that are around you are the ones which you are going to use to meet what your alligations and to get social ammenities and I know that a place like Bunyore is so poor. Although we have a lot of rains, our farms are not able to give us enough resources. People have no money to buy fertilizers. Urea fertilizer is imported using a lot of money and most of our people are not working so to get fertilizer is not easy. Otherwise, I recommend that farmers should be given fertilizers free. And then the money can be recovered from the harvest the way it is happening in Uganda. That's why Uganda is able to have a lot of maize in stock and sell some to Kenya. If you go to Busia you will be surprised.

National cake: We have some areas in the country which are actualy rich but they are very few. I will talk about Nairobi alone. We know that schools situated in different areas in Nairobi... For example we have got a school in Muthaiga, we have a school

in Mathare. The schools in Muthaiga, obviously their parents are wealthy because you cannot stay in Muthaiga if you are not wealthy. So when the government wants to issue out may be financial assistance to schools, let it give Mathare more money than Muthaiga. I believe by doing that, it is a fair game because even some people we know they are able to take their children to primary schools and that poor man, where will he take his child?

Com. Nunow: Finally?

Joshua Iugu: Finally, I've made a lot of noise, I am sorry. A retiring President's salary, it should be discussed but you know since we've got multiparty, and we know that these parties, when one commands majority, they will approve more benefits. for him. So why can,t we have a Commission being set to approve a retiring President's salary than Parliament? At the moment, I know whoever is going to retire, given that he commands majority in Parliament, he is going to go away with a lot of benefits. And bearing in mind that already, he has been earning salary and all these people who are working beneath him or wherever they are working, they are actually trying to fend for themselves, why should he now think that we should save for the MPs?

Then if MPs are getting what we call pension that's a lot of money and you see they discuss it themselves. The pension, of MPs should not be for MPs themselves to discuss. For example, even if you told your wife that let us discuss what we should eat and you begin actually, you will mention a lot which will be very expensive. But since the government, wananchi are the people who pay money, they don't think of that poor man. How many poor people are in Bunyore? We want no jokes. You talk of planting majani, hii majani, tutapanda wapi? I am happy that some of you look as if you come from North Eastern from appearance, you have seen Bunyore what it is. They have small farms and I know given fertilizers freely, they can give us something. It is just a desert like North Eastern because we need to pay fees and these people are not working.

Okay, I will finish there. Thank you very much Commissioners. Otherwise, I am very proud to be in the second Lancaster house.

Com. Nunow: Thank you mwalimu, please register yourself there. Daniel Koli? Are you there? Kama Daniel hayuko, nitamwita Francis Kulali, Francis alizungumza jana sio? It was another Kulali? Francis Kulali ni kutoka CBO. Okay, he did. And Richard Onyango? Okay, Karibu. Richard, you have a memorandum? Give us a few of the highlights.

Richard Onyango: Kwanza hebu tuzungumzie juu ya haki ya kimsingi au basic rights. Kwanza tungepeda Katiba mpya iruhusu haki ya kusanyika kwa makundi ya watu yaani kama mikutano na kadhalika. Kusiwe na muingiliano wowote kutoka kwa Polisi au ma-officer wa kutawala, mradi tu mkutano kama huo ni wa amani.

Tukija kwa upande wa elimu, tungependekeza Katiba ibuni msingi madhubuti wa elimu ambao utakuwa nje kabisa na manufaa ya muingilio wa kisiasa. Yaani kusiwe na kitu kama mtu anaamka asubuhi na kusema ya kwamba tutoe elimu ya 8-4-4 au

tuseme 7-6 nini, kuwe na elimu madhubuti. Kwani elimu ndio msingi na pia ndio taa ya jamii katika taifa Kwa hivyo any interference from any political circle utapata ya kwamba hua inadhuru maisha ya wanafunzi na maisha ya kijamii.

Pia katika Katiba hiyo hiyo kwa upande wa elimu, tuweze kufafanuliwa zaidi masomo ambayo yanahitajika yafunzwe. Isije kukatokea kesho yake mtu anasema leo nataka tujifunze somo la ukimwi au wanataka walimu wafundishe somo la nini. Vitu kama vile vinadhuru maendeleo ya elimu humu nchini.

Tungependekeza pia Katiba iweke elimu ya bure, hasa ile ya msingi. Kusiwe tu wanasiasa kuja na kupotosha wazazi kwamba elimu ni ya bure na ile hali hawatoi vifaa vya kutosha ambavyo vinaweza kulipitisha jambo hilo.

Kwa upande wa ustaafu, Katiba pia irahisishie njia au kipindi ambacho kinahitajika mtu kuyapata marupurupu yake baada ya kustaafu. Kwani wazee wanafadhaika zaidi kwenda Nairobi na kurudi. Na huku wanahongana huko, unapata ya kwamba hata pesa za kuhonga zenyewe haziko. Ikiwa Katiba itarahisisha jambo hili ili mzee akistaafu tu anajua ya kwamba atapata marupurupu yake baada ya mwezi moja au wiki mbili, itakuwa jambo la manufaa zaidi. Pia Katiba irahisishie njia za kufuatwa na wajane hasa wale wanawake ambao wamefiwa na Bwana zao kupata urithi wa mali ya marehemu Bwana wao ambao ameshaaga dunia. Kwani njia ambazo ziko saa hizi, ni njia ngumu na ndefu hata mwanamke anaweza kaa hata karibu miaka mitano bila kupata mali ya Bwana wake.

Malipo ya pension ya bibi au Bwana aliyefariki, inapaswa mrithi aendeleo kuyapata hadi kifo cha mrithi kama huyu kitokee badala ya kumpa tu baada ya miaka mitano peke yake halafu unapata ya kwamba hiyo inasimamishwa na anabaki na watoto ambao bado wanasoma jambo ambalo linakupatia shida.

Tuje kwa upande wa vyama vya wafanyikazi, kuongezea kwa yale mzee mmoja alivyosema hapa, yaani kusiwe na muingilio ya serikali kwa vyama vya wafanyikazi. Inapasa pia Katiba mpya iruhusu kila wafanyikazi wapewe fursa ya kubuni vyama vyao vya wafanyikazi bila kujali ni aina ipi ya kazi wanayoifanya kama vile polisi jeshi, civil servants, provincial administrators. Yapaswa kupatiwa fursa nao wajue kuna chama cha wafanyikazi kama ma-chief kama ma-chief, kama assistant chiefs na kadhalika. Wao wawe na chao ili waweze kutoa maoni yao.

Nikiendelea kumalizia malizia, nje kwa upande wa provincial administration yaani uteuzi wa manaibu wa ma-chief, pamoja na machief wenyewe.

Katiba mpya iwape wananchi jukumu la kuwachagua kupitia kwa njia ya kura either njia ya mlolongo au kwa njia ya siri. Hii itaepusha ufisadi uliopo kwa wakati huu wa kuteua watu wasiofaa kama hawa.

Ikiwa serikali inaona ya kwamba jambo hili ni ngumu, basi inapasa hawa watu wapewe huamisho baada ya kudumu kwa muda fulani katika sehemu moja hadi nyingine kikatiba. Kwa sababu wamekuwa wafisadi kiasi kwamba hata burial permit, wengine

wao wanafanya namna gani? Wanaiuza.

Mwisho kabisa ni masilahi ya wafanyikazi. Katiba mpya itoe masilahi ya kimsingi kwa wafanyikazi kama vile nyongeza ya marupurupu, nyongeza ya mishahara, upandishaji wa vyeo ifanywe kivipi? Isije ikatokea ya kwamba hawa wafanyikazi wako chini ya mercy ya mtu? Yaani, they work while being frustrated by other people somewhere in higher authorities. Unapata mwingine anaambia fulani ya kwamba hatuna pesa na ilhali hao wenyewe wanajiongeza pesa kiasi kikubwa kuliko wafanyikazi wa kawaida ambao wanatoa ushuru unaotumiwa kwa ujenzi wa taifa. Makundi mengine haya tuliya... ..kupitia kuwalinda kwa kupewa misaada na mahitaji mbali mbali.

Inapasa pia serikali ianzishe makao ya wazee kama yale tunasikia yako katika nchi za wilaya ambapo mzee anaweza kuwekwa na atunzwe kikamilifu mpaka atakapoaga dunia.

Wagonjwa wa ukimwi wapewe dawa ya bure, na mahitaji mengineo. Wendawazimu pia wapewe dawa ya bure za kuwatibu. Kwa hivyo dawa ikiwa ghali kiasi kuwa unapata ya kwamba watu hawa hawashughulikiwi kikamilifu, ule ugonjwa ambao ungepoeshwa unazidi kupanda kwa sababu yeye hawezi kujimudu kununua dawa kama hiyo.

Watoto wa akili punguani, Katiba ihakikishe kuna shule zaidi za kuwahudumia.

Pia kuwepo na lift kama zile ziko kwa majumba marefu, zile ziwekwe kwa kila jumba ndefu zihudumie walemavu na wazee. Na Katiba ihakikishe ya kwamba inatoa hakikisho mzuri kwa watu wote hasa wanawake katika sector mbali mbali. Kusiwe mtu akisema ya kwamba anajua tu vizuri ya kwamba pengine hao wanaume wameshachukua kila jukumu la kufanya ya kwamba hao ni viongozi na kwa hivyo wanasema ya kwamba wanawake ni viumbe duni, wanadharau wanawake. Nafikiria Katiba mpya iweze kutoa hasa kwa wanawake pia kama ni 25% in each and every sector or 10%, waweze pia kupatiwa nafasi kama hilo ili waweze kutumikia taifa kama hili. Otherwise, thank you very much Commissioners for having come to gather our proposals.

Com. Nunow: Thank you very much, let us receive your memorandum. Manase Marende? William Okwemba? Isaac Marembe? Samuel Etale?

Samuel Etale: My names are Samuel Etale and I would like the 8-4-4 system of education to be scrapped and replaced by 7-4-2-3 system. Primary education should be free and compulsory. The universities should have autonomy and the President should not be the Chancellor. The public university should elect their own Chancellor.

The Constitution should also define the work of KBC. You find that KBC is like propaganda used by KANU and during last election it was used to campaign for President Moi and right now it is being used to campaign for Uhuru Kenyatta. Other private broadcasting stations should be allowed to cover all parts of Kenya. They include Nation TV, KTN and other religious stations like Family TV.

Computer technology should be developed in rural areas. This means that the government should struggle and ensure that rural electrification is done.

Coming to the Executive we should have a Prime Minister who will be able to appoint the ministers after the Parliament has vetted the appointments of the ministers.

And coming to youth movements, I think that the Constitution should allow the registration of youth development unions. For example, National Youth Movement, and they should be allowed to hold meetings freely.

The President should garner 51% of total votes and 25% in 5 provinces in an election.

Also, local drinks like busaa and chang'aa should be legalized so as to improve living standards of people making it. It should be bottled like in Uganda where they bottle waraji and its manufacture should be approved by the government to make sure it is fit for human consumption. And the Police should not ask for hongo from the matatus.

Coming to agriculture, you find that KCC has been brought down by politicians. I just appeal to the Constitution to revive KCC because if you go to Kitale and Lugari people have a lot of milk which they just pour in their shambas like water. Agricultural Finance corporation should also be revived to enable farmers to be able to plant maize and fertilizers' price should be low. Because right now the farmers production of maize is very high and yet if they sell, they sell at throw away prices.

Coming to Parliamentary candidates, they should have minimum educational qualifications of a form four certificate. And a presidential candidate should have a degree in political science or something like law.

And coming to graduation, you find that many students are graduating with hope of getting jobs. But they are being told by the President that, they should have self employment. How can one start self employment without any capital?

Lastly, I think that right now as I am presenting my views, I don't know what was in the last Constitution. Many Kenyans don't know the Constitution, what the Constitution is all about. So I ask the Constitution to be a compulsory subject in both primary and secondary education even at university levels. Sections of it must be taught. Thanks.

Com. Nunow: Thank you very much. Reuben Okiebo? Do we have Kepha Okweba? Kepha, jitayarishe.

Reuben Otiago: Yes, Commissioners wetu ambao walikuja kukusanya maoni, kwa majina naitwa Reuben Otiago, nitaongea kuhusu wahudumu wetu wa ofisi za serikali kwa sababu ofisi zetu za serikali, tunaonelea Katiba yetu itusaidie maneno ya 'kitu

kidogo'. Kwa sababu niseme hivyo, tuko na watoto, mimi niko na shamba. Naweza kuwa mgonjwa lakini naweza toka niende kwa ofisi niwaambie wanihudumie kuhusu shamba na ile gharama nitatumia ni ile inaweza hata kununua shamba ingine kulingana na maneno ya kitu kidogo. Mtoto anaweza soma akishasoma najua akienda ofisi kuhudumiwa kuhusu kazi ama kuhusu jambo lile ambalo ameenda kuhudumiwa, ataambiwa kuja lunch time, kuja lunch time. Hiyo maneno ya lunch time ukikosa kuifahamu vizuri, huwezi kuhudumiwa. Itabidi uulize mtu mwingine kila mara mimi naenda naambiwa lunch time. Yaani nitoe kitu kidogo.

Kuhusu kitambulisho, kitambulisho kinaweza potea, kikishaapotea unaenda uhudumiwe. Ziko ofisi zingine inatakikana uhudumiwe bure, kama abstract upewe ya bure ujaze hicho kitambulisho. Badala ya kupewa bure unaambiwa leta mia na ni kitu cha shilingi kumi kwa shauri ya wino ama inatakikana upewe bure. Saa zile anaandika, unaona anaandika shilingi kumi na umepatiana shilingi mia moja. Hapo tunaona tunaumia sana.

Upande mwingine ukienda kwa ofisi, kwa hospitali unaenda unakaa sana hata unaweza kufa kwa laini kwa sababu unaona tu watu wa kukuhudumia wanatembea tu. Na hakuna watu wengi kwa hiyo hospitali. Halafu wewe uko na mgonjwa, unaona sasa mgonjwa wangu atakufa kwa hospitali, ni heri nimchukue nimpeleke kwa private. Inafanya private inakuwa na kazi mingi kuliko hospitali ya serikali kwa sababu hatuhudumiwi. Unaona pesa sio muhimu kushinda uzima, wacha niende kwa private na unahudumiwa haraka. Hapo Katiba itusaidie. Kama ni sheria, mgonjwa anaweza kuwa kwa laini muda mrefu na hajasaidiwa, ni kitu gani huwa inafanya kuwa hivyo?

Nitaongea upande wa traffic offices, mimi kama mfanyikazi wa public service vehicle. Na kwa hii kazi ya public service vehicle tunachukuliwa kama si wafanyikazi wa serikali ama sio wafanyikazi kwa mana hata chama, chama cha wafanyikazi, hatujui sisi watu wa matatu tunafanya kazi kama wafanyikazi. Kwa sababu hao matajiri wetu wamenunua magari, akienda kwa inspection apewe barua ya gari, akishapewa barua ya gari anakupa gari. Akishakupatia gari anakwambia anataka pesa ya hiyo gari. halafu akishakupatia gari, anaweka kwa barabara. Sasa tuko na askari wa traffic wale ambao inatakikana wakague gari kwa njia mzuri ndio ifanye magari yetu iwe sawa, itakuwa ni pesa. Kuanzia kwa stage ya kwanza hadi stage ya mwisho, ukija jioni inatakikana pesa ya hiyo gari ya tajiri; imeenda kwa traffic, imeenda kwa makanga, halafu unafutwa kazi basi kwa sababu wewe sio kama mfanyi kazi.

Hiyo tunataka tusaidiwe kuwa pesa tunatoa kwa njia gani. Kwa maana gari ni mpya, unaenda kwa inspection unaambiwa hiyo gari ni mbaya kwenda utengeneze ndio upewe barua na mtu yule ambaye gari lake sio mpya anapata barua. Halafu wewe ukitafta kitu kidogo ndio utapewa barua. Saa ile utaenda kwa barabara unaendelea tu na kazi, unaendelea na kazi. Hutafanya hata kwa wiki moja kwa sababu hongo kwa traffic imefanya umefutwa kazi, hutafanya hata mwezi moja.

Tena hiyo gari yenyewe, maneno yako sasa kwa barabara. Umetokea tu huko vizuri na saa zile unatokea tu huko, una-time "si niko na barua yangu, niko na gari yangu in condition". Sasa saa ile ya kusimamisha tu gari, mtu anakuja ana-round anakwambia sasa 'lete barua yako'. Sasa hiyo ukitoa barua yako, unaambiwa, "nitakula karatasi?" Basi unapeana kitu kidogo.

Haya, sasa tuangalie haki ya watoto. Sisi ni wazazi, tumeweka watoto kwa shule wanaendelea kusoma wavulana na wasichana. Halafu mtoto anaendelea kusoma vizuri, kidogo unaona anakatisha masomo. Akishakatisha masomo unamuliza ni nini mbaya, tayari ako na mimba. Hiyo mimba, sasa ukiendelea kukosana na yeye sana, saa zingine italeta tabu ingine, wacha mtoto afanye nini? Azae. Kwa sababu akizaa vizuri ndio tutajua baba yake ni nani. Baada ya kuzaa anakwambia mwenye mtoto, unaendea huyu mwenye mtoto unamuuliza, "huyu mtoto wangu amezaa mtoto na vile amezaa mtoto, mtoto huyu anaonekana ni wako," huyu anakuwakia. Na unafikiria kweli sijui sheria ya kufuatilia huyu mtu. Nitajuaje ndio mwenye huyu mtoto? Tusaidiwe hapo. Ukienda kwa mtu ambaye amezaa kwa mtoto wako, ni sheria umfuatilie achukuwe mtoto wake ama hao watoto wataendelea kujaa kwa nyumba yako na hawana wazazi.

Halafu ya mwisho ni kwamba kama watoto wako kwa nyumba, uko na right kuwaambia wenye watoto wachukue watoto wao la sivyo wewe mwenyewe utakuja kusomesha hao watoto mpaka wakati watakuja kuuliza wazazi wao wapatikane. Hapo mimi napenda wenye watoto wachukue watoto wao na wakikataa sijui nitafanya nini. Nafikiri ni hayo tu, mutusaidie.

Com. Nunow: Unataka walazimishwe na waambiwe watoto wao wachukue na wakikataa Katiba iwalazimishe wachukue si ndio?

Reuben Kututiego: Unajua ukitaka kuuliza kitu ni lazima upitie kwa sheria.

Com. Nunow: Nakuuliza swali, ulisema wale wanapata hao watoto wachukue watoto wao, ungependa hivyo. Na wakikataa mimi nakuuliza ungependa Katiba iwalazimishe?

Reuben Kututiego: Nangependa Katiba iwalazimishe.

Com. Nunow: Sawa sawa, Kefa Okwemba?

Kefa Okwemba: Kwa majina ni Kefa Okwemba Otondo. Mimi nataka serikali irekebishe maneno kama haya:

Jambo la kwanza, wakuu wa serikali wametufinya sisi watu wadogo. Ukienda kwa ofisi wanataka kitu kidogo.

La pili, kesi zinaishi kotini kwa sababu ya kitu kidogo, kwa sababu wewe huna namna kifedha.

Ningependa ikiwa serikali imetoa ruhusa ya wazee kupitisha sheria ya mashamba, tafadhali wazee wawe na uwezo wa kupitisha hayo maneno, kuliko kwenda kotini tena usumbuliwe huko.

Kuhusu elimu, Serikali yetu ilituambia ya kwamba masomo ni bure. Na inaonekana sisi wazazi maskini tunateseka sana kwa sababu hatuna pesa. Kwa hivyo ningelipenda ya kwamba serikali ijayo itakayochaguliwa itufanye sisi raia wasiojiweza tuwe

watu wenye wanaweza kusomesha watoto kwa akili ya bure, yaani masomo ya bure.

Nikiendelea kuhusu elimu ya bure, Ma-headmaster wametengeneza mpango na wazazi wengine wakubwa pamoja na ma-DO na wakuu wa serikali ya kwamba watoto wafukuzwe shuleni na tumesikia ya kwamba masomo ni ya bure. Kwa hivyo ningelipenda serikali iniambie ama ituambie sisi wazazi tujue ukweli uko wapi.

Mzazi anaweza kuwa hana chochote na wakati wa mitihani unapata mtoto amekuja kwa boma ati nimefukuzwa kwa sababu ya shilingi kumi za harambee, ama shilingi kumi za kulisha walimu. Kuna mitihani nyingine ambapo sisi wazazi tunanyanyaswa tunaambiwa ya kwamba tutoe pesa fulani zenye zinahitaji walimu wapewe na hiyo iko kwetu sisi wazazi. Ningelipenda serikali yetu tukufu iliopo saa hii, ikiwa itaendelea kama ni KANU, kama ni Ford Kenya, atakayechaguliwa aweze kututetea ama aweze kunitetea mimi kama mtu maskini, kwa sababu ya kunyanyaswa.

Upande wa vitambulisho, wasichana wananyanyaswa pamoja na wanaume. Ukienda kuchukua kitambulisho huwezi kupewa kitambulisho sababu ya kitu kidogo. Msichana anaambiwa twende tukutanie mahali fulani ili amuelezee yale anayotaka na ndio sababu watoto wanapatikana kwa njia isio ya maana. Nikiongezea kwa yale Reuben alisema hapa, ndio mzigo wa watoto unapatikana kutoka mahala hapo. Kwa hivyo yangu yanaishia hapo, asante.

Com. Nunow: Asante sana mzee, tafathali jiandikishe pale kwamba umetoa maoni. Titus Omukechi, Titus? Abert Nzore? Arthur Okwemba ni wakati wako, umesubiri sana, si ndio? Haya.

Arthur Okwemba: Asante sana. Mimi nataka kutoa maoni yangu kwa nyinyi hapa. Majina yangu mimi naitwa Arthur Okwemba. Ya kwanza nitasema hivi, nitaanzia na area yetu ya hapa. Unajua kama hapa kwetu tuko na watu kama assistant Chiefs, Chiefs hata ma-DOs wako, hawa watu wote ni civil servants. Na hawa civil servants tunataka kwamba kwanza assistant Chiefs wachaguliwe na watu wa hapa, Chief wachaguliwe na wa hapa na wawe transferred kama civil servants wengine.

Kwa upande wa education, nikija upande wa education, wacha niende kwa academicians. Tuko na power ya President ambayo inachagua kama Vice Chancellors kwa public universities. Na hiyo ndio kitu ambacho tunakataa kwa sababu tunataka wale ambao wanachaguliwa kama Vice Chancellors kwa public universities, tuachie watu kama council kwa universities, tuko na Higher Education hiyo ndio board inaweza kusimamia vitu kama hivyo. For example now, anaweza appoint a minister of education who doesn't know anything about education. Na unam-appoint kuwa minister for education, what will he do in education? Hiyo kitu ndio tunataka-- please you note it down tunataka irekebishwe. Sijui ile Katiba ya kwanza kama hivyo vitu vilikuwa ndani.

Ingingine ni kama appointment, tuseme kama retirement ya President kama vile inasemekana, tunataka iwe na limit. Limit inatakikana iwekwe kwa sababu we don't want the other President to come kama huyo President angali anapata hizo benefits na hizo benefits should be reduced. Hizo benefits ni nyingi sana hata nyinyi mkiangalia mtaona. Sasa wengine mnatumia powers

ya kusema Commission iongezwe muda, ifanywe nini, ni pesa ambazo watu wananung'unikia si ati maneno mengine.

Tukikuja upande wa security, tunataka security ianzie nyumbani kwa sababu tuna insecurity ambapo watu wengine wananyasa watu sana. Hawa hawaangalie masilahi ya watu, wanataka kitu kidogo vile watu wamesema. Na hiyo sio vizuri.

Tukiingia upande wa security ya kazi, kazi zingine ziko na appointment, yaani zingine ziko zina-appoint-iwa na President. Na hizo appointments ziko-carried along a tribal basis. Kwa sababu tukiangalia hata chairmen of parastatals, tukiangalia kama managing directors, utakuta ni watu wa family fulani or wanatoka mahali fulani.

President's powers ziwe reduced because ukiangalia hata D.Cs, tumefanya statistics na tunaona DCs wengi wanatoka sehemu fulani. Kwa hivyo tunataka pale parekebishwe na we distribute these positions to all tribes equally.

Tukiingia upande wa... tuseme sasa tunataka kupatia watu freedom. Watu wanyanyase watu kwa sababu (?) wanakunywa pombe. Pombe, yes, iko lakini sasa kuna traditional beer. Tuko na pombe ambayo ni ya traditional, hiyo pombe inatakikana iwe allowed or tuseme, tradition za watu, hata nyinyi mko na tradition zenu. Mtu akija kupinga hizo tradition zenu mnakataa. Kwa hivyo hiyo tradition tunataka iendelee. Please you note that one, hiyo tradition iendelee.

Com. Nunow: Umemaliza?

Athur Okwemba: Sijamaliza bado. Kwa hivyo... unajua nilikuwa nataka mchukue hiyo note kwa sababu mnajua vitu vingine.

Com. Nunow: (Inaudible.)

Arthur Okwemba: Sawa. Kwa hivyo, hiyo mambo ambayo tunasema please tunataka mtengeneze hiyo mambo tena mfanye haraka imalizike. Kwa sababu serikali yetu ambayo inakuja, tuko na multi party, na hii multi party tuna KANU, tuna Ford, tunataka security iwe inapeanwa kwa kila party. We don't want to cover only one party kama Kanu inaji- cover yenyewe. Nataka tu- cover kama ni Ford Kenya Ford People, tunataka hizo zote ziwe zinapewa security kwa sababu security inapeanwa kwa njia ambayo sijui ni njia gani. Kwa hivyo hayo ni machache kwa sababu tunataka tufanye kazi ingine na wengine wanataka kusema mambo yao, please m-note hiyo na tuwe tutaona matokeo, nimeshamaliza.

Come. Nunow: Asante sana, hatuna maswali Bwana Okwemba tafadhali ujiandikishe pale. Stanley Busili.

Stanley Busili: Kwa jina ni Stanley Busili Maboya. Mimi ningependa kuguzia kidogo kuhusu local government.

Local government should have its finance distributed to local authorities so that it can assist them in payment of their workers and councilors. Councilors' allowances to be paid right from the treasury because the revenue the councils collect is very minimal. Though they are also paid very little, with a lot of work.

This time I'll talk about the brewing of beer. The local brewes like busaa should be allowed but time for consumption should be controlled. Infact, the local drinks are sold to earn some money. People who do brewing business earn some money for their children and buy them some food. People go in for illicit drinks like chang'aa, kumi kumi and others which kill them because the government has denied them traditional brews.

And that is why people are killed in chang'aa and other pombe dens. Therefore, we should go back to the traditional drinks.

On the issue of Chiefs and the assistant chiefs, I'll just speak briefly that there should be elections for the chiefs and the assistant chiefs. After the elections, they should be taken for training on how to do the work, for about six or eight months. And if they don't carry out their duties well, then the people should have a vote of no confidence in them then they are dismissed from their duties. Minimum education for the chiefs and the assistant chiefs should be form four, third division and above.

There is a problem with the people who are employed by the government and are in NSSF. I think that the relationship is direct between the government employees and the NSSF. Therefore, I don't see why when a government employee or a civil servant has left duty, he goes and looks for that money for quite along period as if he works with a company. Thank you very much.

Com. Nunow: Okay, thank you very much. Charles Tsuma?

Charles Tsuma: Asanteni sana. Kwa majina naitwa Charles Tsuma.

Kitu cha kwanza ama mambo yangu ya kwanza ni kuanzia kwa mamlaka ya Rais. Naona Rais ambaye tunaye kwa saa hii ana mamlaka mingi zaidi kupita kiasi. Ya kwanza, asiwe Vice Chancellor wa vyuo vikuu vyote nchini. Asiwe Mkuu wa Majeshi yote nchini. Asiwe mkulima namba moja kote nchini. Rais ambaye tunaye awe tu ni Rais katika ofisi na afanye kazi ya Urais.

Hapa kwetu Bunyore tumesomesha vijana wetu wengi sana ambao hawana kazi. Unaweza kupata mtu amefanya kazi kwa miaka mingi halafu anarudi anapata retire. Anakuja kushikilia wadhifa fulani katika serikali pia au katika kanisa, huku anaendelea kupata mshahara na wale ambao wamesoma tungali tumeketi tu nyumbani. Hayo maneno katika Kenya yetu, naonelea yanatufinya.

Vile wenzangu wamesema ni ya kwamba hapa kwetu Bunyore, sijui ni hapa Bunyore ama na kwingineko, tafadhali pombe hio ya wazee ambayo inasemekana ya busaa iwe huru, Kwa sababu vijana wengi wameingilia chang'aa na inatokana na kukosa mawaidha ya wazee. Kwa sababu mawaidha ya wazee yalikuwa yakipatikana kwa pombe ya busaa. Bei ya beer, mwananchi wa kawaida hawezi ku-afford kwa hivyo na-support wenzangu na ni asanteni sana kwa kunisikiza.

Com. Nunow: Asante sana Charles kwa hayo, Joseph Otabile?

Joseph Otabile: Asante sana mimi ni Joseph Otabile. Yangu ni machache juu ya hasa ukurasa nane hivi za mpangilio huu wetu.

Kwanza naona ajabu kwa upande wa Katiba, ningependelea watu wafahamu kwamba, Katiba ni kama driver ambaye amepewa motocar. Driver hawezi kubadilisha steering. Hiyo ni kazi ya manufactures. Kwa hivyo hatuna haja ya wabunge kubadilisha Katiba. Hii ni referendum ambayo tunatamani Katiba irudi kwa wananchi baada ya miaka kadhaa warekebishe wenyewe. Sio kujichukulia wabunge wachache wabadilishe Katiba. Hapo huwa ni msukumano, mtu fulani ametoka na uwezo mwingi sana halafu anawa- bribe, basi mambo huwa mabaya kidogo.

Na pia naona kwamba, katika mseto huu wetu, dola iwe na one man one job.

Free access to mass media of the nation, free establishment of private communication media system.

The President not to be above the law.

Kubadilisha Katiba, kwa kweli nimesema tunahitaji referendum. Ijapo ni jambo ghali, lazima tuhitaji watu wote wahusike vile tunafanya sasa. Wananchi watahusika Katiba makundi makundi, kama makundi ya kinamama, makundi ya vijana, makanisa, vyama vya wafanyikazi, vihusishwe. Pia, mjadala huu ufikie watu wote katika viwango vya wilaya. Tunaweza kukopa watu wengine watusaidie, kama watu wa umoja wa mataifa, umoja wa nchi za Africa, na ECOWAS na hasa wataalam fulani kama wanasheria.

Basi nikifikia Uraia, sijaguzia mambo mengi juu ya uraia lakini naona mtindo uliopo ambao wenzangu wamesema ni sawa sawa.

Sera za sasa zaweza kutumika na watu watapewa uwezo wa kubadili baadaye. Hasa uraia si vizuri kunyima mtu ambaye ameishi Kenya zaidi ya miaka mitano.

Ukurasa... jambo juu ya ulinzi, naona ni kwamba ulinzi usibakie juu ya Central Government. Ulinzi ugawanywe katika vikundi viwili, ulinzi wa taifa uwe kwa Cenral Government, na ulinzi wa mikoa uwekwe chini ya mamlaka ya majimbo ya mikoa. Tusipate ufisadi mwingi sana juu ya polisi na watu wengine ambao walio kwa Armed Forces kunyanyasa watu walio vijijini. Basi hapo sio kwamba ulinzi ubaki kwa Rais sana, ugawanywe kwa majimbo. Bunge likubaliwe kuunda sehemu ya kama 35% kwa maswala ya usalama. Na mengine yaachiwe mikoa.

Mikoa itegemee wabunge wao kufanya utaratibu wa usalama wao. Basi hapa Bunge pia, bunge liweze kubadilisha wakuu wa Tume hii kupitia kwa Waziri Mkuu. Yaani Tume ya usalama labda. Bunge lisaidiwe na maoni kutoka kikundi, vikundi kama wanasheria, na vikundi vya watu mbali mbali, chama cha wafanyikazi, chama cha wanasheria, chama cha makanisa and so on.

Rais awe na kamati maalum kutokana kwa majimbo, na Bunge ambalo maoni yao yakubaliwe. Yaani Rais lazima asikize maoni ya watu kutoka kwa mabunge ndogo ndogo zile zitaundwa mikoani juu ya usalama. (Inaudible) maalum iliopewa Rais ipitishwe maoni yake ambayo yatakubaliwa kwa Bunge by 99%.

Nikija juu ya vyama vya wafanyikazi, kuwe na seminar ya kuelimisha watu juu ya vyama vya wafanyikazi, tungependelea vyama zisizidi vitatu. Na vyama vigharamiwe na serikali kuu. Na usajili wa vyama utegemeo 50% kutoka kwa mikoa. Halafu tutajua kwamba ni vyama maashuhuri ama sivyo. Basi chama chema kipate zaidi ya 55% kutoka kwa mikoa ndio kisajiliwe kama kisicho cha Kijimbo ama cha kikabila. Dola ita- gharamia 40% ya mahitaji ya vyama vya kitaifa. Maandalizi ya mikutano isiozidi miwili kila mwaka ifanywe ili vyama vihusishe na watu wake huko nyumbani.

Ada ya kuingia kwa chama iwe ndogo, stakabathi za usajili zichunguzwe na serikali kuu kuhakikisha uwingi wa kura.

Point ya mwisho hapa naona aina ya serikali ni ya kimajimbo. Haya yote tunayasema, mengi yaendeshwe permanently na majimbo baadaye. Sasa ni kuweko na maoni kila mara baada ya miaka mitano kwa kimajimbo. Asanteni.

Com. Nunow: Asante sana mzee naona umeandika mengi. Na ninakuhakikishia ya kwamba tutayasoma yote. Joash Etale? Joash Etale? Yuko? Jackson Omuchele?

Jackson Omuchele: Kwa jina ni Jackson Omuchele. Yangu, tunateseka sana kwa upande wa vijiji. Sisi watu wa vijiji, sisi ndio tunangoja huko nyuma. Na vile sisi tunangoja vijiji, hakuna chochote tunapata kama wazee wa mtaa. Mambo yakitokea tunaandamana na mzee wa kijiji kwanza. Mzee wa kijiji akishaona ni mbaya, anabeba hayo maneno anapeleka kwa assistant chief, assistant chief akiona ameshindwa, anabeba anapeleka kwa chief, na chief naye akishindwa anapeleka kwa D.O. Kazi hiyo yote sisi wazee wanaofanya, hakuna kitu tunapata. Na tuna watoto huko ndani, wanasoma lakini watoto wetu, watu wanaita wazee wa mitaa, hawasomi. Na sisi tunawaita ni watu wa Serikali. Sisi ndio Serikali imesahau. Wazee wa mtaa ni kama hawafai. Serikali imetusahau, sisi hatufai lakini kikazi, sisi ni watu wa Serikali. Sasa hapo yenyewe, tunaka Serikali ikumbuke wale wa nyuma ndiyo wanampa mambo yote chief, sub-chief, wanajua mambo yote mbaya. Watupatie kitu, na sisi pia sabuni tupate. Yeah. Yangu ndio hiyo. Asante.

Com. Nunow: Nenda pale Lucas Odemba? Lucas Odemba, hayuko? Omuseni Habil.

Omuseni Habil: Kwa jina kamili ni Omuseni Habil. Now in my speech, I start with the election of the Member of Parliament. Now, we find that like now we are heading to the General Election, most of the law makers in Parliament come to constituencies and promise to do somethings for them and in relation to the law of contract, you find that when entering a contract, those are two parties entering a contract and incase of any breach, you are supposed to be sued either for specific performance, damages or an injunction. So you find that those area Members of Parliament who promise their constituents to do something for them like building roads, health centres and whatever, after being elected to Parliament they never do that. So I want, would like the current Constitution at least to have, to provide a provision to those Members of Parliament who promise their constituents to do something for them and yet in those five years they are away, they never do anything. Either they should not be allowed to contest for the next election, or if they are allowed, they should first of all accomplish what they promised

their constituents.

Secondly, I will talk about the courts. You find that the courts are the ones which deal with cases, both criminal and civil cases. So you find that somebody was arrested over a case which entitles either imprisonment or at least a fine but there is something which has been introduced, this thing we call bond. You find that somebody killed somebody else and yet he is freed on bond. So how can we claim that you are doing investigations and yet that person you arrested committing the crime is already out of the court cells? The person will interfere with the investigation and he may be considered innocent maybe by bribing those people who are carrying out that investigation. So, I would like the coming Constitution at least to have some power on those people who apply for bonds. They should first of all investigate and see the genuineness in the application for that bond because they give out bonds to those people who come back and hinder these investigations. And, that is not justice at all.

If I come back to education, you find that in Kenya, the most well paid people are the people who do the greatest work. Go to primary schools And nursery school teachers, those are the people who are lowly paid for. Most nursery teachers don't have job security in that they can lose their job at any time. They live at the mercy of the B.O.Gs, the P.T.A and others. So, I would like the coming Constitution, through the ministry concerned, to ensure that such people be paid either through the TSC or their salaries be checked by the concerned body and I think the nursery school teachers make sure that a child from home is able to read, write and even express him or herself and yet (s)he is the person who is, very much demoralized by being given the lowest salary possible in Kenya. So such people should be... there should be something done for them.

Then, if I come on the security issue, you find that nowadays possessing a firearm is like buying plates, from the shop. So, most of the firearms are in the possession of many people because either the government or the Constitution has allowed those in security to have them. Like the police, they are allowed to own those firearms when they are not on duty. When they are not on duty, they'll simply use the firearms to rob other people. So I'd like the coming Constitution, to declare a strategy on the possession of those firearms in order to have good internal security.

If I go to the presidential candidature and the powers, you find that the President has some powers given to him. But those powers are somehow being misused because he has the power to hire and fire employees, some senior civil servants and ministers. And also on the appointment of those ministers, you find that a President may appoint a minister either in the ministry of finance, local government, agriculture and so on and yet that minister doesn't know anything concerning that. So, how will that person manage that? would like the appointment of ministers to various ministries, in order for the government to have greater development, he should ensure that, if a minister is appointed to hold a certain position, he should be qualified either professionally or academically but he should not have political affiliation, whereby due to being known, you are appointed to head a certain ministry which you will later win. Also, on candidature, I think the delegates of the concerned party are the ones supposed to nominate their presidential candidate. But you find that we have some Members who declare presidential candidates or they declare themselves to be presidential candidates and yet we have the nomination council of their respective

parties. So, it's like they think that the work of the nomination council is bad. So, they should be nominated by their nomination council and not by themselves.

If I can go back to citizenship, In Kenya, I think a person... we have three ways in which a person can acquire citizenship: by birth, naturalization or registration. So those people who were born in Kenya before independence or after independence but they were Members of Kenya, they should be given their citizenship without any approval. Because we find that some people who were working abroad before Kenya got independence are denied their citizenship and yet they are Members of this country. And yet we have foreigners who are given citizenship but they are supposed to.

I will wind up by saying that the President should not be Commander In Chief of the Armed Forces. If so why should he elect the Minister for Defense and why should we have kina Kibwana. I think he is supposed to delegate such like authorities to those people by not being the chief commanding the Armed Forces and whatever.

Then when you want to arrest someone, I think there we have two ways: we have a voluntary arrest and we have a warrant of arrest but most of the local people are denied their dignity by being harassed by some of the Members who are there to please the government by harassing those locals. So I would like the Constitution at least to lay a strategy on how, even if you've committed a crime, we should have a way of arresting somebody by at least to secure someone's dignity to, because some people are highly molested by those government officials who direct those arrest. Thank you.

Com. Kangu: We have Mbwaya Ambene Atiele.

Mbwaya Ambene Atieli: Kwa majina ni Mbwaya Ambene Atiele. Siku hizi mimi ni mzee. Nilikuwa kwa siasa tukiwa tunatafuta uhuru. Mimi ndio nilikuwa nikipeleka Tom Mboya kwa (Inaudible) tukaenda ng'ambo, tukaenda kumpigia simu na ndugu yake. Tulikuwa tunafanya kwa BAT na yeye. Tukaenda, niende kumlaki. Lakini kwa saa hizi, siasa nilikuwa nafikiria tutawachia watoto wenye msingi mwema. Serikali yetu sio mbaya sana, lakini ubaya mwizi hawezi kunasa mwizi mwenzake maana corruption ishaenea kwa kila mtu. Ukiona makosa halafu uonyeshe mtu wa Serikali huyu mtu ana hatia, atakudai kwanza cha mfuko na atakwenda kuongea na yule mtu na utaona mtu anakwenda na wewe ndio utabaki. Sasa hapo matekeo, huyo aliyepeana hongo anakwenda, kesho ndiye atakumaliza. Serikali haiwezi kuchukua hatia hapo katika hii wanasema ati Katiba. Ndio ni sawa na kuna watoto wenye ujuzi mwingi wanapotolea huku na akili. Huwezi kusaidiwa, motokaa napita tu. Wengine wanasema eti chokora wanapaka mavi katika town. Ni njaa inayotokana tu na sheria. Sheria ile ya mbeberu ilikuwa kali. Ukiwa na makosa huwezi kusamehewa ati pesa mbele na huko nawe unakwenda. Mambo ya kuweka pesa mbele na kuharibu ndio chanzo kibaya. Maana yake mtu anaweka pesa, anakuua tu lakini pesa itawekwa pale nawe utapotea. Hakuna kesi. Katiba iaangalie hilo neno.

Pande wa pombe, tulikuwa na pombe yetu ya kizamani. Walikuwa wakikaa, wakiwa na harusi ama nini. Hapo kulikuwa na mtu

anasimamia. Pombe hiyo ya zamani sio kama chang'aa na mwenye kutoka kwa shule hakutofautisha pombe gani mbaya na gani mzuri. Wote wanachukua jina tu moja, pombe. Na pombe hiyo ya wazee haikuwa na madhara na leo inaingiliwa na mtoto ambaye hajaowa, anaingia kwa pombe. Akishakunywa pombe na njaa, anakwenda kufanya mambo mbaya. Halafu mtu aliyeelimika ndiye anatafuta aende kwa pombe. Lakini hayo yote anafanana na mtoto wa shule tena na ni mtu mkubwa mlimteuwa aende kule maana hajui pombe hii iko mara ngapi; hii mbaya na hii nuzuri, ya wazee iko wapi?

Pombe ya wazee iwachiwe wazee. Maana yake hiyo ndiyo inaleta business ya corruption. Pale polisi wanakula hapo, assistant chief anakula hapo, likuru anakula hapo. Sasa yule analaumiwa tu, na kumbe mwenye chang'aa anajuana nao huko. Kitu ambacho kinaharibu Kenya nzima ni ufisadi. Tunaweza kufanya aje ukamalizika? mpaka Katiba ya kesho iwe nzuri maana huwezi kuwa mnyang'anyi na ukaunda Katiba. Hapana.

Sisi, mimi namna hii nilizaliwa 1913 ikimalizika lakini kwa kitambulisho ni 1914. Na nikuambia maneno nawe unatoka kwa masomo unasema, "ah! ya mzee ilikwisha" Kama ilikwisha, na wewe mwerevu, kwa nini unaoa unakwenda kuishi kwa boma ingine kando ya pale ulioa na huko ni ukoo unaogopewa. Sasa ukifariki huko, utazikwa huko ama hapana? Hilo ni neno mbaya sana mtu kwenda kuishi kule alikooa na anasahau mamake, anasahau babake na watoto, ndugu zake hawasomi. Na ana pesa, ana motokaa na kila kitu. Na hiyo, anajuana na watu wakubwa wakubwa. Kwanza, mimea itoke chini ikiwa na foundation nzuri. Lakini ukiwa mjumbe halafu unadharau kwenu, sasa utakuwa mzuri huko? Katiba iangalie.

Nikiingilia pande mwingine, mimi ni mwimbaji wa Kenya. Pia ndani ya redio, ndani ya nyumba, mimi ndio niliokataza kila siku Kariobangi. Asante. Nitaimba kidogo. Shika hii, mambo iko mbaya. Nilidanganywa, hii ni certificate, siwezi kugawia watoto wangu certificate. Na pesa yote wanakula, wanamaliza. Mimi ndio niliwaambia nitaimba yote. Lakini, Kenya yetu, ukiimba wimbo unatunga lakini copyright inamaliza wewe.

Song; Kila siku, kila siku Kariobangi tu. Ukikutana na mrembo, mrembo anaruka juu ukimuliza yuaenda wapi mama? Kariobangi. Mambo ya Kariobangi namshinda kila mtu lakini leo, lakini leo je? Wazee wa siku hizi wanageuza sura tena ati aende Kariobangi. Haya ndiyo Kariobangi na yeye hajazeeka aende Kariobangi tu. Mambo yanamshinda. Eti sikiliza kidogo hapo na kumbe ni pombe chang'aa. Na pombe ni chang'aa tu na mwenye pombe anakupa onyo, nakupa onyo na ulinunua tu. Nakupa onyo tu na unywe chonjo chonjo aaah! Eti nikunywe chonjo na ulinunua. Na mwenye nyumba anataka kodi, alikudanganya unywe chonjo chonjo maana yake wanajuana na polisi kweli wanaungana. Wewe ndio utabeba debe kwenda kotini for corruption eti unywe chonjo chonjo, na mwenye nyumba nataka kodi, anakudanganya. Ooh! Saa ingine, ni hasara ngapi ulipata mchana moja? kumbuka na kumbe ni pombe chang'aa. Sasa mnapata busaa na chang'aa ndio chanzo cha maovu.

Tena, corruption ilitokana kwa ndani ya chang'aa. Haikutoka kwa busaa. Haya. Nisimamie hapo nimalize maneno. Iko kitu moja sasa ni (Inaudible) nitabariki bila chochote na afadhali tulikuwa na Moi kwa siasa anajua pote, anamulika pale ndogo

anjua pakubwa. Lakini, wanawe si wabaya, lakini sasa, sasa niko hapa mnaniona hakuna mwenye kujua maisha yangu yako vipi. Na huko sina uwezo wa kuenda kusema, Katiba inisaidie, maana pesa zangu zote zimeliwa na dunia. Haya kaburini niko ndani miaka mia mbili Februari 23 kila mtu alisoma nation yenyu hiyo ati nimeaga dunia. Na mwenye kuandika uongo si anatoka kwa Katiba. Kenya hii mbona waandishi wanaandika uongo na hawashitakiwi na mimi nikitoka huku watasema wewe mzee kisha kwisha. Analeta fitina na kuchafua jina na mnasema tu Kariobangi ameaga dunia. Si mingali niko? Kwa hivyo...

(Inaudible Interjection)

Mbwaya Ambene Atiele: Nitawapataje nami sijui kizungu. Na mwenye kuandika ndiyo mimi nataka mnisaidie nijue hizi pesa zangu zote zinakwenda kwa mfuko ya nani. Hata nilipokuja kwenye mwaka eti kizungu 1965 July, na mzee Kenyatta akapiga simu kuja Maseno marehemu Yohana alipokea akafika kwa polisi nikaleta telephone, tuliwenda na (inaudible) nikufungua nikafungua Gatundu. Kama mjumbe hawezi kuingia huko. Njonjo na Dr. Mungai wawili, vile tulikuwa kwa Katiba tunajuana ndiyo mwenendo. Naweza kutoka huko, MP wetu alikwenda huko. Haya nyinyi Bunyore siri ya huko wakujua kwa nini kitabu iligawiwa watu wakachanga pesa. Dara, uliona hiyo?

Basi halafu, kwa hivyo hawana heshima na mimi nikiwa Emuhaya. CDA and imeni-challenge kwa viti vingi kufuatana na Katiba ya Kenya, vitu kama hiyo Mimi nishakuwa mzee. Hakuna heshima, hakuna heshima. Mtu akiwa mzee apewe heshima yake na wewe kijana nikupatie heshima yake, maana ndio hiyo lakini pande moja ati huyu ni mjumbe apatiwe heshima na yeye hana heshima kwa wadogo. Sasa Katiba tutatengeneza tukiendelea pande gani?

Haya nikienda kumaliza, ni haya pia kukua nayo. Asante Dora kutuma mtu. Naam. Nina mengi ningeliongea lakini pande ambao nasikia wanataja, hasa Katiba mtangazaji Erude. Si mbaya lakini watoto wake sijui wanalala saa ngapi. Ukiwa mtu anasomesha watoto wana-study mpaka saa ngapi? Lakini tabia nyingine ya kuelimisha mambo ya kizungu watoto wa nywele ngumu hii Katiba itazame kabisa. Msingi wa Katiba ni yetu irudi tuelimishane kiukoo. Mambo ya kuonyesha watoto mambo ya kigeni ni mbaya kabisa. Nilikuwa na mengi na siwezi kuelewa kama tutakutana siku nyingine.

(Inaudible Interjection)

Com. Nunow: Eeh mzee. Sylvester Kamakaro?

Sylvester Kamakaro: Majina yangu ni Kamakaro Sylvester Maina na maoni ni kama yafuatayo: Nation of love should not bear the symbol of any political party. Also, national money, national money tender should not be portrayed with the pictures of any living political leader of the sitting government.

Another point is former native courts should be re-introduced for reducing petty cases in the high court such as drunkenness

and disorder, debt cases, marital misunderstandings among other things. Elders of the area should be sworn as native court judges, headmen being the court prosecutors.

Another point is, on the issue of Members of Parliament. The salary of an Member of Parliament should be divided into two sections: half of the salary should go to the economic development of his constituents while he should enjoy the other half with the rest of the family.

Another point comes this way, all people who are over the age of 65 years should at least be given something to enable them sustain their lives.

Another point comes this way, all orphans should be educated free and taken care of by the Government in Kenya. There should be no majimboism due to economic imbalance. Small scale businessmen should not be taxed especially those operating in villages.

Now to sum up everything, I would like those who are getting married , the two spouses, instead of the girl childs, parents, getting dowry, the dowry should be given by both sides to help the couple to start their life. That is all I had. Thank you.

Com. Kangu: Paul Mukoba, Paul Mukoba?

Paul Mukoba: Jina langu ni Paul Mukoba kutoka Isanda sub-location. Ningependa kujulisha Serikali yetu ya Kenya ifahamu ya kwamba wakati tulinyakuwa uhuru 1963 haikuwa ya Maasai pekee yao. Ilikuwa pamoja na wananchi. Inapasa maofisa ambao tukona kwa wakati huu wafikirie wananchi, wafikirie wananchi. Mkitembea hapa mtaona wananchi wanaumia na mambo mengi sana na hiyo yote inaletwa na maofisa wetu wa Kenya. Tungelipenda kusema ya kwamba hivi vyama ama chama hatuwezi kuvichukua kama chuki mbele ya wananchi wa Kenya. Lengo letu ni kujenga nchi yetu vile tuliipata kwa mambo ya shida. Na pia wengi ambao wako sasa wanaelewa ya kwamba nchi yetu ilipatwa kwa mambo ya taabau na wengi walikufa wakati huo. Tungelipenda kutengenezea watoto wetu msingi.

Upande wangu ningependa kusema, matibabu, vile mnapoona watu wanafariki mara kwa mara, Serikali imesahau matibabu yetu tangu mwaka wa '63 hadi '68 vile watu walikuwa wanatibiwa. Kwa uwezo wako, tungependa kusema vitu vya clinic vinapasa vifungwe na matibabu ya zamani irudi. Ile matibabu ya zamani ilikuwa inatusaidia sisi. Na matibabu ya pesa saa hii, tunaweza kutibiwa na madawa ambayo hata tunanunua sokoni na unaenda kuambiwa pesa nyingi na unalipa. Hata ugonjwa kama malaria unatibiwa na dawa ambayo haifai huyo ugonjwa, hata kupima hakuna. Lile ni jambo moja linaumiza watoto huku mjini, unashuka tu mtoto anaugua aina gani, ni malaria ama ni nini? Ni kumrundika maji na hiyo ugonjwa haihusiki na maji. Tayari mtoto anapotea au mzee anapotea.

Jambo lingine, ningependa kusema tusije kusema marufuku marufuku mara kwa mara na hata hawa wanaelewa hiyo marufuku haiwezi kuisha. Iko. Tunalipa hata mara mbili, ile pesa ilikuwa inaenda kotini siku hizi haiendi. Inapotea kwa barabara kwa maofisa wetu, wanakula mshahara. Kwa hivyo wanalipwa na wananchi na pia wanalipwa na Serikali. Wanakula mshahara mara mbili. Ni umaskini jinsi tunaona tunaletewa na maofisa wetu wa Serikali. Jambo ambalo linawezekana, ofisa akutumikie, anataka pesa. Hata ma-assistant chief humo mjini, machief ni jambo ambao wanafaa watutumikie kwa bure, wanakuomba pesa. Sasa nashindwa, kama hatuna pesa ya kwenda ku-report shida zetu kwa maofisa wetu, tutakuwa tunafanya namna gani?

Hilo jambo linapaswa lifikiriwe, kwa mfano hii pombe ambayo mnasikia busaa. Mimi naonelea kwamba iwe huru na ikiwa huru tuwekewe saa baada ya kazi kwa vile mnavyojua brewers wamepandisha ma-beer. Iko hali ya juu na wengine hawawezi kuenda kukunywa hiyo beer. Nafikiri hapo tutapata kukuwa rafiki na Serikali na maofisa halafu tutapata kutafuta wahalifu. Mimi nilionelea hilo neno la kanyaga huende likawa lilikuwa nzuri ingawa lilikataliwa, hilo jambo limesaidia kupunguza uhalifu sana. Na kwa ajili uhalifu umejaa, umejaa kulingana kwa kufunga hivi vitu vyote ati kwamba ni marufuku. Inapasa tuangalie kitu kama bangi ifungwi, chang'aa ifungwe madawa ya kulevya ifungwe lakini pombe, hata utamaduni mwingi umeanza kupotea mjini kwa ajili ya kufunga vitu vyote. Tunadanganywa ni marufuku huko wako waziwazi hata hiyo pesa haifiki kwa court. Nafikiri hapo jambo lifikiriwe sana.

Kwa upande ya maofisa, sana AP, police, chiefs, wachunguzwe jinsi wanaendelea na wananchi. Uongozi wa mtu unaweza kuwa mzuri na wenye kuharibu ni wengi. Kwa hivyo tunapaswa tuangalie hapo. Hatutaki kulaumiana na maofisa. Tunataka tuwe marafiki wa maofisa na maofisa pia wawe marafiki zetu ili tupate kujenga nchi yetu. Nafikiri sina mengi, ni hayo tu. Asanteni.

Com. Nunow: Asante. Justus, Justus Elenye?

Justus Elenye: OK. Thank you Commissioners for coming to Emuhaya. My first suggestion is... My name is Justus Elenye. My first suggestion to you is that in future, chiefs, assistant chiefs, should be elected by the people but not D.Cs.

The other thing is that, if any Member of Parliament or a councillor defects from one party to another, he should cease being Member of Parliament or a councillor from that time of defection and then he should go back to the voters for by-election.

The other point is that, any person to qualify, any person to qualify to be elected as a Member of Parliament of a constituency, he should be somebody who should not have two homes. He should be stationed at that particular constituency.

The other thing is that, local governments have had financial problems. Therefore, in future, councillors should be paid from a vote, from a particular vote like Members of Parliament and then they should qualify for pension if they have been there for two terms.

Retirees from the civil service should be considered for salary increase when other civil servants have been given salary increase.

Now, in any Constituency or in any ward, if a councilor or a Member of Parliament is not helping the voters, then there should be a body in the ward or the Constituency to pass a vote of no confidence in the Member of Parliament or the councilor. That is all I have.

Com. Nunow: Asante Bwana Sitingi. Ujiandikishe. Silas Msafiri? Na kwa sababu wakati unaendelea kuenda, tafadhali muanagalie zile points ambazo hazikutokea tangu asubuhi particularly wale walikuwa hapa ili muweze kusema zile points mpya. Mtilie mkazo zile mpya.

Silas Msafiri: My names are Silas Msafiri Ndolo kutoka Ekanga Sub-location in Central Bunyore. Ningelipendelea hivi katika Serikali ifuatayo; ningependa iwe ya majimbo. Kwa sababu gani? Kama sasa hivi, tuko na Mumias Sugar company na hiyo utapata store yake kubwa iko Nairobi ambapo mimi ningelipendelea ijengwe hapa Mumias na vijana wa hapa Western waweze kupata kazi hapo.

Jambo la pili, ningelipenda Serikali ijayo, President asiwe na mamlaka vile alivyo nayo sasa hivi. Asiwe mkubwa wa vyuo vyote ya Kenya. Ikiwa hivyo, basi kiwe cheo kimoja tu na vingine viwachiwe watu wengine kwa sababu Kenya iko na watu wengi, sio yeye pekee yake. Lakini asiwe mkuu wa wanajeshi kwa sababu tuna Minister of Defense ambaye anaweza kushilikia hiyo kazi.

Upande wa siasa ningelisema hivi, Mbunge ambaye anaishi pale...

Note: No proper connection to side B

Na cha tatu, kwa upande wa education, ningelisema hii 8-4-4 itupiliwe mbali na tuwe na system yetu ya zamani ile ya form 1 to form 6, kwa sababu hawa watoto wamekuwa too much loaded ambapo subjects zimekuwa mingi sana kwao. Hata wameshindwa vile watafanya. Na ukiangalia pia utapata there are just so many drop-outs ambao hawana kazi. Na ningelipendelea serikali iwe na mpango kamili kwa hawa vijana ambao wako nje kwa sababu utapata hata kuna walimu ambao wako trained na hawana kazi kabisa. Na sio walimu pekee yake, hata kuna ma-engineers humu ndani ndani ambapo hiyo ni shida kwa serikali yetu.

Pia, ningelipendelea, education iwe free vile ilivyokuwa na watoto waende shule. Sio iwe free na watoto waonekane wakirandaranda mabarabarani. Kitu kingine ningelisema ni hiki, tusiwe sana tukipendelea mambo ya harambees. Ingelikuwa

vizuri hizi harambees zitolewe kwa sababu hii itafanya nchi ikuwe na too much corruption kwa sababu pesa zinatolewa kwa treasury, zinakuja zinafanyiwa harambee, halafu serikali inabakia bankrupt, bila chochote na mwananchi wa kawaida anaumia sana.

Na mwisho, ningelisema hivi, kwa sababu ya majimbo, ningelisema iweko kwa shauri hii. Pesa zikigawanywa kwa development, ziwe zikigawanywa kila province kulingana na population ya hapo mahali. Kwa sababu hauwezi ukagawa mtu ambaye amezaa watoto wawili na mtu ambaye amezaa zaidi ya watoto kumi gunia moja ya mahindi, hiyo itakuwa inasumbuwa sana. Inatakikana mtu agawiwe kulingana na population vile ilivyo.

Pia, njia ziko mbaya sana upande huu, ama katika sehemu zingine za Kenya kwa sababu utapata kama hapa Bunyore, watu wanazingatia sana kilimo kidogo kidogo hiki cha kupanda mboga. Lakini utapa mboga zao zina haribikia kwa mashamba, hakuna mahali zinaenda na hiyo inatokana kwa njia mbaya, no transport. Nafikiri ni hayo nilikuwa nayo, asanteni.

Com. Nunow: Asante sana Silas, tafadhali jiandikishe pale. Patrick Auto? Patrick Auto? Dakika tano.

Patrick Auto: I am Patrick Auto as you have heard. The first point is that we should have only two political parties. We should not exceed two for convenience of the general public during elections. Then civic education should be a continuous process so that both primary pupils and secondary students are taught. Then the Constitution should be presented in a simple language whereby every mwananchi can be able to understand. The same Constitution should be accessible to everybody so that any manipulations that are done by Parliamentarians can be realized quickly.

Number three, MPs should be having sitting offices and they should be approachable. We don't want people to come and deceive us when elections are approaching so that they give us something small to vote for them. Instead, when they are free they should be in their offices and we approach them so that they give us the democratic principles and speeches concerning the leadership.

Four, we should have a House of Representatives whereby every interest group in the society should send a particular representative. For example, teachers should send one person, boda boda, children should have a representative, every interest group. Then we should have a ceremonial President and have a Prime Minister whereby if a President is messing up, the ministers can check or if the Prime Minister is in a mess, the President can check. That means the powers of the President should be reduced.

Next one, a ministry should be created and that is the Ministry of Justice and the issue of the Attorney General should be abolished. We should have separation of duties and powers whereby the 3 arms of government should be separate; that is Legislature and others. Then concerning education, specialization should begin at class 4 whereby when a pupil reaches class 4,

the load of subjects should be reduced. The child can even take 4 subjects or 3. Not the whole lot.

We should have the freedom of media because this is a democratic country whereby people can express their views. And the ruling government should be transparent so that we don't have a ruling party but rather a ruling government. Then if someone wants to become a minister he should apply. So long as he is an MP, (s)he should apply so that the Senate votes for that particular person if he has the relevant skills in the ministry which he has applied for. We don't want to have misappropriation of professional pasonnel. That is it.

Com. Nunow: Thank you. Elijah Omenda? Tuko na Edward Aringo? Yuko?

Elijah Omenda: Thank you. My names are Elijah Omenda. I would like to present the following so that they can be included in the new Constitution. Most of what I have here have been presented by many people, I'll just highlight them because I put them down. First is the distribution of our resources in this country: The new Constitution, should cater for equal distribution of our resources. You will find the present Constitution actually it favoured some parts and forgotten other parts.

Education. We should have free, basic education. At present you will find that we do not have free basic education especially at the primary level. Higher education has become very expensive. I'll suggest the new Constitution to allow support those continuing with higher education. That is the government should give loans or any other support to those who are continuing to enable most Kenyans to acquire education.

Medical care has become a problem to many Kenyans. I will suggest the new Constitution to cater for the free medical care to all Kenyans. This will assist to alleviate poverty in our country. Agricultural sector has gone too low. I would like new Constitution to cater for the agricultural sector. That means the Constitution should ensure that our agricultural sector is supported fully. Political parties in our country at present they, are based on ethnicity or tribes. I would like to suggest that under a new Constitution we should have a limited number of political parties in our country. Maybe to give a figure, 3 or 4. Registration of voters should be a continous process because many Kenyans are denied chances when it comes to registration. This will allow many Kenyans to register.

Local government: Councillors should be given more powers to run their affairs. Under the new Constituion, at least we should have a form 4 leaver as a councillor, and this will enable us to have educated councillors. Then voters should be allowed to elect their Mayor or the Chairman of the local council. Under the new Constitution, I would like the street families to be rehabilitated. At present you will find street children are increasing. We would like under the new Constitution, the street families to be taken care of and reduced. And finally, Judiciary should be independent.

Com. Nunow: Thank you very much. Elijah please register yourself over there. Edward?

Edward Aringo: Mimi naweza kupiga asante kwa serikali ya Kenya kuanza mtindo mpya kama huu...

Com. Nunow: Majina yako kwanza, na ukaribie microphone.

Edward Aringo: Jina langu ni Edward Aringo. Nashukuru serikali kufunguka na hii serikali kufunguka ni Mungu ndiye anatoa mwangaza. Siku Kenya ilipata uhuru, 1963 December, ilikuwa furaha mingi, wakapea President authority and power. Hii ndio ilikuwa kitu kibaya cha kwanza kumpa Kenya, ikijua namna ya kuendesha serikali. Maana nataja Mungu, amekwisha ona watu wengi wanaumia. Na yeye ndiye aliumba watu, ndio akatoa mwangaza waanze sheria kuwa kila kitu ikuwe inatumiwa na sheria. Wananchi wake wafurahie matunda ya uhuru. Kwa maana siku hizi, ni watu wachache wanao furahia matunda ya uhuru. Maanake katika Kenya a ¼ ya watu katika Kenya wanafurahia matunda ya na ¾ wana-suffer.

Ya pili ni hii; Ukienda katika location, mshtakiwa anatakiwa atoe pesa kwa sub-chief, na yule mwenye kushtaki pia atoe. Sasa utajua ni nani ameshtakiwa?

Na kwa koti naona mtu mmoja ndiye anashtaki mtu kwa makosa, na huyo mshtakiwa halipi tena kwa koti. Hii ni kinyume cha sheria na inafanyika, na watu wengi wanaumia. Na pengeni usipotoa wanasema tunahimiza kesi yako haiwezi kufanyika, na wewe ndio ulishtakiwa. Ndio maanake nashukuru hii sheria mpya ikuwe inaendesha vitu katika sheria bila kufikiria au kuonyesha mapendeleo.

Ya pili, nasikia watu wanataja mambo ya chang'aa, pombe na polisi Hii sheria nataka ikuwe hivi, polisi wakija kufanya inspection katika nyumba ya mtu, aliiba chupa au aliiba jembe, wasije kuhangaisha mwenye nyumba ati kila kitu mtu wanataka receipt, alinunua namna gani. Ikuwe sheria wanakuja kwa ile kitu kinasikika aliiba. Kwa maana wanaingia katika nyumba, wengine wanachukua yule bwana wanamtia nje kwa room ya kukaa, na wengine wanaingia katika bedroom, wanachafua vitu huko kumbe hao ndio wanaiba hivyo vitu. Hiyo yote nashukuru, serikali itie katika sheria. Wakija kutafuta jembe ikuwe jembe. Hapana radio, leta receipt, kitu fulani, lete receipt, hapana.

Ya tatu, katika Bunyore hapa, nasikia wanazungumuza mambo ya Bunyore na Nyanza. Miaka miwili imepita Luanda county council ilipewa kuzunguka six square miles kutoka Luanda. Wakaanza kutia signboard pale mileage inafika. Na watu wa Nyanza waling'oa hiyo signboard, wakatupilia mbali. Nikashindwa kujua hiyo kitu walitia halali au walitia kufuatana na sheria. Kwa sababu walinyamaza. Kama walijua walipewa six square miles, mpaka saa hii, sijaona hiyo signboard. Mimi ni mtu wa katikati ya mpaka wa Nyanza na Western.

Ya mne...

Com. Nunow: (Inaudible).

Edward Aringo: Hiyo ya mwisho. Asante, ilikuwa iko ingine lakini saa inakimbia. Naona katika market, mtu akipeleka kitu katika kikapu, wanamlipisha kodi, kama ya yule analeta gunia mzima. Ikihelewa kuuzwa, tena ikirudi, tena bado wanatoa gharama kwa kile kitu kimoja. Na hiyo inaonyesha ni unyang'anyi, hapana kusaidia. Na mzee alisema siku ile Kenya ilipata uhuru, sisi sasa tuko uhuru, tuko uhuru hakuna kunyanyaswa. Na bado wanarudia neno walikuwa wanasema wabeberu ni wabaya, wananyanya watu. Ningesema mengi lakina asante sana Commissioners. Wacha nifike hapo maana watu wanasema kila aina ya maneno.

Com. Nunow: Asante sana Mzee Ariwo. Tafadhali njoo ujiandikishe. (Interjection) Kuna nini? Sijakuita nauliza kuna nini? Umejiandikisha? Subiri uitwe jina lako. Jacob Oliko? Unaitwa nani? Richard Nyang'awa. Wewe subiri, iko mtu mwingine, huyu mzee, Wewe ni wa tatu kutoka huyu mzee.

Jacob Oliko: Asante. Majina ni Jacob Oliko kutoka Luanda. Nina mambo mawili tu ya kusema. Ya kwanza, the new Constitution should criminalize calculated and deliberate wastage of time and resources. This is happening all over but I will give two instances from the office of the president. Jogoo house has the Office of the President. When he finishes his term, he should have been sitting in that office for 43,700 hours. This is like saying 52 weeks, an average of 5 hours per week for 24 years. That gives 43 700 hours. But from the way things have been happening, it is easy to see that hardly 17500 hours has he sat in that office. Which means the keepers of this office have been paid for work they have not done. In other words taking care of the President and giving him service. That is an example of wastage of resource. Another example, 3 rallies per week attended by 30 000 people who will be waiting for the arrival and the carrying out of these meetings for 8 hours in a year. This translates into 38 million man hours where people do nothing productive. This has really contributed over the years to the downward movement of all production and therefore many things being affected and failing. That is number one.

The other thing, that I will say in Kiswahili because in Kiswahili it might sound better, mke kuolewa na bwana kuo, jinsi ilivyo sasa, mimi ningependa katika Katiba mpya, iwe pia neno kwamba mke pia anaweza kuo bwana. Na hiyo itawapa sasa complete equality katika mazingira yetu ya Kenya, na hiyo pia inamaanisha ikiwa mke ataoa bwana basi pia itabidi atoe mahari amuo huyo bwana. Na ikiwa mwanamume atamuo mke, basi itabidi yule mwanaume atoe mahari. Kwa hivyo there will be equality kabisa – complete equality between man and woman in this country.

Com. Nunow: Thank you very much mzee. Hiyo equality sijui kama itakuwa lakini tutaangalia, tutangoja wasichana waanze kupeleka dowry kwa wazazi. Christopher Obunyasi? Haya, Richard kuja.

Richard Ogweli Nyang'awa: Mimi ni Richard Ogweli Nyang'awa. Mimi naonelea hii dunia ni yetu. Hatukuja hapa kufanya siasa. Tumekuja kila mtu atoe maoni yake vile anasikia kwa roho yake. Mtu atoe maoni yake vile anasikia kwa roho yake.

Com. Nunow: Richard uko na maoni ya kusema ama huna?

Richard Ogweli Nyang'awa: Ndio hiyo nataka kusema.

Com. Nunow: Endelea, go to the point.

Richard Ogweli Nyang'awa: Mimi nataka kusema hivi. Mimi nina watoto tano. Na hao watoto, watatu wako shuleni. Na nilikuja nikaomba msamaha watu wa Compassion hapa Kimwa wanisaidie, wakasema no. Ni kitu cha kwanza hiyo.

Kitu cha pili, hapa kwetu, tuko na quarry. Quarry iko hapa kwetu. Unawaona wakipasua mawe hapa. Hao watu, hawanipi pesa, pesa ya kusomesha watu hakuna. Si ndiyo hiyo mawe unaona hapo ukipita some where hapo chini. Nikiomba pesa nina ambiwa nitafungwa. "Kaa kando enda kwa umanamba." Mimi kazi yangu nafanya kazi ya umanamba kwa barabara. Nikipata shilingi ishirini ndio watoto wakule, wapate gorogoro ndio mimi nami ni-survive. Mimi siwezi sema sivuti sigara, navuta. Na ndio bibi yangu apate hata nguo. Swali ingine ni hivi...

Com. Nunow: Si Maswali. Pendekeza maoni.

Richard Ogweli Nyang'awa: Maoni ingine ni hivi, nitafanyaje ndio watoto wasome.

Com. Nunow: Unataka Katiba iseme nini?

Richard Ogweli Nyang'awa: Naomba munisaidie.

Com. Nunow: (Inaudible)

Richard Ogweli Nyang'awa: Si ndio hivyo. Nasema basi munisaidie. Kama serikali inaweza kunisaidia, inisaidie basi.

Com. Nunow: Nimesikia, asante. Kwa hivyo unasema una shida kuelimisha watoto?

Richard Ogweli Nyang'awa: Wanakaa tu.

Com. Nunow: Elimu ya bure inafaa? Na si wewe peke yako ni wengi.

Richard Ogweli Nyang'awa: Sio hata elimu ya bure. Naweza sema nitoe kidogo, watoe kidogo.

Com. Nunow: Serikali itaweza asante sana. Tafadhali jiandikishe. Sammy Onani? Is that the correct name? Sammy P. Onani? Samuel, you are still down there? Samuel Makokha I can see you down there.

Sammy Peter Onani: Bwana Commissioners, nawasalimia hamjambo? My three names are Sammy Peter Onani and I had made a written proposal which was not yet ready but I've just extracted a bit of the draft which I will highlight.

One, I would like to complain the time that you have earmarked for this is quite short. The Constitution document itself has almost 128 sections, being able to talk all of us, two days is not enough, or one is not enough.

Com. Nunow: (Inaudible)

Yes, we agreed, but you will bear with us, so I just rush through mine so as to save time.

Com. Nunow: (inaudible)

Sammy Peter Onani: Yes, I would like to highlight here to say that I am proposing a Federal system of government and an adoption of the 1963 Constitution. The reason for proposing a federal system is to assist to distribute the national resources equitably. We find the national resources have been concentrated in one area and we feel if we are allowed to govern ourselves and plan for ourselves what to do, it will be much fairer. In that system, I am saying we will have the Army, the Police and the Judiciary in one Central Government together with the Treasury. But the Governors will be at the region. Within the region, people will be able to plan on their own, have their own budget, their own development agenda. So the work of the Central Government for this reason will be just to collect taxes at the end of the day, to distribute to the regions. And what the region will do, it should be able to negotiate by itself with the World Bank and the Central Bank.

The other one I am also proposing is that... I have had proposals that for anybody to vie as a Member of Parliament or mayor, he must have a university degree. It is my opinion that the current section that takes care of that states that anybody who can be able to read English and Kiswahili, can be able to go to Parliament because actually, management is not derived from the degree. I know of some people who do not have degrees, but they have really managed their affairs very very well.

The other proposal I would like to make is about election of the Mayor and the Chairman of the county council. There have been proposals that the mayor must be elected by the people. I'm against that proposal for that proposal is going to make the mayor and the chairman of the county council to be more powerful that the councillors will have no say if such a mayor is on the wrong. The same type of election does not give equitable ability to the poor also to participate in an election. It will require that some one is rich enough to run round the district. Infact the election of the mayor or the chairman of the council will be much much expensive compared to the one for Member of Parliament.

Legislative powers, under section 30 of the Constitution, I'm also saying that it should be reviewed. It should be reviewed to read that the legislative powers of the Federal Republic of Kenya shall be vested in the Federal Parliament and the Senate. This shall consist of the Federal State Assembly, the President of the United Federal Republic of Kenya. The Federal Assembly will make decisions which will, after receiving the presidential assent, be ratified by the Senate. What I'm trying to say here, we want to remove the powers of the President deciding by himself. If he makes any decision, it should be referred to an independent body, which will review, look at that particular decision, and be able to ratify it or to refer it back to him. Or even Parliament, if Parliament makes any decision, like now we know Parliament has what we call 'multi-party system' There is an area where we find there are more Members from one party in Parliament and they have to make decisions in a biased way. Such decisions made in Parliament will be sent to the Senate for ratification.

I am also proposing appointment of Permanent Secretaries, Commissioners or for any type of employment in this country, we would like the Government to understand that Kenya is now a multiparty state and when it is a multiparty state, we must share everything equitably. Now when it comes to employment, we would like the parties in this country also to be given chance to nominate candidates for such kind of employment. For instance the President should not be allowed to be the only person who appoints the Permanent Secretaries. Just the way you Commissioners were appointed, we would like the parties to be given a chance to nominate the candidates who will be appointed by the President and so to the District Commissioner and so to the other employment.

About the language to be used in Parliament, as I have said before, there is no need of us to discriminate by way of education. This is our country and I believe anybody with leadership qualities can lead this country. In Western Kenya we have one very rich man called Ambwere. Ambwere does not have a university degree but he is capable of managing his business very very well. What do you need as a country or Government to help people get their welfare/ So, am saying that university degrees should not be the basis of an election. The official language in Parliament, as we have said before, because you may find somebody who is capable of really bringing the ideas which can help the country to develop and is left out. So we are saying the official language in Parliament should also be English and Kiswahili and the documents including the Bills, including the Acts, including the laws and the Constitution must also be in Kiswahili because not all Kenyans are learned enough. For instance you go to court where the judgement is being read in English and you don't understand English. Even though there is translation, it may not be very very clear. Today people are being jailed because they do not know what to say. So we are saying if the official language in Parliament is Kiswahili and English, documents written there should also be in Kiswahili and English.

Prolonging and summoning Parliament: Parliament should have its own calendar in which it can prolong itself and not be prolonged by the President. The President may direct the speaker of the National Assembly to call or summon Parliament if he feels there is an urgent issue that needs to be deliberated upon by the Parliament. So that is my proposal as regards that.

Actually I have finished, I have already talked about the election of the Mayor. So as far as am concerned, this is a document am going to present to you, its not yet complete but I will be able to present a complete document which has all sections in one

day's time. Thank you very much.

Com. Pastor Ayonga: Thank you for your presentation. Samuel Makokha? After Samuel, mama ni wewe na ndio utakuwa wa mwisho

Samuel Makhoha: Kwa majina ni Samuel Makokha na natoa habari ifuatayo ama mapendekezo yafuatayo, sitarudia yale ambayo wengine wamesema. There are two pertinent issues I would like to address;

One is about education, others may have talked about it but I would like to emphasize that education policies should be followed to the latter. People who are concerned with education should be consulted before any action is taken and am talking as a teacher. I am worried on how am supposed to control the students because corporal punishment has being banned and yet a lot is expected to change that particular child. So, in case of any action or any change to be implemented in the education sector, the concerned, including the teachers, should be consulted adequately. Aping the western in upbringing of the children, am not against it, but we as a country should have our own formula on how we would like our children to be brought up. I am pained by the increase of taking illicit drinks in Western Kenya.

Some people have given views that some of the local brews should be legalised. My personal view is the Government should look for ways of regulation of illicit drinks. The future of any country depends on the youth or the young people but the rate at which young people are taking chang'aa in Western Kenya, if nothing is done, we shall not have a future. So I propose that the Government should have a machinery to control these illicit drinks.

National Health Insurance Fund, we have had the National Health Insurance fund where people are deducted money and I will not call that an insurance because we are not insured at all. An insurance, to me should be if members are deducted any money or they contribute any money, that money should be a revolving fund. Whether the person uses it immediately or later in life, it should be a revolving fund and it should not only affect the poor but even those who don't work at all. So I would like this National Health Insurance fund to be established in such a way that the beneficiaries of both, the contributors and the families, is adequate.

Lastly, the legends of this country should be honoured. There should be an Act that ensures that such people are safe in their future. I refer to politicians, footballers and athletes. This afternoon we have been entertained by some old man who was a great musician but you look at him and you get paid, because he has continued to serve this country and there is no established system how his future is going to be taken care of and there are so many Kenyans who have been heroes in their own right and yet nothing has been done to them. So, any taxes we contribute to the Government or any system, a particular system should be established to cater for these people, they should be taken care of. I would like talk more about politics because other people have spoken thank you.

Com. Nunow: Thank you very much Mwalimu Samuel for your views, please register yourself. Mama, tuambie majina kisha endelea

FarnicaOkamo: Naitwa Farnica Okamo. Maoni yangu, nitaanza na hiyo ministry of education na mapendekezo yangu ni ministry of education, kwa lower primary syllabus, wawe na msimamo. Wasiwe wana-adopt education kutoka nchi fulani na wanaleta katika Kenya. Juzi wame-introduce business education na sasa tena wanataka ku-drop it na ilikuwa inasaidia watoto sana. Tena wakitaka ku-drop subjects, wawe wanauliza wananchi ni subject gani iwe-dropped wasiangalie wakubwa, professors wa-check syllabus ya lower primary. For example walisema agriculture homescience, busines education, music, art & craft siwe non-examinable. Na sasa wazazi wanatia mkazo kwa examination subjects za wanawake. Subjects kama agriculture, na agriculture kwa mtoto ni subject mzuri sana. Sasa mapendekezo ni kuwa wakitaka ku-change syllabus ya lower primary, wawe wana- consult walimu wa primary, wasiende kwa professors kwa sababu professors hawafundishi watoto wa primary.

Kitu kingine, officers, inspectors wawe straight kutoka university wasiwe headmasters. Inspectors wengi ni headmasters wenye walikuwa walimu, sasa hawafanyi kazi yao vizuri . Na inspector asiwe inspector kwa sehemu yak,e aende kwa sehemu ingine kwa sababu inspector akiwa inspector kwa sehemu yake, hawezi kufanya kazi yake vizuri kwa sababu anajua walimu wengine. Sasa inspector awe straight kutoka university na aende kwa sehemu ingine yenye si sehemu yake.

Na kitu kingine, wajane wanahangaika sana, mimi nikiwa mmoja. Bwana akifa, kupata pesa ni ngumu, watoto hawawezi kuendelea kusoma. Ukienda Nairobi unambiwa file imepotea. Unaweza kwenda hata mara tano unaambiwa ati file imepotea. Sisi huku tunashangaa, file imeenda wapi? Na pesa ikitoka kama watu wa mwenye alikufa wako, mimi napendekeza iwe inakuja straight kwa family si kwa trust, the public trustee. Kwa sababu yangu ilipelekwa public trustee na hata kutoa Ksh.10,000 ulipe fees unambiwa upeaane Ksh. 1,000 public trustee atumiwe kwa sababu ako-supposed, kupeana only Ksh.4,000. Sasa kama school fees imepanda, mjane anataka afanye maendeleo, naakitaka pesa nyingi public trustee anataka kitu kidogo. Sasa wajane wanahangaika sana mimi nikiwa mmoja hata pesa zangu zimepotelea huko nime-give up. Sasa wajane waletewe pesa, ikuwe straight kwa familia, watoto wawagawe, wale wadogo yao. iwekwe kwa bank na majina yao. Na wenye wako over 18 years wanaweza kupewa share yao na ikwishe na mama apewe share yake badala ya kupeleka kwa public trustee, wanawake wanahangaika sana.

Kitu kingine ni kuhusu street children. Mimi naona hata hapa Luanda, wengine wanajulikana kwao lakini hakuna chenye wale watafanya kuwarudisha kwao. Mtoto anakua mwenye anakosa tabia ana-join street children, anajifanya mwenda wazimu na si mwenda wazimu. Wengine watawala wanawajua na hawawezi kuwarudisha kwao. Sasa special people wawe elected kwa kuona kama street child ana ambaye nyumbani arudishwe huko ndio tutawafanya wawe wachache.

Na kitu kingine hapa kama watu wanataka ku-change prices of commodities, local persons should be involved not the high

ranking ones. Kwa mfano wakitaka ku-change price ya sukari, wenye wana-change ni wale wenye mashamba makubwa ndio wanakuwa involved na a local person mwenye ananunua hakuwa involved. Sasa wana-change tu prices, hawajui kuna wenye wanaumia na wenye wanafaidika.

Kitu kingine kwa hii self employment mimi napendekeza tusiwe na interviews. Wawe wana-select tu straight from the ministry. Wakati wanasema tuwe na interview ndio ufisadi unakuja. Wenye kufanyisha interview wanasema leta kitu kidogo. Sasa tunapata hapa katika Kenya watoto wa watu wakubwa ndio wanakuwa employed na wenye hawana namna hao hawakui-employed. Mimi nikiwa mfano, wangu aliacha university six years ago hajakuwa employed kwa sababu sina namna. Sasa employment iwe straight from the ministry, watu wapeleke application, wawe selected huko according to qualification, hiyo itakuwa vizuri.

Kitu kingine, hii mambo ya administration police, hapa kwa reserve wanasumbua watu. Wakiona kuna chang'aa mahali fulani ndio wanaenda na wakijua kuna mtu amefanya makosa, ukienda kumwambia; Kuja anasema," hakuna pesa ya gari, wewe lipa pesa ya gari." Sasa hatujui kama police wanapewa pesa ya gari. Na sasa kwa chang'aa wanakuja wengi wanataka kitu, wanashika watu. At the end of the day, wote wanakuwa released, wamelipa pesa. Sasa watu wa kuangalia vitu kama chang'aa wawe special people kutoka mbali wakuje na nia ya kuangalia wenye wanauza na waende kuwafunga. Si kutoa kitu kidogo tene wawawache. Hata kwa reserve tunaona watoto wengi wanasumbuka sana, watoto wanakunywa chang'aa, hata watoto wachanga hivi na wanakutana na Assistant Chief, hakuna chenye anafanya. Hawezi kuuliza mtoto, "Nani amekupa chang'aa?" Wanawacha tu. Sasa msipokomesha hii chang'aa katika Bunyore hapa, by the end of five years, Bunyore itaharibika. Asante, hayo ndio maoni yangu.

Com. Nunow: Asante sana mama, tafadhali njoo ujiandikishe. That should have been the last person. Mr. Muchilwa, I am sure we need to compromise. I will give you three, four minutes because you have a memorandum, I can see we will read everywhere. So highlight some of the key issues. You may not have the advantage to know what was said but give us some of the highlights.

Omukoko Muchilwa: Thank you Commissioners for the opportunity I'm sorry for coming late, I just want to go to a few areas. I am Omukoko Muchilwa. My points are regarded to the areas of political spectacular. Am recommending that we have minimum of two parties and a maximum of four parties for our nation, I don't have to explain the reason, just for the nation unity and cohesion of this nation and the state should finance them. This will remove the culture of bribing and having different parties because they can be financed or they can be compromised.

About presidential candidates, material for those offices, a candidate who stands for presidential nomination or position should have a basic education of at least a degree, honours and similiary on the local authority level, local Government also should have holders who have at least post secondary education and with some qualification in management. I would also like to recommend that as we elect our national leaders, we should elect our Mayors for the local authority, the Mayors and deputy

Mayors at the same time. Still on the political issues, the President should also have his running mate, the Vice-President, so that we clearly know the combination the choice, how it is to bring cohesion and unity in the nation.

Now I had submissions on patriotism, how to build patriotism in the nation. We need to invest more in political education in this nation to educate the public on ethics, national ethics, national unity, patriotism. I am involved in the education sector and when we look at our youth and the Kenyan population, patriotism is lacking and we have to build a nation of people who appreciate their country, their values. They have to have some ethics, they have an understanding of our national hood. So, our organs, public media especially the radio and TV, we can invest some money at least on basic education programme to give to the public to know what is expected of them. That is what we have failed to do and we are building our people who don't have patriotism for this nation.

My other contribution is on education. Education, I have this to say; we should provide basic education to our population so that we bring up a population that is at least literate, able to read, write understand, and at least can be communicated to. So up to standard four minimum, education should be free to the children of this nation and we can create resources so that even we can go down the pre-nursery, primary stage, and we can take care of all that. Standard five to eight, that level of education, I mean cost sharing can be brought to being with school committees having to charge what should be financed but the state should provide the learning and teaching resources so that the burden is reduced. But at least the parents can cost share rather than where it is left open ended and basic elements are missing there. The rest, I would like to leave my contribution to that.

Now, I would like to talk on natural resources in this nation. Our natural resources, especially the water resources, the forest resources, the wildlife resources, the beaches and all that, historical sites, these natural resources we have, we are in danger of depleting them. They are depleted and we have actually to have legislation, we should actually come come up with rules at least to protect, preserve, renew and expand the resources because we have a problem in the making. We should come down to the local level where the resource is and let the local people have an input in the protection and expansion measures for sustainable resources. Also at national level, we shall have a national body to overlook all the natural resources, the beaches we have, the water, the rivers, lakes and all that.

And also looking at the culture, it is also part of the resources we have that makes us a unique state of Kenya. We should also do something to sustain it so that we don't ape other people whose culture is actually gone and depleted. Let us look at ways to preserve our uniqueness of culture in the group of people. We still have very unique cultures. Let us do everything to sustain them, our songs, our dances our ceremonies. I wish we could be able to look at that.

The other areas we contributed to, on women and youth development I would like to suggest this one; we should, as the people, come up with a ministry that takes care of the youth and women. The mothers, they have to take care of the youth more than us, the men we need a ministry that is concerned with that one.

There are disadvantaged groups, put together, they are majority groups and the leadership in the home is by the men but this is a group that is coming up and they have their unique desires and interests that we are not addressing properly and they actually need to be protected and guided. This one we have not done, the problem of the drug use and misuse, we have immorality, we have satanism, we have exposure to the youth that are advanced and they are not protected, they are not guided and you and me have parents we need to actually get to the faith groups especially the churches. The religious groups also need to be empowered and we incorporate in a system that actually they can overlook the development in these ones dear ones. Also, their recreation, create for them avenues for recreation, sensible recreation for them. We are people who can do that one but we need to be channeled and brought down to the level that we know over vocational holidays, we have a system for these people to be channeled, being harnessed, being actually developed, guided and counselled properly. Otherwise, we are endangering our children, actually overtaking us and being surprised that we cannot manage them and those are the surprises we have at the moment. Those are the main areas I had except the last one which you would allow me to state.

The land issue and inheritance was mentioned here, I think it is time we also looked at land tribunal, land is burning and contentions issue in our communities and inheritance has also become a problem. There are so many disputes but we should set up tribunals in communities that can handle land problems of family inheritance of piece of land, parcel of land. So that people are not displaced and people who should inherit this, who have a portion of inheritance in the family assets like land. Also, we should not exclude the women or the females. For that matter, there is a problem that they are displaced in those areas. At least that they can also inherit the property of the parents at home with the brothers, they can also be included in. They are actually left out and the women have a problem. Thank you very much I had this to say but I appreciate for being given the chance. I will give it to you

Com. Nunow: Thank you very much Bwana Muchilwa for those views and we will have everything put in the computer and that was the last speaker. You wanted to speak but now this will be the very last. This is the third time am saying the last so I will not have to say the last again.

Jairus Oluboi: Asante sana, jambo langu ni fupi tu. Jina naitwa Jairus Oluboi. Jairus Oluboi.

Inahusu watoto yatima, haya yanatokana na kulingana na... Unaweza kusomesha mtoto. Baada ya kusomesha mtoto, huyo mtoto anaoa. Wakati ambapo anaoa, anazaa watoto wawili, unapata kijana amekufa and the fact remains. Bibi ana-inherit the property. Wakati ambapo ana-inherit the property, naye tena atakuwa inherited. Unapata sasa ameolewa mahali pengine tena. Wakati ambapo anakuwa ameolewa mahali pengine, anaenda na hiyo mali. Wanapo kula hiyo mali mahali anapoenda, watoto ambao waliachwa kwa huo mji, wanawachwa bila kitu. Sasa nilikuwa nikiongea ya kwamba parents wawe wanachukua jukumu. Serikali iwe inachukua jukumu at least wawe wanapewa 10% kwa sababu bibi akienda hiyo, 10%, huyo mzee amebakisha kwa mji ama parent wa kijana atakuwa akitumia hizo pesa ku-feed watoto

Jambo la pili tena linahusu sheria. Pia iwe ina-defend makanisa. Serikali haichukui jukumu sana ku-defend makanisa. Watu wakiingilia makanisa, hatuoni kama serikali inachukua jukumu kama vile serikali ilisema kanisa ni kama serikali na ikifikia kwa kiwango kanisa iko na taabu, huwezi kupata serikali inasaidia kujua hii inafanyika kwa ukweli wa kusaidia kanisa. Kwa sababu kanisa ndio serikali na ingefaa sasa in the next Government, kanisa iwe inapewa kiti cha ubunge kwa Parliament. Makanisa nayo yawe na representative kwa Parliament ili wakipewa kitu kwa serikali ama ministry, makanisa nayo yawe yanapewa kitu. Isiwe makanisa ywe yanabaki hivyo tu, yanaji-defend pekee na serikali inapata, ministries zina pata pesa, zina pata magari na vitu kama hivyo. Na kanisa inachukua jukumu kubwa kusaidia serikali kuleta peace in the government. Sasa ingefaa serikali ipatie makanisa representative wao Parliament. Asante sana

Com. Nunow: Thank you very much Jairus and that brings us to the end of the session. Kwa niaba ya wenzangu na Tume nzima ya Kurekebisha Katiba, ningependa kuwarudishieni shukrani nyote ambao walitoa maoni yao leo na zaidi wale walipanga sherehe hii na wakaifanya iwe imefaulu sanasana wanakamati na wale wametupa nafasi hapa yaani kanisa hii. Twashukuru nyote. Na sasa baada ya hayo, jukumu ni letu kuandika sasa haya maoni na kuwarudishieni baada ya kuandika report ili muweze kuangalia na muone kama yale mumusema yametiliwa maanani ama ilikuwa tu kusema. Tutahakikisha hiyo report imerudi kwenu na mkiona jambo lolote limekosa kwa hiyo report, mtaipeana tena mara ya pili kule Kakamega na hiyo report mtakuwa nayo kwa mda wa miezi miwili nzima ili kila mtu aweze kuiona na kuchukua copy mingi sana kama ile booklet ndogo. Kwa hiyo kwa wakati huu nitamuliza chairperson wa 3Cs atuongoze katika kufunga kikao pengine amwalike Reverend ili atufungie.

Doris Orison: Asante sana, ningependa kusema we really (in Luhya) Ningependa kuwarudishia shukrani wale Commissioners tulikuwa nao na hawa secretariat tumekuwa nao mpaka saa hii. Asante sana kwa uvumilivu wenu, kuvumilia na kukaa nasi mpaka wakati huu tumemaliza shughuli zetu. Sasa nitamwalika (Interjection) Oh, asante sana tena kwa Bishop vile alituruhusu kutumia hapa mahali, tumesema asante sana, tumeshukuru kwa yote umetufanyia. Nitamwalika sasa Reverend atufungie mkutano.

Rev. Patrick Maina: Tuombe; Mungu tunakushukuru kwa sababu wewe ni Mungu na unatujua kuliko mawazo yetu wenyewe, asante kwa shughuli ambayo imeendelea hapa ya kukusanya maoni ya kusaidia utawala na uongozi wa taifa letu la Kenya. Asante kwa wote ambao wamejitoa muhanga kwa kufika na yale maoni wamependekeza. Bwana tunaomba uyashirikishe kwa maoni ya watu wengine katika taifa nzima na tupate Katiba ambayo itatusaidia kwendeleza kizazi hiki na vizazi vingine vijazo chini ya muongozo wa Katiba hii ambayo tunaiandaa. Asante kwa hawa viongozi wa Tume ambao walifika hapa kwa siku ya leo, tunajua watatoka hapa wakisafiri kwa magari na kwa njia zingine kurudi mahali pao kwenda kutafuta kupumzika. Naomba usafiri mwema na sisi wengine. Bwana tunakuomba utusafirishe na kuturudisha kwetu kwa usalama wako. Naomba hayo kwa jina la Yesu Kristo aliye Bwana mwokozi wetu. Amen.

