

CONSTITUTION OF KENYA REVIEW COMMISSION

(CKRC)

VERBATIM REPORT OF

CONSTITUENCY PUBLIC HEARINGS,

**IKOLOMANI CONSTITUENCY, HELD AT MUSOLI GIRLS
PRI-SCHOOL HALL**

ON

[Redacted]

6TH AUGUST 2002

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**CONSTITUENCY PUBLIC HEARINGS, IKOLOMANI CONSTITUENCY, HELD AT MUSOLI GIRLS
PRI-SCHOOL HALL, ON 6TH AUGUST 2002**

Present:

Com. Dr. Charles Maranga
Com. Nancy Baraza

Apology :

Com. Dr. Mohamed Swazuri

Secretariat in Attendance:

Programme Officer	-	Fatma Issa Jama
Asst. Prog. Officer	-	Wabenyi Makomere
Verbatim Recorder	-	Mary Babu
District Co-ordinator	-	Mr. G. Majanja
3Cs Chairman	-	Laban Agala
Translation	-	Levi Akanga Achuma

The meeting started at 9.45 with Com. Nancy Baraza in the Chair.

District Co-ordinator (Mr. Majanja): Commissioners, I take this opportunity to welcome you to Musoli Girls Boarding Primary School, your first seating in Ikolomani. Before we start, we will ask a member to pray.

Rev. Levi Okang'a Akhura : Tataomba: Ewe Mwenyezi Mungu Baba, tunakushukuru kwa siku ya leo, umetuwezesha kila mmoja wetu mahali tumetoka kuja hapa Musoli kwa shughuli ambayo ni muhimu ya Katiba yetu ya Kenya utatupa maarifa, maongezi yetu na lolote ambalo tutatenda siku ya leo. Utakwa nasi, uwape hekima Ma-Commissioners na watu wote ambao watahusika katika siku ya leo. Utuongoze kwa sababu tunatengeneza Katiba ambayo itatuongoza miaka na miaka kusaidia vizazi vijazo na ambavyo vilivyoko sasa. Mwenyezi Mungu yale yote ambayo mimi sitaweza kuuliza na kuuliza katika Jina la Yesu Kristu Mkombozi wetu. Amina.

District Co-ordinator (Mr. Majanja) : Commissioners Ikolomani Constituency is the same as Ikolomani Administrative Division. It has six locations and it has a population of 93,000 people. We will be having two sittings here in Musoli and the next one will be Makhokho along Kisumu-Kakamega road.

Right here, we have Committee members whom I will introduce to you, over here we have Mr. Laban Agala who is the Chairman of Ikolomani Triple C and we have Reverend Levi Akhura who is also a member. We also have Mediatix Bukhala who is a member and we have Vincent Shivachi who is a member and Mr. Wilson Peru who also is the Secretary of the Triple Cs. These are the members who are here please, and when others come, I will let you know. May I hand over this seating to you Commissioners. Thank you.

Com. Nancy Baraza : Thank you Mr. District Co-ordinator, *Bushiele khandi. Obushi bulayi?* That is nice, I want to take this opportunity to talk about what process we are going to follow today, but before I do that I want to introduce to you the Commissioners that are before you to collect your views and the members of staff that we came with from Nairobi. With me here is Commissioner Dr. Charles Maranga, just salimia watu kwa Kiluyia.

Com. Charles Maranga: Bushiele, thank you very much.

Com. Nancy Baraza : My name is Commissioner Nancy Baraza and members of the secretariat who are going to help us with this job today are Fatma Issa Jama, she is our Programme Officer, from the Secretariat. She is being assisted by Mr. Wambeyi Makomere, Wambeyi? and our Verbatim Recorder is Mary Babu, Mary?

Now I will tell you the procedure that we are going to follow. *Mwenya nomolome Luswahi noho Lusungu? namwe Luluhia.*

Lwosi? But you are comfortable with Kizungu aren't you? Aliyo ukhahulili ta? Understand. Yah, We are going to take our views in three ways. One way is if you have a memorandum, there are some of you who must have written memoranda. If you have your memorandum, we are going to give you five minutes and you are not going to read that memorandum word for word. You are just going to give us highlights of the issues contained in your memorandum. So you don't read word for word because we are going to read it. There is no single word we are going to leave we are going to read it the Secretariat. So I just give you five minutes and you highlight. And the best way to utilize your five minutes is not to cry about the problem, the problems are there, we have seen them, we can see them. But tell us what you want the Constitution to do for you in terms of those problems. So don't come and spend five minutes and talk about how your schools have collapsed and everything. Just tell us, you want this, you want this, and in that way you will utilize your five minutes very well.

Now there are some of you who may not have that memorandum. That is also okay so you will just come and sit there and tell us your proposals also. Don't spent too much time crying about problems, tells the proposals that you want. What you want on your governance, what you want on how you manage your resources and things, tell us. And I will also give you five minutes.

And there are some of you who may have memoranda and you don't want to talk at all. You don't even want to highlight, that is also legitimate. So what you do you will just come introduce yourself, go this way Chairman? And record your name and hand over the memorandum. You may not talk at all but leave us the memorandum. Now after you have finished with your submission the Commissioners have a right to seek clarification from you, so if a Commissioner asks you questions we are not harassing you, we just want a clarification. And you are not obliged to answer if you don't want to answer. So that is your right.

Now the law which we are operating under protects us as Commissioners and it protects you as a Kenyan, nobody is going to harass you for the views that you are going to give us you are protected totally. So don't fear say everything that has been in your heart all these years. But that one is, of course, not unlimited, you are not going to abuse anybody, you are not going to go for personality what you are going to go for is issues. So that will be your only limitation, but you are free to tell us anything.

Now after you have done your submission you will go and sign there and then go back to your seat. You need to register, we shall be going by our list, so we shall go as you come in. And when you come here you start by introducing yourself for record purposes, say your name in the microphone.

Now language, the law allows you to speak any language that you are most comfortable with so if you want to speak in Kiluyia and that is you must speak in Kiluyia, you tell us in advance we get an interpreter. Otherwise, speak Swahili or English and I know all of you here are educated. So we will not have to waste time on interpretation. Unless we must do it.

So now we should start. Shelton Shyatora? Please give us your submission.

Shelton Shyatora : Hamjambo wote. Yangu ni. I am going to say very little because I have got a memorandum. What we would like the Constitution to do is to try and stop tribalism in Kenya and to try and stop stealing, corruption, and facilitate equal distribution of natural resources. I should stop selective education system, selective application of jobs and misuse and mismanagement of tax payers' money. That is what we want the Constitution to do. And we want that to be the aims of the Constitution.

We also decided that Kenya should have a President as well as a Prime Minister and we thought that we should also have bi-cameral system of Parliament and that the President should be someone with impeccable sort of conduct, that is must, not have been implicated in any national scandals or corruption. And the President and Prime Minister must declare sources of their wealth.

We thought that we could have some Committee, Constitutional Committee or Commission. We thought we could have Public Service Commission if it is not there, Electoral Commission if it is not there, Armed Forces Commission if it is not there, Truth and Justice Committee, It has been detailed in this memorandum how these Committees should be Constituted to make them independent. I hope Commissioners will go through and not just leave memorandum without being studied properly.

Com. Nancy Baraza : We are experts, we have taken an oath to do this work thoroughly, so we shall read that memorandum, please sign and leave it with us there and trust us we shall do a good job.

Shem Shivere : Good morning Commissioners,

Com. Dr. Maranga : Ongea kwa microphone mzee wangu, we are recording.

Shem Shivere : I have

Com. Nancy Baraza : Say your name,

Shem Shivere : Shem Shivere Makoli. I have two. One the Communal that is we discussed as a Community of Ikolomani, and then another one personal. So I hope you will allow me to read both of them or to present to you both of them.

I am beginning with the personal one. I have explained on top here what you said we should not actually read but then I go straight to what the Constitution should deal with, then I go downward. We have three, four issues which cause problems in Kenya:

One is stealing, the law dealing with stealing and the penalties given. Usury is also another problem. Adultery is another problem. Drinking, drunkard ness is another problem.

So I begin with thieves, I mean theft. Theft according to me is in two categories or it is performed by two groups of people. Those who don't have what they are stealing and those who have but they want to be added, they want to add themselves through stealing. Those who do not have how to live, they have no provision from their own. They steal because they want, they want what to use and now because they don't have what to eat they go and steal. These people, the Constitution, our Constitution should actually search for them. And then know why they were stealing after they have known why they are stealing, if they have completely nothing, the Constitution should institute a loan to such people. Because it is not their mistake they want to eat, the Government has not helped them and so they become very useless and they only resort is to go and stealing to survive.

Therefore we need this people to be given a loan and then this loan should be free of interest. Just what they have been given, they should be given and they should return. We need to have a proposer, someone who can propose a business for them and this man will help this man to run this business until the loan has been paid. Thus if this person now steals, then a serious penalty should take place.

Two a person in in office and he is earning a salary and at the same time he has food or how to provide for the family such people steal because they want to be richer than others the Constitution should provide cutting of their hand, because this is provided foreven in the Bible. It is provided in the Bible, it is better to go to heaven with one hand than to go to hell with two hands. This is a confirmation of the law which Jesus gave from the Old Testament so for stealing that is what I have. I have written here even the chapter which have to be read to confirm what I have said.

Now the other thing is

Com. Dr.Maranga : Excuse me ---

Shem Shivere : Okay, thank you. Now we have Mark 12 : 31. We have chapters like Deuteronomy where I was going to go now that is Deut 21: 20,21 where some has actually to be killed and we also have LK 1: 15.

Now how the Constitution should deal with alcohol and smoking. This is one of the vices which actually give problem to the Kenyans and it lowers the standard and morals of the Kenyan people. Alcohol has been prohibited in the bible. Although smoking came recently but still the evils have been highlighted in the bible also Lk 1: 15 and Deut: 20: 21. So the solution for alcohol. Alcohol is the cause of many problems, so to avoid alcoholism, I suggest breweries should be on the decrease. They should be removed by the Constitution. And breweries should be deleted, they should be given no chance in our Constitution.

BAT should not be given a chance in the Constitution because these are the things which cause even taking of marijuana and people becoming alcoholic, people becoming addicts of various drugs. So that should actually, it will remove even utafunaji wa miraa.

Number three, dealing with adultery,

Com. Nancy Baraza : You have one minute to go.

Shem Shivere : Dealing with adultery: To avoid it, we need men to marry according to their wealth and their body demand. And if a person can go beyond that allowance we should have no mercy for him. The Bible says, have no mercy with such people they should be got rid off. So adultery we have to be strict and we should not have any mercy. I am sorry the period is very short. Now again this will help the HIV/AIDS, if we are strong, strict on the culprits. The Constitution should address itself to these two people involved in adultery.

Now this system of Asceticism – Asceticism should not be allowed because it has failed so the Constitution should actually stop asceticism whether it is in the Church or whether preaching or not. They should actually stop asceticism.

Com. Nancy Baraza : What is asceticism?

Shem Shivere : Well it is someone to say I give myself to God and I don't want the worldly bodily thing to come near me. I will be away from them I don't want to marry because I want to serve God. I think this one, is wrong. It is the beginning of problems. Sodomy has come very much because of that kind of thing. A lot of sodomy occurs because people tell us that they are ascetic but they don't obey what is there. That should be read from the Constitution.

Another, Usury, what I actually wanted to talk at large and unfortunately, I put it last. Usury is a very bad thing in Kenya, it has jammed Kenya into problems, even the leaders of Kenya because of usury they have been sent to shame. Usury, there is actually unfairly charging, unfair interest on top of the loan which someone has received and then you get a lot on top of it. Leaving the person poor and then they end up to sell whatever they have. Usury has been refused in the Bible. Completely refused and people who did this were sent to death, the Bible has it, I have the book here. So usury should actually be removed from Kenya Government as much as possible not to have it.

Com. Nancy Baraza : Okay, that was your last point.

Shem Shivere : Madam, you will have to bear with me a little Madam. Now the last one to say – I am going just too fast, I am sorry – And the last one is this. The planning that we have, Family Planning for example, family planning that we have is the

one God was unhappy about. Man made law, family planning to kill people unborn. You see this one is very wrong and that is the reason why even God has in the end brought in HIV/ AIDS. It will consume everybody, the rich, the poor the powerful, the what not, it will consume everybody because of the bad planning of man. Family planning, we have enough food, if usury is not there.

Now last, the Constitution we make should be as close as possible to the Constitution of God in the Bible. There are three chapters, the three verses or the three Bible readings which I would like you to write down and then this conclude the lasting, Constitution which God put there. And which mankind has overlooked and that is why we have problems now. One, Deut 6:4-9, if you read that one it will tell you the entire Constitution which man has been given, that is one, another one in the New Testament Mk 12:31. And second is love, namely: Thou shalt love thy neighbour like thyself. There is non other commandment greater than this. And then another one, the last one is, therefore go into all nations, multiply and preaching that our Lord is only One God. We have ignored these things and so we should not be surprised if hell falls on us. On this earth here, because we have ignored God's law and it is bad.

Com. Nancy Baraza : We have heard that. Now that was your last point, there are so many Kenyans I have to hear from and I don't want to leave anybody unheard, we shall read your memorandum.

Com. Dr. Maranga : Now you remain there, we want to ask you questions. My first question is that you are saying it is wrong not to marry, therefore where do you place Kenyans who may be profess certain faiths where they do not marry, what do we do with that, like Bishops and so on? I think you know what I am asking. There are Kenyans who do not marry, not only Kenyans but other people by virtue of their denominations, they are not allowed to marry so what do we do with those ones?

And the second question, you are saying that banks may be, if that is what you are referring to, the banks, banking facilities, they are not supposed to charge any interest, that is I think your proposal, you are saying that anybody who is charging an interest on money is wrong, isn't it, did I get your right?

Shem Shivere : Well what I said was usury, usury is overcharging the interest.

Com. Dr. Maranga : I know that is overcharging, yes but I am saying how do you want us to control that because that is a business? Answer the first one, not marrying and there are people who are still in the church

Shem Shivere : The first one, was not marrying, now you see we are told those people in the churches know that Jesus said it is better to go to Heaven with one hand, since there is one God, there is one culture, and there is one religion. Therefore, a person who is able to marry should marry. We believe that, even when you sleep and then you dream that you have been with

a woman that one is already a sin. You are supposed to have a woman. So the question of someone not marrying has led many of our Church leaders or priests into committing very evil things, very shameful things. So these churches must know how to deal with their case, that is a personal problem for the church. Number two,

Com. Dr. Maranga : Yah, about the interest.

Shem Shivere : The interest. Now when I am able to lend money, I am able to run without that money I have lent. Therefore, it is easier for the man I have lent to come up using the interest, the heavy interest I said, the heavy interest which the bank or which I charge that person. Instead of that man using that money to uplift the family to come on the same level, to come on the same level with me in – equality – I take everything he gets on top, I return to him, I sell his land, the proof is just in the courts now. You don't have to ask me. There are many people who are being auctioned because they are being overcharged the interest is just so exorbitant, so that one there are many people who will agree with me that the interest is so high that people are unable to actually cope up with the payments.

Com. Nancy Baraza : I have a question for you.

Shem Shivere : Please Madam,

Com. Nancy Baraza : You say we should close down breweries, we should close down BAT, we should down what.

Shem Shivere : Ah, ah, not any other thing. Don't add what.

Com. Nancy Baraza : Yes, Yes. We should not charge interest rate, now our duty as the Commission is to make sure that Kenya develops economically, that we lift the level of poverty, we don't want to continue living in poverty. Now give me alternatives of how we are going to lift our economic status if we are going to close down major industrial institutions.

Shem Shivere : Okay, when you talk of breweries closing down, we are actually looking at an individual who is going to lose his job, we are actually looking at the Government who are losing good workers because they are heavy drunkards. They are addicts. We are looking at the families who are remaining without the father, who are remaining without the mother, those people who are earning we want to safe them. That is (A). (B) I believe its not only breweries that brings economy to this country.

Com. Nancy Baraza : No, give me specific proposals on what else we can do to sustain the economy of this country.

Shem Shivere : Yes, but madam, I am saying that we have others if the government go in we shall have other industries to

stand in place of these breweries.

Com. Nancy Baraza : Okay, thank you very much. Please sign there and leave us your memorandum. Thank you. Khatiebi Sandra?

Sandra Khatiebi : The Commissioners, and my fellow Kenyans, good morning. On to my points. I just have a memorandum, then I will just read it.

Com. Dr. Maranga: Your name first.

Sandra Khatiebi : My name is Khatiebi Sandra. I wanted to talk on land and property rights. the Government should not have any compulsory powers to acquire private land, but buy it from the owner after an agreement. Secondly the government and the local government should be given power to control use of land that can lead to mismanagement of resources like ploughing on river banks or even on the steep hills. Third point, widows and children be given full powers to inherit land of a dead husband or father. Non-citizens be restricted from owning any land in this country. Kenyans be free to own land anywhere in anywhere in the country. Should be free to own land in any place in the country, provided that they are Kenyans. Chiefs and Assistant Chiefs should not be involved in demarcation of land as they lack the know how on the land issue. These land issues should be solved by village elders or land surveyors. Individuals should not be allowed to own more than 100 acres of land when others have nothing.

My second issue is management and use natural resources.

Com. Nancy Baraza : What was your last point?

Sandra Khatiebi : Individuals should not be allowed to own more than 100 acres of land when others have nothing.

I am going on the second point . Management and use of natural resources – the Executive should not retain power to control the natural resources but be protected by the locals. The government should share the benefits from resources between it and the community where they are found.

Competent Kenyans be given job security better working conditions and good salary to encourage them to work in the public service. Public officers should be required to declare their assets before taking up their offices to prevent corruption. Members of the Public Service Commission should be appointed by the Parliament according to merit.

My third Point, Succession and Transfer of power – The Speaker of the Parliament should be in charge of the Executive power

during Presidential elections and not the former President. Newly elected President should assume the powers of office three weeks after the election.

Political Parties – Number of political parties should be limited to four for a political mature nature. Political parties should be financed by the government to make both of them equal or same. People who are contesting for several seats be they MPs, or Councillors and the President should not be allowed to use money as a way of bribing people to give them votes, this leads to unqualified leaders. Thank you for listening.

Political Parties – Number of political parties should be limited to four for a political mature nature. Political parties should be financed by the Government to make both of them equal or same. People who are contesting for several seats be they MPs, or Councillors and the President should not be allowed to use money as a way of bribing people to give them votes, this leads to unqualified leaders. Thank you for listening.

Com. Nancy Baraza : Thank you very much, please sign there and leave us your memorandum. Lugonzo Allan?

Allan Lugonzo : Commissioners and my fellow citizens, good morning. My names are Lugonzo Allan. And I have these views to the Constitution Review of Kenya.

First of all I start with the Local Government: the mayors and the council chairman should be elected directly by the people. Second point, mayors should at least be graduates from a recognized public university or even a private university. My third point, people should have a right to recall their Councillor when he or she fail to deliver effective services to them. President, as the Local Government Minister should not have powers to dissolve councils.

Electoral System : Candidates who fail nomination in one party should be barred from switching over and seeking nomination in other parties. There should be a limit on expenditure by each candidate during campaigns. Presidential election to be done in two phases, first one, the many new President candidates. First one, for the many Presidential candidates. And then the second phase, the first two candidates to go for the final election. Presidential elections to be done differently from the Parliamentary and civic elections. The election date should be specified and fixed in the Constitution. And not subjected to changes. Electoral Commissioners to be proposed by political parties and then the Parliament to make recommendation to the Head of State, to appoint them. The Electoral Commissioners should serve for five years and retire before election. The Electoral Commission of Kenya to be independent from the Executive. Registering of voters, should be a continuous process and should be done every year. And then the process of getting identity card Id, should be simplified so as to determine citizens.

On Education – Primary education should be free and compulsory to everybody. School Heads and Principal should serve for

5 years in a school before being transferred. Most of the education in tertiary level and university should be made attainable for everybody. Special board should be set to review systems of education to set standards of training and in service. Constitution to be clear on bursary given every year so that it reaches the deserving students.

On the issue of Police men – should be given enough and adequate remuneration from the Government so as to minimize the rate of corruption in the country.

After retirement the President should be locked out of politics, the President is not allowed to campaign for anybody. After retirement the President should be like any other ordinary person so as to save the declining economy of Kenya. Thank you.

Com. Nancy Baraza : Thank you very much. Please sign there and leave us your memorandum. Edgar Selebwa? Edgar?

Edgar Selebwa : The Commissioners, Mrs. Nancy Baraza, Madam, and Charles Maranga Sir, and my fellow Kenyans good morning.

Com. Nancy Baraza/**Com. Marang'a :** Good morning Sir.

Edgar Selebwa : I am Edgar Selebwa a Form Four leaver. The following are my points to CKRC.

First, I will talk about the Structures and Systems of the Government. First the post of the Prime Minister should be vetted so that the President's powers should be shared between the Prime Minister and the President. Some powers of the President should be given to the Parliament and the Prime Minister should be elected from the majority party in the Parliament. Ministers should be in full control of their Ministries without orders from the President. And they should be experts in the Ministry. Like the Ministry of Education, let it be left to the teachers. The Ministry of Health, let it be left to the Doctors and the Health workers. The Vice President should be elected directly by the voters and the unitary system where the Government controls all the State affairs should be abolished, so that the Government can control only sensitive issues like the Military and other issues like power generating should be privatized and be given to other people to control it.

The Provincial Administration should be abolished and be replaced by a Regional Commission led by a Regional Chairman. Then Chiefs should be transferred from one location to another and be elected by the public. And the issue where we have Chiefs and Assistant Chiefs, should be, I think the Chiefs are just enough to serve the location but should not be assisted by the Assistant Chiefs, because there is high rate of corruption and the declining economy of Kenya should be safe.

Now, I go to the Legislature : Being a Member of Parliament must be a full occupation to account for the pay that is given to the MPs. The people should have the right to recall their MP in case the MP failed to deliver to them effectively. MPs should

act on their conscience and the conviction and also act according to the needs of their constituents not by the laws set by their Chairman or President. A board should be formed of 5 members including the Clerk of the House to determine the salary and benefits of the MPs. The concept of nominated MPs should be maintained but women and disabled should be given an upper hand in appointing them. The President should have no powers to dissolve the Parliament and Parliament should set their own dates of operation. The multi-party system should be operating in the Executive and the Legislature, not as it is now where the multi-party is only in the Legislature and it is not in the Executive. The sitting MPs in the Parliament should be paid according to their contribution in the House, in the Parliament. Functions of the Parliament should be expanded and some of the Presidential functions be given to them. I think the Parliament should remain as supreme, should be supreme and should be more powerful than other organs of the Government like the Executive, the Legislature so that Parliament should be supreme. In the Executive the President should have a degree from a recognized University. President should serve for a maximum of 2 terms of 5 years each and the Constitution should limit the President from hiring and firing the ministers and also the President should not be the Chancellor of all the Universities. Nominated MPs should not be Ministers. President should be below the law and if he violates the law he should be impeached.

Then the Government should provide free health services to the people. President after retiring should be locked out of politics, he should not be head of any party and he should not campaign for anybody. Thank you.

Com. Nancy Baraza : Thank you very much, go and sign there and leave us the memorandum. Manyenya Walter? Walter Manyenya.

Walter Manyenya : Commissioners and the staff and fellow citizens, I say good morning to you. My names are Muhunzu hadi wa Manyenya

Com. Nancy Baraza : You are not Walter Manyenya?

Walter Manyenya : I am Walter, Muhunzu Hadi Walter wa Manyenya. I have a few points to talk about the Constitution.

First of all I go to the Legislation: I will want registered political parties to be cut short up to a maximum of 3. I think this is going to help eradicate tribalism whereby political parties are coming up, every tribe coming up with its own leader, so I want them to be cut short to at least a maximum of three for us to have a genuine operation in the Legislation.

Also I want to talk about these Legislators, the MPs that we elect or we vote for who of course goes to the Parliament. When campaigning they should have a written document, that is written booklet that is going to tell us what they are going to offer, what they are going to deliver to Kenyans or to the people.

They are going to cover or to meet 75% of its members or the people that voted for him should sue him in the court and then a by-election be held, that is he should be removed from going to the Parliament. So he should at least meet 75% of whatever he promised programmes that is for the 1st year if at all he doesn't meet that he should be sued and taken to the court for us to have a by-election. Also likewise to the President, that is after retirement, after the completion of his term in the Parliament, if at all he also does not meet 75% of whatever, he said that he is going to do, his or any investment of his should be sold or should be captured to cover for whatever he said. So also we should have the President being taken to the court for us to have operations for people or the President to make sure that they meet whatever they promise that they are going to deliver to Kenyans. So at least also 75% of whatever the President talks about should be made immediately after his retirement, we just have to check on that and if at all there is a fraction and which he has not dealt with he should be taken to court and at least all of his investments even abroad should be taken back here in Kenya.

I come now, we have the President electing or appointing minister. The minister should have a relevant, we should have professionals being elected or appointed as minister in relevant ministries. They should be professionals in that particular ministry they have appointed to. And also they should last longer, they should at least have much of their time in that particular Ministry because there is always shifting of minister from one ministry to another. We should make sure that, the new Constitution should make sure that they is nothing of the sort. Because a minister once appointed to a particular ministry he has an objective that he has set to meet so when he is being shifted from one ministry to another, it makes him now not meet the objectives that he had set for that particular ministry. So he should have long serving minister in different ministries that they have professions in, they know what is needed in that particular ministry. They should understand that.

I will also come now to Elections- that is we should have different elections, that when electing MPs, it should be in a different session. We should at least have two phases of elections. We have that for the MPs first, now after that time that is the session for voting for the MPs we should at least have a duration of time interval then we hold election for the President, and that is, we should always first of all have the MPs elected then after for a period of one year then we call for election for the President, that is going to help.

Now my last point I come now to the Economic Development – We find that we have our wealthy members in our societies but they are doing no good to us Kenyans. So much of their investment is, they have invested much abroad. So anybody that is wealthy in the community should have at least $\frac{3}{4}$ of his investment here in Kenya. That is going at least to create great opportunities for young men like myself who are missing somewhere to at least exploit their talents, because we can all even manage those particular investments at least $\frac{3}{4}$ of any investment of these particular people should be taken back here in Kenya. If at all the President or any other person has investment abroad there, they should be sold and be taken back here in Kenya. I think that is what I have. Thank you.

Com. Nancy Baraza : Thank you very much, please sign and leave it with us. Philip Mwikali?

Philip Mwikhali : Commissioners, and the rest of the participants, good morning. My names are Philip S. Mwikhali. I am presenting a memorandum on ten points.

Citizenship – One should be a citizen of only one country, that is if one is a citizen of Kenya he should not be a citizen of another country. The issue of one being a citizen of two countries should be scrapped. However, one can acquire temporary permit to stay in another country for specific specific reasons understood by the hosting country e.g safeguard his human rights. An identification card should be the only evidence of citizenship but one can justify his right to acquire identification using other documents, e.g by birth certificate, local leaders identification office.

Point two, Defence and National Security – the Military, Paramilitary, Police, CID and Prisons should be established by Constitution of Kenya so that the Government in power does not misuse them. The number of State organs structure should be in line with the Constitution and roles specified. However, the President of the country should be the Commander in Chief while the Prime Minister runs other ministries.

Third point, Political parties – All registered political parties should benefit from the National President depending on representative present in Parliament, however, specific

activities of such political party can be sponsored as security to the party leader who must be a parliamentarian, provided with a car and an office fully equipped. A party that has no representative in Parliament should not be considered for public funding. Also all parties registered should be vetted so that undue activities in parties are removed.

Point four, Type of government – the country should have a unitary type of government with one President elected, Vice President elected, Prime Minister and Ministers where the President has specific role as security and be ceremonial in his

absence the Vice President. The Prime Minister should take charge of regulating Ministers, Assistant Ministers, Permanent Secretaries, top Parastatal Officers, but appointments should be vetted by the Parliamentarians or by Parliament.

Point Five – Provincial Administration should be maintained under the Local Government Ministry, where councillors also fall. Local natural resources e.g. forests, all the rivers, minerals and so on be maintained and monitored under Local Authority Act, so that County Councils benefit from them locally.

Point six – Civil servants and other public servants. They should be promoted according to both academic and professional levels e.g. all Diploma holders of various fields be graded on the same Job Group, Degree holders the same. This will promote justice and fairness. The current retirement age be maintained, 55 years but pension should be immediate as one retires. One should be paid $\frac{3}{4}$ of his last salary as his monthly benefit also when salaries are increased for civil servants in ministries, pensioners should benefit as well e.g. if doctors must get 60% salary increment, teachers plus officers should get the same at the same time because the bargaining power of every individual in the country is the same. No public inspection should earn more than others. Salaries be increased for all at the same time.

Point seven, Education Act – the Education Act of Kenya should allow people in the country to have, the education of Kenya should be based on the situation and needs, but also school registration should be liberalized so that there are no revision on registration basing on land; as the situation at present. But on demand and availability of classes, teachers, curriculum, validity. Parties, individuals, Churches, Parastatals and so on should be allowed to establish schools which they can run. Primary, Secondary, Colleges. This will reduce illiteracy in the country faster. There should also be free supply of equipment to schools both government and private. Civic education should be a continuous process.

Point eight, Land Succession issue – The succession should be automatic to the beneficiaries since the elders know them as sons or daughters or buyers or beneficiaries to the land even when the late was still alive. No need for sons and daughters to take the death's grave to court to claim land from the deceased. Simple transfer of land to sons using burial permit, death certificate, letter of identification from the area Councillors who know the late well.

Number nine,

Com. Nancy Baraza : Can you wind up please? Please summarise

Philip Mwikhali : About land issue succession?

Com. Nancy Baraza : No, your entire submission, your time is up.

Philip Mwikhali : The succession should be automatic to the beneficiaries since the elders know them as sons daughters, buyers or beneficiaries to the land. Even when the late was still alive. No need for such sons, or buyers to take the dead in the grave to court to claim land from the deceased. Simple way of transferring land to sons using burial permit, death certificate, letter of identification from the area Councilors who know the late and the people who are to benefit, well.

Com. Nancy Baraza : You last point?

Philip Mwikhali : I am on number nine.

Com. Nancy Baraza : uh, uh, your last point?

Philip Mwikhali : On land.

Com. Nancy Baraza : No, your very last point? Tell us your last point on the memorandum.

Philip Mwikhali : The last point here is MPs and Civic leaders. I propose that the Constitution should allow MPs and Councillors who are outstanding in Parliament or Council, they should propose anything to their Council which has been proposed by their representatives, those are the people. They should not just come out and propose an idea which comes out of themselves without consulting the people they represent.

Com. Nancy Baraza : Thank you very much, we have understood that point. We shall read that memorandum. I have one question for you. You are saying that you propose that the process of transfer of land to sons should be made simple, do you see a situation where we can transfer land to daughters also?

Philip Mwikhali : I see a situation, the reason why I said that point is that when somebody has died it forces somebody to look for money

Com. Nancy Baraza : No, no. My question is you seem to focus on sons, the transfer should be to sons, do you see a situation because the law says that we should look at the gender equity. Do you believe --

Philip Mwikhali : I have said sons and daughters.

Com. Nancy Baraza : Sons and daughters

Philip Mwikhali : And even buyers

Com. Nancy Baraza : So you believe daughters should also inherit

Philip Mwikali : They should also inherit land. They have a right.

Com. Nancy Baraza : Thank you. Please sign there. Thank you for the clarification. Edward Okang'a?

Edward Okang'a : Commissioners, na wageni wengine hamjambo. Jina langu ni Edward Okang'a ex-Councillor. Nina maneno matatu hivi ya kusema. Sina mahali ambapo ninaandika nikusema tu.

La kwanza ni kwa Councillors – katika County Council kuna ma-Councillor mara mbili, nominated Councillors na wale ambao walichaguliwa. Na nitazungumza sana kwa wale ambao ni nominated Councillors. Nominated Councillors nafikiri wangeingia kwa County Council kama professionals, si Councillors ambao ni watu politicians. Kama engineers, medical officers ambao wangesaidia Council advice, kama kuna mambo ya Roads, kama kuna mambo ya forest, wawe wakisaidia ma-Councillors vile wanaweza fanya badala ya ku-nominate watu ambao ni wa-party. Lakini office ya DO, mimi kwangu nafikiri office ya DO kwa Constitution ambao tunakuja nayo, iondolewe hakuna kazi. Machief waende kazi moja kwa moja na ma-DC. Ma-DC ambao tuko nao hawana kazi. Kazi nyingi inafanywa na ma-DO. Lakini DC hawana kazi. Kwa sababu ma-Chief wanafanya kazi, they end up with the DO.

Com. Nancy Baraza : What are you suggesting? What do you want to see in the new Constitution? Just tells whether you want to scrap the DO and the DC and put what?

Edward Okang'a : Mimi nasema DC awe huko na ma-Chiefs. Ma-chief wapeleke maneno yao kwa DC. Lakini hapa katikati ma-DO hawana kazi.

La pili ni Divisional Land Control Board. Hapa nafikiri Chief anajua mambo ya Edward sana mimi hata land yangu. Na Subchief na wale wazee. Ile land Control Board ya division, haina maana sana ana DO kwa sababu kama Ikolomani kuna ma-chief sita, wale ma-chief sita, wangepewa kazi ya Control Board zao na wazee na ma-subchief, wangejua sana mambo ya ma-land control board, kushinda hata DO. Kwa sababu ukienda Ikolomani hata sasa utapata watu maelfu na maelfu wamejazana kwa sababu wana kazi nyingi. Kwa hivyo nasema hiyo Land Control Board ya Division iondolewe iende kwa Ma-chief.

La tatu, watu ambao naita Police, kulikuwa na ile pombe inaitwa Busaa tuwape raia wanywe. Wanakimbizana mjana na usiku kwa sababu wanapenda ile Busaa. Hakuna kama tulikuwa na matanga, na harusi watu walikuwa wanajifurahisha wanacheza wanaona vizuri. Lakini waliposema tu hakuna pombe wale watu wana pesa wanaenda kwa ma-bar wanakunywa pombe na

wale watu wachini hawana furaha yeyote. Kwa hivyo kwa sheria yetu nasema ile busaa ya chini, sisemi mambo ya chang'a au pombe ingine, nasema busaa ipewe watu wawe wakinywa. Lakini tuwape saa fulani. Hata wakati wa mahari.

La mwisho ni retirement age, hata mimi nilipo retire, nilikuwa mwalimu nimemaliza miaka ishirini na bado mimi nina nja tena tena bado niko. I retired at the age of 55 years na niko karibu 80 years. Nataka tuongeze miaka 60 badala ya 55 years, ikiwezekana. Mtu wa 55 years bado yuko na nguvu.

Com. Nancy Baraza: Okay, we get it.

Edward Okang'a : You get it? Asante sana. Miaka hamsini na tano ni vijana.

Com. Nancy Baraza : We have got that point

Edward Okang'a : Thank you very much, mimi sina mengi tena sikuandika. Nimesema hiyo. Asante sana.

Com. Nancy Baraza : Thank you, please sign there. You sign there. Francis Mulindi

Francis Mulindi : Commissioners, Ladies and Gentlemen, Milembe, yee. I am going to talk about, we have talked about many things but I am going to stress on a points which I think are very necessary. I am stressing on Busaa.

Com. Nancy Baraza : Say your name.

Francis Mulama : Francis Mulamu Mulindi. My names are Francis Mulama mulindi, I am representing Catholic Justice and Peace Commission, Musoli Parish. I am going to talk about points which have not been covered here by other participants.

The power of the President should be reduced. By reduction I mean he should be liable for prosecution not minor prosecution but for major offences like murder, pluddering of State funds or embezzlement. He should be judged with that.

Parliamentarians should not be left to set out their own terms of service. This should be done by a sort of Public Commission which should set out all salaries of public servants heads of parastatals including that of the President. Therefore, I am appealing that that Commission which the Parliamentarians have set out should be scrapped.

Assistant chiefs should be development conscious people and elected by the villagers for a term of five years subject to a review every 5 years.

Prime Minister's post should be created. All Parliamentarians should meet in Parliament from all parties and elect a good person who will be Prime Minister, who will have the problems of this country at his heart. He might come from the party with the majority, but he should be somebody elected by everybody because of his education and his prowess as proved by whatever, he has been doing before.

I am saying also that busaa being a traditional drink and people without culture are no people at all. Busaa should be legalized, the banning of it has not helped anybody strictly, it has in fact driven people to Chang'aa which is more potent than Busaa was for traditional values like weddings, circumcision or any other occasion where you have visitors. There is only need for controlling of these things. Another point on that alcohol – Waragi, I don't call it Chang'aa I call it Waragi should be manufactured commercially, standardized and sold, so that one can get employment and possibly the Government will get revenue, but if it is drunk the way it is drunk now, despite the ban it is being drunk very fast, so in this case it creates more problems of this alcoholics, because somebody will drink fast a whole bottle so that he will get drunk quickly and that the Police don't arrest him with that bottle.

The Kenya Constitution should be reviewed every 20 years to cater for any new developments

Com. Nancy Baraza : After every 10 years?

Francis Mulama : Every 20 years to cater for any new development in technology or any other way round.

Land – there should be no squatters. We in Africa never believed in squatters. What we did if somebody came to settle with you and you liked him you could give him one acre of land to stay there. The current law should be updated so that if somebody stays on a piece of land for 10 years he should be able to get a Title Deed for that piece of land.

Com. Nancy Baraza : Your last point.

Francis Mulama : Water – water being a necessity of life, the government should be able to bring water to every Kenya citizen in the cleanest manner possible. All these failed water processing plants should be rejuvenated so that they start functioning.

Com. Nancy Baraza : Thank you, we shall read your memorandum.

Com. Dr. Maranga : I have two questions. One, you come from a background of a Church and you are trying to promote alcoholism or alcohol, does it not conflict with your Church and its beliefs and whatever?

Francis Mulama : I am a Catholic by the way and I drink a bit of alcohol with some rationale. We don't just go, because now it is banned and I said that people go and imbibe it quickly then they become worse than me. Me I have grown up as a Catholic I have drunk busaa from youth and I think I can be able to control that.

Com. Nancy Baraza : Thank you. Please leave us your memorandum. Dr. Polycarp Kundembole

Dr. Polycarp Kundembole : Commissioners and fellow Kenyans, good morning all of you. I am not going to present a memorandum but I will highlight a few issues here. I will start by the Constitution.

First and foremost I believe that we should be having a Constitution Review after every 20 years.

Com. Dr. Maranga : Your name Sir?

Dr. Polycarp Kundembole : My names are Dr. Kundembole Polycarp. As I was saying, I believe we should be having a review every twenty years to cater for any other new issues that will be arising and to avoid a scenario like the one we had before you people were appointed. I believe the Constitution should state clearly who should be appointed as a Commissioner. It should also state clearly how each party will be represented and how individuals shall be represented. This shall sort out tags of war like the ones we had in the past. I also believe that such vacancies should be made public and not on political affiliations by so saying, I am saying that they should be advertised and we have people who believe that they are competent applying for them. Not just hand picking people. because I know as much as you know that quite a number of people on that Constitution Review Process are representing party affiliations, that is why we are skeptical about the whole process in the first place.

Com. Nancy Baraza: Just give us your views.

Dr. Polycarp Kundembole : Yes, I am going on. Elections I believe people between 18 years and 70 years should be eligible to contest any post and should be the ones allowed to vote. While we have an lower limit to who should vote, we have left people even beyond 100 years to vote. Such people are misleading us. We should have an upper limit and I suggest 70 years. Anybody above 70 years should not be allowed to vote.

On the same note people contesting offices, that is to say that President and Civic representatives and Parliamentarians should declare their wealth before they contest any seat we scrutinize their character, allow the public to vote out confidently in such people if they are not serving. This will limit shifting loyalties in Parliament. You see like at the moment so many people have defected technically. They are no longer representing us, so we should be allowed to vote them out at any bid, so long as we are not satisfied and this should be arrived at by having the public sign a memorandum to declare that we Ikolomani people no longer want our MP and that should have 2/3s of the majority of signatures. That is to say registered voters.

At the same time we should have nominated members of Parliament just like they are but these should be people representing specific interest. Gender interest, disabled people, professional people who might have missed out.

Such people who are contesting and also to be nominated should have a minimum education of at least 'O' level, that is Form Four. That will help us to sort out the problem whereby we have people sleeping in Parliament probably they do not even understand what people are talking about but they are there because of their money.

We should also not have people campaigning using money. If prove is shown that such person is using money it should be snatched and submitted to the Government.

Presidential powers- I believe President has a lot of powers in this country and they should be trimmed. By so saying I am referring to the areas like the president being above the law. I don't believe even God himself is above the law, he always does things within the law. At the same time the President should not be allowed to be making nominations and appointments at his own will. Any appointment should be arrived at after people give, submit their names and the Parliament ratifies such a nomination by a 2/3s majority. This refers to civil servants, it refers to Parastatals Heads and at the same time before you sack such people, they should also subject them to a Parliamentary discussion or vetting before they are thrown out. This culture where people are just sacked over the radio should stop. The President and Members of Parliament should have a limit in office. The President should only be allowed to be in office for 10 years. At the same time Members of Parliament should only be elected at least 15 years, this idea where some people have been in Parliament for 40 years without any change, I don't quite agree with it.

And to qualify for pension a President and a Member of Parliament, the same to Civil Serants should have declared their wealth before they were elected or given that office and after that we should also look at their wealth. If anybody has been irregularly allocated or acquired wealth, they should cease to get any pension. Such money should go to any other activity. Only people who have served us diligently are supposed to be the ones to benefit.

Now on Agriculture, I suggest that we have land, there are rather people owning land should be people who are able to utilize that land not just an idea of people investing and buying so much land that they are not using. Therefore, I propose 100 acres per person at least make sense. At the same time I propose that any land that is supposed to be put on agricultural use and is not being used at that time should be taxed. The owner of that land should be taxed. If possible the land should be taken away and given to somebody else who is willing to use it. Also to enhance production the government should address, put agriculture to be priority. By so doing if we have the events of drought, may be bumper harvest, floods, the government should have a way of compensating farmers and encouraging them to produce more so that they don't give up you realize that at the end of the day we must eat. At the same time, it is the duty of the government to control imports that are strangling our markets. By so doing,

they should put heavy taxes on sugar imports they should put heavy taxes on rice, maize imports so that such people who import them will instead buy locally. At the same time, I believe – as a veterinarian I have seen farmers suffer whereby one farmer controls diseases on his farm the other one fails completely. There should be a law whereby anybody failing to take his animals to the cattle dip anybody failing to vaccinate his animals in event of disease should be made liable in case the disease outbreak is realized. And therefore should compensate his neighbours. If he can't then he shouldn't own the animals.

At the same time we should also look at the HIV/Aids and I suggest that we should have mandatory HIV test for everybody, me included, so that at one time we know that percentage of our population is healthy. This should be done without fear. I mean we should not say that it doesn't happen anywhere else we can also set our own example.

Now coming to Provincial Administration, I suggest that the whole system be scrapped instead we should be having Regional leaders as in, based on the current Provincial boundaries that we have.

I also would like to support the introduction of Busaa. This has lead people taking chang'aa at the same time Police men and Chiefs have made it their alternative source of money so by legalizing it, then they will now do their work. Thank you.

Com. Nancy Baraza : Thank you Daktari, sign there. There is a question for you.

Com. Maranga : I have a question for you. I am a bit concerned that you want to disenfranchise quite a big section of Kenyans not to vote, that means if there is somebody who is at the age of 70 is not eligible to vote and yet you know that the retirement age, even some of the Judges of this country – is 74 years, why do you want to take a drastic measure to disenfranchise so many Kenyans on the basis of age?

Dr. Polycarp Kundembole : Yes, first and foremost you will agree with me that even when, by putting retirement age at 74 is already a misnomer, because scientifically and medical it has been proved that as one grows old their brain also degenerates, they get senile. Two, such changes, under normal circumstances are likely to affect the younger generation than the older generation. These are people who have already made money, these are people who have already educated their family, so they don't care who they vote for. At the same time most of them are led into the polling centre by use of money. At the same time look at it, I am 18 years in December, votes were given as in February, so by locking me out technically and allowing my great grandmother who is a hundred and ten years currently, I mean you are being unfair to me.

Com. Dr. Maranga : I think Daktari, I want to challenge you on that, the people who are teaching at the University majority of them who are Professors, among whom are the best, are over 70 years some are 60 something very close to 70 or above 70year. Do you want deny that point?

Dr. Polycarp Kundembole : I am not denying, also there are younger professors.

Com. Nancy Baraza : Those are your views, we shall respect them.

Dr. Polycarp Kundembole : I want to clarify one point. We are holding those people in office because we don't have a substitute, not because they are the best, once we get a substitute, we will no longer need them in those offices.

Com. Nancy Baraza : Daktari those are your views, we shall respect them. Khayumbi Gillan?

Khayumbi Gillan : Commissioners, Commission staff, Ladies and Gentlemen, good morning. The first place our current Constitution does not have a Preamble. I am proposing that the new Constitution should have a Preamble, stating its philosophy, purpose and who made it and how it is going to work, stating in itself, yaani introducing itself anyway.

And then on supremacy of the Constitution, whereas the current Constitution gives the Constitution supreme power over any other authority or over any other law, I am suggesting that as it remains supreme the people should be above the Constitution. So that the people can have the power to change it, can have the power to add something on it. The Constitution should be written in two languages, English and Kiswahili so that those who do not understand English can read it in Kiswahili and if possible those who can, can write in their own vernacular language. The constitution, Constitutional Court should be established so that matters pertaining to Constitution violation can be heard and people can sue in matters pertaining to Constitution even if they are affected directly or not. The Constituion should have directive principles whereby it should state clearly on matters like, the Constitution belongs to the people and is exercised on their behalf. The Constitution and the rules of law must be adhered to. All human beings are equal and entitled to civil and political right. Social, economic and cultural or development right. Children, young people or the aged, the Constitution must also provide for their welfare.

Citizenship – You have got, there is no clear, people do not understand clearly who should handle citizenship matter. You don't know whether it is Attorney General, we don't know whether it the Registrar of Births and whatever, we don't know. The Constitution should specify clearly or establish an authority which is going to handle citizenship matters so that people can clearly know who has the right to citizenship like that. So I am suggesting that any person born of two or either, yaani of these 42 tribes if two people from any of them intermarry and they give birth that one has automatic citizenship. And any other person who want to acquire Kenyan citizenship should have stayed in Kenya for more than the established 7 years continuous without any bad record or violation of the law. We have seen or I don't but people come, they acquire citizenship through manipulation, they acquire wealth and run away. So when they run away with our wealth, for example we are not, but anyway some tycoons we have seen them come, they acquire citizenship then after enjoying the privileges we give them under the citizenship they run away with our wealth.

The Constitution should be very clear on fundamental rights and freedoms, whereas we have freedom of worship for example, people have misused that and we have seen that people are even worshipping devils. Some sects are coming up like Mungiki when you start harassing them tomorrow and they are enjoying their privilege given by the Constitution to them, they have the right to worship and they have the right to worship anything they feel like. So the Constitution should limit the right on freedom of worship, so that we might have an authority that is going to assess registration of Churches and establishment of some religions, by that I mean some religions like Mungiki, and devil worship churches should be done away with.

On Affirmative Action – we have seen that in Kenya women are not considered anywhere or the disabled. Our Parliament does not have enough number of women to represent matters pertaining to women. Affirmative action should be taken whereby a certain percentage of the Legislative Members in Parliament or the Judiciary or the Executive must be women. And such affirmative action should be taken after making thorough assessment to make sure that it does not hurt or destroy other sectors of the economy or something of that type.

Death Penalty – we have seen that in Kenya, the Constitution provides for the death penalty and this death penalty has not been well used. You find some people were sentenced to death, they have stayed in prison for more than 30 years for more than 40 years and after that 40 years, they are released. Once someone has been given death penalty he must be hanged, even if it is myself, so that. It is more hurting to live in Kenyan jail for 30 years rather than be taken there and die the next day. Better to die than to live the rest of your life in jail when you were sentenced to death.

Detention without trial, although this has been, we have not understood clearly what it means but we have seen it. We have seen some people being detained, without trial, the Constitution should provide for detention with trial.

Structure of the Government – We have seen how the current structure is of the government. I am suggesting that we have a Federal System of Government whereby we should have equal distribution of national cake. For example Western Province has no State University whereas our first President came from Central Province, we have several or two, three Universities in the Central Province because the President came from there. We have the next President who came from Rift Valley, we have State Universities like three of them in Rift Valley and yet Western has no State University or North Eastern or Coast Province because the President did not come from there, that is just an example.

Constitutional offices to add to established Constitutional offices of the Attorney General, Controller and Audit General the Judicial Service Commission, the Public Service Commission. The new Constitution should add new Constitutional office to address special needs of major concern e.g. the office of the Anti-corruption, the office of the Ombudsman, Human Rights Commission, Gender Commission, Parliamentary off-side Committees such Public Investments Committee and Public Accounts Committee should also be established by the Constitution to cater for special interest.

The Executive – On Executive, I am suggesting total separation of powers. The President is not supposed to be a Member of Parliament because while he is running national matters he leaves his people without a person who will represent them on matters. On election of President we must have a different date for election for the President a different date for election of Members of Parliament and a different date for election of Civic leaders. The President's age – for one to contest as a Presidential candidate one must have acquired the current 35 years and the maximum age must be 60 years. So that if he leads for ten years he can retire at 70 years. But we do not want, we have seen how old people, President's have misused powers, they decay, they behave like 7 year old children anyway when they start attaining 70 years and above. The Vice President should hold office with full power in the absence of the President.

On matters to do with the Attorney General – the Attorney General should only handle one office. If he is the principal legal advisor to the Parliament, he must just be that he should not serve on the Judiciary, again serve on the Executive, again serve in the Parliament. No, he should have just one. He should only be invited in Parliament to come and advise them and then serve, if he is in Parliament, he must be fully in Parliament and if other offices like the Judiciary should be managed by the Chief Justice.

Com. Nancy Baraza : Are you about to finish? Are you finishing you are kind of---

Khayumbi Gillan : I am finishing. The Legislature – Members of the public or Constituencies should be able to recall back their Member their members who are not performing to expected standard. We must have two Chambers : The House of Commons and the Senate.

For one to be Cabinet Minister, he must be a professional in the field where he is appointed Minister. And that person should be of good conduct. He should not have a tinted name. And he must be vetted by Parliament.

Nominated Members of Parliament must serve special interest like women, youth, disabled and the like. They must serve special interest

Administrative boundaries for regions must be clearly stated on how they should be determined. We do not want a President or any other Executive or Legislature, any other person to just decide, sleep and decide today to carve off some Constituency for his allies.

Com. Nancy Baraza : Your last point?

Khayumbi Gillan : Okay. The Economy – On the economy, we cannot say we are having an economy without having the right number of people. Our current Constitutions does not say anything on population. The Constitution should stipulate clearly on population, whether people have to plan families or whether people have to give birth the way they want and it must be,

census must be taken every after 5 years to bring the planning for economy close. Because 10 years is a lot of period, it is a wider period of time.

And on other issues – that is my last point anyway – Leaders code of conduct for any public servant be it senior or junior. The Constitution must establish a code of conduct for them to actually follow. Amnesty and immunity.

Com. Nancy Baraza : No, no, please.

Khayumbi Gillan : Okay, sawa sawa.

Com. Dr. Maranga : I have two questions so the first one is on Death Penalty. It is the general trend in the world now that, they are now actually doing away with the death penalty. If you want to take the example, for example the European Union – Turkey has been forced to repeal its own death penalty clause before it can join the European Union for many other functions. So that is one point I want to raise. You can see that there is a trend where some people are – and you here I think you are trying to say, it should be taken up seriously that it should be implemented to the letter – So I want to ask you. Are you a Christian? Or a Muslim?

Khayumbi Gillan : Myself, I am a Christian.

Com. Dr. Maranga : Yah, that clause of forgiveness and changing people who may have made a mistake. You know you don't reform somebody whom you want to kill. May be if somebody killed and he is going to reform, even leaders in the Bible did kill at times, I am not saying that I am condoning killing but, do you think it is the best method when somebody has killed may be by mistake, is it the best method that also you take him to the gallows? May be I want you to respond to that question.

Com. Nancy Baraza : As a follow up, probably put another way, you are advocating for strong recognition of fundamental rights, I don't know how you reconcile upholding of fundamental rights and the death penalty.

Khayumbi Gillan : Whereas we are signatories to the International Conventions that protect fundamental rights by death penalty, I meant to say if the Constitution or the laws of Kenya the laws of this country at the moment are allow for death penalty where it is proved that actually you committed the offence. So after committing the offence and you have been jailed and you have been sentenced to death you must be killed. And if it is because it is more harsh punishment, to stay in jail for over 40 years while you were supposed to go and rest, die and go and rest. So –

Com. Dr. Maranga : I think our question, we are asking are you for death penalty or to continue or you want it to be abolished?

Khayumbi Gillan : I want it abolished. Instead another form be adopted

Com. Nancy Baraza : Thank you, thank you very much, please sign there, leave us your memorandum we shall read it. Peter Wandula?

Peter Wandula: Commissioners and fellow citizens, good afternoon. My names are Peter Wandula from Shisere location. I will go very fast, although the time the time will make me--- I have got a memorandum. My memorandum is that we Kenyans, we went for Constitutional Conference in London of which we had 1960, 1962, 1963 led by KADU, KANU, EPU and APP. Those parties participated there. And we had no woman there or you to represent us, this is why we are now reviewing this one. Now the Kenya we want. We want Kenya – President now and over not now then --- so, the Constitution we want, we want the lasting Constitutional Review.

Powers of Head of State – we should delegate powers to ministers or whoever is in charge of that ministry not Head of State to control everything even a messenger. Head of State should be Head of State of the Republic of Kenya and not, and be given a ministry without portfolio.

Because of this present Constitution allows for rights to be violated. One we don't have freedom of movement, we don't have freedom of association and others so we want that one to be recorded.

Commander in Chief – During colonial days, we had Commander in Chief as serving officer in the Armed Forces, not a civilian political citizen man who comes to be the Commander in Chief because he does not know how to handle arms as he commands. That is not, it is not right Commander in Chief must be the highest rank in the Armed Forces.

Appointment- Public Service - Public service we must have Public Service Commission empowered to employ, promote, demote and transfer not Head of State.

Mismanagement – If a Minister, civil servant mismanages the office, those people must be charged before the law of the land. In that even if he is a minister, he should remove his flag and he appears in a court without flag. You know at present even if some does wrong he goes with the flag in the court of law. Then how will you judge a man who is senior to you.

Prime Minister – We want Prime Minister office to be there and Prime Minister should be the one to be spokesman of the Kenya government also to appoint Ministers and Assistant Ministers and other officers.

Ministries – We want to have 12 ministries not 28 ministries which are doing nothing, can I mention them:

Com. Nancy Baraza : Yes

Peter Wandula : Ministry of Finance, Agriculture, Defence, Education, Works, Health, Foreign Affairs, Justice, Trade, Labour, Social and Culture, Information and Communication. Those are twelve Ministries can be good.

Legalization of Waragi – we Kenyans die because we drink our Waragi very fast and we make it very roughly because we are hurrying, we are harassed but if we are gentle, we make our Waragi we sell it as we sell maize we just take the Busaa or Waragi somewhere there, then manufacturer will come test it take, he give you money, 1,000 shillings he takes the drinks to the factories, then he refines them, they usually have employment and other things – as Uganda, and Tanzania, they have done so, why not Kenyans?

Children, we want a child when she or he is born he must have an ID. immediately as you are giving birth notification or death notification.

Care for ex-men like myself 60 years and disabled, because I have stayed in Kenya for over 50 years I want the Government of Kenya to take care of me to uplift me for the next 40 years so that I clock 100 years. And the Government should be paying me 100/= per day for me to survive. Why to take the money to be allocated to those wealthy people and staff where they will have to, every 1000/= you give me 1/=.

Prisoners – We Kenyans would like prisoners who are in jail they have to have the right of voting, even Armed Forces, they should vote in the jail or anywhere else because now voting is transferable when he is released from the jail he will have to come and vote but he must register even if he is in jail.

Boundaries – We Kenyans we had our boundaries we had our boundaries from Maseno to Transzoia there and because of KADU and KANU they had to spoil our boundaries then we were snatched our Transzoia. We are demanding, me and my people, we are demanding Transzoia to be transferred to Kenya to Western also Maseno. That must be recorded proper.

We want to have these offices. We want Senate to be revived, we had Senators and other people. Senate, Parliament and Local Authority, we want it to be revived.

Presidential and Vice President: It is better now as I see to have President and Vice President to be running mates. When you vie for Presidential, I vie for Vice President then we are voted by public, not President to appoint Vice President and fire him so that man will be my successor when I go I leave the office.

Children – We want we Kenyans to make family planning seem to be survival, we want to have two children per family and they should be maintained by the government if you add the third one then you maintain yourself.

Com. Nancy Baraza : Your last point Sir. You have spoken for more than your time. Okay just run through quickly.

Peter Wandula: Now Defence – In Kenya we have centralized majority of Defence are in Rift Valley and Central Province while in Western Province we have got nil. Why should we not get one, a Battalion or a delegation here.

Retirement age – It is not good for a retired person who earned money from the government is given another parastatal duty to work yet we who are not working are able people. We are not given chance so the retired people must go home and rest.

Com. Nancy Baraza : Thank you very much. We shall read your memorandum. Thank you

Peter Wandula: Yes, I have a very outstanding one, thank you

Com. Nancy Baraza : Any question? Iko swali.

Com. Dr. Maranga : I have one question although your presentation is good. I was going to ask a question about Transzoia and Maseno about the boundaries. When we were visiting part of Rift Valley, the people of Nandi said actually Kakamega, Webuye and all those areas belong to them. Now you are also claiming the same. Now who was correct here?

Peter Wandula: I am correct because even at this juncture I can assure you, you know we were annexed from Uganda, we were even Ugandans.

Com. Dr. Maranga : No, what I am saying the people of Nandi to be more specific they want what we call Nandi country which runs all the way up to Naivasha. The entire Transzoia, the entire Webuye is their land, they call it, and Kakamega is part of their Nandi country including all these areas. So I am asking do you have evidence that it was your land?

Peter Wandula: Yes, I have evidence because, Karasuku, Pokot now, they were in Western Province during those days, so I am right to claim my rights.

Com. Nancy Baraza : Let me just follow up on that one, like an interesting point. We were in Tranzoia, and the Sabaoti, you know I come from Mt. Elgon and the Sabaoti are in Mt. Elgon and they told me on my face, did you see the clashes of 1992, when we killed. If we don't get Bungoma and the whole of Tranzoia we are going to kill again. So they are saying that the whole of Bungoma, and the whole of Tranzoia and a part of Kakamega, is their kingdom. Then we went to Pokot and the Pokot are that the whole of Tranzoia up to Kamkuywa in Bungoma is their land. Then we had a situation in Cherengani where the Sengwer, there are people called Sengwer were telling the Sabaotis, 'shut up' the whole of Tranzoia up to Mt. Elgon is ours, so we have this very fluid situation here.

Peter Wandula: When we demand for that one, then we shall have the war, we shall fight and get our right.

Com. Dr. Maranga : I think the question we are asking here, where does the community start claiming a specific area, is it before independence, is it after independence and even if it is before independence, how far back, is it 1900, 1800, 1400 because it seems everybody claims to have passed a certain point even the Masai claim this as their area because they were roaming all over with the cattle so what do we do with that?

Peter Wandula: The much I know because I was among the people who were going round during 1962, we had a helicopter. When we were marking the boundaries of majimbo and everything so when we had Majimbo we had to reach Pokot and this is in 1962 not prior to that one.

Com. Nancy Baraza: Okay we get it but we might come back to people again on the issue of land and boundaries. There is something we might not solve within the Constitution. Ours is to give broad guideline but will come back to the people of Kenya. Ukanga Paul? Paul Ukanga?

Paul Ukanga : Mimi ni Ukanga Paul kutoka Shisere. Na nitaongea ama nitatoa maoni mawili matatu hivi. Moja itakuwa, shauri mengi yamesemwa ama inaendelea huko kuletwa. Mimi nitaongea juu ya masoma ya kisasa na ya zamani. Ningeonelea kwamba masomo irudi kama ili masomo ya zamani shauri masomo ya sasa watoto wetu sasa hawaendelei kufanya vizuri sana shauri hata tumekosa walimu wa hesabu. Hesebu inafanywa tu guess work. Halafu sasa hata statement ya hesabu imekosa. Halafu ndio nimeonelea kwamba hiyo masomo irudi kama ile ya zamani.

Na nitaongea juu ya Administration kwa wale ma-chiefs na Assistat chiefs mimi nimeonelea kwamba hawa machiefs wakuweko lakini wawe transferable kama wafanyi kazi wengine wa serikali.

Na ninaonelea kwamba kila kabila katika Kenya iko na udamaduni wake. Sisis Waluyia pia tuko na utamaduni wetu. Tuna masherehe e.g. masherehe tofauti tofauti. Sisi huwa na Busaa ama huwa na vitu vingine ambavyo hutengeneza hiyo sherehe mpaka sasa inamalizika kwa njia zinazofaa. Na upande wa Waragi.

Commissioners : (inaudible)

Paul Ukanga : Yee, tungewaomba kwamba tunaweza kutengeneza factory ikuweko halafu hawa watu wanatengeneza, wanatengeneza shauri ya poverty. Wako na umasikini mwingi. Itengenezwe lakini ipelekwe mahali fulani ya kuweza kuwaelimisha hawa watu kupata pesa fulani za kuweza kuwasaidia. Asante.

Com. Dr. Maranga : Hakuna njia ingine Bwana Ukanga mnaweza mkatengeneza pesa kuliko kutoa pesa kwa Busaa?

Paul Ukanga : Kuna njia nyingi lakini kama hizo wazee waona rahisi kabisa

Com. Dr. Maranga : Hiyo ni ya rahisi kabisa?

Paul Ukanga : Hiyo ni ya rahisi shauri sasa nikiwa na mahindi kama 'korokoro' kumi, sasa nikuuza kwa shilingi kumi, kumi itakuwa ni shida. Lakini nikitengeneza halafu sasa nikiuza packet moja kwa shilingi sasa kumi sasa itatengeneza mpaka size ni shillingi mia tano halafu zinafanya sasa unapeleka mahali pa kama unaguzia hata school fees saa –

Com. Dr. Maranga : Ni nani unauzianga hiyo Busaa?

Paul Ukanga : Hiyo, sisi wenyewe. Asante.

Com. Nancy Baraza : Let me just seek clarification. Wherever we are going people are saying Busaa is part of their culture and if you have to respect our culture then respect our Busaa, we also need recreation, why should there be whisky and not Busaa, we can't afford whisky. It makes sense. When I was growing up I used to see my neighbours used to brew Busaa, not my home, I used to see it and people went to school it was not like life was bad because people were drinking Busaa. Do you see like that time when it was legal people's morals were bad and their level of responsibility was low as compared to now or what is your general assessment of the situation?

Paul Ukanga : Sasa hii ilikuwa tu ni maoni yangu.

Com. Nancy Baraza : No, no, I just want to, not that I am saying they are bad, a way forward because we are writing a very serious Constitution and whatever we write we should have thought through it, so I want to justify so that when I go and say my Mluyias say legalize Busaa there has to be a justification. One of the reasons that they banned it is that people are spending their time drinking. So I want you to rationalize for me. Were we any better off when it was legal legal and we are worse off

when it is illegal? I just want.. *Mbola hee, nenomolome Luluyia nye uhulile. Lwa kwanywetsa malwa kenako, when it was legal khwali batambi khubira lwenulu noho khwali bandu shina? Baana batsia musukulu na khutsi khwahinzilanga noho khwali khwakona butswa tsindolo na malwa murwi.*

Paul Ukanga : Baana batsitsanga musukulu, basomanga ne malwa kaliho basakhulu bang'wetsanga, na bang'wetsanga mushikha shilahi, shibatandanga sana tawe, wang'wetsanga butukhu, khurula saa tisa.

Com. Nancy Baraza : Banywetsanga saa tisa tsio butukhu?

Paul Ukanga : Saa tisa yu khulukoloba. Tsisaa nitsiakhatukha.

Com. Nancy Baraza : Lazima khuhulile nyo khutsie kuhandike kamakhuwa kano, ta?

Com. Dr. Maranga : Amarua ni ma----

Com. Nancy Baraza : Oh you understand that?

Com. Dr. Maranga : I understand.

Com. Nancy Baraza : Okay, fine you sign there. Charles is our brother lost in Kisii. He must come home. You know they understand Kiluyia. Mediatrix Bukhala

Mediatrix Bukhala : The Commissioners, and the room at large, I salute you.

Com. Dr. Maranga : Your name?

Mediatrix Bukhala : Mediatrix Bukhala, I am representing women in Ikolomani. I start with the Child's Rights – The women of Ikolomani recommend respect and domestication of all International Conventions on the Rights of the Child and implement them. That all children shall have access to free and compulsory primary education. To promote girls in school and continuing participation in education. To develop programmes to promote women literacy. Continue formal education programmes to be provided for mothers Primary school and Secondary levels. To promote research documentation and dissemination of information and issues regarding girls and women's education. To promote the schools' environment to cater for the needs of the girl child. To assist women improve house hold nutrition, achieve food security and improve household incomes through agricultural production and fishing.

Poverty and women – women are affected and afflicted with poverty more severely than the men in the same community. The Constitution of Kenya should made adequate provisions to cushion women, youth, children, persons with disability and persons of age, with programmes and systems which promote sustainable poverty alleviation.

Violence against women – note that women’s rights and human rights under this rights shall be observed and respected through entrenchment in the Kenya constitution. Thus the women of Ikolomani recommend that any abuse of the rights of the women be promptly dealt with by the law. That any form of violence and abuse of women’s rights shall be documented as criminal and promptly punished.

Violence and Defilement of Minors – shall be subject to capital punishment. Rape of minors and of the aged, rape of wife, disfigurement, physical and mental assault, sexual abuse of the civil child.

The Preamble – we propose that the Preamble of the new Constitution should address the following issues, visions, and values. Issues of inequality, patriotism and sense of national identity. Equality of all citizens regardless of race, ethnicity, gender, class creed or political affiliation. Values – respect for human rights and dignity, respect for the rule of law and affirmative action, participatory governance.

About Principles of State Policy – A 35% of women representation in Parliament. Local Authority and all leadership and policy –

Com. Nancy Baraza : Don’t read word for word just highlight the issues your time is up.

Mediatrrix Bukhala : The President and the Vice President shall not be of the same gender.

Health- Engender all programmes that affect women’s health. Establish community awareness programme on the importance of women’s health right. Intergrade social and psychological reproductive health needs of women in to existing mother and child health, family planning programmes. Intergrade health related information to functional adult literacy programmes.

Land and property Rights – that proper land tenure systems and policy shall be put in place to accommodate the needs and recommendation of women and persons with disability. The land Title Deeds should read, Mr. and Mrs. Whatever the name.

Com. Dr. Maranga : I have a question for you. This is a document coming from women of Ikolomani. How do they define rape of the wife. Because I think I have a problem with that? How do you define that rape between a wife and a husband? I want to be told how one can tell whether the husband raped the wife may be not the other way round? Yah, it is your recommendation, I want to know.

Mediatrix Bukhala : Yes, I am trying to find how I can explain that.

Com. Dr. Maranga : May be to make it simpler, when does one define that the husband has raped the wife?

Mediatrix Bukhala : When she is not in consent.

Com. Dr. Maranga : I thought when you got married and whatever, you courted and so on there was consent.

Mediatrix Bukhala : Yes, there was consent but there is supposed to be mutual understanding.

Com. Dr. Maranga : Okay, you know I have a problem with that because this is not a girlfriend. This is a partner in life. You share all the needs in the house, you share problems and so on, how does it come at one point there is rape and yet dowry was paid and so on? You have a marriage certificate you are partners, and even when you go to Church you are pronounced as one, you have now become one, so how does this rape come in?

Mediatrix Bukhala : I still just go back to what I said, the consent. May be the wife does not consent.

Com. Dr. Maranga : Normally, we are not allowed to talk that.

Com. Nancy Baraza : Mediatrix you know the legal definition of rape? Of course, it is where there is lack of consent, then whether you are a wife or not there is no consent, and when you are marrying you are giving consent to marriage not to be raped, that is what you are saying. Please go and sign. Yes and and this means we have to learn, the fact that you paid dowry doesn't mean that you injure your wife. Yes.

Com. Dr. Maranga : I think it is debatable madam, thank you.

Com. Nancy Baraza : Joshua Andala?

Joshua Andala : Commissioners, ladies and gentlemen and all the attendants, good morning. Good morning :

All people : Good morning.

Joshua Andala : Now, my name is Joshua Andala Masinjila. Formally I was a teacher and a Headmaster and lately, I was a manager in Mumias Sugar Company. I have a few things to point out here relevant to the Review of the Constitution.

Number one, I wish to talk about the Ministry of Education. I suggest that we go back to the old system of education other than having the new system of education relevant to the paying a little fees and supply of stationeries etc to the schools. Those days I used to see the County Council was fully responsible for the schools and I believe the running system of the schools was better than the present system of running of the schools.

Number two I need to talk something about the Ministry of Health. I would suggest that people should be treated purely freely as it was in the past, because you can be sick and you will not have caused sharing, sickness does not give any alarm at all. You can be sick at any time and you cannot manage to go and pay for the small money they want there for you to be treated and then there is other treatment which is so expensive that ..

Com. Nancy Baraza : Now Sir, I will direct you on this, if you want health care to be free just tell us we want free health care then you go to another point. We have so many people I want to reduce time to three minutes.

Joshua Andala : Okay, then we want free health treatment.

Com. Nancy Baraza : Go to your next point

Joshua Andala : Next one, I would suggest that, and that is on Judiciary, a case should not stay in court too long. There should be time limitation because some people even die before they do their case.

Now, another one is on salaries. The lowest earner in the country in employment I suggest should earn 1/10th of the salary of the highest earner in the country. Because the difference in payment is very high.

Now I go to Land Board – I suggest that on land board anyone who has been under administration and has retired should not be on a land board.

Com. Nancy Baraza : Okay your last point?

Joshua Andala : Am I time barred?

Com. Nancy Baraza : Just one issue

Joshua Andala : Now, nomination of the President, the outgoing President should not start suggesting somebody to take over before the Parliament is dissolved.

Now Agriculture system, health system should be as it was before. We do not have people to advise farmers. I think that might be all for today.

Com. Nancy Baraza : Thank you very much Sir, please go and sign there and leave us your memorandum

Joshua Andala : I am sorry, I didn't have a memorandum.

Com. Nancy Baraza : No, this is a good paper just sign there and leave it for us. Onesmus Mmatsi. Now we have many people coming so you restrict yourself. We are experts so don't explain the point just tell us in bullet form we will understand what you are talking about.

Onesmus Mmatsi : Yes, my names are Onesmus Mmatsi, I am a resident of this area. First I would propose that the Constitution we are writing today should be written in a simple language that Kenyans will be able to read and understand and should be made available to all Kenyans.

We need a Preamble in our Constitution. The national vision to be inserted in the Preamble could be "an independent, democratic, multiparty Republic, that respects the rule of law, the total development of man, the effective management of resources, and guarantee peace and happiness to all citizens". The common expectations of Kenyans to be reflected in the Preamble should be the type of government, the national language, Religion, Culture and Social Economic.

Directive Principles – The education of citizens for the purpose of making informed choice, the independent of Electoral Commission, the independence of Media and, the Rule by majority

Constitution Supremacy – We need not to retain the procedure where the Parliament amends any part of the Constitution by a 65% majority vote. We should replace it with the amendment of the Constitution by a National Referendum by a 65% majority vote. The Referendum should be conducted by an independent Constitutional Review Committee.

The rights and obligations of citizens should not depend on the manner which the citizen is acquired. Children born in Kenya to such a person like the Kenyans should have a direct citizenship.

Defence and National Security – The Armed Forces should have a code of Ethics for which violation constitutes criminal offence. The President should be the Commander in Chief of the Armed Forces.

Political Parties – Apart from political mobilization, political parties should play an active role in policy formulation. The

Constitution should regulate the formation and management of political parties and their conduct.

Structures and Systems of government - We should adopt a Federal System of Government in which Executive and Legislative Authority is split between the Central Government and the District Regional Unit. This is to boost competitive Regional Development as well as ensure equal distribution of resources and also fostering cultural harmony.

The Legislature – The Parliament should make the appointment of Ministers and Assistant Ministers, Attorney General, Chief Justice, Ambassadors, Electoral Commissioners and Permanent Secretaries. The function of Parliament should be expanded to include authority of establishing Commissions, Controlling the budget monitoring performance of Ministries and monitoring performance of Judiciary.

The Executive – the Constitution should specify qualification for Presidential candidates. They should be Kenyan citizens attained the age of 35 years, registered voter, at least a graduate and five good management skills. The Constitutions should provide for the removal of the President for misconduct while in office especially in circumstances where the President abuses office in which case the action will be controlled by majority vote for the President to be removed. The President should be answerable to the Parliament.

The Local Government – The mayors, councillors and chairmen should be elected directly by the people. The current two year term for mayors and council chairmen is not adequate, it should be a five year term. The Council should not continue operating under the Central Government. There should be a minimum education qualification for councillors, I propose at least a post Secondary education.

The Electoral Systems – The electoral process should be designed in such a way that increased participation of women in Parliament and local authority elections by reducing nominees, reducing incidents of violence and burglary during campaigns and increase gender sensitivity. They should be a minimum percentage of voters that award Constituency and Presidential candidate must attend to be a winner namely 51% of the voters.

Com. Nancy Baraza : Your last point Sir,

Onesmus Mmatsi :Yah, on completion of counting votes in constultation with all aspiring candicates.

Com. Nancy Baraza : Thankyou very much we shall read your memorandum. Just leave it with us. Fred Ilabonga? Fred Ilabonga? Ahuma, Gabriel Mbelesia

Gabriel Mbelesia : Commissioner ya leo na wananchi hamjambo. Mimi sikuandika neno lolote. Nilikuja kutoa maoni na

maoni yangu nitaanza na mashamba katika Ikolomani. Mwaka wa 1967

Com. Nancy Baraza : Anza na jina Mzee.

Gabriel Mbelesia : Gabriel Mbelesia Limisi. Mashamba 1967 land ilitembea na motokaa na jama moja alikuwa anaitwa Mburu walifanya land registration ya ma-land yote. Kutoka siku hiyo hakuna land hiyo imerudia. Na kuna watu wakongwe ambao nimetoka nje nimikaa hapa nao kuna wengine ambao hawajiwezi. Mtu ananunua shamba anakwenda anachukuwa advocate na advocate hajui hiyo shamba vile inatembea. Yule mtu analia nisaidie nitafanya namna gani? Tunataka serikali, Commissioner, ifikirie watu wakongwe katika Ikolomani au katika Kenya.

Upande ya sikuli, kuna watu wakongwe ambao mtoto wake anapita anataka kwenda Lenana School, na kuna tajiri mtoto wake anapita anataka kwenda Lenana School unamwambia shilingi elfu ishirini na tano, na huyo mtoto anataka kwenda sikuli anakaa hapo mpaka anakuwa huyu mtoto anakuwa mtu ambaye hawezi kusoma. Tunataka serikali irekebishe hiyo.

Upande wa Administration, tunataka DO akitoka Mandera anakuja hapa hajui mila za Waluyia. Tunataka tukae na yeye tumwambia Waluyia wanakaa namna hii. Siyo kutembea na motokaa na landrover kukamata watu na kushika watu, hiyo sisis Wakenya hatutaki, tunataka watu wakuwe huru katika Kenya yote na tuwe na share ikiwa ni msaada inatoka nje lazima 'khandi' Ikolomani ifikiriwe.

Com. Nancy Baraza : Is that your last point?

Gabriel Mbelesia : Third point, wamama – unaweza kuta mama amepigwa na panga au fimbo, bwana yake ndio alipiga yeye, sasa unauliza ni nini? Huyo mama anasema akaniambia leo nitakulia nyama na hakukuja na nyama kwa hivyo serikali ifikiria wamama wanaumiya. Na kitu inanifanya kusema Serikali ifikirie. Ukienda kwa subchief au chief anakwambia leta shilingi mia tano nataka niandike kitu yako

Com. Dr. Maranga : Ongea kwa microphone, tafadhali inansa sauti yako

Gabriel Mbelesia: Sasa

Com. Nancy Baraza : Sema ile neno ulisemea hapo sema ndio iingie hapo.

Gabriel Mbelesia : Sasa ile mananeno nazungumza wamama wafikiriwe ikiwa ni taabu wazaidiwe. Kuna watu ambao wamesheka ambao hawawezi kulima na anataka kukula. Tunataka serikali ikipata misaada watu hawa wasaidiwe.

Com. Nancy Baraza : Na ulisema na ukienda kwa Chief anauliza pesa, sema hiyo kitu isikike

Gabriel Mbelesia : Si ndio, anauliza pesa nipatie shilingi mia tano. Na watu wa land wakicha wanasema tunataka Shilingi elfu tano ndio tufanye shamba.

Com. Nancy Baraza : Asante enda hapo ujiandikishe. Asande sana. Alphone lichondo? Three minute Sir,

Alphonse Lichondo : Mimi nasema hamjambo wote, hamjambo. Mimi sikuandika report yeyote lakini nilikuja kusikia habari ya hii Commission. Na mimi nitasema kitu kimoja tu. Kitu kimoja ni hiki

Com. Dr. Maranga : Anza na majina yako

Alphonse Lichondo : Majina yangu ni Alphonse Lichondo. Natoka Shivakala sublocation. Mimi kweli naona watu wanatetea sana vitu vingi na hiyo ni kweli na mimi kisa changu cha kuja hapa kusema nalilia tu sasa serikali yetu inasahau wafanyi kazi wengine. Wafanyi kazi hawa ni watu kama 'Makuru'. Makuru wanafanya kazi bila kulipwa chochote na wanaendelea kufanya kazi. Si kitu kizuri sana. Na hatukumbuki kwa kulipa kitu kidogo tu cha kutusaidia basi. Hiyo tu ndio nilikuja tu kusema peke yake.

Com. Nancy Baraza : Iwe *likuru*?

Alphonse Lichondo : *Yee ndi likuru ninzi.*

Com. Nancy Baraza : Tumesikia hiyo malilio ya *likuru*. Joseph Chitai, na utafwatiwa na Ernest Musiyikhu.

Joseph Chitai : Commissioners, na wenzangu hamjambo. Mimi point yangu ni ya kwanza sisi tunataka huyo Rais ambaye atakuwa akichaguliwa asiwe juu ya mamlaka. Ya pili,

Com. Nancy Baraza : Sema jina.

Joseph Chitai : Joseph Chitai. Ya pili, sisi tunataka serikali itusaidie upande wa lands. Kuna watu ambao wanataka wapate number kwa mashamba lakini pesa iko juu sana, wapunguze ile pesa ili kila mtu apate number yake ya shamba.

Ya tatu, ningependa serikali iangalie upande wa education. Hasa walimu wanapata mshahara mdogo sana na ile kazi ambayo wanafanya ni kazi nyingi sana. Wanaondoka kwa nyumba saa kumi na mbili anarudi saa kumi na mbili hana nafasi ya kufanya kazi yake ya nyumbani, na mshahara wao ni mdogo sana.

Halafu ingine ni kwa upande wa serikali. Tunataka wakati subchief, ama chief au polisi wakitembea wawe wakitembea na warrant ya kuonyesha ya kwamba anaenda kwa boma la fulani. Kwa sababu ukiwa huko nyumbani unasikia hata kama ni subchief anatokea kwa mandizi na hana warrant yoyote. Wakiwa na warrant hata kama ni usiku wanaweza kufunguliwa milango.

Lingine, kuna upande wa wizi. Kama hii sehemu yetu yote Shisere na Isulu wizi wa ng'ombe umesidi sana, mtu anapatikana ameiba ng'ombe red handed halafu huyo mtu ikifika kesho asubuhi unapata amerudi nyumbani, serikali inasaidiaje yule mama ambaye ile ng'ombe inamsaidia maziwa nyumbani na mama hafanyi kazi.

Halafu ya mwisho, tunataka hii serikali yetu kama kwa mfano kama minister amechaguliwa ama yeye ni minister, hatutaki tusikia kwamba yeye ni Director huko Mumias. Yeye ni Director wa sehemu fulani. Awe tu na kazi moja kila mtu. Ili wale ambao wanahitimu nao wapate kazi. Mtu moja awe na kazi moja, siyo kazi mbili ama kazi tatu. Asante.

Com. Nancy Baraza : Thank you. Enda ujiandikishe hapo. Ernest Musiyikhu?

Ernest Musiyikhu : Commissioners na ndugu zangu wengine hamjambo nyote. Mimi kwa majina ni Ernest Musiyikhu. Niko na proposals hizi:

One, the new Constituion should be written in simple language and be translated in various languages of the ethnic communitis in Kenya.

Two, the Constitution should make supremacy of the people at the basis everything else.

Three, the Constitution should declare that a President of the Republic who shall also be the Head of State be implicating his or her role in terms of fulfilling main objectives of social conduct. So the Constitution should uphold principle of separation of powers in the Executive, Judiciary in Legislature and effectively limit the powers of the President.

Five, the current Provincial Administration in Kenya is undemocratic, oppressive, colonial and responsible for exploitation of our people. Therefore Provincial Administration be abolished and its place, a democratic elected system be established.

Six, the Executive power be reduced, power to be limited under the new Constitution Presidential appointments and allocation of State resources should be subjected to parliamentary approval.

Seven, that the Constitution should make provion of liberation and privatization of Agricultural based industry to ensure that

farmers own majority shares in order to create employment in rural areas.

Eight, The Constitution should create a mechanism of Parliament and people of Kenya to sanction policies and conditions prescribed by global institutions i.e. World Bank, IMF and other donors in order to ensure that objective interests of Kenya are achieved.

Nine, the Constitution should make provision for complete and integrated health services, and ensure availability of Primary Health care to all underprivileged people and children.

Ten, the Constitution should maintain that no election process will be under the office of the President.

Eleven, the new Constitution should guarantee all adult citizens with Passport and National Id. card.

Twelve, the Bill of Rights to protect children, women, men and the disabled against violence and discrimination.

Thirteen, the Mayors and Chairpersons of Civic authorities should be elected directly by the electorate rather than by the Councilors to make these heads directly accountable to the electorate.

Fourteen, the Constitution to revise Police Force into Police Service. The word force should be abolished.

Fifteen, that the Constitution should be encouraging Kenyans, especially women to wear a National dress, like Ghanians, Ugandans, to avoid foreign oriented styles if wearing mini skirts and long trousers mainly by women, Kenyan women. Thank you very much.

Com. Nancy Baraza : Please sign there and leave us your memorandum. Beatrice Amany, Beatrice? Alfred Shikanga.

Alfred Shikanga : Commissioner wetu leo na watu wa Ikolomani hamjambo. Kwa majina ni Alfred Shikanga kutoka Shisere Ward Shimanyiru sublocation. Sikuandika memorandum wala mimi nitazungumza tu. Jambo moja ambalo nataka kuzungumza kuhusu jambo ambalo linanisumbua na wenzangu ni kuhusu Katiba. Kwanza tunataka hii Katiba ambayo tunajenga mpya yetu ya Kenya iheshimiwe. Mtu yeyote akienda juu ya Katiba kwa sababu ni katiba ambayo inatengenezwa na kila mtu. Na tunataka kila mtu aheshimu hii katiba.

La pili nitakuja kwa utamaduni wetu, sisi Waluyia tunapenda kuoia wasichana halafu hawa wasichana wanasema tupeleka mahari. Najadiliana ng'ombe ishirini na pesa elfu kumi na nane. Ninasema ikiwa tunalipa wasichana nataka pia vijana nao walipwe. Kwa hivyo napendelea mtoto awe kijana akitosha kuoia au kuolewa wazazi waketi, wakisha keti sasa msichana na

kijana watoe mahari wapatie wale ambao wanataka kuoana ili waanze maisha nayo kwa hiyo.

Ya tatu, nitazungumza kuhusu 'makuru' kwa kusema kweli 'makuru' wanafanya kazi kwetu lakini hawa makuru wanafanya kazi bila, hawajulikani kwa serikali. Ikiwa wanajulikana kwa serikali wangekuwa wanalipwa mshahara. Kwa hivyo nataka makuru watambulikane kwa serikali kwamba hawa ni watumishi wa serikali kwa sababu likuru akikukozea ukienda kwa serikali wanasema hapana mimi najua assistant chief, mimi sijui likuru. Na yeye huku kumbe na yeye amekukosea. Kwa hivyo nataka makuru wawe identified na serikali kama ni mshahara walipwe.

Ya nne nitazungumza kuhusu serikali ambayo nataka. Serikali ambayo nataka leo ni serikali ambayo inaitwa Serikali ya Coalition Government. Tumetawaliwa na serikali moja, na President moja, lakini sasa nataka serikali ya vyama vingi. Tuwe na President na Prime Minister, sitaki kuwa na Vice President. Nataka tuwe na Prime Minister. Na hii serikali iheshimu kila nyumba ya mmoja. Kwa sababu ikiwa kazi ya Executive ifanye kazi yake respectively, Parliament tunataka ambayo tunachagua leo, tunataka ifanya kazi yao kama Parliamentarian. Hatutaki watu kuketi kwa Parliament wanasikiliza maneno halafu hiyo maneno ikiwekwa kwa Executive inawekwa huko bila mtu kuiangalia. Na Judiciary

Com. Nancy Baraza : Your last point now

Alfred Shikanga : Na Judiciary nayo tunataka kazi yao iwe iki-arbitrate between the people and the government. Yasiwe utumishi wa serikali pekee yake. Kwa sababu hawa Judiciary ni ya watu siyo ya serikali pekee yake, nafikiri na yao machache ningependa kuzungumza. Thank you.

Com. Nancy Baraza : Thank you. Enda hapo ujisainishe. Emily Makobi? Emily?

Emily Makobi : Good afternoon all.

Com. Nancy Baraza : Good afternoon

Emily Makobi : Mine is about land and property rights.

Com. Nancy Baraza : Move near the microphone and say your name.

Emily Makobi : Emily Makobi from Musoli Girls Primary. Land and property rights. Youth, girls and women, Ikolomani. We the women of Ikolomani recommend that proper land tenure system and policies shall be put in place to accommodate the needs and recommendation of women and persons with disability. That equal rights to land ownership to both female and male members of a family. If a couple owns land the land Title Deed should read Mr and Mrs. So and so.

Special emphasis should be given to women or girls who are handicapped for example lame, blind or mad cases. And women who are barren if they come back home they should have a right to own land. The State should power over ownership of land in that if an individual has over 20 acres of land only 20 acres is allowed but for the rest of the land he should pay taxes.

Thank you.

Com. Nancy Baraza : Thank you Mrs. Makobi. Webster Khayumbi.

Webster Khayumbi : The Commissioners and all I salute you. I am only going to talk about the succession and transfer of power. I believe the Chief Justice should be in Charge of Executive powers during Presidential elections that is my point number one.

Elections results should be announced immediately the counting is over. The in-coming President should assume office within 48 hours from the hour he is declared the winner by the Electoral Commission. The Chief Justice should swear in the incoming President. The instrument of powers should be handed over to the incoming President by outgoing President during swearing in ceremony. The mode of transfer of power should be the key to State House National Flag then the Constitution. Then the President, the retiring President, should be entitled to the security welfare and government benefits. That is only what I can talk about the transfer of power. Thank you.

Com. Nancy Baraza : Thank you very much Mr. Khayumbi. Mary Amboso?

Mary Amboso (*in Luhia dialect*)

Bimili beru ba muli imbeli, milembe bosu, milembe khandi.

Translator : Anawasalimu wote

Mary Amboso : *Shimbandichi taa*

Translator : Hajaandika

Mary Amboso : *Lakini ndi nende maoni kabili kabaka*

Translator : Na ana maoni mawili matatu

Mary Amboso : *Lioni liukhuranga*

Translator: Oni la kwanza

Com. Nancy Baraza : *Boola lira mbilio*

Mary Amboso : *Bananganga Mary Amboso, khurula mu Shihunami Sublocation, Isulu Location Chairlady.*

Translator : Anaitwa Mary Amboso, anatoka Shihunami Sublocation, Isulu Location, yeye ndio mwenyekiti wa wamama.

Mary Amboso: *Likhuba liukhuranga*

Translator : Neno la kwanza

Mary Amboso : *Khuli nende bashiele*

Translator : Kuna wamama

Mary Amboso : *Khwayibililwa*

Translator : Wamesahaulika

Mary Amboso : *Khwibililwa khwene ngukhu*

Translator : Kusahaulika kwenyewe ni huku

Mary Amboso : *khunyala khuba nikhuli habundu*

Translator : Wanaweza kuwa wakiwa mahali

Mary Amboso : *Akhwenya khubola likhuba lieru*

Translator : Wangetaka kusema jambo fulani

Mary Amboso : *Lakini shibakuhetsanga bwiyanu tawe*

Translator : Lakini hawapewi nafasi ya kuzungumza

Mary Amboso : *Khuli nende likhuba liakhabili*

Translator : Neno la pili.

Mary Amboso : *Khwarula mulukhali khwayitsa hango heru*

Translator : Wametoka mahali wameolewa wamerudi kwao.

Mary Amboso : *Hi noho khali shinatsia lukhali tawe.*

Translator : Au hajaolewa kabisa

Mary Amboso : *Shimbelwangayo khapanda tawe nikombanga bakhuhe khapanda*

Translator : Hapewi nafasi ya kuwa na shamba au kajishamba hapo angependeleas wapewe shamba.

Mary Amboso: *Likhuba lindi liakhabili*

Translator : Jambo lingine la pili

Mary Amboso : *Khuli nende bwamihi*

Translator : Kuna utawala

Mary Amboso ; *Bwamihi yobo akina mama noho bamama bandi baliho babolanga khurande khumulolongo*

Translator : Kwa wamama inasemekana wangetaka mlolongo kwa huu utawala, yaani wafanye uteuzi wa mlolongo kwa huo utawala.

Mary Amboso : *Khurula khu subchief paka khu chief.*

Translator : Kutoka kwa Assistant Chief mpaka kwa Chief

Mary Amboso : *Amali mihika chiranu, nukhwenya khumukalushitsa khumukalushitsi*

Translator : Akitawala miaka mitano, akiwa mzuri wanaweza kumrudisha.

Mary Amboso : *Niyakhamala mihika kumi, abe hasi hundi tsikhu.*

Translator : Akishamaliza miaka kumi, atoke kabisa mwingine achaguliwe.

Mary Amboso : *Nako maoni kanje kenako*

Translator : Hayo ndio maoni ya mama

Com. Nancy Baraza : *Urio muno. Tsia uhandichi lira yaho. Mr. Lipese? Abulaho? Richport Lipwoni?*

Richport Lipwoni : Commissioners and the attendants, good morning this morning

Com. Nancy Baraza : Good morning

Richport Lipwoni : These are my observations before you. In Kenya

Com. Dr. Maranga : Your name?

Richport Lipwoni : Richport Lipwoni. Kenya should have a ceremonial Head of State. Under him there should be a Vice President, who has assisted him to get that chance, in short he is a running mate. After that we would like to have a Prime Minister who will draw his Cabinet. A Prime Minister with his Cabinet is from a political party which has won the election. The choices must be drawn from the gender and people who have attained required experience for the Department they are going to head. After the Cabinet we don't want to hear something like Assistant Minister. We want to hear something Deputy Ministers, must also have the same experience to run the Government of the day.

Parliamentarians to be must be a Form Four holders, who have passed or degree holders.

Com. Nancy Baraza : Which one do you prefer?

Richport Lipwoni : Form Four. The nomination for one to be considered for election. The nomination must be done by the party. The President must retire from politics after two terms in the office. Also the Prime Minister must do the same. And the

President should never be above the law again.

Who are the eligible people for Parliament? One should be over 21 years, she or he must be stable in mind and if possible married. The person must be a Kenya citizen, not a paper citizen. The person must have attained Form four knowledge as I said earlier. Also the same education must apply to civic leaders. The Parliamentarian Committee should appoint the Heads of Departments. The Parliamentarian Committee will be formed from all the parties and their work is to appoint the Chairmen of Parastatals, Ambassadors, Attorney General, Permanent Secretaries, and most senior civil servants. And Commander in Chief of the Armed Forces. Appointment must be based on education background.

The Parliament life of the above must be 5 years then it is dissolved, and if there is death of the Head of State, the election should be called for by the High Court of Kenya. The number of Judges who serve the country and the Chief Justice must be appointed by the Parliamentarian Committee. The Judges should work independently and there should be no prerogative of any mercy in any case. The law should take its course.

Who should be the Chief Justice? The Chief Justice, just as should be the high court Judge or advocate, he must be a Masters Degree holder. The CJ must retire at age of 75 years.

Com. Nancy Baraza: Your last point

Richport Lipwoni : My last point, that is the Bill of Rights. All people must be equal before one another whether you are rich or what.

There must be free worship Christians, Muslims and so on. But any practice of Satanic worship in our society must be treated as an enemy of the society and arrest them. And the cult of Mungiki from Kikuyu land must be stopped.

Com. Nancy Baraza: Thank you very much. You don't want it to reach Luyia land?

Richport Lipwoni : No ---

Com. Nancy Baraza : Simom Sesela? Witsanga?

Simon Sesela : Commissioners, wananchi, hamjambo. Simon Hata Sesela kutoka Mukongolo sublocation. Mimi sikuandika memorandum isipokuwa ni maoni matatu hivi. Oni la kwanza ni Rais asiwe juu ya sheria. Akikosa ashtakiwe. Rais akichaguliwa asionee watu ambao siyo wa chama chake ajue hata mwendawazimu ni mtu wake.

Mali ya wananchi, awe kwenye meza aangaze macho yake kila mahali hapo hapo kama hapa. Ukitazama kama sehemu za Mandera, Turkana, mtu akija Kitale anasema oh nimeenda Kenya, hajui kwao ni Kenya. Kwa hivyo tangu atawale miaka hii yote hakuna mtu alitazama huko, hata Rais hakutazama huko. Ingefaa iwe hivyo.

Na ningependa tena ikiwezekana, Police akifanya kosa, kesi yake isipelelezwe na Police, iwe kwa Constitutional investigator. Judiciary akiwa na kesi asiwe tried na wenzake iweko korti maalum kusikiliza kesi yake.

Com. Nancy Baraza : *Umali?*

Simon Sesela : Nimemaliza

Com. Nancy Baraza : Thank you, please sign there. Go and sign there. Tsia uhandike eyi. Luamba Laurence?

Luamba Laurence : Commissioners, wasikilizaji waheshimiwa. Yangu ni machache sana sikuandika mahali.

Com. Nancy Baraza : Boola lira mbeli.

Luamba Laurence : Luamba Laurence, Kanu Chairman, Shikulu Sublocation. Jambo langu la kwanza ni kuhusu transfer of civil servants right from the grassroots in order to clear or to stamp out nepotism.

Number two, Police Force – The Police Force should be retrained in order to give them more strength for their work (More knowledge in other words). This is because we have with experience realized that from what we are doing right now shows exactly that they are not properly trained more particularly with public relations. More so there is a lot of corruption beginning, whereby they are very much involved, and as a result they have initiated what we call Kangaroo Courts within their stations, whereby most of our poor people are really crying, for they are causing a lot of impoverishment amongst our people. That is all.

Com. Nancy Baraza : Thank you. Please go and sign your name there. Bright Lumula? Liyai William.

William Liyai : Commisioners, listeners, good afternoon.

Com. Nancy Baraza : Good afternoon.

William Liyai : My name is Liyai William, I have four five points to present.

One is on promotions in any sector. Promotions should be based on academic qualification one's appreciation of his or her

values, but not one who manoeuvres ways through buying.

Number two, special education to be free. The parents should not pay school fees because some disabilities make a child to take long in school more than the designed period of time. So if the parent continues paying school fees to meet the education of that child the parent ends up paying a lot of money and he ends up being discouraged on the way. So if the government can at least give free education to disabled persons we shall be happy.

Three, The syllabus for the special needs to be at least official, because you will find the syllabus in schools only meets the needs of those children who are able, but those who are disabled in other ways for example sitting of examinations. A blind person cannot interpret a map because he cannot see. So at least the examination should be more defined or the syllabus should be more defined to meet the needs of this disabled person.

Child abuse, Psychological. It is very common in schools because of many teachers do not have special education and therefore they don't understand many children with special needs. They keep on looking at academic qualification and if a child does not meet that, the child is all the times abused and therefore affected psychologically. So I am suggesting in every school there should be a special trained teacher.

Five, Traffic offences should be dealt with on the spot and if a driver continues to commit the same mistake for more than five times, the driving licence should be withdrawn. PSV drivers should be at least people with the following qualifications: at least the fellow should have reached Form Four, that means he will understand what he is doing but not looking at PSV driving as the last resort to life. One just refuses to learn ends up being a street boy, practises driving and ends up driving PSV vehicles, he doesn't care about the people he is driving so he becomes careless. Two, be at least for one to qualify to PSV driver, he must have a letter from a Psychiatric doctor approving that this fellow is mentally stable and he can at least do his work without any problem. Thank you.

Com. Nancy Baraza : Thank you very much Sir, go and sign there and leave us your memorandum. Godfrey Aliero?
Godfrey?

Godfrey Aliero : Good morning

Com. Nancy Baraza : Good morning.

Godfrey Aliero : I didn't write a memorandum but I have a few points to make.

One, the Police Force – the Police Force and the Land's Registrar, if anything concerning that. Those two departments are very corrupt. The Government or the Constitution for that matter should provide for very stringent rules so that anybody who is

found committing such crimes related to those two forces should be dealt with seriously. And then the rule of law in this government is not observed or followed and provided for in the Constitution, it is just there. And it is just there as a formality it is not followed. Thank you.

Com. Nancy Baraza : There is a question for you. You are the ones who live with these very corrupt people, what do you think would be the most practical way of dealing with this problem. What in your view would be very effective in dealing with them?

Godfrey Aliero : We have had so many cases, they are caught I have heard, but I hear a lot of rummours about it. They are caught but they are not prosecuted under the law. We hear somebody has gone in the Lands may be to have his number or something of the sort but the demand for money is, he can't afford that.

Com. Nancy Baraza : Okay, go and register there. Crecencia Shiamala? Are you there? Witsanga?

Crecencia Shiamala : The Commissioners and my fellow Kenyans, good afternoon. I didn't have anything written but I feel I should talk something orally. Mine is the fight for Education and I have just a point to pass on the side of the university. The idea of eating as you pay in the universities is quite a sympathetic situation which I feel, I inclusive, with the other Kenyans who are not ready to meet the demand find it hard. So I am appealing to the entire Kenyans if there can be a way of improving this situatin so that people or children from poor families don't look at it as if it is like a punishment whereby we have communal meals as it has been before, I think it can be very good.

To add on that there was another point which was talked about by another colleague about the old system of education. I also have to comment about it. The old system of education should be just revived, looking at the situations that we are facing in Kenya I feel that system trained children morally, physically and economically upright. The present one is producing children who are under-fed and I feel that Form 4, Form 6, and then university created some maturity. Maturity in the children in the way that they were ready to face the world the way it comes. The present generation is spoon-fed such that they cannot survive on their own. Thank you, I am Crecencia Shiamala a teacher.

Com. Dr. Maranga : Excuse me, what you are suggesting is, you want us to go back to the system where the University used to provide food for all students, that is they used to have a central catering unit, is that what you want?

Crecencia Shiamala : Yes

Com. Dr. Maranga : So you want us to revert to the old system of feeding students of feeding students and keeping them at the University? How will you control the riot, because they were saying they wer being paid very well that is why they were

rioting.

Crecencia Shiamala : You know the rioting thing has come about because of being indisciplined and young.

Com. Dr. Maranga : No, again they still riot whether they are being fed or not. Thank you.

Com. Nancy Baraza : Thank you. David Musila?

David Musila : The Commissioners fellow citizens, good morning.

Com. Nancy Baraza : Good afternoon Sir.

David Musila : My proposals are only personal. And I think I will start.

Com. Nancy Baraza : Not for your wife?

David Musila : I think I will start with the powers of the President. The President is to be subjected to law, that is he should not be above the law. However, he should remain President and Commander in Chief of Military Forces. And not a ceremonial one. He should also be allowed to appoint his life President and a Cabinet of Ministers.

Point number two, I oppose those people who are proposing the creation of a Prime Minister. Because Kenya—(interjection)

Com. Nancy Baraza : Just say you don't want a Prime Minister and go to the other one.

David Musila : Point number three, no country can enjoy prosperity and freedom if there is no basic social and human right. In this regard I appeal to the law makers to consider human rights. This includes the right to live, the right of worship and food and drinks that one likes. In this category of rights, I include legalizing local beer like Busaa. In this I exclude other intoxicating drugs. These should be prohibited. Busaa has been a part of social and cultural life since many years back. The Police are always harassing people for this and this should stop. Busaa inatakikana iwekwe masaa ya kunywa

Com. Nancy Baraza : Thank you. Mark Shihemi?

Mark Shihemi : Kwa hivyo inatakikana iwekwe masaa ya kunywa, Bwana Commissioners, watu wengi wanalia ama serikali inalia watu wanakunywa Busaa na Chang'aa ndio wanafanya makosa. Ukichukua chupa hapo ya Busaa uweke hapo ya Chang'aa uweke hapo ya Breweries, uweke hapo watu watatu waanze kunywa hiyo pombe halafu utoe ukute wote wanaanguka,

utajua nani alikunywa Busaa au nani alikunywa Chang'aa. Tunataka Busaa itengenezwe na iwekwe masaa ya kunywa. Kama sivyo serikali ifunge hata Kenya Breweries.

Ya tano, pesa ile ile inafanya development kwa Constituency hii. Tunataka pesa ikitoka inalipwa direct kwa Constituency ifanye kazi kwa hiyo. Kwa maana pesa ilikuwa inakuja direct inafanya kazi lakini vile inafikia kwa District Development, hiyo pesa haifanyi kazi.

Ya sita wealth, mtu akiruhusiwa kuwa na shamba kubwa sana na wengine wanakuwa maskini, hata mimi mwenyewe sina shamba.

Com. Dr. Maranga : Unapendekeza kiasi gani mtu awe nayo?

Mark Shihemi: Ikiwezekana tu, mtu akipewa hata acre mbili tu, hiyo inatosha. Atalisha watoto hata na hiyo. Kwa sababu mimi niko na acre moja na ninalisha watu kumi.

Com. Dr. Maranga : Ya chini kabisa iwe acre ngapi?

Mark Shihemi: Ya chini kabisa ikuwe acre mbili.

Com. Dr. Maranga : Na ya juu?

Mark Shihemi : Ya juu iwe acre kumi.

Com. Dr. Maranga : Okay.

Mark Shihemi : Nasema upande wa President – President anatakikana awe mtu amesoma saidi. President tunaye saa hii anahudumu mara nyingi sana. Mimi ni Minister for Water Development ikiwa sherehe ya Water Development, President anaenda hapo, kwa nini na mimi nafanya kazi gani. Anatakikana asome ajue vitu ya maji inafanywa namna gani, minister kama yuko yeye anasikia tu anajua huyu mtu anajua kazi.

Com. Nancy Baraza : Na kusoma saidi ni kusema nini?

Mark Shihemi : Kusoma ili awe na degree ya Agriculture, akuwe na degree ya education, akuwe na kila kitu.

Retiring President – mimi nashangaa kama mbunge yuko hapa aende kupinga hiyo sheria sana. Niliona mlimwekea pesa nyingi

sana. Walimuwekea pesa nyingi sana. Mimi nastaaajabu, ile retire, ya President, ni mtu tajiri sana katika Kenya. Kwa nini mnamwekea hiyo pesa yote? Asanteni sana.

Com. Nancy Baraza : Thank you, enda ujiandikishe hapa. Andrea Masinjila? Mr. Masinjila?

Andrea Masinjila : Commissioner and attendants, I have a few things to put forward but you will excuse me.

Com. Dr. Maranga : Your name?

Andrea Masinjila : Andrea Masinjila. You will excuse me if I have to explain because your interpretation may not be mine. One, we have had two words, or terms which have been used by Kenyans nearly everyday and in every meeting. As much as this has been forbidden in the Constitution or might have been explained in the previous Constitution, I feel that the present Constitution should address itself to the two word. One-tribe and tribalism. The Constitution of Kenya should be able to define what we understand by tribe. In my view it is a group of people of the same culture, social background and tradition. It is not a crime to belong to a tribe. Tribalism is the giving out of according certain economic benefits by one who is in a position to give those benefits. Therefore this is taking so much dimension that it may now reflect Marxims, fascism and racialism.

I feel the present Constitution should now be able to stop this in order to avert capacity of things that have happened in other African Countries. So I ask the Constitution to take recognition of that.

Then we come to the distribution of wealth. It is here we have people in position claiming to distribute wealth without the recipient being able to see that wealth and the wealth in this case is the one derived from the taxes. So a certain percentage of wealth must be given to each Province and thereby to each district and therefore each location. So that some areas are not left much far behind others. And this one should have method of verification that these things, this taxes or the wealth that has been given to a given area has been received and used for that purpose. So that percentage could be gone into the Constitution.

When we come to, three, Education and other basic things. I take education, the present economic life and depression of the economy has shown that the poor man's child cannot go beyond a certain stage in acquiring education irrespective of his education abilities. That is because the cost for education is very high and the present people who are in institutions, could be questioned of whether they went there by virtue of their wealth or by virtue of their educational abilities. I feel somehow this education, upper education and indeed education as a whole once a person has been admitted to an institution, it is the responsibility of the government to see that this person is educated for the benefit of the country.

This also applies to things like Health. That is why I referred to basic needs. Health, I do not have to expound on this. Even the rich people who thought they would be able to meet their health costs are now making harambee. What about the poor

person? So health, education fall in the same category and food. Agriculture is becoming so expensive that now the Agricultural Industry has been wrecked. People cannot farm to feed the nation. So these basic needs as much as some parties have put in their manifestos, but it is just a political gimmick. The Constitution should address itself to this and make these things available to the Kenyans.

Com. Nancy Baraza : Your last point Sir.

Andrea Masinjila : Now, my last but not least, I am happy I am having only two Madam. Harambee – Harambee should not be a form or development of the country. And harambee should not be a pet whereby an individual is assessed by the public on his ability to develop a place. Because this has led to corruption and the most corrupt people are the ones who are able to raise harambee within the nearest time of the election. So harambees should not be allowed to have indicators of development of our country.

Finally, I go to State House – We take State House with every respect and we think, I think State House should be above these things like harambee. Because we want to evaluate the person holding State House by virtue of his overall development of the country. And if it is confined to few raising up of a few goats, a few sheep here, and roaming about the country, then what about areas like Musoli where these people have not reached. We shall be left no where. So harambees should not be indicators of the development of the country and indeed they should be stopped. They encourage corruption. Then the same State House, once a person ascends to State House, he should not use that position to promote his party, because he is for the whole country. He should not use that to promote his party or an individual because assessment of who is more capable comes from the Kenyans. Thank you very much.

Com. Nancy Baraza : Thank you Mr. Masinjila, please sign there. Harrison Khamonywa? Khamonywa? Charles Kubai? Alexander Wiyema? Alexander?

Alexander Wiyema : I am Alexander Wiyema. First I talk about administration that is the Provincial. Levies or all sorts of monies taken from mwananchi should be clearly stipulated in the Constitution to (interjection)

Com. Nancy Baraza : Ngoja kidogo, they lower that thing for you.

Alexander Wiyema : Two,

Com. Nancy Baraza : Start from one.

Alexander Wiyema : One, levies and all that money taken from mwananchi should be clearly stipulated in the

Constitution.

Two, Chiefs, Assistant Chiefs and village elders should be given some duties to sort out certain cases, I mean traditional cases.

Three, the Police Force must be adequately trained on law matters. Police brutality must be stopped and Constitution to enhance severe punishment to this.

Political scenario, all promises given out by contestants must be written and appropriate action taken if they aren't fulfilled. Politically elected members must not leave the parties which put them to power unless the wananchi say so. There must be a binding contract which must be written between the leaders and the wananchi.

The President must not be above the law. The Constitution of all political parties must be compatible with the National Constitution which we are amending today.

Chief Justice, Judges, PCs, DCs, DOs and Vice Chancellors of Universities should be chosen by a special council of professions regarding the post under subject.

Lastly leaders who cause economic downfall in the country should resign by law.

I go to education, everybody must be educated by law. The Government should fund education at both lower and higher education levels.

Parallel Programmes in Universities should be abolished. Irrelevant subjects should not be taught at college levels and if they must then only the interested students should be taught.

Com. Nancy Baraza : The last point?

Alexander Wiyema : I go to the social – Affirmative actions should be opposed strongly. Also the VAT the Government takes from us is extremely high as we see the economic condition of the country. I had more but I am not—

Com. Nancy Baraza : You said affirmative action should be opposed strongly, what would be the problem?

Alexander Wiyema : This is what I mean, nowadays, we have people who call themselves, women activities, they say that they should be given more right than the men. That one should not be there. What should be there since our government gives equal chances and opportunities to its citizens, then they should find for the chances not that they use the law.

Com. Nancy Baraza : So, if we applied because, it is so blanket. If we applied affirmative action we say the lame, people with disability cannot compete with you who has your both legs and ears, that will be affirmative action, the youth like you, you cannot compete with these people with money and whatever and we apply affirmative action, why should it be, or you thought because it is women?

Alexander Wiyema : No, I mean the people who have the same qualities should be given the right by the Constitution.

Com. Nancy Baraza : Okay, sign your name there. George Masheti? And you are a young man, the world is moving, so update yourself with the trends of the world. (laughter) We want young men of modern mind. Masheti? Ignatius Madegwa?

Ignatius Madegwa : I am madegwa Sakali, I have a few observations here to make, I didn't actually write out a memorandum, it is similar to verbal or oral one. On Education – I still expect the Constitution to recommend the old system of 7-4-2-3 and where we have subjects being taught particularly for Primary Schools, there should be no question of certain subjects being taught and not being examinable. If a subject is not being examined nationally, then it should just be written out of the syllabus let us stick to those which are being taught and being examined for the future of the child because it will be reflected in the child's certificate.

When it come to the salary, people employed in different Ministries have a contract of a certain salary increment at given stages, a question should not arise when the Government now comes up with groups to negotiate on salary. That means after a given period of time of say three years then a person working in a certain category is automatically upgraded and therefore, the salary is also upgraded and therefore the question of wrangles between the employer and the employee should not be there.

We have natural resources in the country. I would like that the Government distributes the benefits of these resources to the Nation all the corners of the country evenly regardless of the political zone. Because when a given party is in power and it talks of being able to do certain things for wananchi, then that means there are forgetting that even the other wananchis belong to the country. So these wealth must be evenly distributed to all the wananchi regardless of their political stand.

On Co-operatives, we have very many Sacco Societies in the country. Let this Sacco Societies be run independently, independent of political interference. In the sense that when there is a dispute, in a given Sacco Society, let us not have given government personnel interfering into the matter. Let it be taken up by the court of law and the people concerned who are affected by the Sacco itself. And I would also like that the executives particularly the three running a given society, that is the Chairman, the Treasurer and the Secretary, this people are handling the finances of the society they should only be given three years to serve and then they quit that office so that other members are brought on that office. There is no question of somebody remaining there because of elections or something like that. Because it is a money issue which has to be handled by someone

for three years he goes out let other members also participate in the running of the society.

When it comes to elections, we need to elect our Vice President just like we elect our MPs just like we elect the President himself. It should not be left in the hands of one person.

The assistant chiefs and the chiefs should be transferred from one given place to another because they are government employees.

We have this problem on murder cases, I want to believe that the penalty for murder cases in our country is too soft and that is why it has become so rampant. In Luyia land we say once one has murdered a brother, he is excommunicated from the community but we don't have land where we should be taking this people, the government should give them life sentence now that the Human Rights does not allow death sentence.

On employment, there is a trend in the country that a person becomes, I mean commits an offence then instead of this person being punished after being tried in court or the case is followed, you hear this person is transferred and given another senior job in a different capacity and also say in a different ministry. This one should stop. Once somebody has been suspected of an offence, if he has to be transferred then he has to be demoted following the transfer, not being promoted to a more senior position where he will practise the same.

Com. Nancy Baraza: Your last point?

Ignatius Madegwa : Quota System – I believe should be abolished because we want quality people to run positions in the country. Not that a certain area has people who have never gone to school and therefore my son with a B is left in Ikolomani and a son with a D is taken to the University from somewhere.

And the tax we collect in the country is too high, let us remain with the P.A.Y.E first but lift VAT because that old mother of 60 years is being taxed even on the little salt she buys.

And just to finish about the traditional brew, I want this one not legalized but this is a food stuff. What I mean is we don't need to ask for permission to make porridge in the home. This has just been a food stuff, which was there ever since. So the question of talking of legalizing it and also seeking for permission for it should not be there, it should be looked at as part of the food the people in the country have been using.

Com. Nancy Baraza : But your Government is not looking at it as part of food, what do we do?

Ignatius Madegwa : I am bringing up the point clear. What is happening is that Whisky the commercial beer and other beers are owned by this people who don't want the local beer. They are looking for business monopoly. Let the poor ones have the local Busaa to refresh themselves and to compete in business like the rich man has his brewery and can compete among the other people. This food stuff has to be availed.

Com. Nancy Baraza : Thank you very much. Go and sign there. Samuel Ihachi? Samuel?

Samuel Ihachi : Tume ya Uchaguzi,

Com. Nancy Baraza : Ya Katiba siyo ya Uchaguzi.

Samuel Ihachi : Hamjambo.

Com. Nancy Baraza : Sema Jina

Samuel Ihachi : Point ya kwanza ni habari ya livestock. Kuna sheria iliwekwa ya kwamba kama wewe unatembea na ng'ombe yako barabarani ikikongwa na gari wewe unatoroka hiyo ng'ombe itabaki hapo halafu mwenye gari anakutafuta kutengeneza gari, na either driver ndio alikuwa mistaken. Hiyo utuoneeko kidogo.

Jambo la pili, ni habari ya power. Ukiangalia kama Province ingine kama Busia wame-install posts mpaka hata kwa rural area, wale wana uwezo wanafanya – tapping. Lakini hapa ni ngumu. Unataka post, ukipeleka application wanakuambia elfu mia mbili hamsini na wewe uko kwa post hapo. Hapo serikali ichunguze.

Point ya tatu, government iwe na mpango ya primary schools. Kwa mfano kuna sehemu zingine ama province zingine unakuta ya kwamba,

Com. Nancy Baraza : Tell us your proposal, what do you want?

Samuel Ihachi : I propose that kuwe na mpango wa pamoja, watoto wasiwe wanafukuzwa mara kwa mara. Kama ni kulipa wazazi waambiwe tulipe, kama si kulipa tuambiwe masomo kutoka Standard One mpaka Standard Eight ni free.

Com. Nancy Baraza : What is your proposal, what are you comfortable with? Do you want education to be free? If it is that tells us.

Samuel Ihachi : The government is cheating us that the education is free and sometimes you find that people are being to sent

away, na kwa namna hiyo tunapendekeza tuwe na msimamo fulani.

Com. Nancy Baraza : So we should pay for education? Okay go to the next one.

Samuel Ihachi : Hee, tuwe na mwelekeo fulani, kama ni kulipa tulipe kama siyo kulipa tusilipe.

Com. Nancy Baraza : Go to your next one, you have said you want us to pay, Kenyans to pay go to the next point,.

Samuel Ihachi : Point ya nne tuwe na mpango fulani kuanzia kidato cha kwanza mpaka cha nne tunataka masomo ya bure.
From Form One to Form Four.

Com. Nancy Baraza: To Form Four? Okay go to your next point

Samuel Ihachi : Another point – mambo ya hospitali, hii cost sharing wanatudanganya bure.

Com. Nancy Baraza : Tell us what you want

Samuel Ihachi : Iwe free.

Com. Nancy Baraza : Okay, your next point, I have written free health care. Go to your next point

Samuel Ihachi : My next point is serikali iwe na mpango kwa youth ambao wanawacha shule either iwapatie training ama iwapatie monthly pay, kitu kidogo ya ku-support hawa.

Com. Nancy Baraza : Thank you go to your next point.

Samuel Ihachi : My next point, mambo ya Parliament ifupishwe, iwe miaka 4 hii mambo ya miaka tano hawa watu wanalala huko bure.

Com. Nancy Baraza : Okay, your last point.

Samuel Ihachi : Point ya nane kuwe na mpango, nimesikia wakisema hapa mambo ya wanawake. Mimi ningependa sasa wanawake wawe free waoe wanaume (shouting from the floor)

Com. Nancy Baraza : We should marry men, what else, your very last one.

Samuel Ihachi : My next point

Com Baraza : Your very last point give it to me

Samuel Ihachi : I still have

Com. Nancy Baraza : No your time is up.

Samuel Ihachi : Point ya mwisho ni Chang'aa. Chang'a ipewe licence watu wakunywe.

Com. Nancy Baraza : Thank you very much. Please go and sign there. Bonventure Madegwa? Madegwa? Just give points don't go into, then that way you safe time.

Bonventure Madegwa : Madegwa Bonventure, niko na maoni mawili matatu ingawa sijaandika ya kwanza ni kuhusu hawa watu tunaita Assistant Chief na Chief. Mimi naona wawe wanachaguliwa kwa mlolongo. Kwa maana wanakaa na wananchi siyo wanaletewa tu na serikali

Ya pili ni hii kiwango ya mtu kumiliki shamba. Mtu kama Rais ako na shamba sijui acre karibu ngapi? Mtu awe na kiwango fulani

Com. Nancy Baraza : Ngapi?

Bonventure Madegwa : Kama ni ekari hamsini hivi iwe ni hiyo, iwe inatosha hiyo.

Com. Nancy Baraza : Okay, next point

Bonventure Madegwa : Halafu hii mambo ya mbunge. Mbunge akichaguliwa miaka tano tuwe na kura ya kutokuwa na imani kama kuna mtu anaenda huko analala uzingizi hakuna kitu anafanya huko.

Com. Nancy Baraza : Okay, your next point

Bonventure Madegwa : Ah, yangu imetosha hapo

Com. Nancy Baraza : Thank you very much, that is very good presentation. Thank you very much. Peter Busolo. *Shuloli*

khuli woyo ahani tsi-point tsietsie. Like that then you cover a lot of ground.

Peter Busolo : *(in Luyia dialect)*

Khu lira ndi Peter Busolo

Translator : Kwa jina ni Peter Busolo

Peter Busolo : *Lianje likhuba nili*

Translator : Neno lake ni hili

Peter Busolo : *Nyenyanga ikatiba yeru, Chief nende Assistant Chief khutsi bene khubachakuli*

Translator : Anataka utawala Assistant Chief na Chief raia wawachague

Peter Busolo : *Liakhabili*

Translator : La pili

Peter Busolo : *Nenyanga baana bosu bu mundu yibula*

Translator : Anataka watoto wote ambao mtu amezaa

Peter Busolo : Akiwa msichana akiwa mfulana wapate shamba

Com. Nancy Baraza : Okay your next point:

Peter Busolo : *Kanje kabwele*

Translator : Hiyo tu amemaliza.

Com. Nancy Baraza : *Toto?* Thank you Felix Butoro , *ewe Felix namwe Filex?* There are two different things bwana. Unataka kukaa hapa? Okay sawa

Felix Mutoro: Hamjambo wote. Kwa majina ni Felix Mutoro kutoka isulu. Mimi sikuandika jambo lolote lakini nimekuja

kutoa maoni. Kwa hivyo ningependa sisi ambao ni watu wasiojiweza kama mimi ni mmoja wao tuko na wale ambao wako ndani. Kuna wazazi ambao wamezaa watoto wako ndani mtaa mtaa hawajulikani kwa serikali. Ningependa serikali ikiweza iwajulishe hao ipate mahali kama kwa shule ndio hawa watu wasiojiweza waokotwe waende hapo wakati wa elimu ya watu wazima wakuwe kama hao wengine wasiwe wakawekwa kama kaburi kwa maboma. Wale ambao hawajui penye anaenda naye ni mtu binadamu kama wewe.

Jambo la pili ningependa ni kwamba kama serikali inaweza ichague mtu ambaye asiyejiweza aingia hapo kwa Bunge kutetea wengine ambao wako huko ndani maana tuko na msaada ule ambao uaweza toka nje na huo msaada haufiki kwa wengine wale ambao hawajulikani. Tungekuwa na ofisi kama Ikolomani au mahali popote kama Shinyalu ama kwa sehemu zingine inaweza saidia hao kupeleka maoni na kuingia kwa ile office na kupata hiyo msaada iwawezeshe kupata kitu kidogo.

Na maoni ingine ile ambayo kuwahusu ile ya President nikipenda yule President ambaye atachaguliwa kulinda hii Kenya, kuwe upinzani au kuwe wa Kanu, huyo President achaguwe Vice President kuwe wa Kanu au kuwe wa upinzani. Ikiwa ni upinzani itapita wachukue wa Kanu, ikiwa ni Kanu itapita ichukue wa upinzani.

Halafu ile ambayo ni ya mwisho, niliona wengine wanalalamika upande wa mashamba. Hilo mashamba inanzia kwa wazazi mtaa ndio iende mbele. Hapana kwenda mbele na unaenda unachukuwa pesa zako unamalizia mbele kwa ofisi unapata Title Deed ile ambayo haifaai kwa shamba ile ambayo si yako. Ni heri uanzie mtaa chini kwa wazee wapitishe hiyo ndio Title Deed uende kutolea mbele. Yangu ni hayo mimi kwa majina niliwaambia ni Felix Mutoro kutoka Isulu

Com. Nancy Baraza : Okay. Orio muno. You will sign our register. Ibrahim Shilekhwa, Charles litonde? Uliho? Okay.

Charles Litonde : *(in Luyia dialect)*

Lilaha ni Charles Litonde

Translator : Anaitwa Charles Litonde

Charles Litonde: *Kanje kaliho*

Translator: Mambo yake ni haya

Charles Litonde : *Khale*

Translator : Zamani

Charles Litonde: *Bandu balombanga likhuba balenje basakhulu.*

Translator : Watu ambao walikuwa wakitengeneza maneno walikuwa wazee

Charles Litonde : *Khali liulwibulu nabo bali nibamanya*

Translator : Hata katika jamii mambo ya kuzaana au kuzalisha hawa ndio walikuwa wanajua

Charles Litonde : *Na nunu baana nabo bimililanga*

Translator : Siku hizi vijana ndio wamechukuwa jukumu ya kuongoza

Charles Litonde : *Nako kachilanga shibala nishiononokha*

Translator : Ndio sababu nchi inaharibika

Charles Litonde: *Basakhulu balombanga likhuba nililiho*

Translator : Wazee walikuwa wakitengeneza jambo likiwako

Charles Litonde : *Khali mulimi, mundu niyalekha mulimi.*

Translator : Hata kwa shamba, kama mtu amewacha shamba lake

Charles Litonde : *paka kutukha bakoloshitsi*

Translator : mpaka wanatengeneza.

Charles Litonde : *Na nunu baana, bayambakhana*

Translator : Na siku hizi vijana wamekataa mambo hayo

Charles Litonde : *Khandi mukhana wowo mundu niyahilanga mukhana wowo manya mukhali yakhwetsanga*

Translator : Tena kama mtu alikuwa anaoa msichana wako alikuwa anapeana mahari

Charles Litonde : *Ne niyakhakhwa ma basakhulu bamanya*

Translator : Na akipeana mahari hiyo mpaka wazee waelewe wajue

Charles Litonde : *Ne nunu*

Translator : Na siku hizi

Charles Litonde: *Mukhana atsitsa lukhali*

Translator : Msichana anaolewa

Charles Litonde : *Ma musatsa akhunga na baana*

Translator : halafu bwana yake anamfukuza tena na watoto

Charles Litonde : *Ma ibi musakhulu ulishitsanga, noyo nachenda butswa yeyo nali ihale.*

Translator : Na wewe mzazi unaendelea kulisha na yule ambaye mwenye wale watoto, huyo bwana anaendelea kutembea tu huko akiwa huru.

Charles Litonde : *Makhuba kenako nenyanga karuliho*

Translator : Anataka yale maneno yaondolewe

Charles Litonde : *Mukhana niyatsitsa lukhali*

Translator : Mschana akiolewa

Charles Litonde : *malelo musatsa wewe wakhutsayo*

Translator : na bwana yake amefariki

Charles Litonde : *naye wabuya wa menya*

Translator : sasa anabaki mjane

Charles Litonde: *yitsanga butswa hango henyu ma mumukaribisha.*

Translator : bado anarudi nyumbani kwao alikuwa lazima arudi nyumba kwao akaribishwe,

Charles Litonde : *Na baana nibatukha bashiukhana ingo wabo*

Translator : Na watoto wakishakuwa wazima wanarudishwa kwao kule

Charles Litonde : *Nindio makhuba kaleho.*

Translator : Ndio mambo ilikuwa.

Charles Litonde : *na nunu mushibala makhuba kos khali ka bachief. Chief yaleho, basakhulu bachakulwangwa mu tsi area, abikhala ha chief hali, bacheli bacheli balemu.*

Translator : Na mambo ambayo ilikuwako ya Chief, chief alikuwako. Wazee wa mitaani walikuwa wanakaa na chief halafu wanatengeneza hiyo mambo

Com. Nancy Baraza : *Ulishitsa abole nyo.*

Charles Litonde : *abakoloshitsanga makhuba kenako*

Translator : halafu wanatengeneza hiyo mambo.

Charles Litonde : *Khali shina shina shyalenje shia sub headmen, bakoloshitsanga*

Translator : Katika kesi ambayo ilikuwa ikifanywa na headmen ilikuwa inarekebisha mambo.

Charles Litonde : *Ni milimi*

Translator : Mambo ya mashamba,

Charles Litonde : *Lwa silikali yasurveya*

Translator : Vile Serikali imefanya survey

Charles Litonde : *Ma yalekha butswa*

Translator : Na ikawacha tu.

Charles Litonde : *Ma baandu butakha buho bunyishi*

Translator : Na umasikini ni mwingi

Charles Litonde : *Ma baandu bitsanga khubukula mulimi ku hundi mabarunga*

Translator : halafu mtu mwenye, wanaweza kuja kuchukua shamba la mwingine, yaani kuruka mpaka.

Charles Litonde : *basi ma mundu woyo abula shialondelakhu tawe*

Translator : Na ukiwa maskini huwezi kufwatia hiyo

Charles Litonde : *khukalolekhanga silikali ikalushi ihenze khu milimi, shichila minyishi cha rumwa.*

Translator : Inatakiwa serikali ianze upya kuandikisha mashamba kwa sababu mingi imerukwa mipaka

Charles Litonde : *Khali mu Lands wayiba milimi cha beshie*

Translator : Hata kwa Lands office wameiba mashamba ya watu

Charles Litonde : *Pole kanje katushi yaho*

Translator: Hayo ndio yangu.

Com. Nancy Baraza : Sign there. Jeremiah Ndula?

Jeremiah Ndula : Hamjambo wote Wa-Commissioners and wenzangu. Mimi kwa jina ni Jeremiah Ndula. Mimi maoni yangu

yako kwanza kwa viboko. Watu wawe wakipigwa viboko, mtu akifanya kitendo kibaya apigwe viboko ndio atambue kile kitu kimefanyika namna gani, ndio atambue. Hata watoto wa shule wawe wakipigwa viboko kwa sababu tukisema mtoto asipigwe kiboko shule, hata nyumbani mtoto asipopigwa sasa hiyo mambo yote watoto hawawezi kuwaheshimu hata walimu.

Com. Nancy Baraza : Songa mbali kidogo. Usiweke kwa mdomo sana

Jeremiah Ndula : Hata hawezi kuwaheshimu wazazi wake. La Pili ni mambo ya mashamba – Mashamba yameharibiwa kwa sababu wale wazee wa board, wale wazee wa board unaweza kuona ni yule ambaye alikuwa chief aliharibu kitu fulani kwa mtu fulani tena yeye ndio yuko huko kwa board. Hata kama yule wa assistant chief alikuwa fulani, iwe kwa board si watu ambao wamekuwa kwa serikali. Hata ukienda hii board ya Ikolomani ndio iko corrupted kabisa. Hata ukienda huko huwezi kupata huyu mtu akikuja namna gani. Wale wote wako hapo ni wale walikuwa wakifanya kwa serikali. Kwa hivyo hayo mambo ichunguliwe.

Na tena wale, members hao wa serikali wanapata mshahara yao ya pension tena wanapata hiyo ya board. Ukienda huko, mkikaa na mtu ambaye anataka shamba kwako tena ndio ana-demand pesa. Hawa wako na allowance ya kukaa hapo. Wana-demand elfu mbili elfu ngapi, hata elfu ishirini ndio wakubali kwa mambo ya shamba hiyo. Kwa hivyo hiyo mambo maoni iende mbele na hiyo mambo itolewe.

Na mambo ingine. Siwezi kuendelea na mambo mengi yangu ni hayo tu maoni.

Com. Nancy Baraza : Thank you. Julius Shitote?

Julius Shitote : Commissioners wale ambao wanashiriki. Niko na mambo karibu manne matano hivi. Ya kwanza ni kuhusu mifugo. Siku za Mkoloni alikuwa ametengeneza njia kando ambapo mifugo ilikuwa ikibadilishiwa, lakini sasa mifugo yetu inabadilishiwa katikati ya barabara halafu gari likikonga mwenye mfugo analipwa na makosa si ya mwenye mfugo. Kwa hivyo ikiwa hawatatengeza barabara ambazo mifugo wanaweza safirishiwa, inaonekana ile sheria ya mwenye mfugo kulipa mwenye gari iondolewe.

Pili, ni Usawa – hata Mungu alimpa Adam uwezo juu ya Eve na hata kwa nyumba inatakikana kuweko na mtu, hata Bibilia inasema wasi mume ndio kichwa cha nyumba na sasa wakati mnasema iko equality sasa mume anajiona yuko sawa na mke na mke anajiona yuko sawa na mume. Sasa watoto watasikiliza nani? Watasikiliza mzee au watasikiliza mama? Kwa hivyo hapo watoto wamepotoshwa ndio unaona shule zinaharibika kwa sababu tumetangaza equality, yaani usawa. Inatakikana hiyo usawa iwe analysed, ya kwamba mwanamke atafika kiwango hiki na usawa wake. Na mwanaume atafika kiwango hiki. Ikiwa ni kiwango cha elimu hiyo tunaruhusu equality iweko lakini tukifika domestic tafadhali tofauti iwepo, kwa sababu hata ni kitu kilichoamurishwa na Mwenyezi Mungu. Hata ukienda kwa Msikiti akina mama wana nafasi yao na akina baba wana nafasi

yao. Kwa hivyo hiyo kitu ya equality please review that issue so that equality should be analysed where we can be equal and where we cannot be equal. Academically or educationally we agree. Lakini kwa mambo mengine tafadhali equality hiyo ichunguzwe.

Com. Nancy Baraza : So me as a mother I have no right over my child?

Julius Shitote : Sasa mimi kama mzee wa boma nikiamua ya kwamba kitu fulani kifanyike, haitakikani mama aseme mimi nimezungumza – halafu tuseme iko equality. Hiyo equality imeharibu uhusiano wa nyumba ndio sababu divorces zimekuwa nyingi kwa sababu mke anajiona ako sawa na mume wake. Kwa hivyo nyumba zimevunjika watoto wamezidi kuharibika.

Kitu cha tatu, ni unemployment. Zamani tulikuwa na viwango mtu akifanya mtihani ya CEE alikuwa anapata kiwango fulani ya kazi anafanya kulingana na masomo yake. Akifanya KAPE anafanya kazi kulingana na KAPE, akifanya KJSE ama KASE anapewa kazi kulingana na hiyo KASE yake. Lakini siku hizi unakuta mtu wa Division One anambiwa kwenda kwa forest unakuta mtu wa Division Four anakwambia kwenda kwa forest. Sasa inaonekana academic performance haina maana. Kwa hivyo katika unemployment yetu wenye recruiting, please the higher the education the better the employment. Sivyo mnasema tunataka mtu wa A halafu unakuta mtu wa D- amepolekwa kwa benki na yule mtu alipata A hajapolekwa kwa benki bado anang'ang'ana huku na huku kwa sababu anasema hawezi kwenda University ati combination ilikuwa mbaya. Sasa mambo hayo yachunguzwe kama mtu anapata A, watu wa A wawe na kiwango yao ya employment

Com. Nancy Baraza : Your last point

Julius Shitote : Last point inahusu Police Dog Section. Kwangu ningeona kwamba ikiwa hizo mbwa haziwezi saidia raia maana vitu vinapotea ukiuliza police wanakwambia tunakuja na hawaji na ile mbwa, halafu vitu vyote vinaenda tu. Kama hiyo haitafanya kazi na hizo mbwa zinatumia pesa ya serikali, that section should be squashed off because it is waste of the government revenue.

Lastly, chain of command. Unaweza ona makosa kwa mtu kama DO and chief na mnasema ukitaka lazima upitie chain of command. Naona watu waruhusiwe ku-handle their matter the way they feel they want to, because we are in a free Kenya. Wakati tunasema chain of command, zile ng'ombe zimekula mahindi yangu ni ya subchief. Sasa mnasema nifwate chain of command, sasa siwezi kwenda kwa Assistant Chief kama ngombe zake zimekula mahindi yangu. Kwa hivyo ile chain of command should be look at in different ways. Two because these ones are civil servants wawe transferable na kwa sababu tena Chief's Act zimekuwa scratched off, sasa mambo ya utamaduni haiko. Chief anaweza andikwa hata Nairobi na aje afanye hapa kazi. Mwingine aandikiwe hapa aende afanye kazi Nairobi. Siyo lazima awe mtu wa hapa na ile kitu mnasema ati mlolongo, bado atanunua tu hawa watu halafu awaambie mje mnipangie. Ama wengine wamezaliwa wakiwa watu ishirini na mimi nimezaliwa nikiwa pekee yangu. Wakisema mlolongo bila shaka huyo mtu ambaye amezaliwa kwa ukoo ya watu wengi

siatachukua utawala huu. Mimi ninaona tu hawa chief wawe transferable na wawe employed according to Public Service Commission and they should not be people of the local place kwa sababu kama kuna chuki na amezaliwa kwa area hiyo ataendelea tu kunichukia. Hata kama ni mapendeleo ataendelea tu kunipendelea. Na ni kwa hayo tu, Mungu awabariki.

Com. Nancy Baraza :Thank you very much. End huko u-sign. Joyce Ayosi?

Joyce Ayosi : The Commission my fellow listeners good afternoon. I have not made a memo but I have got short notes.

Com. Nancy Baraza : Say your name

Joyce Ayosi : I am Joyce Ayosi from Isulu Location. I don't have a memo but I have short notes to present. First it is mistreatment of women either married, single and young girls.

Secondly, land and property inheritance should be automatically given to the next of kin that is either you have one wife or two wives. They should inherit your property equally.

Thirdly, Provincial Administration – Provincial Administration to be elective, this is from the DC, chief and PC.

Either a boy or a girl. And any woman or a girl not married and she has children her children have a right to go back and share their grandfather's wealth because they have nowhere to go. Fatherless children should be considered as part of the grandfather's wealth.

To be a President, you should be over 45 years old and over.

Raiding of Chang'aa. Raiding of chang'aa it ends in Police hands and again they sell. Now if they raid chang'aa it should be poured before the before to show that it is not wanted.

Rapists – When a man rapes a woman he should be castrated or be jailed over ten years (noise) Those are the points I had.

Com. Nancy Baraza : Please register there. Lumwamu Charles. Charles Lumwamu

Charles Lumwamu : Commissioners and my dear constituents, I wish to feature on Human Rights and in brackets, Education and Security. On Basic rights, what I know is that basic rights have to do with human being therefore it is better to look at them as human rights. They could be well be known as human needs. Human rights generally are defined as those needs which are inherent in man's feature. Inherent that man cannot live without them. The rights are important things that are to be enjoyed

when man is born taken care of by her family or his family and his community. Basic rights better start with the child for the purpose of strengthening the needs in adulthood. Therefore co-operation and sharing among the children and in many other aspects should be in filled in the process of teaching and learning of human rights. And while enforcing a limit on selfish and aggressive behaviour the child learns to act effectively even if he does not want to so that as he grows the basic rights he learned are strengthened and vice versa. The child becomes a key and responsible member of his community ready to promote independence, self reliance

Com.Baraza : Why don't you give us specific recommendations?

Charles Lumwamu : Now in the education I mean in the human rights, I am looking at this as basic rights which will will inspire the children. And and they should therefore taught in school. Right from the early childhood category and above. And this is to prepares the others for tomorrow. And on, this will reduce also the illiteracy level. That seems now gowing higher than ten years ago. I should be therefore the education to be made free and compulsory.

Now on security, I wish to feature, like this the security should be strengthened in our organization by forming a committee, security committee right from the grassroot. Beacue here you find you can only find security committee at the DO's place. But when you go to Likuru he has no security committee. This should be identified and strengthened.

Under the human rights the elderly people should be identified, this days you find that the young that are there who are supposed to help the elderly come to say their days are gone and they are looking very desparate. The Constitution should empower or should create and establishment of elderly peopple centers so that during their late life period they should feel they are wananchi that belong to this country. In those care centers, they will be taken care of freely be it medical be it information, they have access to information. They need to be taken care of strongly like that. I am saying this because we would not, an elderly or senior citizen in London should not continue to look like a senior citizen or an elderly person in Kenya as a desperate one. This Colonialism still continues when we have this desparity yet our State is a member State fo the UN member State for the Commonwealth and whatever and those ones are my points.

Com. Nancy Baraza : Thank you very much, please sign and leave it there. Matsui Miima?

Matsui Miima : Commissioners, I am Mathui Miima from Isulu Location, I have a few points to make: One, the Cabinet – The Kenya Cabinet is too large it should be trimmed. The same Cabinet, someone called AG, I don't know how he gets into the Cabinet. He should not be a member of the Cabinet because there are so many cases in courts, they take too much time because the AG is in the Cabinet. Instead of the AG being in the Cabinet we should have Minister of Justice. Next to that, ministers, they should be appointed looking at their abilities, education, because you find a minister is chosen but he is not capable to do what the government wants him to do.

Number two, campaigns, the sitting President should not use government resources to campaign. He should use resources of his party or his personal savings.

Police, when someone is arrested he is taken to the Police for example you are arrested at a place like Shikulu here, you are taken to Kakamega Police Station. The Police find that you are innocent they tell you go home. How do you go home? They took you from here by vehicle they should return you from the same place they took you from.

Point inayofwata ni ya Busaa – From long time ago old men used to drink Busaa men who are 30, 35 onwards drank Busaa in the evening. Busaa should be allowed for men and women to drink from 4.30 to around 8.00 p.m. Chang’aa – the present Chang’aa that people drink to me I think it is poisonous to them and in Kenya here we have boys who have learned. They have learned Chemistry, they have learned Biology. Why do we use these boys to study Chang’aa so that they can come up with something better which men like me can drink.

Ya mwisho – Matibabu – Health is very expensive in private hospitals in government hospitals it is too expensive. People just die in their homes because they cannot get the hospitals and get treated. Commissioners, that is what I have.

Com. Nancy Baraza : Thank you very much Mr. Miima. Joseph Liloba? Joseph, utafwatiwa na Lumosi Jobson. Jobson yuko wapi?

Joseph Liloba : *(in Luyia dialect)*

Milembe bosu bandu bi-Idakho

Translator : Anatusalimia watu wa Idakho wote

Joseph Liloba : *Makhuba kakhuli nako. Lira nangwa Joseph Liloba Mutuba*

Translator : Anaitwa Joseph Liloba Mutuba

Joseph Liloba : *Silikali yeru ya khuli nayo*

Translator: Serikali yetu ambayo tuko nayo

Joseph Liloba : *Makoso kamu*

Translator : Ina makosa

Joseph Liloba : *Makoso kalimu ngaka*

Translator : Makosa iliyoko ni haya

Joseph Liloba : *Balekha makhuba ku buhalifu*

Translator : Wamewacha uhalifu

Com. Nancy Baraza : Nani amewacha uhalifu

Translator : Serikali ndio imewacha uhalifu

Joseph Liloba : *Ndi ni ng'ombe*

Translator : anasema akiwa na ngombe

Joseph Liloba : *Shinyola ing'ombe yeneyo tawe*

Translator : Hawezi kupata ng'ombe yake

Joseph Liloba : *Ma ingombe yeyo baboola bu hamba yiyi. Tsishilinji ninzi mbula. Babetsana ba hubi.*

Translator : Anasema ng'ombe ikiibwa anaambiwa leta pesa ndio tuangalie tutafute hiyo ng'ombe.

Joseph Liloba : *Lindi khulubeka lwu bwamihii*

Translator : Tena katika utawala

Joseph Liloba : *Utawala shibuli bulayi tawe*

Translator : Utawala sio mzuri

Joseph Liloba : *Bubi bwabwo*

Translator : Ubaya wake ni huu

Joseph Liloba : *Assistant Chief anachukuwa kazi ya likuru*

Translator : Assistant Chief amechukuwa jukumu ya likuru

Joseph Liloba : *Chief anachukuwa kazi ya Assistant Chief*

Translator : Na hivyo tena chief amechukuwa kazi ya Assistant Chief

Joseph Liloba : *Hiyo kitu tunaona ni mbaya*

Translator : Na hiyo ndio anaona ni mbaya

Joseph Liloba : *Ma munu khwenyanga mundu nunundi khuli mundu khwamiha*

Translator : Anataka sasa mtu akitaka kutawala

Joseph Liloba : *Mundu mwenoyo aruli hanu*

Translator : Mtu huyo awe wa kutoka hapo.

Joseph Liloba : *Khumure khu parade*

Translator : awekwe, iwe mlolongo ya kumchagua

Joseph Liloba : *Khunyolanga mundu ma bahuha mundu khurula halishi? Yeyo.*

Translator : Wanapata mtu kama ametolewa mbali

Joseph Liloba : *Haya khu likhuba litsa bu ane neye mwami.*

Translator : Halafu mnaambiwa huyu ndio mtawala wenu.

Joseph Liloba : *Mioya chienecho shichili milahi tawe*

Translator : Hawaoni vizuri kwa mambo hayo.

Joseph Liloba : *Lubeka lwa malwa*

Translator : Mambo kuhusu pombe

Joseph Liloba : *Malwa karebwangwa wa Assistant Chief.*

Translator : Pombe ilikuwa katika jukumu la Assistant Chief

Joseph Liloba : *Ndio akubali*

Translator : Yeye ndia alikuwa akikubali iweke

Joseph Liloba : *weka kidogo ukule*

Translator : Alikuwa akisema iwekwe kidogo ukule

Joseph Liloba : *Hee, ndio hivyo*

Translator : Na ametaka iwe hivyo hivyo.

Joseph Liloba : *Kasembela mlimi*

Translator : Hiyo ndio ilikuwa ikitumika kupalilia shamba

Joseph Liloba : *Ingokho, wiri ingokho, uluchi bushuma*

Translator : Na kama umechinja kuku, halafu ukali mzuri itengenezwe

Joseph Liloba : *Ha bandu bahinzili ikazi yoyo, habitsi bali*

Translator : Watu wakishafanya kazi yako halafu wanakuja kula halafu wanapewa hiyo kinywaji

Joseph Liloba : *Nako ngako kario. Asante khumunyi*

Translator : Anasema asante.

Com. Nancy Baraza : *Ndi nilirebo musakhulu. Uboli baandu barula ihale nibitsa khwamiha, khu wenya urina? Baandu shina benabo, barulanga ihale?*

Translator : Niko na swali mzee. Unasema watu wanatoka mbali kuja kutawala hapa, je unatakaje? Ni watu gani hawa wanatoka mbali? Bachief? Ba-DO

Joseph Liloba : *Khwenyanga bandu baruli hanu, khubalitsi bandu hanu, bwami.*

Translator : Anasema anataka utawala uchaguliwe hapa hapa, mahali wanatoka.

Com. Nancy Baraza : Okay, alright, *mbulile*. Sign there. Lumosi Jobson? You are Jobson? Na unafwatiwa na Jiloke, Jiloke?

Jobson Lumosi : My names are Lumosi Jobson. And I have not written my points but I have a few remarks to put across.

First, is on basic needs – Education is very expensive, it would be good if the government can review it so that common man can acquire education. Second health care should be provided free.

The Presidential package should be done away with

Com. Maranga : Of retirement?

Jobson Lumosi : Yes. Another point is that the—When you look the way the government has distributed jobs to members of the public, it would be good if an individual is not owning more than three jobs in government. I think that is what I can put across.

Com. Nancy Baraza : Okay. Thank you. I want to take this opportunity to recognize the presence of the DO for Ikolomani Mr. Lepamoricho welcome Sir. Jiloke Jiloke? Abula? Nebat Ikaita.

Nebert Ikaita : Commissioners, wananchi hamjambo. Kwa majina naitwa Nebert Ikaita. Yangu ni machache tu. Sina maandiko lakini nitasema.

Nikuhusu mashamba ya kwanza. Hii mambo ya succession of land imekuwa very expensive. Unakuta ukienda kwa Survey unalipa elfu nane. Ukienda transfer kortini unalipa elfu sita. Kwa hivyo hiyo kitu iwe abolished, iwe kutoka chini hapa, wazee wakuwe wakiamua hawa ni watoto wa fulani ndio wanatakiwa wapate shamba na inakwisha namna hiyo, inaenda kortini, inaenda kwa Land Registrar inapita. Kitu ingine inachelewesha land itangazwe kortini, itangazwe kwa Kenya Gazette unakaa mieze sita unangoja na inakaa huko na unatumikia pesa kwanda kuona imekuwa kitu ngumu sana.

Point ya Pili ni Education – Mambo ya education imekuwa very expensive vile watu wanasema sababu mtu mdogo kama mimi sitafunza mtoto hata nipeleke university. Kitu ya kwanza kwa Primary School tunataka government introduce equipment budget. Sababu mtoto anaenda na wanaona huyu anataka exercise book na mambo mengine. Iki-introduce hiyo itatusaidia.

Kitu kingine ni juu ya Police vile umeongea kuna corruption katika kiwango hicho, ningesema ikiwa mimi ni officer in charge katika station yangu na mtu, askari wangu anafanya corruption nimeletewa na sichukui hatua mimi nifutwe. Waleta mtu wakuweka nidhamu kwa huyu askari. Sababu corruption imekuwa too much hata barabarani. Traffic kwanza ndio worse.

Com. Nancy Baraza: Yes, your last point.

Nebert Ikaita : Last point ni hospitali – unakuta wanasema tugawane kulipa. Unakwenda hapo unalipa kwa computer shilingi hamsini, unataka kutolewa jina unaenda hapo unaambiwa leta 150/= receipt.

Com. Nancy Baraza : Unatakaje?

Nebert Ikaita : Itolewe, ikiwa ni kulipa computer tulipe na tutolewe meno bure tusilipe huko pesa ingine. Kwa shauri hiyo ni hospitali ya serikali. Kwa hiyo haya yametosha

Com. Nancy Baraza : Okay, thank you. Timeo Masinjila? Utafwatiwa na David Ndegwa

Timeo Masinjila : Good afternoon Commissioners

Com. Nancy Baraza : Good afternoon

Timeo Masinjila : Yes, here are my few remarks. I have a memorandum which I am going through very quickly and it starts like this:

Land Policy – Land policy be property addressed in this country. As well as well know personalities have thousands of acres

of land throughout the Republic. It is in my view that the landless be considered and be given at least 5 acres of land free of charge for their livelihood to achieve this, the law should be enacted to identify people who have 200 acres and above and be compelled to surrender 100 acres for subdivision to landless. People in high positions in public service, Armed Forces and Parastatals need not be given land free of charge but purchase at least 100 acres living a room for other needy Kenyans to buy.

Food Security – A nation without food for its citizen is a useless nation. To achieve this the government should be responsible to provide waters from fresh lakes or rivers to dry places where agricultural industry can be undertaken maximumly. Qualified personnel to be deployed so that the country can have enough food for its citizens. If the Government can pump oil from Mombasa to Uganda border, why not do the same on water for irrigation purposes on our lands? Land that is identified to be idle to be rented by the government for food production for a period of 5 years and then later returned to the rightful owner.

Security in the Country - Robbery with violence and murder has become order of the day in this country it is my view that. Deterrent sentence be imposed to such criminals if found by court of law hence his or her right hand to be amputated besides 14 years imprisonment. The scar on his body will be sign of what type person in the society. This will minimize future criminal activities.

Election of the President. It is my view that the incumbent President to be barred from anointing his successor disregarding the electorate. Nor should he campaign for any, I suggest as many candidates as possible who are interested in the Presidential post to make application for post to the Electoral Commission of Kenya at a registration fee of KShs.500,000 before the first round of the polls for President only and this is strictly by secret ballot. After the first round polls for number one and two will be picked for the next round once again they will have to register with the Electoral Commission of Kenya at a fee of KShs.3250,000 excluding that one of parliamentary seat in his or her constituency.

After the new President has been elected by the electorate to serve the nation it is my view that he is empowered to appoint his cabinet ministers numbering to 18 seats and those of Assistant Ministers same number basing on the educational qualification in the respective field of study. For example if a minister is to be appointed Head of Ministry of Health he/she must be a degree holder in Medicine.

The rest of the appointments for instance, Permanent Secretaries, Judicial Officers, and Executive Chairmen of Parastatals should be left entirely under the jurisdiction of Public Service Commission, one, Judicial Service Commission two, Parliamentary Service Commission, three, and Armed Forces Commission.

Five, employment of the Executive Chairman in parastatals – It is my view that anybody who has held a previous high position either in public service, Armed Forces, and he or she has honourably retired, future appointments should be discarded to serve in any capacity in Parastatals organizations or any other organization for that matter. But instead if there is a vacant post same

to be advertised and only those unemployed and are qualified to apply for the post. The interviews to be conducted and the successful candidate to be offered the job. Hence reducing unemployment crisis facing this country.

Com. Nancy Baraza : Your last point Sir,

Timeo Masinjila : My last point is Shelter – It is my view that the government comes up with a proper policy on shelter. It is obvious that 75% of Kenyans are not living in urban areas but in the reserve where the shelters for this people are very poor. It is not good for the government to concentrate daily in urban areas for provision of good shelter forgetting the reserves, where majority of Kenyans live. To achieve this I suggest that be the responsibility of the government to provide a nice grass thatched house preferably with a sitting room and three bedrooms to the poor of the poorest free of charge.

Com. Nancy Baraza : Thank you. I have a I have a question for you.

Timeo Masinjila : Health to be free.

Com. Nancy Baraza : Mr. Masinjila you say that ministers should be experts in their areas? Now if we go by our current system, they appoint them from Parliament, supposing the Parliamentarians we put in don't have that kind of expertise. What are you advising us, where do we sources these experts?

Timeo Masinjila : Actually the experts will be some of them can be hired, from outsiders.

Com. Nancy Baraza : We can pick from outside. Thank you very much. Ndegwa David?

David Ndegwa : The Commissioners, ladies and gentlemen good afternoon

Com. Nancy Baraza : Good afternoon.

David Ndegwa : I am Ndegwa David, I don't have a memo but I have a few things to put across. Number one is about the Provincial Administration. And this one relates specifically to the Chiefs and Assistant Chiefs. I want to say that when there is a vacant position for a subchief or a chief all interested parties should actually apply normally and for this matter I will still insist actually we must go by Form Four, minimum education should be a Form Four and then after the application, they will be vetted and then top three should be exposed to the people of that regions then they elect them through the voting and then the winner is declared now at that time. So they won election, they should not be transferable because of the nature of the cases

they are dealing with.

Number two, is about MPs should not actually be given an opportunity to declare their own salaries like me, as I am standing here. If you employed me and you say I tell you how much I want to earn, I think I will quote the highest figure. So it is quite unfair, let us have a Commission represented by all other Commissions that are employing other civil servants, other individuals in the country being the members of that Commission which will decide the salaries of MPs.

Another thing is about business and the civil service. Actually it has been said that a civil servant should not participate in business. I want the new Constitution to define clearly what business is. Otherwise if you are a teacher and you buy three acres of land you plant maize and you take to the market is that business. So they must define clearly what the word business is all about. Otherwise they should not just give a flat statement that civil servants should not do business.

Another thing is about the education. I want to say that on education, I will want the students who qualify for National Schools that is at Primary level, all students qualifying for National Schools should have an automatic government scholarship so that, that one will enhance academic excellence. So that people will be struggling and then we shall get that prime which can actually eventually be very important. Development of this economy because we shall get people in all sectors actually being represented.

And then on same, about the disabled students. I want to say that any Kenyan getting a disabled child, let that child actually be with the parents but once he acquires or she acquires the age of going to school let us have the government, the government should have special institutions where they are going to be taken and then the parents are free to visit them at the same time during the vacation they can now actually come home but let that parent pay anything so that those disabled can actually be given opportunity to excel in that environment a special environment.

Com Baraza : Your last point.

David Ndegwa : The last point I want to say about the Land Boards. Actually if they could go to Locational level where the chief will become the person manning that land board, I tend to think that actually the DO's they have no idea of what is actually happening like you are a DO you are coming from Kwale you are taken to Butere, you have no idea of land issues in Butere. So let land boards actually go to the Chief. The process of processing the land it should be very free and very cheap. I don't see why if I could have bought one acre of land, why should I again pay the Government is I have already paid the owner and the land boards have ascertained actually the transaction is real. That is all thank you

Com. Nancy Baraza: A question now, the people with disability themselves we have been going around receiving a lot of submissions from people with disability themselves, and they are saying they don't want to be isolated into special institutions.

They want a system of intergration where they can be with other Kenyans. I don't what you think, because you are suggesting separate institutions.

David Ndegwa : What I was suggesting actually you will get actually if they are put in the same environment they might actually fail to compete favourably, that is what I was saying.

Com. Nancy Baraza : That is what they themselves want. They don't want to be isolated.

David Ndegwa : Then it can be made optional. So that he choses to go to the government institution or not.

Com. Dr. Maranga : I also want to ask you a question. I know its the Ndegwa Commission, there is no relation relations with your name Ndegwa.

David Ndegwa : No there is no relations.

Com. Dr. Maranga : The one which recommended that civil servants participated in business. And I think may be the, in your own view, is it right for civil servants, even though we have not defined what a business is, but let us assume that it is not farming it is not this exchange of goods and other things, somebody having lorries somebody having supplies and so on. It is proper for civil servants to participate in commercial business like that of that kind.

David Ndegwa : What I want to say is that actually if it actually, it should not be directly in line with your area of appointment. For example actually I know –

Com. Dr. Maranga : So if you are a medical doctor you are not supposed to have a pharamacy, you are not supposed to have a chemist you are not supposed to have those kind of things.

David Ndegwa : Yah, if you want to have a pharmacy you quit completely from civil service, if it is direct in your area.

Com. Nancy Baraza : Thank you. Could you please sign, sign your name there. Shitanda Johon? Abula? Andrew Mamat?

Andrew Mamati : The Commissioners, participants in this, Law Review of Kenya. I have two three points.

One, I just wanted to talk on Education – we want the Chairman of the District Education Board should not be a DC but should be a professional who knows how the situation is run in the country. That will apply also to the division also to the sublocation. Because you might find there is a lot of interference in the running of these institutions.

The other point is that a forest should be given to the local people to take care. That is conservation, so that they have a right to anybody who destroys their forest to court.

We are talking about our health centers, these health centers were based on harambee, the local community built them on harambee basis. Now they are taxed you might find that you are going to a health centre and you are diogonized you pay 50/= for or 100/= and only somebody gives you Panadols. So it loses the value of being there.

The other point is that the government should take the role of running schools even being for the building of those schools so that the free education should have a meaning.

The other point is that we have this problem of saying now teachers should be employed by the Board. In some Boards, some Chairmen of Boards don't know the work of a teacher. So if you give that mandate, there is a lot of corruption which is involved in this, so it should just go back to the central place where it was, that is the Teachers Service Commission.

And I want to say this Commission of Review should not just come and collect and end there. It should be a continuous thing so that we review where we have gone wrong because our Constitution has been destroyed until it is not looking like the original. We are now making the Constitution, there will be Parliament again to make another Constitution and you will find that the Constitution which we will end up with is a different one.

I wanted also to say those people who forcefully infect others with HIV must be taken to court it should be an offence. Because that is wrong and we wanted the law to be passed so that HIV victims are no longer secret, it should known to everybody even in the funerals so that we can curb this epidemic of Aids.

Com. Nancy Baraza : Your last point?

Andrew Mamati : Thank you

Com. Nancy Baraza : Thank you Sir, sign there.

Com. Dr. Maranga : Why do you feel that people who have HIV Aids are that special that they should have their condition disclosed and yet other more serious diseases are never disclosed? Like cancer, like Hepatitis B and many others. Why do you want to segregate a section? Even people who have venereal diseases, then all of them should be disclosed.

Andrew Mamati : Now what I wanted to say is this is a disease which is not having any cure

Com Dr. Maranga : And cancer too.

Andrew Mamati : Cancer cannot be transmitted, it cannot be transmitted.

Com. Dr. Maranga : I agree but should we also announce?

Andrew Mamati : No you cannot announce cancer because it is never transmitted. We have a few people who do it forcefully. That is what we call inheritance. Because when you come to inheritance.

Com. Dr. Maranga : How about Hepatitis B?

Andrew Mamati : Hepatitis B is not as dangerous as HIV.

Com. Nancy Baraza : Thank you Sir, please sign your name there. Harrison Malawa? Harrison?

Harrison Malawa : Thank you Commissioners of the Constitutional Review. I have got three points to make the first one pertains to corruption within government offices. I would suggest that in every government office we have a placard or a poster written no corruption and in case there is any demand for corruption, let the person going there be advised let is be clear there on what this person can do next in case of such a thing.

And then, number two, there is the element of, in this area we come from there is the element of chang'aa taking and the brewing is because the locals have not been educated to know what economic potential is in the area. And because of that they have resolved to brew chang'aa and it is being taken and it is spoiling many young men and many families. So I suggest that the ministry that is called Ministry of Rural Development, we have personnel posted in the rural so that they can educate the people on the economic potential in the area so that they can know how to exploit them to avoid that element being there.

And then the third point is about the Constitution. Now most of the local people, even don't understand the current Constitution that there is so I would suggest that after the Constitution has been reviewed, and has been finalized, let copies be posted all over in schools in churches let them be exposed even in bookshops so that whoever may be interested can buy and get informed of what is happening. Let us have our legal advisers from the government who can offer free legal advise to the people who are there. Thank you.

Com. Nancy Baraza : Thank you very much. Harun Munani?

Harun Manuni : Haya basi nawasalimu wote wale ambao wamekuja kwa Commission ya Katiba na pia wananchi ambao wamekuja kushuhudia, lakini nitawasomea kwa lugha ya kigeni, ambaye ni lugha ha kikoloni.

Com. Dr. Maranga : Jina?

Harun Manuni : I am Haruni Manuni, from Mukongolo area. I will read you on Military Service

Com. Dr. Maranga : Excuse me Sir, I don't want us to read because you are going to give us that memorandum. Give us the main points. Like if you say, establish a Military Service Commission. That is enough for us. Because we will get the details.

Harun Manuni : Sure, okay, now. The Department of Defence should be independent. There should be a body which deals with their matters and a Ministry and the body should be a body which deals with their problems alone and should not be attached to the President's office. Because as the President is not a permanent figure, but a seasonal leader who comes to power through election so he is a civilian. The matter should be special that the Commission is to deal with them alone not attached to other trade unions because it is where our security is and nothing can be done when there is no security.

When the responsibility of Defence and National security is under the President it becomes difficult for another Government to rule properly because the major offices are being dominated by the appointees of the President. By so it becomes for another government to rule after that President and when the Defence and National Security matters are independent they will serve any President that comes to power and wananchi, because they protect the people and their leader not a President with his people, so this disciplined forces should have special Ministry for them uninterfered with the office of the President because a President is a temporal leader, while defence is a permanent right that you should have. Whether you have a President or not there must be security which is unpolitical whether in opposition or ruling party you must be assured of security. Mechanisms used to discipline the Armed forces they should have their courts and Judges and their affairs.

Lastly on Military, the President should not be the Chief of the Armed Forces, in the ancient times it used to be like that because a President could rule for life and after him one could inherit the seat but now a President is a seasonal leader who get in power for a term of 5 years so this does not qualify him to be a Chief Commander. He is a civilian not a soldier. A Chief of the Armed Forces should be a trained soldier who has served in the forces for over 15 years or over for such a case he knows the pain of a soldier and with will protect and give security to any President that comes to power, without partiality.

Com. Dr. Maranga : Your last point

Harun Manuni : Okay let me talk the last point on Basic Rights and Rights vulnerable groups, citizenship, State principals, Political parties and Arms of Government were to crucial to be left to Parliamentarians alone to decide on. Other such issues

were that the Electoral Process and Natural resources also to add on that independent candidates to be allowed to participate in elections. A Supreme Court be established as the highest Court and that the Judges' tenure be limited. The new Constitution should provide 5 MPs to represent workers and other vulnerable groups and by saying so we mean a seat for women. Another one of physical disadvantaged people. Whereby a contestant on women seat should be voted by women alone and those who are physically disadvantaged should have a representative of their kind a lame person or crippled should lead a person of his kind.

And finally death penalty should be abolished.

Com. Maranga : Thank you very much. Death penalty to be abolished. Okay the only question I was going to ask you is simple one. One of the countries in the world which is so powerful the President is a Commander of the Armed Forces, is the Chief, that is the United States of America. Even Russia which just broke the Society Union the President's have been the ones who are in charge of the Armed Forces. Now if the President is not in charge of the Armed Forces and in case there is a problem, how do you want him to delegate the powers of the Defence of the country?

Harun Manuni : Now I agree with you. These States which are powerful and are the ruling State they put their President to become the Commandant because if you foresee the history of that President may be at one time in his life he has acted as a soldier.

Com Dr. Maranga : Thank you and what about if the Armed Forces who are in place decide to disobey the government in power?

Harun Manuni : Now you know the Armed Forces will not disobey the government in power because the Chief Commandant will be a non-partisan, so he will serve any President that comes to power, but when the President is a Commandant, there are appointees of the President which can never make another President to rule properly.

Com. Dr. Maranga : Thank you very much sign and give us the memorandum. Julius Shimenga you are next. Please you have less than three minutes I can see you have a memorandum. Give us the main points, give the main recommendations we will read details. Thank you. And you start with your full name.

Julius Shimenga : I am Julius Shimenga. I have points here. The first one is about anybody in Kenya who is elected, starts right from the President, the MP and Councillor. Once elected he must be in the office full time. That means he must be officed. Kama alikuwa na maisha kama ya kuuza pombe, alikuwa na businesses here and there awache biashara. If he doesn't perform he has to be recalled by the voters.

Point number two, ni mambo ya Basic Rights – Elimu ya msingi iwe ya bure, na Commissioners nikisema ikuwe ya bure iwe jukumu la serikali kujenga majengo, yaani the classrooms and to provide each and everything in a Primary School. From Class One up to Eight. Halafu ile ya Secondary and University they can pay, it is more commercial.

Wananchi pia wapate free matibabu ya bure that is free health care.

Hii kamati ya Katiba iwe separate from the Executive, yaani msikuwe mkiongozwa na Rais ama wapi. Na mkishamaliza kazi yenu, mtengeneza Katiba na mpatie kila mwananchi wa Kenya copy yake na hizo copies siwe kwa Kingereza na Kiswahili. Kamati pia ya Constitution iweko pia permanently si wakati kama wakati huu unaona watu kile wanasema nasikia njaa na nikiangalia hapo nje ya Makamishna naona magari mengi hapo. Three Pajeros na mimi najua Pajero moja mguu moja tu is about 5,000/=. Lakini ikiwa mtakuwa na ofisi ya kudumu, process ya Constitution, review itakuwa continuous.

Vile mwenzangu alisema awali hapo nasema tu hivi Rais abaki kuwa Commander in Chief of Armed Forces.

Com. Dr. Maranga : Last point.

Julius Shimenga : Mambo ya political parties, Kenya iwe na maximu ya 3 parties. Na hii vyama vyote Ma-Commissioners, ipatiwe, vigharamiwe na serikali na yule mbunge ama councillor akifanya defection, akihama chama chake akae nje for at least two year pasipo kushiriki kwa uchaguzi wote. Na mwisho chama ambacho kitafanya incitement kwa public kiwe banned for 5 years.

Na lastly Local government – Uteuzi wa Mayor na Chairman wa County Council uwe direct na raia wote.

Com. Dr. Maranga : Thank you very much Bwana Shimenga and hand over your memorandum. There was a special request from Mr. Andambi Musungu who is the Chairman of the Kakamega County Council, I give you three minutes.

Andambi Musungu : (inaudible)

Com. Dr. Maranga : No, Mr. Andambi Musungu, I have even given you a special, in fact I was going to ask you to follow this list, then I will give you two minutes at the end.

Andambi Musungu : Okay thank you

Com. Dr. Maranga : So you decide whether you want to take (interjection)

Andambi Musungu : No I am going by your rule

Com. Dr. Maranga : Three minutes, thank you.

Andambi Musungu : My is a lengthy one and I will only pick out important areas and then the memo will be given to you.

Com. Dr. Maranga : And start with your full name.

Andambi Musungu : Councillor Johnson Andambi Musungu, Chairman of Kakamega County Council.

Powers of Provincial Administration ziwe scrapped and transferred to local authority. Powers of the Ministers for Local Government ziwe transferred to local authorities. All revenue collected from individual local authorities to remain in the same local authority and 10% to go to Nairobi to cater for Permanent Secretaries and Parastatal bodies only.

Cattle rustlers, wezi wa ng'ombe wafungwe miaka ishirini, ama walipe ng'ombe equivalent kwa zile waliiba.

Kenya should allow only 4 parties to be registered.

Free education to be provided in the Constitution for students from poor families, to learn from Standard One upto Form Four.

The Government to provide financial aid to blind groups and disabled people to be considered for nominated seats in National Assembly.

Retired officers pension to be reviewed every end of 5 years, to be doubled every end of 5 years. The wife or wives of retired officers, all what ever they get in event of death their children regardless of the ratio whether they are men or girls must be considered for inheritance of all his properties.

Appointment of senior officers to be, transfer power to be transferred to the local authorities.

Individuals to be allowed to own land. Kenya watu waruhusiwe to own land not in excess of 500 acres. Any land in excess of 500 acres zipewe watu maskini ambao hawana mashamba.

Pombe – pombe ya kienyeji irudi vile ilivyokuwa na is legalized na ipewane kwa maana watu hawawezi hawawezi kununua ile beer, Tusker, Pilsner etc.

All White highlands be transferred to respective authorities.

The Head of State to be impeachable. President kama ni mwizi ni nini lazima angaliwe atafutwe.

Separate of power –Executive, Judiciary, and Legislature, they should be left independently no interference from individual people to influence whatever decision they are going to make.

Mayors and Chairmen to be elected direct.

Both the children and girls to succeed the properties of their parents.

Election day should be fixed and the polling date should be fixed the calendar system.

Federal Government iwe introduced in Kenya ndio kila watu wakitaka kitu chochote kutoka nje iwe inakuja direct for Federal Government yao.

Police Force to be under local authority, police iingie mkono ya local authority.

The standard of education for Civic leaders should be Form 4 standard of education and above and they should be knowledgeable with a training of CPA I or CPA II so that they will be able to contribute and to know how to control the funds in their respective Councils.

All members of Parliament in future must be graduates and they should have a fair knowledge of CPA II and CPA III. They should have a term of 4 terms only in Parliament not to continue every year every term, every term.

Mtu ambaye si wa Kenya asikubaliwe to own shamba kununua na to own shamba in Kenya, lazima mashamba iwe ya Wakenya wenyewe hatutaki Mganda, Mhindi kununua shamba hapa na watu wanaumia.

Kazi ipeanwe kwa watu, mtu ambaye has been retired should not be offered any other employment unless in exceptional cases that person is so professionally qualified and you cannot find a person from the market who can fill that vacancy. In short one job for one man and so forth.

Watu ambao wana mali nyingi tutafute walipata namna gani hii mali, ikiwezekana wanyang'anywe hiyo mali igawane sawa sawa.

Com. Dr. Marangam : Last point

Andambi Musungu : The creation of selection of students – ah, that one I will leave it - The Government to introduce the payment of, Serikali ifanye kama huko nje watu wawe wakipata allowances, wale watu hawana kazi kama inavyofanyika huko Britain na pahali pengine

Wakati ujao tufanye family planning hakuna Mkenya akubaliwe kuzaa watoto zaidi ya watatu in future.

Com. Dr. Maranga : Na wewe uko na wangapi mzee?

Andambi Musungu : Forget about me (laughter). Watu wazee wapatiwe pahali pa kuishi wakizeeka kama mimi. Wanachanganyika wazee kwa kiwango yao huko.

Na hiyo sheria ya kuuwa watu kunyonga iwe improved tuendeleo kunyonga watu, tusipo fanya namna hiyo itakuwa ni shida. Mambo itafanyika machafu, hii itakuwa controlled. Thank you very much the rest of my details –

Com. Dr. Maranga : Thank you, there a number of question just hold on. You are going to hand over that and you will sign.

Com. Nancy Baraza : Chairman, thank you. I was in Kakamega and I was complaining that Kakamega is dying. I don't know, the city is just dying. You being in the inside can you tell us what is ailing Local Authority and Kakamega in particular. What is the problem?

Andambi Musungu : It happened that Kakamega Municipality is not within my jurisdiction but I can answer the question. It is because of choice of inefficient and unqualified personnel and because of corruption from top people again encouraging corruption. That is why things are in a mess. Next question?

Com. Dr. Maranga : No, I was being told by some other people from around Kakamega, saying that the people who surround Kakamega now normally don't like selling their land to outsiders and therefore, even people who want to develop that place cannot get land to develop. Is that true or false?

Andambi Musungu : As I told you from the start, that is within the Municipality and the right person who could answer that question is a Mayor.

Com. Dr. Maranga : Now you have shifted, you can't now answer me? Thank you very much. You are a very nice politician. Go and sign. Okay the next one is Njama Namasa? Please sasa mimi nataka watu wapeane maoni kwa dakika mbili mbili, watu ni wengi. There are so many people who want to speak and it is getting late.

Jafa Namasa : Kwa majina ni Jafa Namasa, natoka kwa mtaa wa Mutaho sublocation. Maoni yangu point ya kwanza. Nimeonelea kwamba mamlaka President lazima yapunguzwe.

Ya pili, tukiwa katika Kenya upande ya utawale tuko na shida, na nimeonelea ya kwamba upande ya Chief, Assistant Chief lazima tufanye uchaguzi tuwachague. Point ya tatu kuna 'makuru' inatakikana wapate mshahara. Hawa ndio watu ambao wanafanya kazi nyingi kuliko hata hawa ma-Assistant Chiefs hata ma-Chiefs.

Na upande ya wanawake tuko na shida, serikali ilitupatia vitambulisho kwa wanawake na hii vitambulisho vinatutaliza sana kwa manyumba zetu.

Upande ya uchumi ya Kenya, wakati Serikali ilikuwa inasimamia bidhaa hapo tulikuwa tunapata nafuu kidogo, na wakati iliwachia sisi wenyewe kuhusu vitu upande wetu, kwa vile sisi nataka, kama sisi napenda hapo tuko na shida na hapo nimeonelea kwamba ni afadhali serikali irudie hiyo mtindo kusimamia bidhaa. Yangu ni hayo.

Com. Dr. Maranga : Asante Bwana Namasa. Nataka sasa Peter Masiga, you are next Peter Masiga karibu, halafu utafwatiwa na Alfred Kubai just a minute. Alfred Kubai? Not there, Kubai ako? Okay, Clement Lubembe? Clement, uko hapo, karibu hapa.

Peter Masiga : *(in Luyia Dialect)*

Mbola milembe bosi. Nikhali nyanzi lwa President akholi ikasi ma yenya khuleshela mumakhono keru mundu wa raho khubuli kumupinga tawe. (noise booing)

Translator : Anasema ya kwamba, kwanza angetake kushukuru Rais ambaye anaondoka na tena vile anawapatia mtu ambaye atarudi kwa kiti chake.

Peter Masiga : *Lyakhabili mbombanga bashiliki ndoli mwilwatsi uboli yaha balombe ibusaa. Likhuba lienelo bikanili*

Translator: Anasema ya kwamba amesikia watu wakisema ya kwamba watu watengeneze Busaa anasema watu wawachane na hiyo na watubu.

Com. Dr. Maranga : Anasema yeye hataki Busaa?

Translator : Yee, anampinga mambo ya Busaa.

Peter Masiga : *Liakhabili, Isulu yali yatamana*

Translator : Anasema kuna mahali inaitwa Isulu palikuwa pameharibika

Peter Masiga : *Hali hapi sana. Khwalerelwa polisi bakhola ikazi*

Translator : Anasema sasa Polisi wameletwa hapo wanafanya kazi nzuri

Peter Masiga : *Ma khandi basarawanga Polisi yeneyo*

Translator : Anasema wananchi ndio wanadharau hiyo polisi.

Peter Masiga : *Na ninzi ndolanga bakhola ikasi bulayi*

Translator : Yeye anasema Polisi wanafanya kazi yao vizuri

Peter Masiga : *Shichila nukhahinzili ikasi yoyo nukhabolele Polisi munduyu nimupi yakhamanya arina mundu woyo numupi?*

Translator : Anasema kama Polisi wanakuona wewe ni mzuri na kama mtu hajasema wewe ni mbaya hakuna kitu watakufanya Polisi haiwezi kukufanya kitu kama wewe ni mzuri.

Peter Masiga : *Bakumila yibi mwibi*

Translator : Wanashika wezi.

Peter Masiga : *alafu bandu benabo batukha bandu kumi bamulonda, nibalonda mwibi woyo*

Translator : Wao kazi yao ni kushika wezi na wakishashika wezi watu kumi wanafwata huyo mwizi.

Peter Masiga : *Babolanga mundu mulayi*

Translator : Wanasema ni mtu mzuri aachiliwe.

Peter Masiga : *Ma khandi bakalukha babola Polise mbaya*

Translator : Halafu wanalaumu polisi.

Peter Masiga : *Na lienelo inzi mulala mbinganga, khutsi khulondokhane nende ka President*

Translator : Yeye anasema anapinga mambo kama hayo, na tena anataka watu tufwata mambo ya Mtukufu Rais.

Com. Dr. Maranga : Okay ya mwisho

Peter Masiga : *Liumwisho, shikhwenyanga bipinji bachief na basabuchief tawe, basabuchief babeho bachief bakhole butswa ikasi manya lwa bakhola khase.*

Translator : Anasema tena hataki watu wasema ati assistant chief na machiefs waondolewe, inatakiwa hawa watu waendeleo kufanya kazi yao.

Com. Dr. Maranga : Thank you very much, come and put a sign hapo. Halafu anayefwata sasa ni Clement Lubembe.

Clement Lubembe : *(in Luyia dialect)*

Clement Lubembe

Translator : Anaitwa Clement Lubembe

Clement Lubembe : *Abikhalili bi ndebe, halala nende bachief*

Translator : Wale mlio kalia kiti –

Clement Lubembe : *Murio munono khulomba mukhung'ano yuku. Ninze ndi mcheni mumunyi*

Translator : Anawashukuru kwa ---

Clement Lubembe: *Lianje liukhuranga*

Translator : Langu la kwanza

Clement Lubembe : *Mbolanga ndi*

Translator : Anasema hivi

Clement Lubembe : *Mushibala mweru munu khulimu nende matunda manyishi*

Translator : Anasema nchi hii ina mali nyingi na urithi mwingi

Clement Lubembe : *Sayanga khumunyi mukhulombelekhu yinzu indayi yiofisi yindayi bandu bahilemu matunda shichila Kakamega ni hale khukhutsi*

Translator : Anasema hii nchi yetu ni nchi ya matunda ya kupanda mengi na angetaka Sirikali ipange mpango vile matunda haya yanaweza pata market, yaani kuuzwa.

Clement Lubembe : *Mundu ahilaho butswa bulunji*

Translator : Watu wawe wakipeleka hapo matunda yao.

Clement Lubembe : *Na makhuba shichila malwa*

Translator : Mambo kuhusu pombe

Clement Lubembe : *Mundu alombe shilabu ma mundu ayenga butswa malwa ma hilamu*

Translator : Anasema vilabu vitengenezwe vijengwe halafu pombe ikitengenezwe kwa miji ya watu inapelekwa kwa hiyo club kuuzwa

Clement Lubembe : Na makhuba shichila ichang'aa munyi bene sirikali mulalola khu kenako

Translator : Na mambo kuhusu chang'aa anasema serikali iangalie mpango wa chang'aa.

Clement Lubembe : Khutsi bandi shikhunyala khumanya tawe. Subilanga shindi nende makhuba manyishi tawe shichila tsisaa tsibwere.

Translator : Anasema hayo ndio ako nayo.

Com. Dr. Maranga : Asante weka sign. Tupate Rosemary Khavai, Rosemary karibu, halafu atafwatiwa na Reginald Magui, yiko Reginald Magui hapa? Okay wewe ndio utakuwa next.

Rosemary Khavai : Commissioners na wazee wengine ninamsalimu.

Com. Dr. Maranga : Majina?

Rosemary Khavai : Majina ni Rosemary Khavai Amutala

Nitaongea na Kiluyia (*in Luyia dialect*)

Translator : Anasema atasema kwa Kiluyia.

Rosemary Khavai : *Kanje ni kanne*

Com. Dr. Maranga : Ongea kwa Microphone.

Rosemary Khavai : *Kanje ni makhava Kanne*

Translator : Ana mambo manne ambayo atazungumzia

Rosemary Khavai : *Liukhuranga*

Translator : Jambo la kwanza :

Rosemary Khavai : *Ibaibolo iruli mu korti*

Translator : Anasema Biblia isiwe ikiapiwa kortini, itolewe kortini.

Rosemary Khavai : *Liakhabili, silikali irulitsiho isipitali yishikhaya.*

Translator : Anasema ya kwamba tena serikali iondoe hospitali ambayo ni ya bure, hakuna hospitali ya bure.

Rosemary Khavai : *Nursery School ya tatu. Bekitsi bi Nursery babe khu silikali.*

Translator : Anataka walimu wa Nursery wawe wakilipwa na serikali.

Rosemary Khavai : *Inamba yu mulimi*

Translator : Anazungumzia jambo kuhusu namberi ya shamba

Rosemary Khavai : *Malaha kaandikwemu, liumusakhulu nende liumushiele.*

Translator : Anataka iwe ikiandikishwa bwana na bibi katika Title Deed ya shamba.

Rosemary Khavai : *Khukabula baana bobo mulimi*

Translator : Ndio wawe na uwezo wa kugawia watoto shamba

Rosemary Khavai : siyo hapo, hiyo ni ya tano

Translator : Oh, hiyo ni ya tano?

Rosemary Khavai : *Khakabulila baana bo mulimi*

Translator : Kugawa mambo ya shamba kwa watoto

Rosemary Khavai : *Bahetsekhu bakhana, khukabulila bayayi na bakhana*

Translator : Wawe wakigawa kwa wasichanga na wafulana.

Rosemary Khavai : Yangu ni hayo

Translator : Haya.

Com. Dr. Maranga : Asante mama, weka sahihi . Reginald?

Renaginald Makhui : Namsalimu wote, habari.

Com. Dr. Maranga : Mzuri, hapana wewe zungumza Kiswahili

Reginald Makhui: *(in Luyia dialect)*

Jina ni Reginald Makhui : *Nomoloma khu bubanda bwi club ya Busaa*

Translator : Jina ni Reginald Makhui, anazungumzia mambo kuhusu Club ya Busaa

Reginald Makhui : *Kwa maana khutsi balala, hatuna uwezo, shikhuli nu bunyali ta.*

Translator : Kwa maana wengi wao, hawana uwezo

Reginald Makhui : *Shiakhunyala khukhonyana, khulomba shilabu habundu*

Translator : Wanaweza saidiana, wakitengeneza club mahali

Reginald Makhui : *Akhukhalache ilaisense yi club*

Translator : Halafu wawe na license ya hiyo club

Reginald Makhui : *Ma kuhelwi masaa kukhukulanyinya ibusaa yeneyo.*

Translator : Halafu wapewe masaa ya kuuza hiyo busaa yao.

Reginald Makhui : *Ma mundu mulala anyala khuba nilitukhu lielie*

Translator : Na kila mtu kwa memba wa hiyo club atakuwa akiuza siku yake tofauti

Reginald Makhui : *Ni khandi, khuli nende basikali, AP*

Translator : Na tena, tuna askari wale wanaitwa AP Administration Police

Reginald Makhui : *benya khunyoola mundu na makoso*

Translator : Wakipata mtu na makosa

Reginald Makhui : *Ma nubibalili mungu ali na makoso fulani*

Translator : Ukiwaambia huyu mtu ako na kosa fulani

Reginald Makhui : *babolanga ubahe tsisenti khubatsi bakumili mundu mwenoyo.*

Translator : Wanakuuliza pesa ndio waende washike huyu mtu

Reginald Makhui : *Na huundi mundu mwenoyo ukosi likoso likali*

Translator : Na hata kama huyo mtu amekata mtu amefanya kosa kubwa anataka kukimbia na hawa wanakwambia mpaka utoe pesa ndio waende wamshike.

Reginald Makhui : *Ne nibahulili wa malwa kali watsitsanga speed, khali nukhabalanji ta*

Translator : Na wakisikia mahali kuna Busaa wakimbia mbio kwenda kushika huyo mtu hata kabla hawajaitwa.

Reginald Makhui : *Habenya hahelwi tsikarama*

Translator : Tena wanapewa karama za kushika huyo mtu.

Reginald Makhui : *Khu shindi na manyishi tawe na kenako kambele nako mukhukhonyekhu.*

Translator : Hiyo ndio alikuwa nayo anataka usaidizi wa Katiba.

Com. Dr. Maranga : Asante Bwana Reginald weka sahihi hapa. Joseph Lusala,? Hayuko? Mbehelo Fredrick? Utafwatiwa na William Shikanga? Shikanga ako? Basi wewe uwe tayari hapa mzee wangu.

Fredrick Mbehelo : Commissioners, my fellow participants, I am Mbehelo Fredrick. I have got a few points to pass across. And these are the major points:

First, I do suggest that we should have free education in Primary starting from Class one up to eight. Number two I propose there should be vote of no confidence to MPs and President whom their work is unpromising. Thirdly, Land Title Deeds should at least be made cheaper for common mwananchi. Fourth, the President should not be above the law and lastly, I do suggest that the government to ensure that all graduates are from colleges and universities are at least attached somewhere when they have finished their relevant faculties. Thank you.

Com. Dr. Maranga : Thank you very much, Fredrick for your good points. William Shikanga, halafu atafwatiwa na Polycarp Besi ama Beki, Polycarp ni nani? Just a minute. Okay you will be next

William Shikanga : Kwa majina ni William Shikanga Makumba kutoka Isulu Location, Mukongolo sub location. Sina mengi ya kusema ni neno moja tu ambalo mwenzangu ameguzia kidogo na nilikuwa nimepanga kuzungumza kwa hivyo nitalisema hilo neno.

Wengi wetu hatuna pesa za kufanya succession. Mambo ya succession tafadhali serikali ituangalie tujua ya kwamba tuna chief kama mimi mwenyewe sasa nimekwisha ona machief wanane tangu nizaliwe, nimeona machief wanane. Yule ambaye tuko na yeye ni wa nane. Aggrey Khasiya. Na nimejua yeye amenijua pale nimezaliwa amejua jina la baba yangu amejua mashamba ya baba yangu naona badala ya kusumbuka kupeleka mambo kwa succession huko kwa korti na nini, na nini kwa sababu wengi wetu hatuna pesa na tunaweza kupoteza mashamba ya baba zetu kwa sababu wengine tukiwa nje huko mbali. Ingelikuwa bora ikiwezekana chief apewe uwezo akipeleka uwezo wake kwa DO, najua ya kwamba watatimiza maneno ya succession. Wamejua mimi nilizaliwa wapi. Kuliko kutafuta pesa, nitapata wapi shilling elfu 25,000/= ndio nipate shamba? Succession isiweko bali chief apewe uwezo yeye amenijua saidi na amejua mimi natoka wapi. Ni hayo tu Mungu awabariki.

Com. Dr. Maranga : Asante. Polycarp uwe tayari lakini kama hujaanza kuongea ningetaka kumtambua Mheshimiwa J.J. Mugala amefika. Asanteni Mheshimiwa tunaendelea na kipindi na wakati wako ukitaka utatuelezea. Thank you.

Polycarp Peti : Kwa majina mimi ni Polycarp Peti. Polycarp Peti. Mimi maoni yangu ni haya. Maoni yangu inaenda kwa mashamba yetu. Tunataka tuwe na sheria chief ama subchief akinyang'anya raia shamba yake afadhali afutwe kazi. Kwa sababu hakuteuliwa anyang'anye, aliteuliwa alinde mali ya raia na raia wenyewe.

Ingingine, nataka masomo kutoka Standard One mpaka Standard Eight iwe free. Ya tatu tunataka mtu afanye kazi yake bila kuingiliwa na mtawala yeyote wa serikali, chief ama subchief. Kazi kama biashara lakini biashara iliyo halali siyo biashara haramu. Ni hayo tu.

Com. Dr. Maranga : Basi Bwana Peti weka sahihi kitabu chetu rasmi. James Ambusi? Karibu halafu atafwatiwa na Ferdinand Milimu.

James Ambutsi : Commissioners na wale wasikilizi ambao tumekuja hapa, hamjambo wote.

Com. Dr. Maranga : Jina yako

James Ambutsi : Jina yangu naitwa James Ambutsi Matioli. Neno langu liko hivi kuna wakati wahalifu wanafanya uhalifu

wanakata mtu kama mguu ama mukono ama wanamtoboa macho. Na wakati unaenda kortini huyo mtu anafungwa na hiyo korti hapitishi huyu mtu ambao amekatwa mkuu atalipwa compensation namna gani? Kwa hivyo nakata serikali ifunge huyo mtu tena imlipishe compensation kwa huyo mtu amemharibu mguu yake, macho yake, mkono yake. Na tukifanya hivyo watu watazidi kuogopa wakisema nikifanya uhalifu aina hii, penalty itakuweko itakuwa ngumu kwangu, wacha nikomee hapa mahali nimefika tu mdomo wa kuleta ugomvi.

Neno lingine, mambo ya ma-advocates. Ma-advocates wamechukuwa jukumu kubwa sana katika ulimwengu na wameleta uhalifu bado unazidi kwa vile wanawachilia huyo mtu ambaye amefanya uhalifu mbaya, huyu anazidi kuwa muhalifu na anazidi kujipiga kifua alishinda kesi kubwa na wewe utamfanya nini. Tunataka hawa watu wapewa kiwango kesi zile ambazo watafanyia kesi ndogo ndogo, na zile kubwa, kubwa kama za magari kuua watu pengine inaweza kuwa advocate. Kama kesi zingine kama wizi wa ng'ombe au saa ingine zingine zikatazwe wasichukuwe advocate.

Basi nikija kwa upande wa shule, shule ambazo ziko saa hii tunafanyiwa harambee na zimebaki tu kwa hali hiyo hiyo hakuna improvement. Nyumba zinapakwa na kinyezi ya ng'ombe. Tunataka pia wale wakubwa ambao walifanyiza harambee hapo warudi watembelee waone. Ni mwenendo gani, ni usafi gani tumefanya hapo. Kwa vile tu harambee inafanywa na hawa watu wanahama wanaenda na wanakaa tu huko hawarudi kuona, ile pesa ilifanya kazi? Watie maanani wache wafanye kazi hiyo. Yangu ni yaho machache.

Com. Dr. Maranga : Basi asante. Nani yule niliita? Ferdinand? Very brief points then after that I will ask Hon. J.J. Mugalla to present.

Ferdinand Milimu : Yangu nitaongea zaidi juu ya ufasidi katika Kenya. Maana tangu nizaliwe ingawa si kitambo sana

Com. Dr. Maranga : Anza kwa majina yako

Ferdinand Milimu : Jina ni Ferdinand Milimu. Tangu nizaliwe si kitambo sana. Wakati umefika sasa wale wadogo kabisa hasa kama wazee wa mtaa wamejua, wamejua ufasidi ni nini. Imetuumiza sana, maana yule mdogo kabisa hata kuliko mimi labda anaumia sana. Anaumia kwa njia nyingi tunapoambiwa tutoe harambee tunatoa kweli, lakini kwa wengi hatuoni inafanya kazi gani.

Kuna njia zingine nyingi hata kama wenzangu hapa wamelia kuhusu hii pombe inaitwa Busaa. Nikitembea, hata nimeenda Nairobi mara nyingi au nimeishi huko mara nyingi kuna sehemu, inaitwa Kibera, nafikiri President wetu anaishi karibu hapo kuna vilabu zaidi ya elfu moja, hapa kwetu hakuna kilabu hata moja, kisha unakuta

Com. Dr. Maranga : Sasa wewe unatakaje, sasa pendekeza, kama unataka busaa utatuambia hivyo. Kama hutaki utuambie

hivyo

Ferdinand Milimu : umeguzia mahali pakutaka. Nataka lakini vile tunashikwa. Tumeshindwa tutafanya nini, kwa sababu hakuna kilabu. Ingewezekanaji wale watu wako juu wana pesa nyingi mpaka nafikiri wale wako hapa wale wamenona kidogo ni watu wanaishi Nairobi. lakini sisi hapa masikini hatuwezi hata kuruhusiwa kutengeneza Busaa wameruhusiwa watu wenye pesa huko Nairobi. Tupewe nafasi tutengeneze Busaa. Ufisadi pia upungue. Asante sana Ferdinand Milimu.

Com. Dr. Maranga : Basi Mheshimiwa, I want you to come forward and may be I will give you ten minutes. You just make a summary so many of your constituents are here, they want to present. Thank you. And you start with your full names, you can decide to sit or stand. Afadhali iwe namna hiyo ndio wakuone, pindulia yeye ndio unajua akiongea, yeyes ni mwanasiasa. But you are addressing the commission.

Hon. J.J. Mugala –Area MP : Asante asante Bwana Commissioner. Majina yangu ni Joseph John Mugala, Mbumbe wa Ikolomani. Maoni yangu kwa mambo ya Katiba:

Kwanza Katiba inataka iwe ya kuleta watu kujitawala sio kutawala watu. Na kujitawala ni hivi. Serikali iletwe karibu na watu Serikali iko mbali na watu na kwa hivyo hawashiriki katika kujitawala kikamilivu. Maoni yangu ya kwanza ni kwamba Provincial Administration itolewe. Kwa sababu haina kazi kamili haina mchango kamili kwa maendeleo. Pia ningependa ya kwamba County Councils, ziondolewe, kwa sababu County Councils zina-duplicate kazi ya Division our Constituencies. Ningependa ma-councilors wachaguliwe katika Divisions na wafanye kazi katika divisions zao badala ya councillor kwenda Kakamega anapishana huku hata kama alikuwa na maneno mazuri anapingwa na wengine na haiendi.

Jambo lingine ni kwamba Divison ama Constituency, inataka ipewe nguvu ya kukata mashauri ambayo inahusika katika Division ama Constituency. Mfano mambo ya maendeleo katika Constituency haiwezi kuendelea kwa sababu Development Committee ya Constituency haina kauli. Mfano kuna wafanyi kazi kwa Ministry of Agriculture, Ministry of Livestock, ya nini, lakini sasa kwa Division haina kauli juu yao, supervision hakuna. Mtu wa Agriculture, anakuja anapotea popote anapotaka kwenda anaenda. Kwa hivyo kama wangukuwa chini ya utawala wa Division wanaweza kuwa supervised.

Pia DO aitwe Administrator hapana Officer, mambo ya officer ilikuwa ya wabeberu. Aitwe Administrator maana yake awe kama ndio secretary ambaye ameandikwa na serikali na kuwe na body ambayo itakuwa na Chairman, Stakeholders, Councillors na watu wengine. Na hii body iwe responsible kwa mambo yote ya development. Na hii ndio nasema, hii italeta serikali karibu na watu. Kwa mfano kuna mtu anadai kitu file iko Nairobi na itambidi aende Nairobi mara kumi mpaka hata hiyo pesa alikuwa anadai inamalizika njiani. Nataka hii vitu viletwe karibu. District iweko lakini iwe supervisory na iwe kama pool ambayo Divisions zitatumia.

Neno lingine juu ya ma-locations, ma-chiefs maoni yangu ni kwamba ma-chiefs na Assistant chiefs. Chief kazi yake aina umuhimu kama Assistant Chief. Kwa sababu chief hana kauli juu ya ma-assistant chiefs, hawezi kuwa-control. Maana yake hawezi ku-recommend ya kwamba huyu assistant chief hafanyi kazi, afanywe hivi. Ni kama mwenzake, hata wakienda kwa mapumziko labda Assistant Chief ndio anafanya entertainment kwa hivyo hana kauli. Kwa hivyo assistant chiefs wapewe umuhimu na wawe transferable. Aweze kuwa transferred kutoka hii sublocation aingie sublocation hiyo aingie ingine.

Watu wengine ambao wanataka kupewa umuhimu ni village elders. Hawa village elders ni watu wa muhimu hasa kwa maendeleo. Jambo likitokea hao ndio hupasha habari. Mtu kama anaanguka chini wao ndio wanafika hapo mbeleni kwa hivyo wapewe recognition.

Na pesa ambazo zimefunguzwa kwa kuondoa vitu kama County Councils, vitu kama Provincial Administration, hizi pesa zizonge chini zizaidie kazi ya watu ambao wako chini.

Na la mwisho ambalo nafikiri ni muhimu ni habari ya pombe ya kienyeji – Pombe ya kienyeji ni jambo ambalo hatuwezi kufunga macho juu yake na ni jambo limezungumzwa na hatujapata kauli. Mimi ningependa ku-propose Commission iundwe, itembe katika nchi yote ndio tulate mwongozo juu ya pombe ya kienyeji. Kwa sababu tunalaumu pombe ya kienyeji, lakini alternative gani ambayo tunapeana mimi naweza kununua pia nisikie raha na yule ambaye hawezi kununua, what happens? Kwa hivyo sisi tunatwangana na kitu ambacho hatuwezi – afadhali we face the problem tuwe na jibu.

Na juu ya mambo ya security – security na korti zetu ni lazima ziambwe kwa njia ambayo wananchi wanaweza kuwa na kauli na pia mawazao ya wananchi yachaguliwe. Isiwe tu Judge anaketi anakata mashauri hata kama inaumiza watu haiumizi imekatwa imekwisha.

Na juu ya ufisadi, hili jambo ni ngumu na likiwa ngumu linaletwa na umasikini. Kitu ambacho kinatakikana ni kwamba katika mipango yetu ya development watu katika grassroots, wapewe nafasi ya kutaka wanataka waendeleaje, na pesa zikitoka katika Serikali Kuu zije straight kwa Division. Zizienda kwa Province halafu ziende kwa District, halafu zikifika kwa Division zimekwisha. Hii lingekuwa jambo ambalo lingezaidia watu raia. Ndio mimi nasema katika mwito wangu ya kwamba hii Tume itengenze Katiba ambayo italeta Serikali karibu na watu.

Com. Dr. Maranga : Thank you Mheshimiwa you remain I have a few points of clarification. The first one you said we scrap Provincial Administration, but at the same time you are suggesting ama unasema Ma-assistant chiefs na Chiefs wabaki kwa hivyo inaonekana ungetaka sehemu tu ya Provincial Administration.

Hon. Mugala : Yah, since it is not entire, nasema Provincial yaani Provincial Office itolewe

Com. Dr. Maranga : Na District?

Hon. Mugala : Ibaki.

Com. Dr. Maranga : Okay, so it is actually Provincial Office? That means the PC's office, so the DCs become Administrative Officers.

Hon. Mugala : Yes.

Com. Dr. Maranga : Then the last point which I wanted you to clarify, unasema maneno ya ufisadi, corruption. Lakini unajua watu wanafanya corruption ni watu wakubwa, wakubwa kama wewe, si hawa wadogo. Kwa sababu ukiona ile mabillions ikichukuliwa, sio watu wadogo wanachukuwa, anaweza kuwa ni Police Commissioner, Commissioner, MP, Minister, President you know something like that, so corruption hii si unaona juu ndio said kuliko hapa chini. Ya hawa ni ya kuku na busaa kidogo.

Hon. Mugala : Sasa ndio mimi nasema wakati haya mambo yanapelekwa kortini, uamuzi wake huwa si wa haki. This is what I am trying to say. Na ya kwamba kuwe na njia ambayo wananchi wanaweza kuchangia katika maamuzi fulani.

Na last one, mimi ni mjumbe nimepewa ofisi Nairobi watu hawa hawawezi kuja kunitafuta kwa ofisi. Tunataka office hapa waje maana yake right now nyumba yangu ndio office bibi yangu ndio secretary.

Com. Dr. Maranga : Asante sana Mheshimiwa kwa kutoa maoni yako mbele ya Tume ya kurekebisha Katiba kwa hivyo asante na uzidi kushugulika na hii maneno. Anayefwata ni Francis Imbaswa, ameenda? Johnson Shimanyula. Okay.

Johnson Shimanyula : Point yangu ya kwanza ni hii. Mimi ni jina Johnson Shimanyula. Mama akipata maternity leave akienda maternity leave, ningependa tena akimaliza Bwana yake naye kama anafanya kazi apewe maternity leave kwa sababu sisi wote tunalinda hawa watoto.

Ya pili ni hii kuhusu vinywaji vyetu Chang'aa au Busaa. Ningependa serikali ingekubali kufanya hivi. Kama kupatana hizi nchi zetu kama Uganda na Tanzania. Tuko na pombe ambayo hapa tunaita chang'aa na huko inaitwa Konyaka distilled. Inauzwa kwa bar. Tuko na pombe ambayo inaitwa Busaa na huko inaitwa Chibuku, inauzwa kwa bar. Na huko Uganda wanaita Uganda Warigi. Ningependa serikali ijenge kama ni hapa Musoli watengeneza club na utawala ikuwe macho ya kuangalia. Kama ni mwizi anatokea kwa pombe kama ni mtu wa kuiba anatokea huko waangalie washika kutoka hapo.

Ya tatu ni Elimu – tupunguze mbili tu. Kwanza ikuwe Standard 7 badala ya 8. Halafu tuende Form four iende tu Form 4 halafu university tubaki tu na ile miaka mitatu si ile four, sio hiyo 8-4-4 inafwatana hapo.

Kufwatana na vile sisi tulikuwa tunaishi hapa, Kakamega District tulikuwa tunatoka Idakho mimi ni Mwidakho sioni maana ya kuita Isulu na mimi naona kama jirani zetu ni --- kama Maragoli anaandika kwa kitambulisho Mr. Johnson Shimanyula kama ni Maragoli South ni Maragoli South. Ningependa wakaaji wa hapa warudishe hiyo kitu kwa maana Isulu inatoka wapi? Idakho, ningependa warekebishe waseme Idakho North, Idakho South, Idakho East, Idakho West, Idakho Central. Asanteni sana kunisikiliza.

Com. Nancy Baraza : Thank you. Moses Amalemba?

Moses Amalemba: Mimi nina maoni yangu. First the President should not have powers to elect Attorney General and Chief Justice. Haswa na Public Service Commission Chairman wawer elected by the Parliament. So as to work efficiently. Pili Rais asiwe na mamlaka ya kupanga tu safari zake na anatembea hiyo ni kumaliza mali ya uma. Anaenda Britain, Anaenda Amerika, na safari kama hizo that is public money. Lazima awe approved by the parliament. Lastly, after one rule there there must be a statement in relation to income during his rule expenditure, population and the value of the currency during his rule. Ndio report itolewe, ili tujue amefanya kazi yake vizuri tumrudishe au la. And that is to be done by IMF. Kwa sababu ikiwa ni nchi ya Kenya yenyewe ni ufiisadi.

Na mwisho equality – Sheria za Kenya zinalingana na Bibilia,ndio sababu tuna bibilia mbele ya korti meza ya Judge kuna bibilia, so the laws must reflect the bible. There is no equality. I am Amalemba is my wife is Mary Amalemba my son if he is Peter, he is Peter Amalemba, so my wife is just like my child or my property, there is no equality, though there are to be given or they are to fall under human rights to be given their rights

Lastly is about Busaa or pombe – The same kuna bibilia mbele ya korti, ikiwa judge anakwambia ulipatikana ukinywa pombe haramu, ni pombe gani haramu katika bibilia. Hakuna pombe haramu ama hakuna pombe halali, pombe yote ni haramu if we had to refer to the bible. I think that is all I have.

Com. Nancy Baraza : But the women are not property. They are human beings. We are doing this Constitution which will bring equity into our lives. A sense of appreciation of one another, that is what we want our new life to be where I see you and I see a human being with needs. We want to change. If you go to Uganda now and you talk like that it is men who will beat you up because they treat people equally. Think about it unless we change and stop seeing others as property.

Moses Amalemba : But it is not me.

Com. Nancy Baraza : No,no, I am telling you

Moses Amalemba : It is the bible that is why I said we have to work in relation to the bible

Com. Nancy Baraza : Donald Ayiera?

Donald Ayiera : Mimi naitwa Donald Ayiera. Commissioners, na hao wenye wamekusanyika hapa. Asante sana kufika. Mimi jambo la kwanza nataka President yule atachaguliwa apewe uwezo kidogo. Uwezo wake upunguzwe. President anapewa uwezo kwamba yeye ndiye anaamuru kila kitu katika Kenya, uwezo huo upunguzwe. President akikosa kosa lolote, lile Bunge haikupitisha lifanyika ama President alifanye, inatakiwa aingie kortini, ashtakiwe.

Pombe – pombe ile naongea juu yake ni pombe ya Busaa. Pombe ya Busaa ni miila ya kila watu, katika historia pombe ya busaa ilikuweco. Kwa mpango yeyote ama kama tunataka kutahiri na makumbusho mengine. Tulikuwanga na pombe ya Busaaa. Na pombe ya busaa hiyo nasema irudi ikuweco.

Bunge nataka ipewe mwongozo ama uwezo wa, Mbunge akiongea tuwe tunasikia sauti yake siyo kutangaziwa na karani baada ya mazungumzo. Nataka tuwe tunasikia huyu anaongea maneno yake. Siyo ameongea na inakatakatwa kidogo na karani ndio tunaambiwa. Tunataka Bunge tuwe tukisikia sauti ya mtu akiongea.

Uongozi wa President – uongozi wa President kwa kuwa sas nchi hii imekuwa na kumenyana kila kabila inasema mimi niwe mimi niongoze. Mimi ningesema iwe sheria kila kabila hii ikiongoza miaka tano ikiisha kabila ingine nayo ipewe iongoze miaka tano. Ikionekana ni mzuri inaongoza nzuri tuongeza ingine tano iwe kumi. Na ikiwa iliongoza vibaya, tano hiyo imetoshwa, fika hapo.

Com. Nancy Baraza : Last point?

Donald Ayiera : Kunajisiwa kwa wanawake – mwanamume ama ghaidi ananyemelea mwanamke na amshika anamnajisi. Hapo hakuna mtu wa kuona. Hiyo manano ikienda kortini ama kwa Police kuandikishwa mwanamke anaulizwa, una mshaidi. Shaidi huyo alikuwa wapi akiangalia akinajisiwa? Ile sheria inatakiwa tu iwe mwanamke amenajisiwa na daktari amethibitisha hiyo inatosha korti na inaangalia hayo maneno.

Com. Nancy Baraza : Your last point Sir. Ya mwisho

Donald Ayiera : Ya mwisho ni watu ama mtu kukuwa na mali nyingi katika Kenya. Mtu huyu anaweza kuwa na mali nyingi kama Minister, kama ni nani, kama ni nani. Anaweza kuwa na shamba kubwa, awe na duka kubwa. Huyu ndio mkubwa kwa shule fulani yeye ndio mkubwa kwa Jeshi fulani. Huyu mtu amewacha shamba, shamba inalala tu porini huko. Hakuna watu wanalima. Na watu wengine wako wanaangaika hawana shamba watu wengine wako wanahangaika hawana hata kazi

Com. Nancy Baraza : What do you propose. Tells us what you want us to do about it.

Donald Ayiera : Nataka mtu awe na kazi moja na afanye hiyo kazi inatosha.

Com. Nancy Baraza : Thank you.

Donald Ayiera : Mambo ya 'makuru', nilikuwa nataka niseme 'makuru' wana kazi mingi. Wale wadogo wa subchief.

Come. Baraza : They should be paid?

Donald Ayiera : Hawa watu nasema wawe wakilipwa, sababu hata kazi ya Assistant Chief, hakuna. Hawa ndio wanafanya kazi humu na wanawachwa bure. Asante sana

Com. Nancy Baraza : Thank you Sir, sign there. Alfred Amanyaa? Ernest Ikhwesa, Mildred Asamba, Alfred Wekesa, Richard Anyonyi

Richard Anyonyi : Kwa majina naitwa Richard Anyonyi, niko na memorandum hapa. Yangu mimi mwenyewe na ya wafuasi wangu.

Point number one. The new Constitution should have a preamble that will state the values and the aspirations of the Kenyan nation and society.

Number two, that the current Provincial Administration in Kenya is undemocratic, oppressive, colonial and responsible for the exploitation, povert of our people. In this case it should be abolished and replaced with a democratically elected system.

Another point is that our national rights and freedom enshrined in the Constituion such as the freedom of assembly, association, expression and movement should be underlined in the new Constitution. It will be folded in the new Constitution.

Another point is that the Presidential powers of allocation and appointment of state resources should be subjected to Parliamentary approval.

The new Constitution should make provision for formulation for a public code of conduct to inculcate responsibility among leaders or public officers and to require persons aspiring for any public office to declare their wealth and its source.

We also want the budget to start from the grassroots. We don't want to hear these things of the budget being read from the Headquarters, or Parliament we want to be involved first. Because we know our needs better than anybody else.

We are also calling for the establishment of Human Rights Court

Appointment of Electoral Commissioners, must be done by Parliament but not the President. To ensure that they are not partisan.

We are also calling for mayors and chairmen of County Councils to be elected directly by the people.

We also want the date of the General Election to be included in the new Constitution so that everybody is aware that come such a date elections are being held.

Com. Nancy Baraza : Your last points.

Richard Anyonyi : A retiring President must vacate all other public offices held by him in order to avoid situations like the Mao tse Tung in China, because he was a party chairman but he used to rule behind the scene. So a President must go and go for good.

My last point is that pensioners in this country have been forgotten a person who used to get a pension of 250/= in 1980 is still getting the same. Why isn't the Government treating them as human beings instead of wild animals because 250/= cannot buy anything in the present economy. The rest you will read from this.

Com. Nancy Baraza : Yes, leave us the memorandum we shall read. Michael Kusiki? Michael Ng'ong'o? Shiraku Kennedy? Indoshi John? John Indoshi? Donald Khabuti? Anne Maliku?

Anne Maliku : The Commissioners and participants, good afternoon. Mine is to women and (interjection)

Com. Nancy Baraza : Say your name please.

Anna Maliku : Anne Maliku. Women and the Constitution: Well, first of all, my first point is that the new Constitution should cater for women welfare. Violence against women should be stressed in the Constitution. Husbands who batter their wives should be fined heavily. The girls should have a right for education in the society that is Primary education should be made free because we find that in poor families they normally deny the girls a chance.

Kama siwezi kulipa karo ya shule afadhali msichana aende kufanya kazi ya Ayah, ili nilipie wafulana, so girls should be given a right for education and such primary education should be made freely.

And at the same note, the government should set forums to educate women especially those who are not educated to curb the illiteracy completely.

And then still on the health of women, women should be given proper medical care especially on family planning issues because we find that most family planning issues are to do with women, so most women have lost their lives because of the careless family planning measures given unto them.

And then women should be allowed to inherit land in the society. If a couple owns land, the Land Title Deed should read Mr. and Mrs. Not just the man's name alone. And then as such also if a person has childrend he should devide the land equally among his daughters and sons not just sons alone.

Rapists should be castrated be they women or men. That is on security now. Be it men or women on security bribe takers especially Police, traffic police and doctors should be implicated because those are the people dealing with the lives of Kenyana. And then still on security, before a man is allowed to marry more than one wife, he should be proved able to take care of the two wives and then on security again, packages should be balanced, that is is unfair for one person to earn 500/= when there are several Kenyans salary-less. Still on security, it has been talked about, but I will repeate. Advocates – it has indeed been discovered that advocates back criminals so their powers should be limited e.g. cattle rustlers should not be allowed to take advocates.

And then smoking carelessly should be abolished, that is we find people smoking in public areas in matatus, if you want to smoke, if you must smoke for example in Mozambique, you must go sit in a pub smoke finish your cigarrets and then continue. Thank you.

Com. Nancy Baraza : Thank you, Isaac Shikanga? Isaac?

Isaac Shikanga : My names are Isaac Shikanga. To the Commissioners I have got proposals. One is about land. The succession of land is so expensive, I would ask this to be done free of charge as it is also written in the book of Leviticus chapter 25, verse 23 to 30.

Point number two is about education. We need more schools in our area and because we have limited land problems, I want that restriction be put on the school compound acreage and so forth to be reduced if only there is room for putting up a class standard One to Eight the schoold should be allowed to continue. In addition to that corporal punishment in schools should be

abolished and the culprits should be brought to the books.

The third point is about Religion. We should have a body that can veto the religious denominations coming up. Things like Mungiki and such like things should not occur because you find that our people are now worshipping the devil, the devil worshippings increasing because they are not basing their religion on the Bible.

Political parties – I feel that the political parties should be limited and should be controlled

Com. Nancy Baraza : How many?

Isaac Shikanga : To about four. And in addition to that, that will actually avoid the political parties looking like tribal institutions.

And the last one is about the citizenship. The citizens of this country should be given passports instead of the Ids we have now. Every child being born or who ever is there should straightaway get a passport instead of an identity card. And finally, the Constitution should not allow dual citizenship. Thank you that is what I had.

Com. Nancy Baraza : Thank you very much Sir, go and sign, give us your memorandum. Andrew Lumula? To be followed by David Mwandih, is Mr. Mwandih there?

Andrew Lumula : Majina yangu ni Andrew Mukunda Lumula . Niko na maneno kidogo ambaye nataka kuongea juu yake. Tuko na Administration Police, wakati huu Admin. Police wakishika mtu wako na court yao ambao wanafanyia hapa. Hata kama mtu ameiba ng'ombe, ng'opmbe inaonekana hawa Admin. Police wanafanyia kesi kwa centers zao hiyo ng'ombe inakuja inapotea. Tunataka vitu kama hivyo kwa Commissioners muweke kwa katiba ya Kenya Administration wakishika mtu lazima apelekwe mbele. Na ashtakiwe, hata akienda kwa Police, kufika huko wengine wanafwata na pesa nyingi huyu mtu kesho anawachiliwa halafu tumeshindwa wale watu ambao hatuna uwezo tumeshindwa tutafanya namna gani.

Kitu cha pili ni upande ya mashamba succession. Baba yako alikuwa na shamba amekufa registration ya jina lako kuingia kwa hii shamba imekuwa ngumu. Kwa sababu hapa reserve hatuna pesa ya kutosha ambayo unaweza kwenda nayo uende kufanya succession ya hii shamba. Tunataka muandike kwa hiyo succession, Chief na Subchief wanakujua kama baba amekufa na death certificate imepeanwa hii inaweza change name kutoka kwa baba yako na kuingia kwa jina ya kijana yake ama kwa wale wanatakiwa warithi hiyo shamba.

Upande ya President yuko na nguvu nyingi ana-dictate akishasema kitu ni hiyo hiyo tu huwezi kupinga kwa sababu Katiba ile ya zamani ilikuwa inasema yuko above the law. Kwa hivyo sisi kwa Katiba hii tunaomba Commissioners powers ya President iwe

reduced.

Upande wa Education – Naona education imerudi chini nafikiria ikiwa education inaweza rudi kutoka kwa Primary wanafika Class 7 halafu wanafanya mtiani, tuwe na Form 5 na Form 6 halafu watu waende university hiyo itaweza kuwa vizuri kwa sababu hata wakati huu ile education yenyewe standard yake imerudi chini. Ni hayo tu.

Com. Nancy Baraza : Asante. Go and sign there. Thank you very much Sir. David Mwandihhi?

David Mwandihhi : Madam, first of all I will ask for some time because I can see a number of people are being called and they are not around, please allow us to express ourselves because it is our day.

First of all I will start by saying that freedom of worship should not be there in Kenya because of devil worshipping which has arisen very much in this country. We should have a law to control churches which are coming up because of the problems we are facing as far as freedom of worship is concerned.

Two, we should also have a law to reinforce those committing things such as adultery, ritual sex to control problem we are having on the AIDS, because in some countries like Uganda, we have that and they have controlled the AIDS issue. And a number of them are not dying like Kenya here because of that law.

Then we are having also workers who should be catered for especially those who work in Industrial Area in Nairobi. You will find that they are having problem because the government and most cases, they go in and sort of ask for some money in those industries and you find that these people normally oppress the workers as far as salaries are concerned. Which is not good, we should have some laws to cater for those who are establishing industries here in Kenya so that we can have some good salaries for the workers of Kenya.

Then the laws of the country should also be simplified for the lay man. You will find that we are having a number of things, sections in law which advocates normally play around may be to defend their client and you will find that some of the lay men do not understand the law they should be simplified for the lay man so that we have a direction as far as the laws are concerned.

The Armed Forces – Generally the security of this country is having problems. We have just kept our Army men and the so called, this other people, they say that they have to cater for our country. Yet you will find that the Mungiki issue is there we cannot send the Army to take part to make sure that such things are may be put down. When you go to Machakos there is a number of rough men and yet we are having people who can care for us. It is as if there is some laxity in the country. We are paying people who are not working.

Then I come to read my document briefly because a number of things have been mentioned.

Directive Principles of State Policy. By this Constitution of Kenya for the people of Kenya all life is worthy living and the Government found to safeguard it. Security of the people of Kenya individually and collectively is the responsibility of the Government to keep, protect and maintain. Kenya is a sovereign State whose sovereignty is a duty of every Kenyan to uphold and the State to safeguard. Kenya Foreign Policy is central to the heart of the people by individual whims shall not be allowed to cost the people of Kenya. Kenya's right to opinion vote in major decision.,

Citizenship – Automatic citizenship of Kenya for those whose both parents or male parents are Kenyans. Citizens of other countries may acquire dual citizenship status by applying for Kenya citizenship after 15 years. A birth certificate and a birth card shall be issued to the children of Kenyan citizens. The birth certificate, shall be at the age of 18 years, be automatically changed for an Identity Card.

Defence and National security – A non-partisan disciplined force be made for Military, Paramilitary, Police, Prison be established by the Constitution. Senior members of recognized background in the disciplined force by law be prohibited from attending political functions, because you find that when Policemen come around where we are having such a rally they normally disturb us very much.

Com. Nancy Baraza : Thank you. That is your last point

David Mwandihini : There should be no political party in Kenya because these have led to tribalism. If any then they must be the non-partisan citizens who should be allowed to elect be elected as independent candidates.

Com. Nancy Baraza : Thank you

David Mwandihini : But I think----

Com. Nancy Baraza : I have given you a lot of time. Yah, we shall read it where you didn't touch we shall read it. Kizito Khatsika? Laban Otochi? Laban? Uliho? And Joseph Muyeka, Laban hamba mbilio. You come after him.

Laban Otochi : Mimi ni Laban Otochi. Naongea kuhusu hospitali. Wagonjwa wakitoka hapa wakienda kwa hospitali na ukiwa wanaenda kununua madawa. Na ni hospitali ya serikali.

Neno la pili, ukiwa umeenda kuondoa mtu wako ndani ya prison unaulizwa pesa.

Watu wanao mashamba makubwa, hayo mashamba hawalimi na watu wengine hawana shamba.

Sisi hapa watoto wetu wanaingilia watu ndani ya nyumba kuwaibia vitu ambavyo viko nakuua huyo mtu. Mambo hiyo sisi hatutaki. Serikali yetu tunataka itufanyie mambo mazuri ya kulinda watu kwa njia njema. Nilikuwa na mambo machache lakini wacha nifikishe kwa hiyo. Asante.

Com. Nancy Baraza : Ni mambo mazuri, enda uandike hapo. Mr. Muyeka?

Joseph Muyeka : Commissioners, and my fellow listeners, my names are Joseph Lumwamu Muyeka – I am Chairman of KANU Ikolomani Constituency, a former Education Officer and a former Kenya Tea Development Authority, KTDA Director.

I will dwell on two important points which I think are very crucial. The type of government with me, I personally think we should get a Federal Government. Because history says that when our people went to Lancaster House they settled on a Federal type of Government, but later on it was changed. The Government was centralized. I think that is where the problem started. When this was centralized, power was centralized. Very few people became too powerful the first one was the President, he became everything. Our President is like God on the earth. So whatever he said, the powers that were centralized to him were now misused.

One, a few people went around him and they dictated terms, forget about the Cabinet, he can appoint everybody, he can dismiss everybody as he so wishes. This has got many problems. They say tribalism in Kenya it started when these powers were decentralized. Tribes which don't have people in that power line feel they are marginalized and they begin feeling one day we should go there. So power has been misused. Secondly sharing of resources, you find that these few powerful people have misused the powers to share the resources wrongly. Land in Kenya if you count people who have more land, they must be people who have been in the ruling group or a tribe which was in the ruling group. They have amassed the land. They have amassed money. You will find even people who live say in Mombasa where they have a lot of resources, these resources are collected from the Port and everything taken to Nairobi. And you will find roads in Baringo are better than roads in Mombasa, where is this money coming from, just because people from down there are not closer to power, so we feel that was a mistake.

Now sharing of resources, I feel if this Commission has to do anything good in Kenya they have to chance this we go back to federalism and if not done, all the resources you were given to make this Constitution will have just gone. You can see the President even now has powers to influence people to chose a President, but raia should chose a President but because you have given him many powers, people are now crying, we don't want the next President to be given that kind of power.

Com.Baraza : Okay, can you

Joseph Muyeka : Next local Government. Point number two

Com. Nancy Baraza : Was that number two or you are finishing?

Joseph Muyeka : I said I had two points, so I was elaborating the first one. So number two I want to talk about Local Government. If we decentralized the Central Government then we should strengthen the Local Government. The local government has been weakened, they collect taxes, taxes have been given to the Central Government. They should be given more powers to collect revenue and take care of that revenue. But to be strengthened the manpower, they should employ their own manpower without being directed by the minister. The Minister for Local Government has been given a lot of powers just like another President on a local level.

We would like Councillors to be educated people. Here is where they have dumped semi-illiterates and illiterate fellows as Councillors and they don't even know what to do with the little revenue that they are given. Somebody has not handled, and he is given money that money nobody knows what it is doing. So we would like standards to be set.

Com. Nancy Baraza : Give us those specific standards

Joseph Muyieka : Specific standards should be 'O' level and above. But not equivalent. People who have been promoted to ---- We want somebody to produce an O level certificate, A level. And when it comes to Mayor and Chairmen, they should be people with notable management experience, they should be elected by the people but not by the Councillors because usually a few people who are rich they buy the few councillors and they become Chairman just because they are rich but they don't have the ability, so we want these fellows to be elected by people. This is my recommendation.

But finally, when it comes to administration I would like us to retain the Provincial Administration and more so the chiefs and Assistant chiefs should be transferable so that a chief can go and get experience from another location so if you have a chief who is not performing it will take long to wait for 30 years until he will retire, so we would like them to go like teachers. Thank you very much.

Com. Nancy Baraza : Please sign there and leave us your memorandum. Abigael Makotsi

Abigael Makotsi : Commissioners, and my fellow listeners, good afternoon

Com. Nancy Baraza : Good afternoon

Abigael Makotsi : I am Abigael Makotsi I have come here to represent the interests of the Shisere Women Group, from Shisere Locatio. I will talk about the vulnerable groups. The interests of the women are not fully guaranteed in the present Constitution and those addressed are not implemented fully e.g. violence against women and girl child abuse and division of property among children. We therefore appeal to the Commissioners to note that the girl child abuse discourages the parents who pay the school fees. Their old men who confuse young girls and in our present Kenya we say the age 18 is an adult. Children can leave the school in Form Four when they are 18 years of course, but they still have to carry on and because they come from poor families those people with money confuse them and destroy them completely. Some even infect them with diseases. We would like these young girls to be protected by the law though they are above 18 years old.

Those partners who infect others with venereal diseases should be sentenced and also action taken against them. They can even be jailed but a death sentence can be given to those who infect others with UKIMWI because this time we are all dying and we may end up dying and leaving the country alone.

The women in Shisere talked about the rape cases. They asked law to be put on those who rape girls, the boys who rape even old men and women and if they are carrying Ukimwi, if they infect them on the rape, they will be sentenced to death because giving somebody Ukimwi is like committing murder to that person.

The violence of all types against women be abolished so that we have a healthy nation. We cannot have this healthy nation when we have mothers who are not healthy and strong enough to take care of the children. If they are mistreated you can stay with somebody for years and he tells you to go. Go where? He has to pay for all the damages caused to you.

On succession we would like wives to inherit property like land whether with or without children because sometimes you may be married. You don't have any child, your husband passes away and his relatives may want the land because you are childless. If you have been staying with this man, worked very hard to acquire whatever there is then the law should allow you to have even land whether you are childless or not.

On widows the law should protect and care for widows. When a man dies and he is a sole bread winner of the family, the family is left desperate. Children end their education and they add to the number of street children we have today. And in case that man had something like land the succession case requires a lot of money sometimes it is not affordable by the poor widows who are left particularly in rural areas.

On politics we should be considered in the decision making of all levels and would like if they nominate the women to Parliament because sometimes we are not strong enough and we don't have the money to support us and it seems as if in our present country, money buys the vote to go to Parliament. And while in Parliament when people are being nominated for the post of heading ministries, the women are given Assistant ministers. We would like them to head the Ministries even be given

posts of Ambassadeurs and even the Speaker of the House. The women can be trusted in finance. This will reduce the corruption.

Com. Nancy Baraza : Go to you last point Madam.

Abigael Makotsi : The last point, about debate going on in Parliament about the presidential retirement, the women in Shisere considered the presidential retirement as any retirement of the politician. So if we are to be given special attention then all the politicians when they retire after two rounds they be given those special attention. If not then can that money be used on something else. Thank you.

Com. Nancy Baraza: Thank you very much. I think we are now through with our list. Is there anybody we have left behind? You, one minute, just come and make your presentation.

Christopher Muhalia : Commissioners, and wenzangu ambao mmekuja kusikia maoni yetu mimi sitaenda sana. Niko na maoni kidogo sana.

Com. Nancy Baraza : Sema jina lako halafu –

Christopher Muhalia : Jina langu ni Christopher Muhalia, kutoka Shikunga Secondary Secondary School, nimezaliwa hapa mwaka wa 1937. mimi ni mzee, nimesoma kidogo. Kwa hivyo nitasema Kiswahili. Maoni yangu sitaenda mbali sana. Tangu nilitoka hapa nikaenda mjini Nairobi nimekaa huko naona maoni huko Nairobi iko tofauti kuliko hapa. Hapa nyumbani shida yiko hapa raia wanasumbuliwa sana upande wa pombe. Na hawa wamathe wanatengeneza pombe kusomesha watoto wetu. Na mimi tangu nilikuwa Nairobi sijaona kitu kama hiyo. Sasa nashindwa mjini Nairobi hakuna kitu kama hiyo na hapa reserve kwa sasa iko taabu gani.

Com. Nancy Baraza : Okay. Your next point

Christopher Muhalia : Next point ni mambo ya mashule. Shule iko na walimu wanapendelea watoto wengine na wengine hapana. Nataka muangalie sana, unaweza kupeleka mtoto wako aingie shule unapata hakuna chance mwingine anaingia anachukuliwa. Iko kitu gani hapo. Sina jambo lingine yangu yamekwisha.

Com. Nancy Baraza : Asante, enda usahini hapo. Sasa tumefikia mwisho wa kasi yetu leo na tungetaka kupikia watu wa Ikolomani asante sana kwa kuja kwenu kutoa maoni yenu. Tumepata maoni mazuri sana, sana na itatusaidia sisi kwa ile kazi tunafanya.

Na asante yangu pia inaenda kwa civic Education Providers na members wa 3Cs mmefanya kazi nzuri na tutarudia report Nairobi kwamba mmefanya kazi nzuri kwa sababu maoni yamekuwa mazuri sana.

Na tunaenda kutengeneza report tutaleta Constituency Report na watu wenyewe muone kwamba maoni yenu imechukuliwa kuwekwa kwa Constitution. Na kama huoni maoni yako neno kwa neno, usifikirie tumeacha tu. We are taking to experts to write in Constitutional language. So we shall reduce it into Constitutional language. Na ile ambao yaiko constitutional it is going to help us in our other legislation which will go hand in hand with the Constitution.

Then of course we shall have the National Conference where Kenyans will come over to discuss the draft Constitution if they agree on it, then we shall take it to Parliament to be enacted. If there is no agreement then, the outstanding issues will be subjected to a National Referendum for the Kenyans themselves to decide. So we will hope to keep Kenyans on board at every stage. Because this is a Constitution which belongs to the Kenyans and once it is out that we have our Constitution then it is your business to make sure that you benefit from that Constitution. You must read it and know what right you have. We will put all your rights there, we shall put your concerns there, but unless you exercise them then the Constitution will be of no use to you. So with those few remarks, can somebody close our session with a word of prayer

Levi Okang'a Akhura : Let us pray: God our heavenly father we thank you once more. We began with you we are ending with you. We believe that you have been with us throughout the session and you guided our Commissioners and staff and all the participants. We have been peaceful, everything went the way we thought and the way we thought you could lead us. We hope you will be with us in other sessions in other places, you will guide the Commissioners, until they collect and make sure that our views are related to exactly what we have said and to be for the benefit of our future generation. And as we leave you guide us, lead us wherever we are going to our various homes and we hope we shall once again meet in other various forums. I pray this through Jesus Christ our Saviour. Amen.

Com. Nancy Baraza : Asante sana na mbarikiwe.

Meeting ended at 6.00 p.m.

