

CONSTITUTION OF KENYA REVIEW COMMISSION

(CKRC)

VERBATIM REPPORT OF

CONSTITUTUENCY PUBLIC HEARINGS,

NAMBALE CONSTITUENCY,

HELD AT NAMBALE ACK HALL

ON

31ST JULY 2002

**CONSTITUENCY PUBLIC HEARINGS – NAMBALE CONSTITUENCY HELD AT NAMBALE ACK HALL
ON 31ST JULY 2002**

COMMISSIONER PRESENT

1. Com.Pastor Zablon Ayonga
2. Com.Dr.Abdirizak Nunow – chairing
3. Com.Mutakha Kangu

SECRETARIAT STAFF PRESENT

1. Samuel Wanjohi - Programme Officer
2. Hellen Namisi - Assistant Programme Officer
3. Grace Gitu - Verbatim Recorder
4. Timothy Wesonga - District Co-ordinator

The meeting started at 9.40 am. With a word of prayer.

Timothy Wesonga: Nitamuita Bishop aweze kutupatia neno la Mungu ili tuweze kuanza mkutano wetu, bwana Bishop karibu:

Bishop: Tusimame na tuombe Baba askofu the Rt.Rev.Josiah Mahadi Awele wa Diocese ameniuliza mimi Provost John Jimba nifungue mkutano wa Commissioners na maombi. Bwana Yesu asifiwe. Tuseme sala ya bwana, baba yetu uliye mbinguni jina lako litukuzwe ufalme wako uje, mapenzi yako yatimizwe hapa duniani kama huko mbinguni, utupe leo riziki yetu, utasamehe makosa yetu kama nasi tunavyo wasamehe waliotukosea, usitutie majaribuni, lakini utuokoe na yule muovu, kwa kuwa ufalme ni wako na nguvu na utukufu hata milele Amen. Mungu baba, mwana na roho mtakatifu, tunakushukuru Mungu wetu kwa mapenzi yako na fadhili zako zilizo kuu hasa sana kwa ajili ya nchi yetu ya Kenya, tulipopata uhuru kutoka kwa mbeberu,

Mungu wetu umetuongoza na wakati huu umetufikisha, umbali huu hasa sana tukikumbuka mpendwa wako mtumishi wako, ambaye wewe mwenyewe umeteua kuongoza nchi hii, Raisi Daniel Toroitich Arap Moi, pamoja na Cabinet mzima, baba twakushukuru kwa uongozi ambao tuko nao katika nchi yetu, baba ni asante kwa ajili ya siku hii, ambayo mwenyewe umeitengeneza katika Nambale Constituency, mahali ambapo tunawakirishwa na mheshimiwa weti bwana Chris Okemo, ambaye ni Mbunge wa Nambale tena Mungu wetu ni asante kwa ajili ya wageni wetu Commissioners ambao wanatembea nchi yetu na leo wako hapa Nambale baba kusikiza maoni, ya watu wako kuhusu Katiba yetu ya nchi hii Kenya, twawaweka mikononi mwako Mungu wetu vile wewe umekuwa nao, mkono wako ukiwaongoza katika kila jambo, wakifanya mpaka leo wamefika hapa, baba uwaongoze tena na roho mtakatifu, uwape uvumilivu, uwape upendo, uwape amani kwa sababu kazi ambayo umewapa ni kazi ngumu bila wewe hawawezi kufanya chochote, baba tunaamini kwamba, utawaonekana katika kila jambo. Twawaombea wale ambao watatoa maoni yao kwamba yawe maoni ambayo yataweza kujenga nchi yetu na kutuletea neema ambayo tunahitaji kwako Mungu wetu, twawaombea wale ambao bado wako njiani, ambao hawajafika, ili baba walete pamoja nasi, na wale ambao wako hapa utuandae vilivyo, ili mkutano huu upate kuinua jina lako. Twaomba tukiamini kwamba utatenda, kwa njia ya Yesu Kristo bwana wetu Amen.

Timothy Wesonga: Baada ya maombi ningependa kumkaribisha Chairman wa CCC ili aweze kutuonyesha team yake, na pia aweze kukaribisha wageni. Bwana chairman karibu.

Chairman: Commissioners wetu watatu na secretariat desk, Bishop wetu wa dioceses ya Nambale, pamoja na Provost ambaye analinda hapa, members wa CCC na watu wote wa Nambale, na msalamia kwa jina la Yesu Hamjambo!

Audience: Hatujambo!

Chairman: Nafikiri langu leo ni jambo moja tu, pengine ya pili itakuwa tu furaha. Ya kwanza, napenda kuwakaribisha maCommissioners, kwa kuwa nasi hapa leo kwa hii kazi nzuri ambaye Mungu amekubali tuifanye. Tulianza nao Jumatatu katika Constituency yetu hii ya Nambale, kule Rwanda, jana tulikuwa Busia na leo tuko hapa ambayo ni final day, so tuna-expect watu wengi kuwa hapa wale ambao hawaja-present pahali popote.

Ya pili, ningependa kutoa apology kwa mheshimiwa wetu Chris Okemo, ambaye hatakuwa na sisi hapa shauri yeye anaandamana na mzee na President wana-tour Western na mnajua mambo ya siasa lazima wafuatane akiwa yuko Western inakuwa ngume kwa yeye kuwa na sisi hapa, kwa hivyo alisema nilete apology yake hapa, otherwise yuko na sisi kwa njia zote, hapa kwetu. La tatu mimi maybe ningependa tu wale ambao tunafanya nao kazi ya Constituency hii, kwa upande wa civic education na upande hasa wa Constituency hii committee msimame tu halafu watu wawaone. Hawa watatu ndio tunakuwa nao, tuko committee ya watu kumi including the Minister, lakini wengine hawako hapa, asante sana mukae chini. La nne na la mwisho, ningependa ma- Commissioners, wa-feel wako uhuru wako free, waongee na sisi, watu wa Nambale wako free, wana ongea bila wasi wasi, so tutaongea na nyinyi na ninafikiri tutapeana yale mawaidha au yale maneno ambayo tunatakikana tupeane bila wasi wasi wowote. Tumejaribu kuwaonyesha namna ya kufanya na watafanya, halafu tungependa hata kesho

muwe na sisi hapa, lakini bahati mbaya programme yenu ni mbaya iko haraka haraka, so wakati mtakuwa mnakuja pengine wakati wa kusoma ile 60 days, may be mtakuja tuwe pamoja halafu ndio tuelewane vizuri, kwa hayo machache ningeomba Chairman wetu wa leo, wajulishe ma-ommissioners wale wako hapa, na vile, vile, a lay out the programme vile tutaendelea na kazi, asante sana.

Com.Pastor Zablon Ayonga: Bushere muno abaluyia bosi. Unajua hiki kidude changu kimeharibika kwa maana kimeenda safari ndefu huko Busia. Tuliacha nyinyi hapa barabarani au kwa kichaka mlipotoka safari unajua migration ni safari ndefu watu wengine wanafika na pengine mkaona udongo hapa mkachagua mkaona la, Sisi safari ya kuenda mbele hatuendi lakini tulienda huko, hatuja wasahau, tunajua kwamba hapa Western ni watu wetu wako, kwa hivyo nikifika hapa ninajisikia niko home, niko nyumbani na kwa hivyo wale ambao tumefika nao tuko ma-Commissioner watatu ambao nitawapatia nafasi nyumae wawa salimu na pia kutoka ofisini, tuna secretariat watu ambao watafanya kazi hii ya maneno, mnaona huyu msichana amesimama ana hiki kidude, yaani hakuna kitu kitasemwa hapa ambacho hakitaingia hapa, everything is being recorded na maneno yale yenu mtasema yatakuwa recorded moja wa hawa atakuwa analida hiki, mwingine atakuwa anaandika, mwingine anatanza programme hii yote kuona kwamba everything went a head in order, ili mwishowe, yeyote asije akatoka hapa bila ya kusikizwa vizuri, ni rahisi kwa kuandika mtu kukosea kuruka maneno mawili, matatu, lakini when you are recording hata mtu atakohoa, kikohozi chako kitaingia, kwa hiyo nataka mjue kwamba exercise hii ambayo tutafanya ni a very serious exercise na kwa hivyo hakuna hofu kwa yeyote ambaye atatoa maoni yake, kwamba yamechukuliwa. Wakati mwingine mtaona hatuadiki, na ikiwa utaona mtu haandiki usije ukafikiri sasa mimi yangu niliokuwa nasema mbona naona yule Commissioner haandiki? Maneno yako yanaenda kwa hiki kidude, very very important kwa hivyo yatanaswa. Na mimi ninaitwa Pastor Zablon Ayonga ni mmoja wapo wa ma Commissioner, na hapa katikati, ni Commissioner Dr. Abdurazak Nunow, na kule mwisho kabisa yeye ni mtoto wa hapa, mtoto wenu, mtoto wetu ambaye ni Mutakha Kangu, yeye atakuja kuwasalimia nyinyi na lugha ya nyumbani, na wale staff wa office inua mkono secretariat, kule ndiko waliko, na kule ndiko tuna lifaa hili la kuweka memorandum ebu libebe juu wajue mambo hayapotei, tunapokwenda kila Constituency, inatoka na file yao, kwa hiyo yenu ndio hiyo by the end of the day, it will be full, na ikijaa tutaweka ingine. Sasa kabla hatujaanza nitamuuliza daktari Nunow awasalimie, na salamu ambazo zimetoka North Eastern, yeye ndiye ameleta salamu kutoka mbali kabisa, zimebebwa na aina ya vyombo vyote vinavyo beba salamu na ndipo huyu mtoto wa undongo hapa, yeye atuja salimia nyinyi na lugha nyumbani, ile ya ubusiere yote itakuweko, na ublahi wote utakuweko, na basi hayo maneno yataendelea na siku ya leo, ni Dr.Nuno ndiye atakuwa mwenyekiti wa kikao hiki, lakini kwanza wacha awasalimie.

Com.Nunow: Asante sana Pastor Salaam Aleikum!

Audience: Aleikum salaam

Com.Nunow: Asanteni sana, sana, nawashukuru nyote na ninafuraha kuwa nanyi, tulikuwa hapa tangu jumatatu, na tuliwapata kama watu ambao wamejitolea, ambao wako tayari kutoa maoni yao na watu ambao wanaheshima zaidi, watu ambao

wanakaribisha wageni vizuri sana, na kwa hayo yote nawaambia asanteni sana, na leo tunatarajia mtatoa maoni jinsi wengine wenzenu walivyotoa siku hizo mbili zilizopita, karibuni.

Com.Kangu: Abaluyia abakhayo mulembe mwesi mulembe khandi esie ngalusia orio muno mbu murulire muinie makhuwa kenyu ndalalo nokhuba musikuli yao nikhubolanga nyanga ino si khwitsiro khumulera tawe khuchira khulira kalenyu mukhubolera kho it is my hope mbu muli well prepared. Orio muno.

Com.Nunow: Asante sana Commissioner Kangu kabla yakuanza nitamuuliza Commissioner John Kangu atueleze utaratibu lakini kabla ya hiyo, ningependa kumshukuru host wetu wa leo Bishop Were na nimulize awasalimie kisha tuweze kuendelea na programme.

Bishop Were: Commissioners wetu wananchi au wakristo ambao wamekuja ili tutoe maoni, Chairman wa Constituency, wa Constitution committee na wageni wote hamjambo!

Audience: Hatujambo!

Bishop Were: Bwana yesu asifiwe, ningependa kuchukua nafasi hii, kuwakaribisheni nyote ambao mmepata nafasi hii ili tukutane kwa exercise hii ambayo ni very important kwa nchi yetu ya Kenya, na hasa nataka niwashukuru Commissioners kwa kazi ambayo wanayofanya, kupata Constitution si kazi rahisi sisi kama kanisa tuna Constitution yetu ambayo ilikuwa officially adopted February this year, lakini ilianza 1982, ilianzishwa first Chairman alikuwa the late Bishop Okullu na alikufa kabla haijakuwa Commissioned or launched. Ninajua kazi hii is a very technical exercise, ni kazi ambayo inataka a lot of patience and commitment, na mwishowe wananchi na viongozi wa nchi hii ya Kenya hata sisi wa kanisa tutafurahi tukiwa na Constitution ambayo vile wana siasa wanasema, that is people driven, ndio sababu Serikali yetu ikaona wawe na ma-Commissioners watembelee wananchi watoe maoni isiwe ya kukaa ya ofisi ya Attorney General au Parliament halafu waandike na walete this is the Constitution ya Kenya. Nafikiri hapo wale the committee that was concerned walifikiria vizuri na ni wakati wetu kama Kenya au wananchi kusema yale yote ambayo unafikiria ungesema na ingeandikwa, na I want to assure them the members present ya kwamba hii ni information gathering, kuna technical committee ambayo itakaa na kuangalia lakini maoni yetu, yatasaidia sana kulingana na vile exercise ilipangwa. Katika biblia kuna sheria wakati nilikuwa mdogo some years back nilikuwa nikifikiria ukiona police, is a very bad person, yeye hushika tu mtu, au watu hata bila makosa I had that fear, ukiona police you associate yourself with crime. Lakini I came to realize police ni watu wazuri sana, kwa gari lao wameandika utumishi kwa watu wote isn't it? Na wale ambao ni wa makosa, hawatapenda kukutana na police, na mwananchi ambaye, si mwananchi kamili ambaye hutenda yale ambayo hayatakiwi, Constitution atasema hiyo, hapo hawakuandika vizuri kwa sababu akitenda kosa and then they refer to Constitution to the law, atasema hapo inamfunga, hatapenda hiyo Constitution, lakini we cannot do without the Constitution, we cannot do without the law, we cannot live in a lawless society, and that is why the government of Kenya has taken the responsibility and the commitment kuona ya kwamba, there is a Constitution for good governance ambayo itasaidia viongozi wa nchi hii kuilinda na kuiongoza sawa, sawa. Nataka nichukue nafasi hii pia nikimalizia

ni wa-introduce wale ambao wametoka those representing the Diocese of Nambale, kuna working committee that was set up, ya kupata maoni from pia tulikuwa na Commissioners tungewaita Commissioners wetu lakini they are on a small scale. I would like to ask the Commissioners from Nambale Diocese wakuje mbele nifanye introduction those present. Hawa they have a paper to present on the behalf of the Christians of the Diocese and the few that are here are the members of the working committee tulikuwa ni wengi lakini hawa ndio wamekuja, tu represent the Dioceses. Kuanzia katikati huyo ndio Chairman of Peace and Justice committee in the Diocese anaitwa Mr. Jackson Nakitale, huyo ni John Ajiba, the Provost of the Cathedral and a member of the working committee of the document that will be presented, na Rev. Wilson Ndindi is the Secretary to this working committee ambayo imetoa a document that will be presented to you. Nataka tu kumaliza nikisema karibuni sana, na wazee ambao

Abaluwo mulipara mbu nobola libi balandika nebecha okhukwakho sa ewe bola saa speak your mind bola liparo liawo ngolola sikhulirisiana obola saa ngo para ata nobola libi liosi banyala khukasia neliba lilayi taa khandi nilio benyere baulire kho alapara mbu ni mbola libi Commissioners bano batsa okhwingakho maana bambire museli tawe ewe bola sia eliawo elia oparangakho linyala okhukhonya nomba linyala khukhola lirie so thank you so much the Commissioners and I would Thank you so much the Commissioners and I would like to say you are most welcome.

Com.Kangu: Na kama hatujaanza, kuna mambo kadhaa ninataka niguzie ya kuelezea utaratibu tunaofuata, tukichukua maoni. Jambo la kwanza ni kuwajulisha vile nilisema mwanzo, mpango huu ama mkutano wa leo, si mkutano wa sisi ma-Commissioners, kuzungumzia nyinyi ni mkutano wenu, wa kuzungumzia sisi na kueleza mambo vile mngependelea lingie kwa Katiba. Ni mkutano unaofuatana na utaratibu wa Kenya, walisema wanataka wakati huu Katiba imetengenezwa na watu wenyewe, wenyewe watoe maoni na kusema vile inakuwa. Kwa hivyo ni mkutano wa kujumlisha watu wote tutaka kuchukua maoni kwa wazee, kwa wa mama, kwa vijana, kwa walemavu, kwa watoto wadogo, kila mtu iwe ni tajiri, ni maskini, ni mkubwa ni mdogo, tunataka kila mtu awe uhuru kutoa maoni yake. Na vile Bishop amesema, mkutano huu leo si mkutano wa Bishop ama mkutano, wa DO ama wa Chief, huu ni mkutano wa Tume ya kurekebisha Katiba na kulingana na sheria sisi tunaruhusiwa, mkutano kila mtu awe na uhuru wa kuzungumza mambo yake yote bila kuogoba, kuogopa ati atachukuliwa hatua. Kwa hivyo ikiwa unaona pengine chief ako hapa, pengine DO yuko hapa, usiogope kuzungumza yale uko nayo, wa Kenya walisema kuna shinda, tunataka tuchunguze tujue makosa yako wapi ndio tuweze kurekebisha vile tunaendesha mambo yetu, na kwa hivyo usiwe na uoga, hata kama unataka kusema hatutaki Provincial Administration, usiangalie uone kwa sababu chief yuko usiseme hivyo, uko huru kusema, chief naye ako uhuru kusema yale anataka hata chief asiogope pengine DO ataulizwa kwa nini ulisema hivyo, kila mtu ako na uhuru.

Jambo la pili, ni kwamba maoni tunachukua kupitia njia tatu, namna ya kwanza, ni maoni yenye yameandikwa, uko na maandishi inaitwa written memorandum, na pengine hata hutaki kuzungumzia lingine lolote la kuongezea ama kuelezea maandishi yako. Ikiwa uko na maoni ya aina hiyo unaweza toka pole pole uende pale wako na register, utaadikisha jina lako na upeane hapo hayo maoni uweke sahihi, hiyo memorandum yako. Na ikiwa unataka kuenda mahali unatoka pole, unaenda, ikiwa unataka kukaa kusikiza wengine unakaa, na kusikiza. Namna ya pili ni kwamba, kuna wale wako na maoni ya maandishi, lakini

wanataka kuzungumzia hayo maandishi, kuyaeleza ama kumulika yale ya muhimu kwa hayo maandishi, tutawapatia nafasi unakuja hapa mbele unatuelezea, lakini kwa sababu ya mda na kwa sababu umeandika tutasoma hakutakuwa na haja uanze kusoma yale umeandika yote, inatakikana umulike ama you highlight yale ya muhimu kwa hayo maandishi, halafu ukimaliza utapeana pale, na utaweka sahihi, tutayasoma na kuongezea na yale umezungumza mbele yetu. Namna ya tatu ni kwamba, kuna wale hawana maandishi yoyote, lakini wanataka kutoa maoni kwa njia ya kuzungumza ki mdomo, utapatiwa nafasi kukuja mbele yetu na kueleza maneno yako halafu itaandikishwa, sisi wenyewe tunaandika na msaidizi pale anaandika na pia kuna hiyo machine ya kunasa sauti itanaswa yote yale unasema, halafu tutaweza kuyachunguza baadaye ndio tutengeneze report yenu. Ikiwa unatoa maoni yenye imeadikishwa lakini unaelezea sana, sana, tunasema mtu wa aina hiyo anapatiwa dakika tano, sababu ni kwamba, ameandika tutayasoma, lakini ikiwa unatoa maoni ya mdomo, tunapatia mtu dakika kumi, za kueleza yale ako nayo, lakini tuko na discretion mara mingi huwa tunaangalia tukiona watu hawajakuwa wengi tunaweza ongeza mda, lakini wakati tunaona masaa yanaenda, na watu bado ni wengi tunaweza anza kupunguza mda. Tena tuingalia mtu tuone huyu ni opinion leader na pengine amebeba maoni ya wengi vile tumeonyeshwa hapa members wa kanisa, tunaweza muongeza mda aeleze hayo mambo yote tuelewe kwa sababu ni ya wengi. So hiyo discretion iko na saa ile mnaona tunaitumia hapana kuanza kuuliza mbona huyo anapatiwa mda mrefu na mimi nilipatiwa kidogo, tunataka mjue mwanzo. Kazi yenyewe inatakikana tunaanza saa mbili tunaenda mpaka saa kumi na mbili, kwa hivyo nafasi itakuwako ya kusikiza wengi wenye watakuwa wamejitokesha kutoa maoni, na mtaweza kuelewa. Ukingia unaandikisha jina pale nje sijui ni hapa ama kule, na hiyo orodha ndio tunafuata wakati tunaita watu na usianze kusema mbona nangoja sisikii jina langu. Tunafuata vile watu wameingia, na tena tuko na discretion, saa ingine tunaweza tukaangalia tusema hawa watoto wa shule wanataka kurudi shuleni tuwapatie priority ama huyu mama mzee anaonekana amechoka anataka kuenda, tunapeana priority, so tukifanya hivyo tena msiwe na maswali kusema ni kwa nini. Baada ya mtu kuzungumza sisi ma-Commissioners, tunaweza kuwa na swali moja mbili, tatu ya kufafanua yale umesema ikiwa kuna kiwango hatujaelewa sawa, sawa tutakuuliza na kama uko majimbo, unapeana kama hauna haujafikiria tena unatwambia hilo sikuwa nimefikiria, si lazima ujibu, so muelewe hivyo.

Na mambo ya lugha, tulisema wa Kenya watoe maoni yao, na tukasema hatuwezi tena kuwazuia ama kuwanyima hiyo nafasi kwa kusema lazima watumie lugha fulani, kwa hivyo tunasema uko huru kutumia lugha yoyote unaona itakuwezesha kujieleza mambo yako bila shida. Ikiwa unataka kuzungumza kiswahili utatumia kiswahili, ikiwa unataka kuzungumza kingereza, uko huru **(nowenye khulomaloma lusungu oli nende oburu)**

Tutatafuta mtu wa kutafsiri, so zungumza kwa ile lugha unaona itakuwezesha kueleza mambo yako.

Na la mwisho, kuna kitu tunaita kuvumiliana, tolelance hatutaki wakati mtu anazungumza hapa mambo yake na wewe unapiga kelele, kwa sababu ile machine itachukuwa kelele badala ya mambo ya yule anazungumza, hata kama hukubaliani na yale mtu anasema, utakuwa na nafasi yako na wakati unapata nafasi yako ndio utakuwa, na uwezo wa kusema nilisikia mwingine akisema hivi, mimi sikubaliani na hiyo mimi ningependelea mambo iwe namna hii. Hivyo ndio tutaweza kuendelea bila kuharibu mkutano, kwa hivyo sikiza, patia mtu nafasi azungumze, kwa sababu tunasema hii Katiba inatakikana tukimaliza iwe imegeuza wa Kenya wamekuwa watu wa tolerance wale wanaweza tofautiana kwa maoni bila kukosana. Wale wanajua hata mtu kama

anazungumza yale hukubaliani na yeye, ni afadhali umskize na wewe utapata nafasi yako, kwa hivyo tuende hivyo, na tuweze kuona tutakuwa namna gani. Kwa hivyo narudisha kwa mwenyekiti wa kikao cha siku ya leo yes, na mwisho sababu tunanasa maneno yanayozungumzwa kwa ile machine, hata kama mtu anazungumza ile imekuingia sana umefurahia, hakuna haja ya kuanza kupiga mikono, kwa sababu itaharibu recording process, you may like he has said, **(luhya dialect.....)** lakini mkianza kupiga mikono recording itakuwa mbaya wakati tutarudi sasa tunaanza kuchunguza, tutakuwa tume-miss ile important point yenye ime wa please. So please tuwe watulivu.

Com.Nunow: Asante sana Commissioner Kangu sasa mmesikia utaratibu ambao tutafuata, ni ule ulielezwa na mwenzangu na tafadhali ningewaomba tuangalie mda ukiwa na maandishi hizo dakika tano utupatie angaza, highlight ya hiyo memorandum na ikiwa umebakisha dakika moja ama tangazo zimekwisha, ukiniangalia ukiniona na kupa na kuonyesha ishara ya kidole namaanisha na kupa dakika moja kutoka wakati huo. Kwa hiyo mtu aki-observe time hamna yule ataharakishwa ama ata fanywa analize akiwa hajajitayarisha. Kwa hivyo zote tijitayarisha, u-highlight points kwa sababu hiyo memorandum sisi sote tutasoma kila neno katika hayo maandishi hata mpaka kwa koma, mpaka kwa full stop. Kwa hivyo ukirudia ukiwa unasoma tena itakuwa inanaswa na itakuwa printed out kutoka hiyo tape, so itakuwa duplicate ya paper yako. Usisahau tulikuambia utuangazie na angaza hiyo itakuwa ni highlight, ya kutuonyesha kwamba, this paper contains certain issues even before we have read it, that is the whole purpose of asking you to highlight na bila kuchelewa zaidi, tuna watoto wa shule lakini nitawapa nafasi baada ya kumsikiza yule mtu wa kwanza katika orodha, Rev. Wilson Ndindi.

Rev.Wilson Ndindi: My names are Rev. Wilson Ndindi Magero, I represent the assistance views which have been worked out by a 15 man committee as you will see in the memorandum. They have asked me to highlight seven important points the preamble, they wanted me to read it, human rights, inheritance, property owernership, Judiciary, Presidential elections and education. The rest of the questions from the red booklet have been dealt with in this 15 page document which I will represent to you.

I begin with the Preamble we Kenyans give united thanks to the Almighty God whose dominance allow and provide true peace for enabling us to reach this far. We thank him for revealing his law to us and wish that our entire nation will bow before it for a harmonious co-existence, we appreciate the work of our past heroes as we forget our ugly history. We hope that what we have made is relevant to the present and will remain helpful to the future generations. We have the obligation to abide by it, in order to be righteous and make our nation great, perfassion is a perversion disgrace may God bless our nation.

The human rights: The rights to life, there should express rights to life for everybody born or unborn, abortion should be outlawed and stiffer penalties administered it to offenders. Our Constitutional provisions for basic rights are not adequate, social cultural, and economic rights are not included, so they should be included in our new Constitution. The death sentence should be abolished, but the culprit should not be set free, he should be given other capital punishments like life imprisonment. The Constitution should protect these rights through the governmental machinery like the Executive, the Judiciary and the

Legislature. A patient should have the right to know what he or she is suffering from immediately. Doctors have been very stubborn to tell a patient what is wrong with the patient, so we want it provided by the law.

Rights of the vulnerable people, the lame, the physically handicapped. There is a architectural neglect everywhere in this country, most buildings have no wheel chairs access run ways, and this makes it very difficult really impossible for the lame who wants to see an officer in such buildings. It is not surprising that human rights like health, are obscured because hospitals are built without these vital facilities.

Solution:

- All public buildings must have facilities for wheel chair access.
- Packing for the lame and strictly so must be constructed in all packing places.
- The Constitution should provide for the right of way for the lame be it on foot, in wheel chairs, or in motor vehicles.

Children: There should be more children's act like the one introduced early this year. Every child should be given mandatory basic education. Irresponsible parenthood ought to be discouraged by law, here we are talking about parents who neglect to educate their children.

Orphanages, to be state managed to ensure the rights of orphans just like any other child. There should be sufficient juvenile remand homes, to cater for such cases

The old aged: Rehabilitation homes to be build for aged people who have no families that can take care of them. Funds like the National Social Security Fund, can be directed to these homes by option, here we mean the owner of such a fund should opt that they go to those rehabilitation centres or he keeps it if he can be taken care of by the family.

Senior citizenship to be introduced with all social privilages accorded. These privileges include:

- To earn a periodic income irrespective of pension, here we are talking about an old person who has never worked maybe and because he can live upto an advanced age, he should be accorded some monthly income.
- The rights to seat in public places: Public places include buses, matatus and all these other places, you find an old woman an old man, who must be there is just standing, and we the young folks we are enjoying the seats, we need these things introduced.
- The right to be served first: I am happy you said that, so when there is an old person he should have the right to be served first. All these are in line with the tradional African morals and we must uphold them.

Women: Women are by nature a weaker sex and should not therefore be subjected to things like domestic abuse like wife beating, sexual abuse you what that entails, and marital issues. We have put it in detail, solutions to these problems. Male counterparts who make sexual advantage to women anywhere should be given custodial sentence, I am talking about a manager, a director, who thinks my secretary is better than my wife and make such advances, should be given a custodial

sentence and this means the officers or the manager loses the job. This is a stiffer penalty, these people of this Diocese would like to be likened to that, domestic violence like wife beating should lead to be divorce or temporary separation depending on the degree of the offence our lawyers can determine these degrees.

Rapists should face life imprisonment although you have heard serious penalties like they should be castrated, they should be done what, but you see we also have women rapists, if they cannot be castrated, the a better sentence which is uniform should be metted. Custodial sentence is better. The income tax rule that a woman's income is the income of the husband should be abolished. If you go to the income tax this thing is there, and people are taxed according to their marital status and their income, every employee should be taxed on his or her own.

Women should have the right to own land like any other property, and here the Christians in this Diocese were very particular, women have advocated to be included on the title deeds, that is okay these people said, but you remember charity must begin at home, at home meaning where these women were born, if you are a father and you have daughters and sons give land to both of them, so that when I marry one, she also comes with the title deed which I should have right over and she has right over mine, that would be very good. If this arrangement is not possible, then we know we are not being very realistic.

Inheritance: The process for survival, of a deceased relative to succeed the estates is so cumbersome, time wasting, and expensive for nothing. Once the survivors can be established and succession can be done through a tribunal process without much problems. Elders those are clan elders are in a better place to know who should inherit what and how according to their customs. Children in the family should be treated equally, by giving them land irrespective of whether a boy or a girl, and I have said that very clearly.

Property Ownership: Land should be owned individually, the government should have power to acquire land for public or communal use and the terms and rates at the time of acquisition. One should utilize his or her land the way he wants. Land ownership should be cealed at 100 acres. We have cases where someone has sub-location or vast areas of land, and other people have nothing. Our Constitution should provide that we should have a ceiling of land ownership we suggested a 100 acres.

Non-citizens should not own land, they can lease or hire, or any other system like that. Kenyans should own land anywhere in the country without restrictions. Married couples should have express access to each others land, and I have told you clearly in the other piece of (inaudible), they should have joint proprietorship on the title deeds.

To Judiciary: The office of the Attorney General has frequently been abused by this thing called consent to prosecute. Powers more so when the accused is politically correct, when a big man in the political arena, then I have to dodge around and that consent to prosecute maybe denied and the smaller person suffers, we want these put right. Although we categorically not said

the death sentence should be outlawed other capital punishment must remain in place, things like life imprisonment, denial of some human rights, conjunction rights, free association rights, socialization etc, we had somewhere where some inmates were suggesting that they should be given the right, to vote democratic rights, the right to vie for political seats, these should not be allowed. An inmate is the culprit and culprit can want to even vie for the position of Presidency, if we accede them democratic rights, with their nature of being culprits, we are leading our nation to disaster.

Presidential Elections: The politicians including the President should take compulsory AIDS test, and this is very important. An AIDS patient is terminally ill, we have no business in electing patients who can die tomorrow and you know the electoral system is very expensive, we should be people who can spend the people's money, with some wisdom. President should belong to no party, this will curb party biasness. Presidential candidate should be graduates of earned degrees, no honorary degrees of people who are doctors, doctor so and so but its just honorary, they have earned degrees we are talking about the (inaudible) degree the first, bachelors is enough of it, to go to doctorate and that is a different story.

The President should not be above the law. Leaders like councillors should also be impeachable when need arises.

Education: This is my last one, there should be free and mandatory primary and University education. We have considered the issue of cost sharing, when we give free primary education and University education, Secondary education and colleges should be met by the families, and that is good cost sharing. A stable and Universal curriculum is necessary. Kenyans are tired of systems of education which have seen millions read we had 10 PA, we had 8-4-4 now we have many systems of education, that do not really tick, they try this one it fails they try this one tomorrow, we want a stable curriculum to be put in place.

Religious subjects must be mandatory in discipline and if discipline and morals have to be maintained, if religion is thrown out our learning institutions, indiscipline and immorality, morale will fail those things will jump in, we have to curb these by re-enforcing and making religious subjects compulsory. I am not talking about Christianity, if you are a muslim, islam is compulsory on your part, we even want to further to say that, for any employment you need to have a pass in this religious subjects. To show that you will be a morally upright manager or whatever you are. One main-stream religion should be vetted and made as state religion if we strive to have Kenya a religious state, then we shall be heading somewhere, we have seen states that are terribly devastated without religious aspects in its life.

Traditional marriages to be issued with government certificates, we know there is no marriage certificate that is really a religion property. This is a government document but if we consider all regions and religions that are met properly, then even traditional marriages should be issued with a marriage certificate. There is need for that so that it is a recognized marriage.

Finally, the highway court should constitute a sizeable part of our education curriculum and this driving schools must be really measured because road carnage has claimed a lot of lives, they even surpass AIDS cases.

Freedom of worship has been misunderstood and has led to devil worship and the like. You know all these things, religion has to be registered, I am not saying we should remove freedom of worship, freedom of worship should be there but not just a group of myself and my two sons, and we form a religion we begin without doctrines and I think the Bishops have to hear that a religion has to be vetted we have systems to do that, so that when it is registered, then people can worship freely, catholics, protestants whatever it is. Denominations staff registered should function fully and equally in matters pertaining to church and state, you know when you go to court you have to swear by your religion. Artists should have a place in there, if they want to swear their way fine, hindus the same, muslims I know it is there, and all these things. You will read the details of this because we have answered practically every question in the red booklet, and I have only talked about four pages of this 15 page document, thank you very much and these are the views of the people in this Diocese

Com. Ayonga: Rev.Magero, you said when you were talking about the disabled people, and as regard to the wheel chairs, you said all buildings should have room or make room for the wheel chairs, now you know we have so many buildings that were build many years ago, and they are already in place, now are you talking about the existing buildings or are you talking about that any buildings that might come, any building that might come about, should have provision for their wheel chairs, for use of the disabled that is one question, I need clarification. Another one was as regard to land issues, you said there must be a cealing and the 100 acres should be a cealing now I do not know whether you are talking about as a land that is not in use, or you are including land that has already been in use, and someone has got more th an 100 acres, what do you do, if someone has got 500 acres and all those acres are under tea or coffee, all those 500 acres he has got animals that he keeps on that land? and then lastly, you talked about those whom we are going to elect to these high offices should have an AIDs test, but AIDS being what it is and the little I know about AIDs is that you can test a person today declare him he does not have the diseases but six months later after your test because these takes a process until you can tell now he has it positive, now isn't this not going to be very hard thing to do because AIDS is such I do not want to call it a clever disease, but a disease that hides itself and it takes so slow and yet it is there how are we going to save from this?

Rev.Magero: Thank you very much dear Commissioners, may I begin with the first question and I will come down to the third one, access to buildings, those once already build and those once yet to come. It is difficult to put up buildings for office purposes to make them for public use. If an officer is occupying a building that is already in place, then that officer, that important officer should occupy the ground floor for everybody to access not necessary upstairs, and a runway to construct a runway is just to remove the steps, to enter a doorway, and then the wheel chair can access that office, but if we cannot be placed yet, to have the wheelchair facilities to go up the buildings, on 14th storey then the important officers should occupy ground floors and we only take care of the steps by the door way then the wheel chair will run right through, and like that we can be in good shape.

Land at cealing of a 100 acres, land in use is okay, but land is also for dwelling, if you have a hundred or 10,000 acres on tea,

and another person has no plot to put a house, then we are not fair to that person without a place to put a building. We need to acquire the land from this person who has a 100 acres of tea, and then make it possible for the person who has no plot to have a plot to have land so that he also can live as a person, the government is better placed to do this, the government can acquire land from those of us who have thousands of acres its not existing in the current price, and then sell to the people without land at convenient rates, then everybody will have it done. Land not in use, should be compulsory acquired, land in use should be conveniently acquired.

The AIDs test I am sorry about that. The AIDs test is a good one but the medical practioners in this land and eleshwhere are able to tell that this person is having no AIDs and the person contacted AIDS last night, the Doctor may not see, we suggest that for people to vie for election or an elective office they should be applying well ahead of time, to allow the AIDS to show, something like 6 months is good enough, so you apply to be a contestant 6 months early and you are tested negative, then it goes on six months later after you have passed, we shall also require that you be tested so people will be checked they will have some fear to be promiscuous and I think something will be in place.

Com. Kangu: On that issue of land cealings, we have been in other parts of this country particularly the pastoral areas, and the people are saying that the nature of our economic activities such that you cannot limit the size of land, because these are people who have to move from one place to another, depending on the pastures availability of how do you reconcile that with your suggestion that we limit to a 100 acres, are we going to be able to put one standard for the whole country or are we going to zone the country into different parts, so that we know which area should be limited to how much acreage. On the issue of testing, apparently the current standards at the International Labour Organization are that nobody should be denied employment on medical ground unless it is proved that he can no longer perform or that he has a contageous disease, and therefore it is a disease that can be conducted in the course of his employment, so how will you reconcile your proposal with those international standards?

Rev. Magero: Thank you very much, my chairman has come I do not know if you want to answer any of those questions. Infact when we talk about land, in Kenya there are some pieces of land which are idle, when someone is in Nairobi, and is owning about 500 acres or 1000 acres, and it is not being utilized and we feel that such people should be made the land to be reduced and even those ones who are in pastoral areas, we are advocating that, we cannot have such a large piece of land, while the other people are not having it and we feel that they will be still no peace for those once who are not having land. So we feel in this Commission when you go for instance in Tranzoia or in Uasin- Gichu District even Maasai land you find vast of land occupied by monkies, but the owners are in Nairobi, when you touch them they say that its their land. That is what we want the government to come up in this Constitution, to see that those who are landless are settled. Then I will handle the issue of affirmative action equal opportunity as relates to AIDs testing, that we shall be denying politicians the rights to be occupying a political job because of AIDs was that the question? That is a good idea we thought so, because although there is affirmative action and equal opportunity even in those people who are the architects of those slogans, we cannot deny the fact that they

even deny access to their lands if you an AIDs victim, leave alone giving you a job, they do not want you in their presence, so they do not want you they do not want to employ you, but we are doing this so that we curb the situation, this is one measure to reduce AIDs cases.

Two, this is another measure of cutting down expenses, this thing has to be there, so that I will be a afraid to be very immoral if I am dreaming of being political, that will help this society very much, and cases where even affirmative and these equal opportunities, these are things for them, we are making our laws. We may copy them but the dress may not fit us, what fits is this and this, this way no. thank you very much

Com.Nunow: Asante sana Rev. tafadhali tupokee memorandum na u-sign register pia ya kwamba umetoa maoni mbele ya Tume. Tunashukuru na sasa ningependa kupeana hii fursa kwa wanafunzi na wa kwanza ni Fredrick Ekesa. Master Ekesa utatupatia majina yako kamili, jina la shule yako, darasa yako na umri wako na harakisha uendelee kutupatia mapendekezo ambayo umekuja kutupatia.

Fredrick Ekesa: kwa majina naitwa Fredrick Ekesa natoka Udili Pr. School, niko katika darasa la tano, nina miaka kumi na miwili. Marekebisho ya Katiba, la kwanza haki ya mtoto: Elimu iwe sawa na ya bure kwa wasichana na wavulana. Mavazi: Akina baba waache ulevi ili wapatie watoto mavazi. Afya njema na matibabu, watoto wapewe matibu ya bure, wazazi wapeleke watoto hospitalini wanapokuwa wagonjwa.

Kucheza,watoto wapewe nafasi ya kucheza. Upakazi: Watoto wasipewe kazi nzito kuliko umri wao, kwa mfano kupalilia miwa, kusiaga sukari nguru na kupika chang'aa. Usalama wa watoto: Wazazi waajibike kabisa akina baba waache ulevi na kupiga domo washughulikie masilahi ya watoto. Talaka ipigwe marufuku wazazi wavumiliane kwa sababu wazazi wakiachana, watoto ndio humia.

Mtoto msichana: Katiba ishughulikie haki za mtoto msichana, watoto wasichana wasinyimwe nafasi ya kusoma kwa sababu ya kuelimisha mvulana. Wasichana wasiwe wakiolewa mapema. Shukrani.

Com.Nunow: Asante sana Fredrick Ekesa, umetupatia mapendekezo muhimu na kwa point kabisa, na twakushukuru kwa sababu hii Katiba zaidi ya watu wengine wote ni watu kama wewe, kwa sababu fursa ya kurekebisha Katiba tena haitatokea mpaka miaka 100 ama karibu na miaka hizo ama zaidi. Na kwa hivyo utakuwa umejiingiza kwa register kwamba ume contribute katika hii Constitution, na historia ikituonyesha kwamba wewe Fredrick Ekesa umeyazungumza mambo ambayo yatatengeneza maisha ya wale watakufuata na yako pia, twakushuku sana. Tafadhali ujadikishe pale, na mwenzake alikuwa anataka kuzungumza? mwalimu okay. Christine Omondi, hao ni wanafunzi, wa Kisoko Girls Secondary school. Christine utatupatia pia majina yako, kamili, shule yake, darasa ako na umri wako if you do not mind.

Christine Omondi: My names are Christine Omondi from Kisoko Girls Secondary School, I am in form four and I am 17 years old. I am going to talk about the rights of the girl child. In my opinion I see that the girls should be given the same opportunity to learn just like the boys because you see in some countries when the girl gets pregnant the boys are also suspended, they are not allowed to go on learning but here in Kenya we see that when the girls get pregnant she is sent away but the boys go on learning. I feel that when the girl is sent away, the boy should also be sent away and stay at home till the girl comes back to school is when he also should be allowed to go on learning. For the sugar daddies I see that, the sugar daddies should be sacked under interdiction, so that they stay at home and when the girl goes back to school, he also can be allowed to go back and work, so that they can face the same fate. Thank you.

Com.Ayonga: You are talking about the sugar daddy who is employed how about the sugar daddy who is not employed, who is self employed what do you do with him? The other one you can sack him but this one what do you do? Do you have any suggestion.

Christine: For the sugar daddy who is not working I feel that he should be jailed.

Com.Ayonga: for how long?

Christine: He should be jailed for life because he is going against the law.

Com.Nunow: Thank you very much Christine for your views, kindly sign the register to show that you have given the views to the Commission. Nancy Adongo,

Nancy Adongo: My names are Nancy Adongo from Kisoko Girls Secondary school, I am in form four and I am 17 years old. I would like to talk about free education. Early in the eve of this year the government announced that there will be free education for Primary school pupils, but unfortunately when the schools re-opened the parents were supposed to pay school fees for their children. This is because the schools cannot run without basic needs like chalks, food and uniform for pupils. We therefore ask if only free education should be provided, the government should take the responsibility of providing these needs to the school. As far as secondary school you see students receive abuse from the heads of the schools institution whereby they are not allowed to attend classes maybe when they have not finished to pay the school fees. Students end up not performing well, I therefore call upon the government to provide loans for these students so that when they get employed they can be able to repay the loans that they took if at all everybody should get education. Thank you.

Com.Nunow: Thank you very much Nancy you have been clear, so that no clarification is required. Please sign the register get your paper with you and if you want to leave it behind we will be glad to receive it Wambui Veronica it's a poem, please come forward and present it. Give the name of the poem.

Wambui Veronica: Before you is Kisoko Girls Secondary School ready to present to you with a poem entitled (We say no)

You, you and you wake up from the slumber, remember yesterday,

Remember our salvage, from North to South, East to West

Grabbing this, grabbing that, his old kuka rendered land less)

Nyanya thrown out of her house, we say no! no to 'grabiosis':.

From far, I hear the cries of agony I hear the weeping of my people

My people Serikali, why pay for this, the public amenities they had a surprise (inaudible) they order supply all is gone, gone, we say no, no to 'grabiosis.

You wake up one day, to find the schools fence sealed off by the grabbing (inaudible)

Protest from parents protest from students, too weak to fight big forces

We say no, no to 'grabiosis'".

See widow, destitutes, wander on streets, theirs is grabbed we pray, listen to their wailing

Cries for how long shall you grab his and hers, for how long shall ours be grabbed? you, you and you, wake up from the slumber and say no, let's all say no no to 'grabiosi'.

Com.Nunow: Asanteni sana tafadhali mjiadikishe jointly kwamba mmpeana, and that is a very relevant point, may be we could ask them to perhaps hand it in writing. Veronica, thank so much for that presentation. Odong Godfrey bwana Odongo una memorandum so please tupatie highlights in not more than 5 minutes. Thank you.

Godfrey Odongo: Thank you very much my names are Odongo Godfrey and I am just going to give highlights on a few areas, the first point I want to highlight on is on the Constitution. That it should remain the supreme law of the land and since the Constitution is the contract between the citizens, and the government it is only the citizens who should be able to amend through a referendum and not the Parliament which is in itself a creation of the Constitution.

1. Secondly on political parties, I want to propose that political parties should be limited to not more than five, and not less than two and they should be funded by the government.
2. On the structure of the government, I want to propose that the post of the Prime Minister should be created alongside that of the head of state, each with their deputies, and all the offices should have shared Executive powers.
3. I am proposing the Provincial Administration be scrapped because to me it is just a tool of colonialism which we are still keeping, instead we should give more powers to the Local Authorities, and some of their responsibilities undertaken by the local authority. The same vein the Administration Police force should be abolished and we should only have the

police force the GSU which is of course a section of the police force and the army.

4. On the Legislature, I want to propose that the Parliament should reserve the powers to vet all the appointments of the head of state, or the Prime Minister and that people should have a right to recall their MPs if they so feel the MPs are not performing, we know of cases even today as we face the elections we have some Members of Parliament who have never opened their mouth at all. There are so many there and when there is an important issue to be discussed in Parliament, they are not even available there is no quorum. So such people who have no business drawing salaries and allowances claiming they are representing our interests. The same thing on the Executive, the President or the Head of state or the Prime Minister should not be above the law, and they should be impeached. I also wanted to propose that once MP, should be full time, the representation to Parliament, our Members of Parliament should be full time employees, so that the Prime Minister or the President who forms the government should have a right to appoint his Cabinet which should not exceed 14 members from Professionals to run those Ministries, so that the duty of the MP should remain to Legislate.
5. On the Judiciary I want to propose that the powers of the Attorney General should be split, so that the Attorney General can have a responsibility of prosecutions, other Constitution affairs we should have a Ministry of Constitutional affairs to deal with.
6. On Local Authority, the chairmen/chairpersons and mayors of towns and municipals should be directly elected by the people and should not be representatives of wards, and we want strong authorities, local authorities today we have a number of our councillors who practically illiterate and therefore they cannot interpret any policy, so we should have a minimum level of education for somebody to be elected as a councilor, I propose secondary education form four.
7. On the Electoral system and process: I want to say that first of all for a President, should apart from scoring 25% in five Provinces, he should gather at least 51% of all the votes cast nationally. We have cases where Constituencies have been cut along tribal lines, we want proportional representation so that we do not have cases where one Constituency has over 100 people and another one is about 20 or 30 or even 15, and these members are enjoying same allowances and benefits.

The Electoral Commission should be in charge of all the elections, all the elections including societies, and trade unions, and they should have branches in every District, to manage because we have some Districts and Cooperatives, so that they encalculate the culture of democracy in our society.

8. On land and Property rights, a proposal here that a person should have a ceiling of a 100 acres. It is not possible for one person to have a 100 acres and effectively manage. We are today very many people and they know that in our country we have sections of people where land is owned communally. The Constitution should clearly specify where we have areas where land was surveyed and titled deeds were issued. We should have a ceiling of say I feel that 10 acres are adequate for somebody who is a serious manager who can use resources maximally, and where somebody has a piece of land and is not utilizing it to produce anything for this country, such a fellow should be made to pay, at least should be taxed if he is not making use of land. I want to propose both men and women should equal opportunity

to land, like here in Western Province, most of us who are men you find that at least if you have two acres of land and just 8 girls, we can continue marrying several wives and keep trying to have a son who will inherit that piece of land. All the children should have a right to inherit the land boys and girls.

9. On other Commissions, Constitutional Commissions, I want to say that the office of the ombudsman is long overdue in this country, we should have a system where complaints even against the government are properly channeled so that they are addressed on behalf of the wananchi. I am for other Commission like anti-corruption which should be autonomous, of course the Electoral Commission which should be impartial, and supervise all the elections. We want the human rights commission to work as a watchdog to ensure that not even the government is violating the rights, the human rights of our citizens.
10. Very few of us are talking about succession, I mean trust of powers because from Independence we have been used to an immortal head of state but I want to say our Constitution should impress these, that immediately Parliament is dissolved, the speaker of the National Assembly together with the office of the Attorney General should be incharge of the government, so that we have a level playing field for all the people. What we see today is that somebody they dissolve Parliament, others have gone and somebody remains in possession of the same powers and using those powers to manipulate his way and those his cronies is back to power. The same Constitution should also provide for the security of the social welfare of a head of state or a Prime Minister who has served this country, but it should be within the limits or the ability of the economy of this country, what we are reading in papers the (inaudible) but I think it is very disheartening. I think that a retired officer given 80% like the head of state and a bit of security should be adequate for him to stay until he dies and we bury him. The last one I wanted this Controller and Auditor General, these officers should be maintained in the Constitution and be given the powers to prosecute, they come with very good recommendations and they just die, and very finally I want to pray that the recommendations of this Commission, will be addressed and they should not die somewhere on the way, like many others in this country. Thank you.

Com.Kangu: Now you talked about proportional representation so that population is looked into about how many people would you want to have per Constituency?

Godfrey: I will personally propose that, a Constituency of about 50,000 people is adequate enough for one MP.

Com.Kangu: I do not know whether you have also considered the circumstances in which people live you know the first person telling us about the population being the only factor but we have been in other places where people are telling us no you should look at the vastness of the place, the terrain in the place, indeed we have seen it in some places if you said 50,000 people you might be talking of a Constituency that is bigger than Western Kenya if you go say to Turkana District is the largest District in the country with 77,000 square kilometers, I do not know miles but with only three Constituencies. I do not know whether you have thought about it.

Godfrey: My understanding is that a Member of Parliament goes to Parliament to represent the views and interest of the people and we are saying that the representation should be proportional, if we say for example lets take a District like Wajir, most of the people am told are nomadic by nature, are we just going to demarcate according to the area, to the geographical area of the District, or we are going to get somebody who is going represent the interest of people staying in a particular place. If Turkana has 70,000 then there is no harm in Turkana being represented by one MP who can speak on behalf of the 70,000 people after all today, in this republic, we have Districts with just one MP, Mt.Elgon is one of them and the other.

Com.Nunow: Thank you bwana Godfrey

Com.Ayonga: You spoke about the speaker and the office of the Attorney General to take over so that we can have level playing grounds when we go to elections, now how would the two offices work together, to take care of the country working in such a way that they can agree not to disagree because they are taking a position of one person, couldn't it be a speaker or an AG, taking care of the country rather two offices, which are different?

Godfrey: Thank you I think in my proposal on the structure of government I talked about the President and the Prime each with executive powers, and that is why I proposed that we should have the speaker and the Attorney General, the speaker can for example assume the powers, the executive powers of the head of State of the head or the President and the Attorney General assumes the powers of the Prime Minister, so that because we want the coalition to clearly define the power of each of these offices.

Com. Nunow: Thank you very much bwana Godfrey please let us have your memorandum. Morris Masibai, I think I will be more strict with time if we have to have people speak and everybody gets opportunity, if you exceed the five minutes I will stop you if you do not stop I will force you to stop. So please lets not reach that level, if I tell you the time is up, summarise, mention your point and then give others opportunity. Morrsi Masibai.

Morris Masibai: My names is Morris Masibai, and I am representing, Busia sugarcane outgrowers. I have got a memorandum which represents the views of the sugarcane farmers in the sugar Industry.

These views are based on the truth of the matter that a President of the country currently has got excessive powers. The sugarcane farmers believe that when these powers are trimmed, when these powers are shared, then everything else will follow and will work correctly. Currently we are having a situation where the Executive has got excessive powers when they are supposed to be working horizontally with the Legislative and the Judiciary, and for that matter nothing goes before the Executive and fail so, that is on salary and all we have the farmers have got something to say about almost each and every topic in the booklet, but some how I am going to present a paper and therefore I am not going to read everything. The paper in such a manner that the topics that have been selected are typed down on how the loopholes in the current Constitution are affecting

the sugarcane farmers on the ground, that is the basics of this paper.

We talked about the Executive and we say qualification specification for a President may not be less as long as the President is not allowed to be above the law and anybody matter how will be vetted will become corrupt with excessive power. For instance the President should have no power to shelf bindings of Commissions of enquiry, unless they are likely to present in national or regional blood shed. The President should not have powers to be dropping views of his intentions in public and dismissing appointees over radio announcements. Appointees should be given room to resign or defect themselves. The President should not have powers to decide which regions should be given, which projects. The President should have powers to create and dictate implementational programmes which have been researched on by professionals. It is this kind of directives, that lead to white Elephants and the sugar industry suffering.

Basic rights: The key basic right according to sugarcane farmers should be economic empowerment so that people have got defence against their being bought. Leaders in the sugar industry, unlike the tea, coffee, wheat industries they lead farmers with small holdings. The other industry mentioned above are mostly owned and let by large scale farmers, they can therefore gang together and fight for market of quarters from the government or abroad being themselves influential Legislatures and Executive. These being not the case in the sugar industry, the industry needs quarter protection by the Constitution. It is said that the British government in 1956 signed a treaty with Egypt to protect the live source of L.Victoria for 999 years, this effectively prevents the lake waters to be used for irrigating Kenyan farms. The Constitution should have something to protect the state against such treaties.

Environment and natural resources: Ensuring equitable distribution of natural resources is difficult because they are not evenly distributed. The Constitution should provide for incentives to express such resources, especially the renewable ones. If you take the example of rice in Kano plains, Bunyala, these are projects which are either dead or are fast dying. Reclaiming of Yala swamp and irrigating and possible irrigation of Cane from Lake Victoria, which could easily lead to building of factories, these could be the major incentives we are talking about. The government should control the unrenewable resources such as minerals, but the renewable ones should be controlled by the common mwananchi. The Constitution should enact something to protect such cash crops from extinction due to liberalization forces. We are slidding back into neo-colonialism this time championed by world trade. Environment protection issues to be included in the Constitution should therefore be:

1. It should be mandatory to discharge only harmless the influence from dangerous factories which use mineral chemicals such as paper processing, motor oil refineries plastics, steel manufacturing. It should be mandatory to conserve soil from residual chemicals from sprays and from the mineral fertilizers which normally affect Kenya(inaudible)
2. Outlawing burning of vegetation in any form. Burning law materials like humus which is badly needed by sugarcane to grow.
3. It should be mandatory to protect against plastic packaging pollution and emission of gases from automobiles and factories. We find these refuse scattered almost everywhere.
4. Protection of natural water ways, from silting by outlawing farming along river banks, you find that we farm until you get

to one foot from the water along the river banks until this water is very fast silting up.

5. Protection of water catchment sources: All these measures will ensure the continued natural water cycle vital for chemical productions. In any event Kenya itself is an excellent Ken catchment crop.

The management and use of natural resources: The Legislative and the Executive closely watched by the Judiciary should share powers in managing national resources such as public finance. Any of these three monopolizing decisions on disbursement and raising of public funds, ends up with excessive powers and often misdirects the funds, so what we are talking here is that, the moment any of these three arms is having more powers and than the other, then obviously they will misdirect public finances, so we need to have these three arms to be counterchecks on each other.

The country is perpetually broke with some of the wild highest taxes, for all we know, Kenyans per capital income, is enough to provide basic necessities for everyone, infrastructure and building out dying industries such as the sugar production. All of Kenya's public finances property circulated within the country will lower interest rates and make costs of finance investment capital affordable by many who will be entrepreneurs. Kenya's and especially from rural areas are poor consumers because of prices out of their reach. This scenario hardly attracts entrepreneurs to come up with bulky industries. A simple key industrialization agents such as electricity is over priced and not available to middles. Where valuable rational makes it to be as good as not there. The cost of power posts and transformers, are unmentionable, all these affects potential investors very negatively and big factories in the sugar industry can remain so for decades on end. With accountability and proper direction of public finances, the human resource will have the tools, facilities and commensurate monetary compensation necessary to motivate them, both public and private to stay on the owner and be productive. Production costs will also go down and attract investors to rural industries where micro economic activities that congregate into industrial ventures, will be induced, the small scale farmers such as those ones of the sugar industry cannot fail to benefit from such inducements, that is my presentation.

Com. Ayonga: Just not because I want to ask a question but I want to observe if you can look behind I ask each one of you to turn his head, our head backwards, what you can see, is that the hall is full to capacity. The air has also begun to tell us there is less oxygen and more carbon dioxide, now there is nothing wrong with that, but the point I want to make is that, we should observe the five minutes that the chairman has told us to observe and if we do not do it, I want you to take your calculator and for those of us who are a little older we have our calculator here. Five minutes times 100 people now find out how many hours is that? This will tell you that we will not finish if we are going to insist without observing the time, we would like for each one of you who has come here today, to have a chance to say something, the memorandums actually we have people in the office we are going to read them. So we want when you come up here with a memorandum just to tell us my memorandum contains ABCD and we will find out that ABCD, without having to read the memorandum and insist on finishing please let us observe that kind of agreement lets respect one another, each one of you is very important to us, and we would like even if it is one minute at least you could say something. Kindly observe.

Com.Nunow: Thank you very much Commissioner and thank you very much bwana Masibai, please let us have your memorandum and you can sign the register the risk is by enlarge-bwana Masibai the risk is by enlarge for those who have not written anything because the day goes by those who have memorandum can present, and they have it recorded and that being as good as reading word for word they will have had their views presented. But those who came with their points in their heads, will go back with them and that is the risk and that is what we do not want to see happening. So if you have a memorandum, infact if you do not say a single and simply present it is as good as you sitting here and reading from the top the title to the full stop at the very bottom. There is no difference, we are giving hyou an opportunity to highlight so that you may want to empasize one or two issues you think they are not clear in the paper, but the content of the paper will entirely be internalized by the Commission. Alfonse Wabwire, Alfonse will be followed by Josiah Wanga ajitayarishe.

Alphonse Wabwire: Mimi naitwa Alphone Wabwire kutoka Nambale sub-location, Location ya Nambale. Yangu ni haya kitu zaidi ambacho inanisumbua hapa ama zaidi wakazi wa Nambale, ni hii, zaidi ni ukabila huko katika location hii, hawataki wengine wainuke ijapokuwa ni wazito peke yao. Ya pili, ni askari wetu ambao wanatulinda, wanatunyanyasa zaidi, hata ukiwa na mgeni unaona mtu ameingia anasema mzee unafanya nini na unakaa na bibi yako na watoto wako kwa nyumba, hiyo inanishangaza.

Ya tatu, ni elimu, wako wengine sisi ambao hatuwezi mtoto anaweza pata point za juu lakini unashindwa kuelimisha mtoto, hapo nalia serikali yetu ingalie hapo. Ninasema asanti.

Intejction Com.Nunow: Unapendekeza nini Katiba iangalie,

Alphonse: Kitu ningependekeza katika Katiba hii ni elimu ya bure ikuwe tu elimu iwe ya bure.

Com.Nunow: Asante sana mzee, Josiah Wanga

Josiah Wanga: Mimi kwa majina naitwa Josiah Wanga. Nilizaliwa mwaka wa 1922 nina miaka 80 saa hii. Wakati tulipigania uhuru watu, tuliahidi wananchi ya kwamba, elimu itakuwa ya bure, Matibabu kwa hospitali yatakuwa ya bure, watu maskini watapewa mashamba, sasa saa hii tunanona wa kubwa ambao wanalalia ma-ofisi ndio wanagawa mashamba, watu bado wanaitwa squatters. Na wanyama wa pori wanagawa mashamba, ninashangaa, kupatia wanyama wa pori mashamba na wananchi wanaitwa ma squatters. Kwa hivyo wananchi waliopigania nchi hii wamesukumwa nyuma kabisa, hawana sauti katika nchi hii. Wengine walikufa, wengine bado wangali wako, hakuna jawabu lolote ambao tumewafanyia hawa watu. Mimi nikiwa mmoja kati ya hawa watu hawa, kutokea mwaka 56 mpaka sasa, sina nafasi katika Kenya, sijui tutapata Kenya ingine wapi.

Com.Ayonga: Kwa hivyo unataka aje mzee?

Josiah: Nataka watu maskini wapewe mashamba, neno la pili, mimi nakufa na wacha watoto wangu, tena shamba yangu inachukua pesa nyingi ili watoto wangu wapate shamba yangu, serikali imenyanyasa wananchi zaidi, mtu akifa watoto wana uwezo wa kuridhi shamba yake, hakuna haja ati aende kwa land, aende wapi, land mtu anaweza kutoka Mombasa, anakuja hapa anajua vile mimi nagawana na rafiki au jirani wangu? Majirani wako hapa, mimi naweza chukua watu wawili ma jirani na kugawia watoto wangu shamba langu, sio land tena land inatakikana iwe wazee wa kijiji ndio wanajua mashamba vile watu wanaishi. Hayo ndio yangu isipokuwa tu Katiba ibadilishwe, Rais awe anatoka kwa kila kabila, sio kabila moja.

Com.Nunow: tafadhali tafadhalini tutulie, tutulie asante sana mzee kwa maoni yako, tumechukua tafadhali ujiadikishe pale. Na u-sign register, Maximila Obao.

Maximila Obao: Asante sana mimi maoni yangu ni matatu tu, majina ni Maximila Obao, kutoka hapa Nambale. Ya kwanza ningependa Constitution, yetu hii at least itenge viti fulani kwa Bunge kwa sisi kina mama kwa sababu hata sisi tunatoa votes wakati wa kupiga kura, lakini tunaona kina mama ni wachache kabisa kwa Bunge, kwa hivyo watenge viti fulani ili iwe ni kina mama ndio wanakalia hizo viti.

Kitu cha pili, kukue hakuna pesa wakati wa campaign kwa sababu pesa hizi zinakuwa kama bribery kwa wananchi. Wakati mtu anatoa pesa, na kwa sababu ya umaskini inafanya wananchi wanapigia watu ambao hawafai kura, Kitu cha tatu, mimi ningependa President yeyote ambaye yuko wakati ana retire awachiwe a retire kwa njia ya usalama ili kusiwe na mashtaka yeyote katikati yake, kama President wetu huyu, ametuelekeza kwa njia ya amani na Kenya tumekuwa na amani, sisi wengine hatunjui kwamba vita ni nini. sisi wengine hatujui vita ni nini kwa hivyo yeye ameelekeza nchi kwa hali ya amani na sisi tunaomba wakati ana-retire aende apumzike kwa amani asiwe anafuatiwa. Ni hayo tu.

Com.Ayonga: Na kuuliza maswali, mama Maximila umesema viti vitengwe Bunge kwa wa mama, kwa maana wa mama ni wachache sana, ningelipenda kukusahihisha kidogo na ili niweze kuelekeza mawazo yako kwamba katika population ya Kenya, wa mama ni 52% of the population wao ndio wengi kuliko wanaume, wao sio wachache wao ni wengi, lakini ndio kwa Bunge lakini tena nataka kukuelekeza point number two. Hapa kwetu Kenya one person one vote, kwa hivyo mbona wa mama msifanye njia hiyo kura zenu mzipeleke, kwa maana hawa wanaume hawaendi kutenga viti, pengine inatakiwa muweke mkazo kwamba wa mama tupigie wa mama kura, na kwa njia hiyo mtakuwa wengi. Sasa kuambia wanaume tena wawatenge viti na wao wanataka kuenda Parliament, sasa unaona hiyo itakuwa ngumu, lakini hukujitayarisha kwa hiyo enda ufikiri, ambia wa mama wajitayarisha vilivyo asante.

Com.Nunow: Asante sana mama Maximila, kwa maoni yako, Rogers Dubi, akaribie George Baraza, George Baraza akaribie baada ya Rogers.

Rogers Dubi: Mimi ni Rogers Dubi I represent – Hayo self Group a group that covers the whole of this Constituency and it is registered by in the District Social Services offices Busia and it has a certificate. I want to begin and before I forget, I want to put to you Commissioners that the retirement benefits of public workers are too low and that we should try, the government should give anytime it gives increment to the public workers, on their job consequently they should also give that increment. Before I also forget, I want to put it to you that it was the view of the our group that chiefs and assistant chiefs be appointed people who are mature and

preferably in the forties rather mid forties so that if possible and they are interested they should work in that office for ten years, in that area, where they are. Less that, it will mean that, these people who may not be performing well or they have got certain motives against their neighbours who have been there as for a long time, they can end up, not assisting them properly.

I want to touch something on citizenship because it has not quite been spoken. I would like us to look at the person to be called a citizen so that he is registered, that is an automatic citizen. Mr. Chairman, I want to put it to you that this citizen should born and live in Kenya. Should have attained the age of 18 years, the biological parents are known and can approve or accept that this person should get the ID. Can be identified with anyone of the registered tribes of Kenya, I would have gone into the details but I do not to, I just want to remind you that when you will be reading this document, you will learn that I have said a council of elders from that location should scrutinize the person, and then recommend to the chief who will recommend to the higher authorities, so that this person can be issued with an ID.

I want also to touch on what citizens should enjoy. The citizens should enjoy all rights warding of his identity, plus the laws of Kenya. Example of these rights are ownership, involvement, possession, expression, and hearing. Should be granted protection. The citizen should live to uphold and carry out all the obligations aimed at uniting Kenyan citizens, to do so, the citizen must avoid involvement, participation, behaviour, demonstrations, utterances, listening to, writings and assemblies these. This point is important to me I would like to emphasize on it and movement that are aimed at subversive measures to course instability and in our country Kenya, but should at all un rest times, make consultations and give advice and suggestions according to the laid down procedures, I will live that part.

Let me touch on Defence of our country, Defence and National Security: Mr.Chairman, to discipline the forces, and individual officers, there should be formed a military service Commission of representation from all sections, this Commission should listen to the courses of indiscipline and make consultation, decision, with the legal armed forces, higher officers. Now I have said we need an armed forces Defence council, I want to put there, the people it will comprise of Mr. Chairman this should comprise of the President, the Prime Minister, Ministers who should be retired senior officers that are Ministers in Parliament. To invoke this emergency powers the majority members call of that particular council call on the President as the Chairman to discuss and agree in majority, and there after the council have the authority for the purpose.

Mr. Chairman, I look at the Legislature, Parliament should elect the following:

The Attorney General, the speaker the Chief Justice, and Controller and Auditor General. Being a Member of Parliament should be a full time occupation and strict time table adherence marked register, permission to be given on condition and terms irregularity be curbed by penalties which include laws of catch earnings and suspension. Mr Chairman just allow me to touch on Executive, otherwise you will read the rest.

The Constitution and the laws should provide for removal of a President for mis-conduct while in office. This should be warranted by circumstance such as the following:

Missappropriation of public funds and wealth at large

Sharing out National wealth discrimanately with favour

Making appointments on favour instead of competence

Failure to observe the Constitution laws and procedures.

Failure to adhere to agreements declarations promises.

Use of abusive languages to the subjects, the President should be tried in the law courts for such a failures or be disciplined by his party, Parliament should give this issue for vote of no confidence to be removed.

President should be a Member of Parliament and attendant of the Parliament.

May I turn you Mr. Chairman and your Commissioners, you lawyers I am meaning you Commissioners, you lawyers distinguished public servants who have practiced law in many lands, you the product of the Kenya Parliamentary Constitutional Parliamentary committee. Police hastefully collect our views, summarize them, into an exact production of what our wish and interest in deed. We want to see and read it as it will pass through all the stages you promised at the time Prof. Yash Pal Ghal, his fellow Commissioners were being sworn in by his Excellency the President Daniel Arap Moi. Thank you before the Almighty God.

Com. Nunow: Thank you very bwana Dubi, we have listened to you taken down notes, please lets have your memorandum as you sign the register. George Baraza, those who have memorandums you may go ahead and submit if you wish, because chances are that, particularly those people who came late you may wait and you could still be called so if you have two copies of the memorandum you can submit one and wait so that you do not have to que up later as a crowd. Whats is your name? George Baraza and whats your name George no I called George Baraza 290 Nambale. Zainabu Muyoti jitayarishe baada ya huyu.

George Baraza: Mimi naitwa George Baraza, maoni yangu kwa Commission hii, yanahusu uhuru wa mwananchi wa kutembea na wa kutangamana na wengine, sana bwana mwenyekiti maoni yangu, sana ninalenga kwa upande wa police, sababu police katika Kenya yetu hii, wanatuhangaisha zaidi, mara nyingi unaweza kuwa umetoka nyumbani, unaenda sokoni, ama unaenda safari, ghafla unaweza kushtukia officer amekusimamisha na huku bila hata kukuambia sababu ya kukusimamisha, anakushika ama anakupeleka katika cell. Unaweza kujikuta makosa lingine wamekubandikia ama wamekuandikia pasipo

wewe kuelewa hiyo makosa imetoka wapi. Mwisho bwana mwenyekiti unapata hata unafungwa Jela pasipo wewe kuelewa kwamba hili kosa limetoka wapi. Kwa mfano bwana mwenyekiti mimi mwenyewe, mwak wa 91, niliweza kufungwa nikuwa Bungoma nikapigwa zaidi nikaumizwa pasipo kuelewa kosa kwa sababu nilibandikwa kosa mimi navuta bangi, na mimi katika maisha yangu mimi zijavuta bangi, hata leo kwa hivyo nikaona bwana mwenyekiti sheria irekebishe mamlaka ambao police wako nayo katika raia, ningepomba sana iwapo Katiba itapitisha police wawe na uhakika wa kuweza kushika mwananchi kwa sababu leo nikiongea nikiraramika pengine mwingine hajashikwa kesho mwingine atashikwa.

Pili mwenyekiti, mimi maoni yangu ningepomba sana ikiwa mnataka rushwa Kenya iishe, ningepomba haya mwenyekiti, kwa sababu mimi nimezaliwa huku, nimetembea Kenya hii nimeona kitukinaitwa chang'aa ihalalishwe na wapeane licence kwa sababu hiyo licence wakipeana kwa mtu ambaye anatengeneza chang'aa police hatakuwa na nafasi ya kuenda kushika huyo mtu, na hawa wamama ambao wanahangaishwa na pombe hizo watakuwa na nafasi ya kuweza kuuza hiyo pombe kwa sababu serikali itakuwa imepokea ushuru wake, na huyu mtu atakuwa anaendesha hiyo biashara kama biashara zingine ukiangalia pombe kama ya Kenya Brewery hao walipewa licence, na wanaendesha, kwa hivyo mimi maoni yangu ni kuona kwamba mtilie maanani chang'aa iwekwe licence sababu rushwa hawawazi tena kupata, sababu police watazidi kuhangaisha watu zaidi kuhusu chang'aa na wanapokea hongo nyingi sana na hata mahakama nyingi sana iko kwa police mahakama badia bwana mwenyekiti.

Pengine nikienda mbio kwa sababu ya wakati, katika uhuru wa kuweza kuabudu, bwana mwenyekiti mimi ningepomba kama mkenya kama mwafrika iwe kama sheria sababu hata tukisoma bibilia ama Koran, Mungu ana ruhusu mwanamume kuo mwanamke isiwe mwenyekiti tafadhali kama sheria baadaye katika Kenya yetu hii ambayo tunataka uhuru tusije tukakuwa na nafasi ama mtu mwanamume kuo mwingine, hiyo ni makosa sana hata kwa Mungu kwa sababu hata bibilia ama korana inasema ulawiti ni dhabi halafu mwanamke asikuwe na nafasi yake ama kuo mwingine. Bwana mwenyekiti nikienda mbio mimi ninaomba sana unapata katika shida ya mashamba ambao wenzangu wametaja hapa mwenyekiti, mimi ninaweza kuwa ninashamba langu la acre 10, na unaweza kupata tajiri anakuja ananinyang'anya hiyo shamba ambayo ni ya babu yangu, pasipo mimi kuelewa sababu mimi sina pesa bwana mwenyekiti, huyu mtu atatumia unjanja fulani kuenda mahakamani, ama kuenda katika lands na atatumia makaratasi na anapata title deed mnapata hata mimi pengine baba aliweza kunipatia title deed. Lakini utapata kuona kuwa huyu mwenyekiti mtu anakuja na pesa na ana nguvu, anaenda police unashtuka tu wanakufukuza kwa shamba ambayo ni ya babu yako kwa kweli, hiyo kitu ina tuudhi tena ndio inaongeza vita katika Kenya hii ambayo tunaishi sasa. Bwana mwenyekiti mimi maoni yangu muangalie hilo neno kwamba Katiba ipitishwe mahakama ama lands isikuwe na uwezo wa kuweza kupeana title deed kwa shamba bila mwenyewe, tafadhali mwenyekiti muangalie kwa Kenya yetu ambavyo vinakunja kwa vizazi ambazo zinakunja.

Lingine bwana mwenyekiti ningepomba sana kama hawa officer wetu wa nyumbani wa utawala kama chief na assistant chief. Ningepomba sana kama nyinyi kama ma-Commissioner ambao mnachukua maoni yetu, kwa Kenya ambayo inakuja ningepomba sana chief akuweko peke yake. Halafu assistant chief aondolowe kwa sababu huyo mtu ndio anaongeza fitina kati ya

wananchi, kwa hivyo mwenyekiti mimi ninaona kwamba kama mkenya sababu mimi saa hii nina watoto niko mzazi lakini unaweza kupata barua zingine bwana assistant anaweza kukuharakisha ama ana kupeleka hata kwa police pasipo wewe kuelewa kwa sababu ana chuku Fulani kati ya wewe na yeye, yeye anaweza kutumia hiyo priority kwa sababu sasa yeye ni mtawala anasema mimi ninajua huyu mtu lazima mumfanyie baadaye hivi unapata shida nyingi sana.

Mwenyekiti nikimalizia mimi ningeomba sana uhuru wa kuabudu katika makanisa ukuweco sana kwa sababu mimi kama mkristo, mara nyingi nimepata shida, siku moja tulivamiwa na police katika kanisa tukapigwa marungu mpaka hata tukajeruhiwa. Mimi ningeomba sana sheria ipitishwe kanisa waheshimu kwa sababu Mungu ndio mkubwa kushinda sisi, hata kama kuna mtu amekosa, ama kwamba kuna makosa yoyote bwana mwenyekiti, police wangojee ibada ikwishe halafu waweze kuitisha mtu huyo ambaye wanamtaka ama hawa watu na waweze kuwauliza ama kuwachukua, kuliko police kuingia katika kanisa na kuvamia wale waumini na kuwapiga hata unaweza kupata wanapiga Pastor, ni kitu cha aibu sana, wanararua hata Kola ya shingo ni kitu kingine kichefu bwana mwenyekiti, tuangalie hilo kama Kenya ambayo tulipata uhuru. Lingine katika upande wa utawala bwana mwenyekiti, Rais ambaye anakunja, mimi siwezi kusema kwa leo ambaye atakunja asikuwe na wajibu wa kutuchagulia kiongozi, sisi kama wa Kenya wenyewe ama kama raia tuweze kuchagua kiongozi ambaye anaweza kutuongoza na muhula wa Raisi wa kuongoza uwe miaka kumi, ikiwa yeye ni mzuri, kwa tano tutamuongezea, hata kama yeye atakuwa kama dhahabu, lulu hatuwezi kumuongeza zaidi ya kumi, tafadhali bwana mwenyekiti, asante Sababu niseme hivyo mwenyekiti tukitaka maendeleo kwa mfano, ya kutujenga un.....

Interjection Com Nunow: one more minute give us your last two points,

George: Asante mwenyekiti, mimi katika upande wa Rais ndio mimi nitabakia, Rais ambaye tunaweza kumchagua kwa miaka mitano, akuwe na wajibu wa kuweza kuangalia Kenya mahali ambayo haijaendelea iaiinue, ni wajibu wangu sana ambao mimi nina waomba Commission hii iangalie hio neno baadaye ili huyo Rais mahali yule ambaye alikuwa anaongoza kama aliazisha mirandi kama ameshastaafu ama ametoka yeye achukue hiyo miradi akiendeleza mfano mashule, mahospitali, na hata makanisa. Asante mwenyekiti.

Com.Nunow: Thank you asanti George tafadhali ujadikishe pale, Zainabu Muyoti,

Zainabu Muyoti: Kwa majina naitwa Zainabu Muyoti natoka Mungatii sub-location, Buhayo East Location.

Preamble: Katika jina la mwenyezi Mungu Katiba yetu idumu, hii ni Katiba ya watu wa Kenya. Tunakumbuka mashunjaa waliopigania uhuru wetu hasa wanawake waliotunza masilahi ya wanaume wakiwa msituni. Bwana mwenyekiti, lugha ambayo ilitumika kwa vile vijitabu, ya marekebisho ya taifa ya kiswahili ilikuwa ngumu sana kwa watu wa bara kuelewa. Iitakikana mpaka mtu awe na kamusi labda ndio ataweza kuelewa vifungu vingine.

Mavazi: Ningependelea ya kwamba, Kenya tuwe na vazi ambalo itatumbua. For example Uganda wana Gomez kwa wanawake na kanzu kwa wanaume, Nigeria wana vitenge, lakini sisi wa Kenya hatuna vazi lolote ambalo itatutumbua ya kwamba sisi ni wa Kenya.

Ninaenda kwa Gender: Katiba itoe kinga maalum kwa wanawake waja wa zito katika aina ya kazi ambazo zimethibitishwa kuwa za mathara kama ufanyaji kwa maua, kufanya kwa chemical industries, na kuinua vitu vizito, vizito. Ningependekeza Katiba iruhusu wanawake wengi wapate kazi ya utawala, wakiwa wana masomo ya kutosha.

Bwana mwenyekiti niko kwa sasa watoto, ningependekeza watoto serikali ipeane, elimu itenge pesa za elimu, kulisha watoto, kusalisha watoto, na kulinda watoto yatima kwa maboma yao wakati wazazi wanapo fariki kutokana na ugonjwa wa HIV AIDs. Mtu yeyote ambaye anapatikana akiwauzia watoto wa shule na vijana ambao wako chini ya miaka kumi na nane madawa ya kulevya afungwe bila kutozwa faini.

Ningependekeza mwanamume akinajizi mtoto, apelekwe kortini halafu afinywe. Ikiwa

Interjection Com.Ayonga: Ebu tumpe mama nafasi tafadhali, hayo ni maoni yake, hayo ni maoni yake tumpe heshima na ayaseme.

Zainabu: Bwana mwenyekiti nikiwa kwa afya ninapendekeza ya kwamba, matibabu iwe ya bure na karibu na wananchi kama mobile clinics, tuwe na magali katika kila health center ili wananchi wapate matibabu kwa urahisi, haswa ikiwa kama usiku, gari hakuna pesa hakuna mwana Kenya anaumia. Katiba ilazimishe serikali iweke vifaa vya kutumia na madaktari ama wakunga wanapotibu na kuhudumia wagonjwa kwa vituo vya afya. Ningependekeza ya kwamba maduka za kuuza madawa chemists, nyingi zifungwe kwa maana hazina wataalamu wa kuuza madawa. Tena hizo chemists zinaendeshwa na madaktari ambao wanaiba madawa kwa mahospitali.

Kilimo: Nina pendekeza kwamba irrigation, ifanywe kado ya mito mikubwa na bahari ili watu waweze kupanda horticultural crops ambazo zitaendea mwaka rudi mwaka nenda hata tunaweza kupeleka hivyo vitu ng'ambo. Ningependekeza ya kwamba majina ya wakina mama yawe kwa kila contract ya miwa, majani, kahawa, ili wakina mama wajue matumizi ya hiyo pesa.

Natural resources: Ningependekeza kwamba natural resources zote serikali ichukuwe jukumu la kulinda local authority, Administration na raia pia walinde hii misitu, mito, milima isiharibiwe na waporaji.

Nikienda upande wa transport, pesa ya kodi itumike kulima, kujenga barabara kubwa na ndogo nchini kote bila kubagua sehemu zingine. Matatu ikipatikana imejaa driver na abiria ambao wamesimama wapelekwe kortini mara moja. Nauli za magari za abiria, ziko juu sana na ningependekeza hizi nauli ziletwe chini, na ninasema ziko juu kwa ajili kuna ufasidi kwa

road blocks sasa hawa watu wa matatu wanapeana pesa kwa police mpaka waendeshe hii pesa iwe juu ndio watapata faida. Na police watolewe kwa barabara waende tu kwa road blocks, Na magari yafanyiwe kwa inspection baada ya kilometre 20,000.

Maji na ndio ya mwisho mwenyekiti, ningependa Katiba ipitishwe ya kwamba kila mkenya apate maji safi na iwe karibu na boma. Asante sana mwenyekiti.

Com.Nunow: Asante sana mama kwa hayo maoni, subiri kidogo kwa ufafanuzi.

Com.Ayonga: Mama ulikuwa umesema kwamba Kenya tuwe na vazi ambalo linaweza kutututambua kama wa Kenya, ukatoa mfano wa Uganda, ukatoa mfano wa Nigeria, lakini hukutuambia vazi hilo ni lipi? Kwa maana ni rahisi kusema lakini hukutusaidia kwa kikatiba kwamba unataka wa Kenya wavae namna hii au ile,.

Zainabu: Hapo mwenyekiti, ningependa vazi ambalo linaheshima kama ndege, round, ama nguo yoyote refu ambayo inaheshima katika nchi yetu.

Com.Nunow: Asante sana nafikiri itakuwa shida kutafuta ni nini Kenyans itawatambua, wewe umesema kwamba ungependa kuona Kenyans wakitambulika kwa mavazi yao, na nafikiri hiyo tumekuelewa kabisa. Ingekuwa Commissioner alikuwa anataka kama una idea tayari lakini inaonekana hujafikiria kwa hivyo inaweza kuwa jambo ambalo Tume itaangalia, tafadhali ujiandikishe pale. Mathayo Magova.

Matayo Magova: Kwa majina mimi naitwa Mathayo Magova, naonelea upande wa land, kwa sababu hii land imechukuwa pesa kutoka kwa shamba lako, na hii shamba wewe uliwachiwa na baba yako sasa watu wa land wanachukuwa pesa nyingi wanagawa wananunua shamba letu.

Ya pili, kesi ya land haingefanyiwa kortini, hiyo ingefanyiwa nyumbani kwa sababu korti haijui habari ya land, na kuna wazee wa karibu wanaojua habari za land huko nyumbani kwa nini wanapeleka hiyo kwa korti?

Ya tatu hapa sisi watu wa District ya Busia, kitu kilikuwa inatupa sisi nguvu za kulima ilikuwa pombe ya mulicha, wewe unatengeneza pombe ya mulicha na watu wanakuja kusema watu washikwe siku moja. Sasa hiyo yote njia ya mapato serikali imefunga na kuna watu wengine hawana nguvu, watapata chakula namna gani? Ni hayo tu.

Com.Nunow: Kwa hivyo umesema pombe ya kienyeji ihalalishwe, iwepo? Asante sana tafadhali ujiandikishe kwa hiyo register. John Makanga

John Makanga: Yangu ni machache, John Makanga kitu mimi nilikuwa naonelea, mambo ya wabunge ambao wamesimama kura kupeana pesa wakati wa kura, kutokea mwaka huu ambao kura inakuja, iwe sheria mtu yeyote akipatikana akipena pesa, kura yake hiyo waaribu wapewe yule ambaye anamfuata, kwa shauri imekuwa tunachagua wabunge wengine ambao hawawezi kusaidia kwa vile wako na pesa, mtu anakaa Nairobi miaka kumi atakuja kupeana pesa.

Jambo la pili, kura hizi ambazo zinakuja mbele, President asichague mtu raia sisi wenyewe tuchague hapa mtu, wenyewe wasimame huko Nairobi halafu tuanzie hapa kupiga kura kama ni watu watano wasimame wote watu watano sisi tupige kura kutoka hapa, yule mwenye atapatikana ameshinda ndio akuwe President sio mtu mmoja ku appoint President.

Jambo la tatu, mahakama kuu, ichaguliwe na Bunge. Wabunge wa High Court, wa bunge ndio wachague ma-judge, sio mtu mmoja kuchagua halafu ndio anajuana na huyo mtu, atakuwa ana m-safe wakati yuko na makosa. Ma-judge ambao wanafanya kwa High Court wachaguliwe na wa-bunge na Bunge wapige kura kupendekeza wale majudge ambao wanafaa. Kile kitu naongeze kabisa, mbunge yeyote ambaye atapatikana anapeana pesa, ndio apite hiyo kura iharibiwe, wapee yule ambaye anamfuata kwa shauri hiki kitu kinafanya tusiweze kupata wabunge waziri, yangu ni hayo tu.

Com.Nunow: Asante sana, inaonekana chairman anasumbuliwa na hii corruption ya elections kwa hivyo ana haki ya kusema nini inamsubuwa na maoni yake. Mzee Andrea Mzungu huyo mzee aje mbele, tafadhali muandikishe.

Andrea Mzungu: Jambo wakubwa wote, nimefurahi sana kwa kuja hapa, ili nihudhurie mkutano huu, sisi ni watu vilema ambao tuliwakilisha location ya Bohaya. 1948, wakati chief Ezekiah alipokuwako, tuliishi Nairobi miaka nane tukisomea shule ya Institute for the blind, wakati huo Principle wetu alikuwa Hezbone, ndio Hezbone huyo ndiye alitufunza masomo. Na tulifurahi kwa Lucy Braille ambaye alianzisha masomo ya Braille. Tena na ule Miss Valo Nekonovallo, hao ndio walikuwa nuru yetu wasio ona, na leo President wetu alichukuwa, a jukumu kuwa mdhamini wetu, kwa sababu wakati wa emergency tuliambiwa ya kwamba vilema wote wale wako katika Institute for the blind muunge mkono uhuru kwa sababu mtapata matunda. Na kweli pocket money ile tulikuwa tukipata tuliwapa, wakati bwana Peter Koinange mtoto wa Mbio Koinange alipoenda uingereza walichanga pese nyingi, na sisi vilema tuliunga mkono. Wak

Ya pili alichukua Josephine Sinyo kuwa mtangulizi katika blind school kuwa mjumbe maalum, tulipongeza na kitu kibaya, ambacho sisi tunaona hasa watu wa District ya Busia, President and million 72, President aliacha kutoa pesa bwana Mahewa alitangulia kutoa milioni kumi na nane hadi akifika milioni kumi na nne. Sisi hatupokei hata msaada hata wengine manyumba yanavujwa na hatuna mtu wa kutuangualia, wengine tuna watoto walikosa kuenda shule kwa sababu sisi hatuoni na hutana mapato, hatuna kitu chochote, Je nauliza wakubwa wa Busia hamuwezi kusaidia wasiojiweza? Mtasaidia nani mkikosa kutusaidia sisi? Kutokea ma-chief ma-DC ma-DO, ndio macho, chief ndio macho ya DC na sub-chief ndio macho ya chief, basi kwa ufupi ningependa mchango huo bwana Mahewa akitoa wachague wajumbe wanao husiana group hiyo. Watembelee vilema wale walionadikwa katika government ili tuwe tupate kidogo tuwachie watoto wetu. Mimi nilisomea pesa ya ANC na

nilijifunza agriculture British Royal Commonwealth Blind society ilitoa pesa ya kujaribu kwenye afrika walitoka Kenya. Tulijifunza tukafaulu mimi nilikuwa grade two ya Agriculture katika blind school, sasa hiyo yote imezimia watoto wangu wanasema ulienda kusoma maharagwe ama ulienda kusoma mikate. Tafadhali President kama ungali wewe ndio mdhamini wetu, tuma wajumbe wache watuungalie tabu zetu kufuatana na watawala wako chini. Tafadhali Katiba ya sasa, ihalarishe wezi wakiingia boma ya watu na wakisikia yowe, wananchi waikimbilie usalama kuokoa wengine.

Kisa kingine kilitendeka huko Sidende kwetu wezi wanachokesha watu na kuwanyang'anya ng'ombe lakini kitu cha ajabu walienda kwa boma ingine kunyang'anyana ng'ombe vijana walipoondoka kuenda kuweka kizuio kwenye barabara, wezi walipiga simu kuambia police ati majambazi wako Sidende, neno la aibu walikuja police kubembereza vijana wakawachukua pamoja na maguru wenyewe wakapalekwa cell, kutoka hapo chief asubuhi yake hakufuata kusema ukweli mbele ya police hati hapana, hawa watu si majambazi walikuwa wanaokoa hata sasa kesi iko huko, je tutajua Toroitich Daniel Arap Moi anatawala nusu Nairobi, na nusu Kenya na Busia hapana, tunatawaliwa Uganda, ama Kenya? tafadhali tunaomba tusiwe adui wa police tusiwe adui wa chief, police wasiwe adui wetu mbali tuwe raia tuchanganyike, police wasikie mawaidha ya raia, na raia wote wasikie mawaidha ya police. Na kitu ambacho ninaona ikiwa mnasema ni uongo sisi tuli-feel form ingine hapa niko nayo, sisi hatukupata hata tangu sikupata hata msaada wowote. Yangu ni hayo tu.

Com.Kangu: Mzee Anderea, umesema mambo mengi unasema michango ya pesa imetolewa hamkupata kitu? Tungependelea utuambie tungependa walemavu wafanyiwe hivi, wafanyiwe hivi, umesema wewe umesoma na watoto wanauliza ulisoma nini? pengine mimi nafikiria ulikuwa unataka kusema kama walemavu wamesoma wasaidiwe wapatiwe kazi, nao wawe wanaweza kuwa na mapato. Ungekuwa unatuambia hivi ndio tungependelea ingetusaidia sana.

Andrea: Sasa wale walemavu wenzangu wapatiwe kazi, na mimi wanisaidie ikiwa pesa iko wanijengee nyumba kidogo ama wanipe ya kufanyia kazi yangu ya shamba kwa maana mimi pamoja na bibi yangu sasa tumekuwa wazee na watoto wangu hawana elimu hawana mapato, ndio hayo tu.

Com.Nunow: Asante sana mzee kwa hayo maoni, Christopher Wabwire,

Christopher Wabwire: Mimi kwa majina naitwa Christopher Wabwire, Maoni yangu nitasema pengine tulipata uhuru nusu kwanini niseme nilipata uhuru nusu? pia tulipata democracy nusu. Kama kila kitu tulipata huru, matembezi peke yake uwe ukitembea njiani ati unatisha sisi kutembea kwa sababu ya kutembea na chupa kama hiyo, wakiona umebeba ya taa watafikiria wewe unabemba chang'aa na sisi wazee tunashangaa hatujui kama chang'aa kuna bunduki ndani inatoka kuenda kuawa watu. Hiyo kama sisi tunasema ya kwamba tulipata uhuru na kila siku tunaimba hata kuwa kiongozi wa nchi anasema asiyezingatia utamaduni wake yeye ni mtumwa. Na je sisi kama utumwa zamani kulikuweco kitu kinaitwa kwa Kihayo ishushu ile mahali ya kukaa kutengeneza maneno kama mtoto wa fulani ni mbaya au fulani ni mzee mbaya wanakaa, wanazungumzia, ilikuwa pombe ya mlija, pia wakati wa kulima tulitumia pombe ya mlija na tunasema na tununue pombe ya kizungu, sisi watumwa hiyo ndio

sababu ya kusema sisi tungali watumwa, au tulipata uhuru, na kama tulipata uhuru kwa nini tunataka kubadilishwa katika kitamaduni chetu?

Pili, mimi ninasema namna hii, watu hawa watu wetu wa serikali tulisema watoto wetu ni hawa police, hata Administration police, hata assistant chief, hata na chief, police, wametuweka sisi kua adui, sisi wazee hata tukiona police tunataka kujificha. Kwa sababu siku hizi police ukizungumza kidogo akisikia wewe anaweza kukushika na kukupeleka huyo anakuwekea bangi na hiyo bangi ambayo wanashika watu nayo njiani wanaweka katika ma-ofisi yao, kwa nini? kama tulipata uhuru kweli kabisa. Mtu anaweza kufa hapa, pengine apigwe na jambo fulani, na chang'aa iko kwa njia huko wanawacha mtu hapa anakufa, wanakimbilia mtu wa changa'aa sasa watakuwa wamemsaidia huyu? Kushika mtu wa chang'aa, Jambo la pili, sisi kama tulipata uhuru na uhuru unasema demokrasia ni uchaguzi, kwa nini tufanyie likuru uchaguzi? Kwa nini hatufanyii assistant chief uchaguzi na chief? Kwa sababu niliyo sema hivyo mtu hawezi kuwatawala yule ambaye hawampedi sababu sisi zile zinatolewa tu, na anatulazimisha nikisema leo iko katika amri, iko amri kumi ya Mungu na iko sheria, sasa sisi tuko kwa sheria hatuko kwa kufuatilia mamb ya utamaduni wa haki wa kutawala uhuru wetu, kwa sababu.....

Interjection Com. Nunow: Mzee Wabwire, tafadhali utuambie mapendekezo, unasema chiefs, na sub-chiefs wachaguliwe sema hivyo usiulize maswali. Kusema ningependa namna hii, namna hii,

Christopher: Ningependa assistant chief achaguliwe, la pili assistant chief akisha chaguliwa, afanyiwe transfer kama DO, DC, na viongozi wengine. Pendekezo lingine kwa sababu, sioni kazi ya assistant chief anayofanya sasa kwa nini hawezi kudhibitisha na kuidhinisha huyu liguru achukue nafasi ya assistant chief kwa sababu kila wakati liguru ndio hufanya kazi katika area,

Interjection Com Ayonga: kwa hivyo unataka assistant chief atolewe? Au unapendekeza aje?

Christopher: Ninapendekeza liguru aidhinishwe afanye ya assistant chief, assistant chief atolewe.

Interjection Com Nunow: Can we have silence we will not proceed until you are dead silent.

Com.Kangu: Tulisema mwanzo mtu anazungmza hapa, tunanasa kwa mpango ya kunasa sauti, na mkipiga kelele, mtambo unanasa kelele wakati tutakaa chini kuanza kusikiliza wale hawakuwa (luhya dialect.....)

Christopher: kwa ingine tena wale watumishi wa serikali kama Police, AP, pendekezo langu ningesema hawangemaliza miezi sita, wakifikisha miezi sita wnapewa transfer kwa sababu hawajajulikana na watu, na hiyo ndio hufanya wakashajuana wanakuwa ma- adui, hiyo itatusaidia sisi.

Katika upande wa elimu, sisi kuna watu wengine ambao hawajiwezi, na tuliambiwa juzi, juzi ya kwamba hakuna fees katika

Primary schools, na saa hii hulipwa pesa zaidi kuliko hapo mbeleni ningependekeza hivi, ikiwa imepitishwa ya kwamba watoto hawalipi kitu, hata building fund vile vile watoe kwa kila kitu, Kila kitu ndani ya shule, watoto wasome kama zamani walipo anza.

Upande wa kazi, tumesema tunataka tuelimishe watoto kweli elimu tunataka tuwe na akili je pendekez wale watoto ambao wamemaliza training za teaching katika ualimu wamekaa nyumbani na tunataka tuongezwe wengine kwa vile pendekezo langu wangepatia first of all ambao walimaliza shule kwa training zao, wapate kazi ndio tuwapeleke wengine kwa shule tena pili,, nimi katika pendekezo katika watu wa Busia, tulihaidiwa ya kwamba tutapata TTC ningependekeza sisi katika Busia nzima mpaka Teso District hatuna training center yetu ya waalimu, tunaomba watuletee training college waalimu yangu ni hayo tu.

Com.Nunow: Asante sana mzee tafadhali ujadishe pale, kwamba umetoa maoni, Andrew Amahoya, Felix Muryani, Gerald Nyongesa. Reverend may be you could just make the announcement that you Rev. so and so is presenting the memorandum on behalf of Felix Muryani:

Wilson Ndindi: Majina ni Wilson Ndindi Magero Padre, Felix Muryani ni babu yangu nyinyi mnajua inaonekana kwa sababu ya uzee ameenda kutafuta lunch na amejiandikisha, ameniachia nimshikie memorandum yake. Kwa hivyo ninapeana memorandum yake kama written memorandum asanteni sana.

Gerald Nyongesa: My names are Nyongesa Gerald Muchui. I come from Khama Location. My views are:

Education: Education should be free to all Kenyans from class one to eight, because most of our pupils drop out in those levels. High levels should be shouldered by parents. In that regard a parent may be preparing for the eight to b selling something to ensure that his child or her child prospers in education.

Secondly, employment: let there be no quarter system, in that tribalism has always been portrayed because many people have undergone courses but because they have no persons in charge they will always lose their chances to get for somebody who has not qualified because of his or her father is in position.

Thirdly, Local government. I believe our councilors should be form four leavers in that to ensure that he is adequate with the language in the council to know that he can also get something for his own area other than going there to sleep.

Fourthly, Executive: The President should not have all the powers of appointing his people in power and lastly, on Job; let there be one man for one job. Lets not have this idea of people grabbing offices when others are just outside walking, tarmacking as if they have never qualified for such offices. Last these retirees who have at least enjoyed the economy of our country should leave to those people who are still young in the field to also enjoy the fruits of Kenyans, other than is somebody

for example comes an election where by old retirees are the people to work in offices while our form four leavers are growing poor and poor in our homes. Those are my views thank you.

Com.Nunow: Thank you very much Gerald for your views, please sign the register for us, Chrispinus Makhoha.

Chrispinus Makhoha: Memorandum yangu siyo ya kuandika ni ya kuongea,

Number moja, majina naitwa Chrispinus Makhoha vile mumesikia nikiitwa, memorandum yangu sio ya kuandikwa ni ya maneno, naongea kidogo,

1. Muundo wa serikali, katika miundo ya serikali ningependelea serikali ya majimbo sio serikali ya ofisi kuu. Na ikiwa itakuwa serikali ya ofisi kuu, ikiwa itakubalika Rais awe huko juu, na tuwe na majimbo hapa chini singependelea serikali ya uf alme. Ya kusema mtoto wa fulani akitoka ni mtoto wa fulani anaingia hapana, kwa hiyo serikali ya majimbo ningependa wananchi wachaguwe kutoka kwa governor mpaka kwa liguruu, na huyo liguruu alipwe mshahara.
2. Nimejaribu ninafikiria nimeguzia hiyo kuna wakati wanyama wa polini wanaharibu chakula cha watu, wakati mwingine wanaua hata mtu, serikali ya sasa, inachukua mnyama wa pori kuwa mtu wa maana sana kuwa kitu cha maana sana kuliko binadamu wa kawaida, mtu akiua mnyama wa pori nafungwa na mnyama wa pori akiua mtu, mnyama hafungwi, na tena wanamtetea, kwa hivyo ningependa hayo maneno yaangaliwe sana. Na mnyama wa pori akiharibu chakula cha mtu kwa sababu hiyo shamba ulipanda ndio ulikuwa unategemea, na hiyo pesa ulikuwa nayo wakati ule wa kupanda ilikuwa hiy, hiyo tu na utaona baada ya mnyama wa pori kuharibu chakula chako, unakaa miaka tano ndio ulipwe ridhaa, hiyo ni kunyanyasa mwananchi wa kawaida, unajua mimi ni kilema na ikiwa mnyama amebaribu chakula changu kilema, pesa ile saa ingine niliwaomba, kesho nitakula wapi? Nikiomba mnasema vilema wanaomba, omba, kwa hivyo ningependa, mnyama akiharibu chakula changu, wafanyiwe uchanguzi, kilikuwa kinatoshana namna gani mahali paliharibiwa na nilipwe papo hapo, na nilipwe kutoka katika District, sio kutafuta maneno ya kuenda Nairobi.
3. Mtu yeyote ambaye alikuwa akifanya kazi ya serikali aki retire tunajua serikali hupeana barua ya retirement kwa mda wa miezi sita hata wengine wanapewa mwaka mmoja, waalimu wanapewa hata zaidi ya miaka miwili, ikiwa umepewa barua ya ku-retire kwa miaka miwili, ningependa serikali iwe nayo inafanya juu chini huko juu, kujua Makokha ata retire kesho, ata retire baada ya miezi sita watengeneze benefit zangu, zitumwe siku ile mimi naenda nyumbani, niende na hizo zote, na nisirudi kuuliza, uliza.

Pesa za NSSF: Pesa za NSSF ziletwe katika District mahali ambapo mtu alikuwa anafanya kazi, saa ile ana retire, barua ya retirement ikija kwangu, ingine iende kwa hiyo ofisi kusema Makokha ata-retire kesho mmtengenezee marupu rupe yake ya retirement, ili nikitoka huko niende nichukue badala ya mimi kutoka huko na kuambiwa enda Nairobi, enda Nairobi, enda Nairobi. Ile pesa ilikuwa 10,000 saa ile nitapewa 10,000 faida yangu itakuwa 2,000 sasa hapo naona Katiba ya leo kama haisaidii watu, ni hayo tu asante kwa kunisikiliza.

Com.Nunow: Asante sana bwana Makhoha, kwa maoni yako, tafadhali ujadikishe Andrew Namange?

Andrew Namange: Nisie Andrew Namenge Kutoka Nambale township village Mariva. Maoni kange sava Katiba khale khwabechanga nesirero amera kanga niko Andrew Namenge khurula Nambale

Translator: I am called Andrew Namenge, from Nambale township Maliva village.

Andrew: Khale

Translator: Long time a go,

Andrew: Khwabechanga nende bakhulundu

Translator: We had elders,

Andrew: Muchinyanga sia siserero

Translator: during marriage times

Andrew: Tsinyanga tsa kifo

Translator: during death,

Andrew: Nende tsinyanga tsa arusi

Translator: and during weddings.

Andrew: Kwabechanga nende malwa ako bule

Translator: we had local brews from Wimbi.

Andrew: Isaino

Translator: These days,

Andrew: Ni khule nende bakini

Translator: if we have visitors:

Andrew: Kabila ngabo

Translator: like this ones

Andrew: Khunyola abasikari oli ngo welingialingia sa mungo ngoli mukini muburuchi

Translator: we find the askari's coming around and you look hopeless in the home in the midst of Administration.

Andrew: Savanga Katiba

Translator: I am pleading with the Constitution,

Andrew: Irulekhule

Translator: To release us

Andrew: Khube nende

Translator: so that we can have

Andrew: Ebindu ngebio

Translator: things like those

Andrew: kabendulakha

Translator: That are traditional.

Andrew: Eliakhubiri efew

Translator: Secondly,

Andrew: Efe badidi ba inyuma eno

Translator: We small citizens

Andrew: Sikhunyala khukula whisky

Translator: We cannot,

Andrew: Khubakeni abo

Translator: We cannot buy commercial beers like whisky

Translator: to our visitors

Andrew: Khuli nende

Translator: we have

Andrew: Abadekhi ba kando kando badidi

Translator: we have local brews in our homes

Andrew: Khusabanga Katiba

Translator: We are requesting the Constitution

Andrew: Ikonyekho ingira yosi yosi nga kha-factory

Translator: to look for ways and means where this can be made by a factory

Andrew: Abadekhi badidi badidi bano

Translator: These local brewers,

Andrew: Bairenge mu-factory omwo

Translator: should be taking these brews to that factory

Andrew: Okhulingara sawasawa

Translator: to analyse critically

Andrew: Malwa keni kakusibwengwe khumaduka au mu bar

Translator: so that these local brews are free from danger and they should be sold commercially in our public places.

Andrew: Khwefe abundu badidi

Translator: We the common mwananchi

Andrew: Khunyala khukulakho

Translator: we can buy

Andrew: Khulondana na mapato kefu ni kali madidi

Translator: depending on our meager incomes.

Andrew: Eliakhudaru

Translator: Thirdly,

Andrew: Abasikari nibola mungo

Translator: when the askaris reach our homes

Andrew: Bacha mpaka khubulire

Translator: they entreat our privacy

Andrew: mbara nibiakhuba mbu omundu mukhulundu khwakisa malwa khubuliri

Translator: seriously speaking, we as elders can we hide beer in our bedrooms?

Andrew: Abasikari abo babechanga sa nibenya abakhasi bali munyumba omwo.

Translator: Those askaris interest is not beer but they look for our wives.

Andrew: Nende ebindu bili khusitanda okhwo

Translator: together with our bedding.

Andrew: Ako niko kambere nako1

Translator: that is all I have.

Com.Nunow: Asante sana mzee Namenge kwa haya maoni tumeyapokea, utajiadikisha pale, na u-sign register asante sana. Kenneth Kafua, na baada ya Kenneth wajitayarisha wanafunzi wa Igara Secondary school.

Kenneth Kafua: Basi kwa majina ninaitwa Kenneth Kafua nitatoa maoni yangu. Nitasoma vile nilivyo andika, wananchi wa Kenya

Interjection Com.Nunow: Kenneth, usisome kama una maandishi utatuangazia, utakuwa unafanya kazi mara mbili sisi wenyewe tutasoma tupatie points peke yake.

Kenneth: Sawa ninapendekeza ya kwamba wananchi wa Kenya wakubaliwe kutoa maoni kulingana na Katiba ambayo inawatawala. Jambo lingine lugha ambayo itaandikwa katika Katiba lazima iwe lugha mbili ambayo ni ya kiswahili, na kiingereza ambayo inaeleweka. Katiba vitabu vitolewe ambavyo vinachapishwa na kila mwananchi apate kujua Katiba yake. Rais achaguliwe na wananchi wenyewe, Rais apewe utawala miaka kumi sio zaidi ya hapo, akiwa mzuri akiwa mbaya, miaka kumi tosha. Rais awe mtu ambaye amesoma vizuri na awe mtu ambaye anajua lugha mbili. Rais anyanganywe mamlaka kama ya detention, asiwe na mamlaka ya kufunga mtu, detention lazima ahukumiwe kortini, na huyu mtu atangazwe katika gazetti rasmi la serikali na apewe siku kumi nne kufanya appeal. Pia sheria ambayo inamuhukumu iandikwe katika gazetti rasmi ya serikali. Rais asiwe na mamlaka ya kunyang'anya wananchi kutembea katika nchi yao. Pia, Rais asikubaliwe kufuta mtu bila kupitia kwa Bunge.

Ningependa pia liguruu aangaliwe kama mtawala apewe mshahara, ili kusudi asiwe mtu wa kuomba ama kuleta ufisadi. Jambo

lingine ambayo ningependa kuguzia, TKK toa kitu kidogo, yule mtu ambaye anapeana hongo, na yule ambaye anachukua hongo lazima washtakiwe. Mwizi ama wizi, mtu yeyote ambaye aliiba mali ya umma na anataka kusimama Ubunge au Rais lazima ahukumiwe kortini na arudishe hiyo mali.

Ningetaka kuguzia mambo ya mipaka. Mpaka ambao uliwekwa na serikali ya ukoloni lazima uheshimiwe na usiodolewe kulingana na kitabu cha methali 22: 28 usiondoe alama ya mpaka wa zamani uliowekwa na babu zako.

Pia ningependa kuguzia mambo ya watoto. Mtoto lazima apewe elimu ya bure ikiwa ni msichana na ikiwa ni mvulana. Uridhi, nikizungumzia mambo ya uridhi, mzazi akiwa na watoto wawili ni sharti wapate uridhi kutoka kwa wazazi wao.

Mapenzi: Yule mtu yeyote ambay atapatikana akifanya mapenzi na mtoto ambaye ni wa chini ya miaka 18, sheria ichukuliwe andikwe na ahukumiwe bila kusitasita.

Ningependa kuzungumzia mambo ya ugonjwa wa ukimwi ambao umekuja, nauliza ya kwamba iandikwe kwa Katiba ya kwamba mtu akiwa na visuzi vya ugonjwa wa ukimwi, na anajua ya kwamba ana viruzi na anaendelea kusambaza, huyo mtu anastahili kushtakiwa.

Mavazi: Kulingana na tamaduni za mwaafrika lazima mavazi yaheshimiwe, mwanamke hastahili kuvaa mavazi ya mwanamume na mwanamume hastahili kuvaa mavazi ya mwanamke.

Kuo: Ndoa kijana na msichana, sharti achague yule kijana ambaye anataka kuo, ama kuoleka. Pia ninaguzia upande wa mahari. Lazima kuheshimu tamaduni za wafrika au mtu wa Kenya. Kitu kidogo kitolewe ili kuidhinisha ya kwamba huyu nimemchukua kama mke na heshima ikuweko kati ya haowatu wawili.

Disability: Ningependa kuguzia watu ambao ni walemavu: Walemavu lazima wasaidiwe sheria iandikwe, mlemavu yeyote ama kipofu serikali isaidie kimapato, kielimu na mambo mengine kadhalika.

Abortion: Nikuguzia mambo ya abortion kutoa mimba yule mtu ambaye atatoa mimba ambayo si halali ni sharti ashtakiwe.

Interjection Com.Ayonga: Halali ni nini?

Kenneth: Mimba ambayo haina baba ama mama. Basi ninamaanisha hivi, abortion mwanamke akipatikana akitoa mimba anafaa ashitakiwe.

Employment: One man one job, mtu yeyote ambaye ameajiriwa katika serikali yetu ya Kenya na ame-retire asikubaliwe tena

kurudi kwa kazi. Mtu anayetaka kazi ya ubunge lazima ajue kusoma, kuandika, asiwe mtu ambaye ako na record mbaya ya ufiada au muuaji. Mwenye kupenda maendeleo na kupenda nchi yake. Kila mwananchi wa Kenya anakubaliwa kupiga kura.

Lugha mbili ambazo ni kiswahili na kiingereza zikubaliwe kuongea katika Bunge. Vyama vingi vikubaliwe katika nchi ya Kenya.

Interjection Com Nunow: Endelea make your last point, one last point.

Kenneth: Point yangu ya mwisho angalau nimeandika mengi, kuanzia kwa utawala, Liguruu, sub-chief, na assistant chief wachaguliwe na wananchi. Asante.

Com.Nunow: Asante sana Kenneth usione hujamaliza kwa sababu tutasoma yote na itaingia kwa computer ya Tume. Wanafunzi mko tayari, Patrick Umachi, karibia pia Caroline Kelasi.

Patrick Omachi: I am called Omachi Patrick from Igara Secondary School, form four. I have some views. My first views goes to President and the power, I want the President's power to be reduced because he has a lot of power than other people. Also the power of the President should be shared by the Prime Minister and the Vice President. If the President has done something wrong either he has stolen the public money or other resources and his management is not good, should be forced by the Constitution to resign and then taken into the court and judged and if he has stolen public money he should be forced to repay that money or that property that he has taken from the government. Also the MPs whom we are electing, I want when you want to become the Member of Parliament should be retained and if you are the Member of Parliament and then you are not doing your work very well as an MP you should be forced by the Constitution or the people that you are representing in Parliament to resign, as we have had that, there are some MPs who went to the Parliament for four years, and then they have not said anything about their Constitution, those people should not be allowed to go back again to the Parliament.

In the public according to the public money and resources, that should be shared that every Kenyan should get that money to be shared equally because, there is some public money that has been used to build some places like the Province where the President or those who are in power have been used and some of us here, in Busia and in Teso District you get some roads, they are very bad, they are unaccessible to various places. So I want the Constitution to provide that the government should construct every road in the country they should be in good condition.

Also the Commission of enquiry should be set up because there are some things that have happened in this country whereby some people have been assassinated and some activities have come up due to reluctance on the part of the security force. The Commission is to be set by the Constitution to provide that the enquiry Commission should be set and if anything comes out in the country they can inspect anything and then that to be announced in public, because there are some activities that in 1992

whereby some clashes arose up and then a Commission was up and it has never given out its report.

In the area of education, we want Primary education to be compulsory and free education. Every Kenyan citizen or every Kenyan child should have a right to get education and should not be denied that right because the parents do not have anything. Also if a student in form two or form three has not received that certificate that shows that he has gone to school, the assessment test should be done and then to be given a certificate and some opportunities should be set aside for them because there are some people who have no certificate and are just staying at home and have at least gone upto form three.

Girls inheritance rights from their parents, I do not agree with that because, this will cause some chaos in the family. If a girl is married and inherits from the parents, she will not respect the husband. If a man

Interjection Com.Kangu: Kuna wale wameanza tena kelele, na tumesema huu ni mladi wa Kenya wote, boys equal, girls equal tumpe kila mtu nafasi yake ya kuzungumza.

Patrick: I want also to say that girls should get married at about 21 years, and anybody who is found marrying a girl less than 21 years should be prosecuted by the law and the man should marry when he is already 25 years and above. That means that when they marry at that age, they are capable and are mature enough to manage their family.

According to the office there are some people who are owning several offices. You get somebody who is a Permanent Secretary, and then he is also a Director in a certain Parastatal body. So I want if you are a Permanent Secretary, you just have one office just remain in that office and the other one whereby somebody is the secretary of the Cabinet and he is also the Chairman of the Civil Service, that one should be divided to create jobs for several other people.

Interjection Com.Ayonga: Omachi you have made your point one man one job, as simple as that without any explanation we know all those things, we are not foreigners, okay go ahead.

Patrick: If you are a civil servant I want to say this, you should be allowed to retire at the age of 60 years. If you retire, at the age of 60 years, as soon as you leave the job you are paid about 3 months before the retirement. Thank you.

Com.Nunow: Omachi asante sana, please sign the register, I now call Caroline Kerasi

Caroline Kerasi: Guests of honours and the rest before you is Kerasi Caroline from St. Pauls Igara. I have few remarks to pass across. One point to start with, the first is inheritance of properties by the girls. Girls should not be denied the right for land, reason is because a girl who is learned and knows the management of land, can start some projects that can assist the family.

Secondly is the early marriages to girls. Early marriages to girls should be abolished. This is because some parents insist their daughters to get married before 18 years. For the parents to get dowry.

Thirdly the Constitution should provide, that people should marry girls who are below 18 years should be arrested and be disciplined. Then lastly girls should also be given a chance to attain higher level of education. For me to say this is because boys are given chances for higher education because they are the people to remain and assist them, they forget girls if they are educated to higher levels they will assist the parents and they will participate in projects that will assist the fellow brothers and the entire village. Thank you.

Com.Nunow: Thank you very much Caroline, please let us have your paper, and sign the register and Hon.Phillip Masinde:

Hon Phillip Masinde: Hon. Guests dear Commissioners, you are welcomed to Nambale Constituency. I submitted my memorandum but it was a summary so what I have to say is not a summary of what I submitted but what I submitted is the summary of what I have to say and I hope you will patient with me, on whatever I have to say but I will try as much as possible to keep within the time limit.

Commissioners, Kenya Constitution I have a copy here of the current Kenyan Constitution, I have been looking at it for the past 10 years, I have also helped in mutilating some of the chapters and sections of the same. I want to say this, that God gave to Moses 10 commandments. Kenyan Constitution which is not within those 10 commandments that God gave to us is not the Constitution for Kenyans, because anything that is outside the Constitution which, or outside the Constitution which should be in the context of the 10 commandments is not for human beings. I want to take this opportunity to thank our fore fathers who had the opportunity to go to Lancaster House and negotiate the Constitution, that brought us Uhuru. That Constitution as far as I am concerned, was very relevant and many of its parts are still relevant. It was however destroyed by the Kenyans who were a bit too hungry for the power, or who were selfish, and they created sycophan who mutilated the Constitution to what we have now.

At independence our former freedom fighters aimed three very important things for the Kenyans.

1. To eliminate ignorance,
2. To eliminate sickness
3. To eliminate poverty.

It worked for a short time unfortunately, because of the mutilation of the Lancaster Constitution, all that they vowed to eliminate has back in a bigger way, than they found. We find that recently our MPs passed that all children should go to school compulsory. Unfortunately we do not have enough teachers, we do not have enough facilities to get all the school going children to go to school, and we are making a law which we know is going to be broken not because of the wish of anybody,

but because we have failed to prepare so as to make that law to be followed.

The next thing we have problems the children that are able to go to school at the moment are lacking facilities, they have no books, they have introduced so many things in Primary schools, so many funds which are unchecked and uncontrolled, that are affecting education of all Kenyans. We have primary school children they are sent away from school after every other day, to collect 20 Kshs. for a watchman, 5 Kshs for water I do not know 20 Kshs for the teachers breakfast or lunch, I am ex-teacher, all these people are working in the offices, the people you are serving do not have to get meals for teachers, and these things when the children are sent away, those who are in the schools are going on with education. Those who come back after a week or two it very difficult to catch up. Also the classrooms are crowded because we lack teachers and yet we have teacher training schools, we have teachers who are unemployed at the moment, and if we are earning (inaudible) so really, when you come to the sickness, we have more hospitals now than we used to have during the colonial days. Nambale Constituency never had a hospital during colonial days until towards independence when we had Nambale health center here. Our nearest hospital was Kakamega, we have many more hospitals around, but they are useless to be here at the moment because there is no medicine, the staff there are underworked or overworked, they have no morale to work and you find eventually you get surprised to read that medicines have been destroyed because they have expired. We keep on getting this donors, bringing in money, bringing in medicines na wananchi wanakufa kwa sababu hakuna madawa kwa hospitali, ukienda kwa hospitali unaambiwa nunua shidano, nunua kila kitu, unanunua madawa hata kupigwa shindano na yule daktari au nurse ambaye yuke kwa hospitali ya serikali unakuwa charged 20, 30, 50 Kshs, ili upigwe shindano na huyo daktari analipwa. So tunafanya watu kuogopa kuenda kwa hospitali, kwa hivyo wengi wanakufa kwa kukosa pesa za kuenda kwa hospitali ya private hospital. Hospitali zetu za serikali hazina maana sasa.

Ukiangalia mambo ya umaskini there poor kuna watu wengi ambao wapetupwa nje ya kazi, kwa sababu zisizo sawa, hiki kitu wanaita retrenchment Ok, World Bank na IMF wanafanya mipango, zinaambia serikali mnasema tutatupa watu nje sisi tutawapatia pesa ya kulipa hawa. Juzi hata American Ambassador ambaye alienda akasema kila mtu ambaye alikuwa ametupwa nje kwa sababu ya retrenchment hanastahili kupewa shillingi 200,000/40,000. Wale watu ambao walitolewa nje the maximum they have had ni shilling 40,000, sasa hii 200,000 hata serikali yenyewe haijawahi kuambia watu hizi ziko wapi, na tuliambiwa ziko. Na hiyo iko kwa Constitution na Constitution haifai. Ile kitu ningesema ni kwamba kwa sababu ya mtido huu, umaskini umeingia, watu wengi wametupwa nje ya kazi, walikuwa wamezoea maisha fulani hawawezi kuhudumia familia, sasa wizi umeingia, kuna watoto ambao wamesoma wanakuwa graduates hawana kazi, lazima wajue vile watajilinda, na hiyo ndio inaleta hii mambo ya kuwa na ufisadi, kuwa na mambo mengine, kuwa na wizi na unyang'anyi na mambo mengineo. Kwa hivyo ingekuwa vizuri kama for example hii mambo kwenda kwa shule harambees ndizo zinaumiza watu. Harambees zikatwe ziwe ni za kusaidia mgonjwa kwa maana ugonjwa hutarajii hiyo, ziwe niza kusaidia mtoto kuenda ng'ambo, ziwe ni za kusaidia maskini ambaye amekufiwa, lakini zisiwe za shule ambazo hata wengine wamejenga shule nzuri na harambee bado sinaendelea, zingine harambee zinaendelea kwa mashule kwa miaka na miaka, ukienda huko hakuna shule mpya ambayo inajengwa na watu wangali wanaendelea kulipa harambee. Haya mambo yachunguzwe, na harambee zingine hata zinaenda kuwa personal Permanent

secretary akikufa au Minister amekufa harambee inatolewa ya million mbili mwananchi anakufa huko anazikwa kama kuku tu au kama mbwa. So, ziwe harmonized na tufuate harambee ambayo tuna hakika itaenda kufaidi wananchi. Kufuatana na hayo mimi niko recommendations chache za kufanya ambazo nafikiria ni muhimu sana. Watu wengi wamefanya hizi recommendations na hii ni recommendation ya sasa mamlaka ya wale watu ambao wanastahili kuwa kulinda sisi wananchi.

Post ya President instahili kuwa Executive President kwa maana awe elected by the people. President ambaye anachaguliwa na Bunge, Bunge itaenda kumng'oa kesho na wakitaka afuate ile wanataka na asipofuata wana mng'oa na itakuwa unstable, President pia ataogopa kutekeleza mambo yake kama President, kwa hivyo awe Executive President na awe na powers za kutosha ili awe, anaangaliwa kama mkubwa wa nchi au the God the father of the Nation sio huyu President ambaye tutakuwa tunamtupa tu kando, na kando kwa maana tumeng'oa mamlaka yote, kutoka kwa President. Na President awe anafutwa na wananchi, kwa maana akiwa ni President ambayehakupigiwa kura, wale ambao walimchagua by selection watamtupa ten times, na mwananchi hata hatajua ni nini inaendelea na kwa hivyo President anastihili kuwa elected na wananchi na afutwe na wananchi na apewe Executive powers. Anstahili kuwa na Vice President na tuwe na Prime Minister, na huyu Prime Minister awe ndiye anasimamia mambo mengi ya serikali let them share the powers. Na Prime Minister naye awe na labda wasaidizi kama watatu kuwe first deputy Prime Minister, second deputy Prime Minister, third deputy Prime Minister, after all hao watu nao wachaguliwe na President kwa maana Prime Minister is just a Minister except he is the head of other Ministers, na Minister wengine tunanyamaza tu, kwa hivyo President achague hawa watu wote, lakini awapeleke kwa Bunge, Bunge I-confirm, ikikataa mmoja waseme huyo hatumtaki leta mwingine tumchunguze.

Interjection Com.Nunow: Please summarise.

I am nearly through asante. Inginge inastahili tuwe tuko na National Assembly yaani Parliament, ni vizuri tuwe na senate, na hii senate iwe na watu ambao wamekomaa ambao hawako chini ya miaka 45. Na hii senate labda kila District iwe na Senator mmoja, hawa ma-senators wawe wanaweza kuuenda kuchungua mambo ya Bunge, ambayo Bunge inafanya, hivi juzi Mbunge anakaa, wa-Bunge wanakaa wanapitisha mishahara yao, wanapitisha hii, hata hawa-consult nchi na hakuna mtu ambaye aliweza kusema basi kwa sababu wanafuata sheria, na hii sheria kuangaliwa isipoangaliwa itakuwa matatizo kwa hivyo I recommend ya kwamba senate iweko.

Local Government: Tuwe na local government ambayo ini strong, iwe kama County na hiyo local government wale watu wa local government ma councilors wapewe uhuru wa ku learn hizo local government zao, Minister wa Local Government kukaa na kusema nime-abolish hii local council kwa sababu ya fitina. Local Council ku-abolish au kugeuza kuweka Commission iwe kama ma-Councilors 51% ya ma councilors wa Tume ya kwamba wanataka local government, igeuzwe au at least one third ya population yaani electors ndio wageuze mambo ya local government. Kwa maana the local government zimeachwa tu at the wimps of the Minister for Local Government na hao hawapatii nguvu ma councilors kuendesha kazi vile wanastahili kuendesha.

Lingine, hii mambo ya majimbo nafikiri is a good idea, lakine iwe tu Provincial waweke majimbo Provincial kwa Constitution na iwekwe peding for 15 years to come ili kutakuwa hizo na election tatu ambazo zinafuata, wale ambao watakuwa huko, hawa vijana kama hawatakuwa integrated enough wakifikiria it is important kuwa na majimbo waletu, kwa sababu kwa sasa kufuatana na vile tulivyo economically, tutakuwa tunaumiza wananchi kuleta majimbo saa hii, but it is a good idea to have hiyo majimbo.

The other thing, referendum nafikiri ile Constitution ya Lancaster kulikuwa na referendum na hiyo ikatolewa. Referendum isiporudishwa, hata hii kazi nyinyi ma-commissioners mnafanya ni bure, kwa maana wa-bunge wakisha ingia kwa Bunge wategeuze hii kazi ambayo mnafanya, mmechukua nafasi ya kuifanya mmeifanya kwa ustadi, na hiyo inaweza kugeuzwa within 30 minutes. Hii section 2A iliingizwa within 15 minutes, section 2A tuliitoa mini nilikuwa Mbunge kwa 30 minutes na hii Coinstitution watu wanaichezea tu namna hiyo, kwa hivyo iwe na referendum wananchi waangalie na hiyo referendum labda ichukwe 75% of wananchi ambao eligible voters, kusema ndio ili wategeuze, kwa maana hiyo pia itakuwa inafanya wananchi kukaa bila yale mambo mengine kutolewa tu behind the kitchen Cabinet wanaharibu nafikiri hiyo ni very important.

Wazee wengine wamesema juu ya hii local brew, during colonial times mwafrika alikuwa hakubaliwa kunywa pombe ya wazungu walikuwa confined kwa ile pombe yao ya kiafrika, saa hii mwafrika amekuja amegeuzwa mtindo, anataka mwafrika akunywe pombe ya mzungu peke yake asinywe pombe yake mwenyewe. Kwa hivyo na hiki kitu kimeleta corruption nyingi imefanya wananchi kuwa maskini kwa sababu kama wangekubaliwa vile wengine walisema hapa wakunywe, wanajua kutengeneza pombe yao ya kiafrika ya wimbi na nini which is a food as well as a drink, ni chakula kama angekubaliwa kutengeneza. Saa hii kwa sababu ya restriction watu wengi wamekufa kwa sababu ya drinking illicit drinks, wamekufa kushinda siku zile kama hizi drinks zilikuwa zimekubaliwa. Kwa hivyo wananchi wapewe ruhusa ya kutengeneza pombe yao.

Chang'aa okay wanaweza kutengeneza, mbele ni walikuwa wanatengeneza haikuwa harmful, saa hii wanaweka vitu vingine kwa sababu wanakunywa kama wezi, wanaweka kile kitu ambacho ataguza tu na kunywa one pogup na anaenda kichwa kimekwisha geuka, kama ingetengenezwa mzuri, na wakae wakunywe wakibadilishana mawaidha, hiyo ingekuwa vizuri na hata tuko karibu na Uganda chang'aa inatengenezwa, tungetengeneza kama sivyo tungekuwa na cottage industry hapa Kenya kwetu tutengeneze ili, tuiuze vile msemaji wa mbele aliposema. Na hii pia ita-discourage haya mambo, watu wengi Nambale Constituency, au Busia District ambao wanawekwa ndani, ni kwa sababu ya kinywaji hiki, wengi otherwise sisi watu wa Busia we are law abiding ukienda kwa cell, ukiuliza nine out of ten ni watu ambao wamekwa kwa sababu wamepatwa wakinywa hii local brew, why discriminate? Nairobi ukienda Kariobangi, local brew inanywewa, na watu wanapewa permit, Kawangware hivyo local brew inanywewa kwa bars na watu wanapewa licence, why discriminate areas zingine kama Busia? wapatiwe hiyo nafasi na wapewe strict orders and how to have all these things managed na hii pia itazuia haya mawindo ya AP sitaki kulaumu askari wa police ma APs especially hanging around kwa boma za watu, anaskia njaa hana pesa ya kununua maziwa, anaenda kwa boma ili alipwe pesa. Watu wangu wanashikwa wanawekwa kwa ofisi ya AP hapo and over the weekend au Christmas time wanashikwa kama Friday, wanakaa huko wanaambiwa usipoleta 3,000 Kshs utakaa hapa mpaka Tuesday ndio uende

kwa korti. Watu wanasukuma na mpaka wanatoa hizi pesa, hizi pesa haziendi kusaidia serikali, mtu anatoa na haedi kwa korti, anakuwa maskini kushinda vile alikuwako afew hours earlier na huu umaskini unaletwa na mambo kama haya ya ufisadi. Mengi nafikiri, machache yako kwa memorandum ambayo nimepeana, nafikiri kwa hayo machache nawashukuru asanteni.

Com.Kangu: Asante sana muheshimwa in fact on Saturday when I passed by home in Butere, I found my step brother and his wife having been arrested because they were found drinking and when I went to the police station, I found the son who has been asked to take 1,000 Kshs before they are released. So mambo unayosema ni kweli. We would safe foreign currency yenye tunaenda ku-import hizi mzungu beer, a lot of our labour is lost when people are locked in their, people who may be on their farms working but any way that is beside the point. The senate, unataka a representation in the senate iwe ya watu wagapi na wana represent sehemu kwa njia gani?

Hon.Masinde: Nilisema senate kwa sasa hatutaki senate kuwa na watu wengi sana, hivi juzi tulisoma ya kwamba hata wale ambao wazee wetu ambao walikuwa kwa senate zamani, walinunuliwa, wakavunja senate. Hiyo ilisemwa tuliona kule ilisemwa na msemaji mmoja ambaye alikuwa MP siku hizo, walinunuliwa. Kwa hivyo tuwe na senate wachache na mimi nilikuwa nina recommend ya kwamba kila District kwa maana tuko karibu na Districe 70 sasa, kila District iwe na Senator mmoja, for economic purposes also. Na huyu senator asiwe chini ya miaka 45, we want mature people ambao wanaweza kuangalia uso wa huyu manamba ambaye amejigeuza kuwa mbunge kwa miaka 21, na kumuambia wewe ungali mtoto, haya mambo yanaharibika hatutaki mambo kama hayo.

Com.Nunow: Asante sana mheshimiwa Masinde wa hayo, Wesuna Ouma. Karibu tafadhali utafuatwa na Leonard Hadoli, Leornard jitayalishe.

Wesuna Ouma: Thank you very much Commissioner since you adviced that we do not repeat what we have in our memorandum I have presented memorandum I would like not to repeat that. However I would like just to say the following; first my names are Wesouna Ouma, I am retired college Lecturer. I would like to suggest that we define what we mean. (**mic problem**) One of the things that are detrimental to our development is that we have failed to define what we mean by employment. There are many forms of employment, which many of us do not see them in that light. For example farming in my view is the form of employment, Jua Kali is a form of employment, but people do not see them that way because they have not returns, they have no defined returns and people would like to seek office employment in order to be satisfied that they are employed. So if we can define and protect other forms of employment without exploitation, I think it will help a lot. Like in t farming there are a lot people who are prepared to spend their time and resourced in farming but they are so many things which are unpredictable, farm produce and implements, the prices are unpredictable and so forth, so we would like to have a Constitution where other forms of employment are protected and if possible like in farming the government could subsidize the farmer, so that he can benefit and spend his time or her time in farming activities. Another thing will be I would suggest that in this country and in many African countries unfortunately, the elderly and the physically disabled are not given due respect, I

would suggest that as Commissioners you kindly look at ways and means of enacting a Constitution, which respects and protects the elderly and the physically disabled. I understand these days they are supposed to - be we are supposed to refer to them as physically challenged.

Thirdly, many people have suggested that we scrapp Provincial Administration in its entirety. I would suggest that, we scrapp it at the level of Provincial Administration but we retain District Administration, I feel its important. People like Provincial Commissioners, Provincial Director of anything, are just duplicating the work that is being done at the District level.

Another thing is that we have differing views about whether people want a unitary government, or they want majimbo, I feel that at the level where we are just a few years after independence, I think we still need to belong to a unitary government but with properly defined working system like the views that you are collecting. So since you have my views and the document, I would like to thank you very much for that.

Com.Nunow: Thank you very much bwana Ouma please register yourself just a minute.

Com. Kangu: In your view when do you think we will be ready for a federal system?

Wesuna Ouma: I believe that if our unitary system is working properly there is no need any time at all for a federal system.

Com.Nunow: Thank you, so you are suggesting the unitary system is working well. Is working well now?

Wesuna Ouma: No, but I believe with the new Constitution things will go on well.

Com.Nunow: Thank very much please register there Leornard Hadoli, utafuatwa na Absolom alutia.

Leornard Malova Ladoli: Thank you Commissioners my names Leonard Malova Ladoli I am a resident of this area, and I am the chairman of higher association. As has been mentioned a little earlier, the Constitution that has served us since independence was a good document, the problem is that we have not observed its provisions. That has come about because the separation of powers between the Executive, the Legislature, and the Judiciary has not been very clearly observed to the extent that there has been interference from one arm to the other particularly from the Executive. That plus other elements that have come in have really messed up the Constitution or the observation of the Constitution.

We feel that Kenya has the resources and the man power to look after its resources and prosper. The the legal frame work which is the Constitution in which this happened should lead to make us live and harmony, but certain things need to be done. One I think the one that have alluded to the separation of powers, should be very clearly observed so that the executive does

not unduly interfere with the other arms of the government that is the Judiciary and the Legislature.

We would like to make a certain recommendations, earlier on somebody mentioned about political parties. We believe that political parties should be as many as possible but there should be provision, that we do not have a hundred political parties because they will not serve as any useful purpose, they will only split us into small ethnic and tribal groupings, which will serve us at all. Parties should demonstrate that it has national following for it to be registered and they can be many as possible, but so long as they have demonstrated National following.

We believe that the Presidency as it is presently constituted can work provided that the President is elected by the people as well as the Vice President. It should be a ticket that the President and his Vice President are elected by the people and they are voted out by the people as well. We do not want a situation where one person can play around with the deputy so that at one time we do not have a Vice President in the country, it should be a Constitutional provision that the President should have a Vice President and they should be elected on one ticket.

We also make proposals on the number of Ministries that should be within the government, we feel that they should not exceed 15, and within those 15, they should be able to run the affairs of the government efficiently, with one Minister and no more than two assistant Ministers. We also believe that there should be very clear definition of the Parliamentary calendar so that the decisions of prolonging Parliament and other things like are not left to the whims of one individual or one party, and that should be enacted by Parliament and everybody should know well in advance that the election will be held at this time, the President should be sworn in at this time, and so forth. We also believe that the effectiveness of an MP within Parliament has been greatly affected by the fact that they do not have research support at that level. People who research on bills, research on issues, to be able to make the debates in Parliament constructive and enlightening. Every year I feel very sad when I listen to contributions particularly on an important bill like the finance bill, where we find more often than not name calling and idle talk rather than serious discussion about what should be done to improve our economy.

We also propose that a non performing Member of Parliament or a Councilor, the voters should have a right of expressing a vote of no confidence in that individual. We also believe that Presidential appointments those provided for in the Constitution, should be vetted by Parliament all of them, all of them should be vetted by Parliament. We have had situations where in the absence of that vetting mediocre characters are appointed to lead institutions in this country and they run down those institutions for electors and other wananchi who benefit from this economy can pressure them at all. So we want that all Presidential appointments to be vetted by Parliament.

The issue of land inheritance I think the Constitution should be gender blind to that issue so that men and women can inherit from their fathers or mothers land, so that they can develop it for the economic development of this country. Since most of the points are in the memorandum that I have prepared, I would stop there. Thank you.

Com.Nunow: Thank you very much bwana Ladoli, there is no question for you, please you may sign the register. Absolom Alutia.

Absolom Alutia: Hamjambo, kwa majina naitwa Absolom Alutia nikiwa na maoni mara mbili. Kwanza nawakilisha jamii ya kislamu kama mwenyekiti wa jamii ya kislamu katika Nambale. Pili nina maoni yangu ya kibinafsi.

Ninaanza na maoni ya jamii kislamu. Kwanza jamii ya kislamu inapendekeza kwamba utangulizi wa Katiba, Katiba ipewe utangulizi kwa kumtambua Mungu. Kama kwa mfano “kwa ajili ya Mwenyezi Mungu na raia wa Kenya, ili iende sambamba na wimbo wa taifa.

Pili, wanasema idadi ya madhehebu nchini, kwa ufupi wanasema madhehebu yatakayosajiliwa ya kidini yasizidi 25, na kufafanua zaidi watasoma katika yale makaratasi.

Tatu wanazungumzia demokrasia nchini, wanasema Katiba sharti ituhakikishie neno demokrasia kwa kulifungamanisha na sauti ya walio wengi, ambao ni waumini, au watu wa dini, ili waakilishwe kwa kila gazi ya serikali bila kujali kwamba dhehebu maarufu au dhaifu.

Jambo la nne, wanazungumzia haki ya binadamu nchini. wanasema kwamba kuundwe ofisi kuu kikatiba ili ishughulikie haki za binadamu, kama vile wanyonge, walemavu, haki za watoto, mizozo ya kidini, na kikabila watoto wanao randa randa barabarani, makundi ya walio wachache na watu wasiojua kusoma na kuandika miongoni mwa miongoni mwa mengine ya kijamii. Na isimamiwe na dini zote zitakazo sajiliwa kikatiba na ifadhiliwe na serikali, ofisi hiyo.

Tano, wanasema kuhusu mavazi. Wanasema tuwe na vazi rasmi la nchi linalo ambatana na maadili na desturi za wa Kenya ili kuhifadhi maadili na desturi za wa Kenya na pili mwanamume asivae vazi la kike naye mke asiluhusiwe kikatiba kuvaa vazi la mume ili kuheshimu amri ya mwenyezi Mungu katika bibilia na Korani.

Sita, wanazungumzia kuhusu, adhabu ya dhuluma nchini. Katiba ni sharti ituhakikishie kwamba mtu yeyote asidhulumiwe au kuadhibiwa kwa kosa la mwingine kama inavyo fanyika saa hizi, mtu anadhimiwa kabla ya kuhukumiwa. Kwa maelezo zaidi yamo dani watayasoma kwa ajili ya mda.

Kuhusu miradi ya umma nyanjani: Katiba ishurutishe serikali kuanzisha banki zisizo tosha riba ili kuwezesha makanisa na misikiti kupata fedha na kuanzisha miradi ya maendeleo nyanjani ambapo ndio shina la umaskini.

Nane, wanazungumzia kuhusu sauti ya waislamu nchini. Kusema kwamba tuwe na ofisi kuu kikatiba na isimamiwe na msomi wa kislamu tutakae mchagua kwa kura kama msemi wa kiislamu au kwa lugha nyingine mufu ili aepushe mizozo baina ya

waislamu na wasio waislamu au waislamu na serikali badala ya kila mtu kujita msemi wa kislamu huku akichafua sifa nzuri ya kiislamu.

Tisa, wanazungumzia umiliki wa aridhi ya kanisa au msikiti, hiyo ni taasisi ya kidini. Wanaseme kwamba aridhi yoyote ya kanisa, msikiti, au taasisi yoyote ya kidini, yasilipishwe chochote na serikali ili kupewa cheti miliki kama shukrani kwa kazi nzuri ya kiroho inayofanywa na dini.

Kumi wanazungumzia kuhusu ukahaba: Wanasema kwamba Katiba ni sharti ipinge shughuli zozote zinazoeneza ukahaba nchini kwa kuwakama na kuwahusisha kuwashirikisha wahusika katika shughuli zinazo changia pato la nchi badala ya wahusika kujigapa ati wanatafuta riziki.

Kumi na moja, wanazungumzia kuhusu ndoa ya uana au ulawiti. Wanasema Katiba isitoe nafasi yoyote ya kuwezeshaa ndoa baina ya mke na mke mwenzake au mme na mme mwenzake ili kuheshimu amri ya mwenyezi Mungu aliye tuumba na kutuhifadhi hai. Hayo ndio maoni ya jamii ya kislamu wa Nambale, ambao kwamba nimetumwa kuyazungumzia, na yafuatayo ni maoni yangu.

Interjection Com.Nunow: pendekeza maneno mawili kwa hayo maoni yako kwa sababu

Kama umeandika tutayasoma yote tupatie angazo.

Abosolom: Kwa hivyo katika angaza ya juu, juu, maoni yangu ni kwamba sharti Katiba ihakikishe kwamba watu ambao ndio wameiunda wanaishi maisha ya heshima, kutokana na dhuluma, mateso, kubaguliwa, kudharauliwa na hatimaye kusahauliwa kukomeshwe kikatiba.

Na sharti lingine ni kwamba, sharti Katiba itoe ulinze maalum kwa makundi yanayo kumbwa zaidi na shida katika jamii. Lingine ni kwamba Katiba sharti iweke kanuni za kuelekeza namna ya kupigana na ufisadi na uporaji wa mali ya umma. Kwa kutenga mahakama inayochaguliwa na wananchi ili kusikiza kesi za ufisadi na uporaji huku, walioadhiriwa wawe ndio walalamishi wa kuu bila ya muingilio kutoka serikalini. Katiba sharti ituhakikishie uchaguzi ulio huru na wa haki na isitoe nafasi ya kupatikana kwa kiongozi aliye chaguliwa na wachache.

Lingine ni kwamba tanzu ya Urais Katiba ni sharti izitenganishe tanzu tatu za serikali na iziwekee kila tanzu mipaka yake na uhuru wake. Tukianza na tanzu ya urais au utekelezaji, Rais tumchague moja kwa moja kitaifa na awe na sifa zifuatazo:

Awe mcha Mungu kidini.

Awe mkenya kwa kuzaliwa

Awe na shahada ya chuo kikuu au shahada nyingine ya kiwango kama hicho

Awe na akili timamu kiafya.

Awe katika hali imara kiuchumi, atoe taarifa kuhusu mali yake.

Awe ameo au ameolewa, ndoa ya kikristo, kislamu au kihindu

Asiwe amefanya kosa la jinai

Awe na umri wa miaka 40 na asizidi miaka 70 ki umri

Awe mwenye heshima na mwenendo wa maisha usio na doa.

Katiba itenganishe mwenendo wa kufangamanisha pamoja aina mbili za uongozi wa kibunge na utawala wa mkoa. Rais tumchague moja moja na asituchagulie kiongozi yeyoto, watawala kama PC, DC, na DO waondolewe badala yao, sisi wenyewe tuwachague ma-hief manaibu wa ma-chief na wazee wa vijiji, naibu wa chief na wazee wa vijiji kama washauri wa jamii na chief kama muamuzi wa jamii inayohusika, na majukumu yaliosalia tuwachie mahakama na wizara zinazo husika nayo. Uteuezi wa vyeo ambao utafanywa na Rais ikiwa ni pamoja mawaziri, wakuu wa ulinzi, wakuu wa usalama, mkuu wa utumishi wa umma na governor wa banki kuu, ni lazima wawe wameidhinishwa na Bunge na a hali uteuzi wao umeidhinishwa na kamati maalum ya Bunge inayoshughulika na masilahi hayo.

Tanzu ya ubunge. Bunge liwe na mabaraza mawili kikatiba, bunge la kwanza liwe la wabunge wanao wakilisha maeneo yenye idadi sawa ya watu na la pili, liwe la uakilishi wa maeneo ya kigeographia nchini. Bunge lipewe kikatiba mamlaka ya kuteua Tume ya uchaguzi, bunge lipewe mamlaka ya kumkosoa na hata kumshataki Rais au watumishi wa umma endapo watafanya jambo lililo kinyume cha uvunjaji wa sheria.

Bunge lipewe nafasi ya 70% katika mashauri ya nchi za kigeni kuhusu mikopo, madeni, vita, usalama na pia jumuiia ambayo nchi hii itakuwa mwanachama wake ili kuepusha mikataba yenye kuhusisha na kupeleka majeshi yetu kwenye sehemu za vita haya yote yakigharimu pesa nyingi za umma bila uakilishi wowote wa umma kutoa maoni yao kuhusu jambo hili. Bunge lipewe mamlaka ya kuteua ma-officer watako hudumu katika ofisi ambazo zitaundwa kikatiba, pamoja na kuchunga mali ya umma. Bunge liwe la mda maalum wa ufunguzi baada ya uchaguzi, kuhairishwa kwa vikao, kulivunja baada ya kipindi chake kumalizika.

Katiba ni sharti wawekee wa bunge masharti ya kuhudhuria vikao vyote vya Bunge kama kazi yao, pamoja na kukatwa mishahara yao na kuwatangaza katika vyombo vya habari, tuwajue, wasiotekeleza majukumu yao vilivyo.

Tanzu ya mahakama: Sharti Katiba idhinisha mahakama kuwa mkono wa serikali ambao unawajibu wa kutafsiri na kutumia sheria kwenye mabishano baina ya raia na serikali, raia na raia wengine na pia kati ya taasisi za serikali. Katiba ihakikishe kuwa pana uhuru wa kulinda mahakama isiingiliwe na serikali wakati wowote ambapo patatokea tashwishi juu ya uhuru wa mahakama.

Kuhusu vyama vya kisiasa nchini. Tusiwe na chama chochote cha kisiasa nchini badala yake kila mgombezi wa kiti chochote ajisimamie mwenyewe kwa sababu vyama vitapata nafasi ya kufadhiliwa na hazina ya serikali kupitia kwa wabunge bungeni na

huku wanapata mishahara minono, na marupu rupe kutoka katika hazina hiyo ambao ni sisi, tunaichangia. Hatua hii itapunguza mazoea ya wanasiasa kuhama kutoka chama hadi kingine wakitaifuta ufadhili. Hatua hii pia itazuia serikali kutenga maeneo mengine kimaendeleo ikizingizia kuwa ni maeneo ya chama cha upinzani. Na hatua hii pia itapunguza uadui baina ya makabila tofauti, yanayounga mkono vyama, badala ya kiongozi binafsi na juhudi zake za maendeleo. Na tuwe na idadi maluum ya madhehebu ya kidini yatakayo sajiliwa pia humu nchini kikatiba na yasizidi madhehebu ishirini na tano ya kidini. Kwa ajili ya wakati ninaacha mengine.

Com.Nunow: Asante tutayasoma yote na u-register yako, na ya association yote mbili. Nitawapa nafasi wanafunzi wa Nambale Secondary school, Leonard Wesonga, halafu ajitayarisha George Oinda, baada ya hiyo nitafanya affirmative action niwape akina mama wachache nafasi kwa sababu inaonekana mliwaacha nyumbani wakiwa wanaosha masahani yale wamewalisha, na kisha mkifika nyumbani pia mnahitaji services zao. So those ladies that are here, after the students I will take a number of ladies then go back to the men and then take another group later.

Leornard Wesonga: Thank you very much our Commissioners for giving me this opportunity. My name is Leornard Wesonga, from Nambale boys Secondary school. I will present my memorandum before our Commissioners.

It is my proposal that the Constitution should have a provision for a federal Constitution based on regionalism, i.e majimbo. This will see decentralization of the government to all regions.

Let there be a provision for free and compulsory education for all Kenyan children at all levels of education, i.e. at primary level, secondary level and at University.

The Constitution should also provide for devolution of Presidential powers in the country.

The fourth proposal is that, there has to be a provision for a youth representative in the Legislature. This will incorporate the views of youth in National development strategies

The Constitution should also have a provision for cultural restoration and development to wipe out aping of Western cultures, this in my view I have seen that Western cultures is hindrance to economic development of this country since industries such as basketries, pottery making are hampered when people ape Western culture.

Kiswahili being a national language, the Constitution should provide a provision that any candidate vying for a seat in the Legislature, should be conversant with the language since it is a national language. The incoming Constitution should also be economic friendly and how does it appear economic friendly? It is my view that we have a provision that will shrink maximum resource exploitation, because in my opinion there are so many vast lands which are just left fallow, if they can be utilized we

shall economic development of this country. So let there be a provision for maximum resource utilization.

The government should also adopt the three year economic development plan to see that Kenya is industrialized by the year 2020. Now these can be streamlined if a provision for three year economic development is enacted in the Legislature.

Then I am also proposing for one man one job in the country because you all know Kenya is extending the problem of lack of employment which leads to increased crime in urban centres therefore, I am proposing that we come up with a move whereby one man one job should be considered.

Let the Constitution also have a provision for a Prime Minister, the senate and the President in the government. The senate also should be assisted by three assistant Prime Ministers i.e the first Prime Minister, second Prime Minister, and third Prime Minister and the senate should be based at a given region i.e. the senate so one senate in a given region. Then the Constitution should also have a provision whereby appointment of top government officials is done after consultation with the public. This can be done through the various members of Parliament if they are consulted, that is at grassroot levels to incorporate the views of wananchi. Now with those very few remarks thank you for granting me this opportunity.

Com. Nunow: Thank you very much Leonard for your views, Mr.George Oinda mwalimu Nambale Secondary school
Mr.George Oinda: Thank you very much the Commissioners, members of public Nambale Constituency, well my name is George Oinda and I am going to present the views of Nambale Secondary staff, to begin with I am going to address the topic of political parties. Now the Nambale staff, felt that:

1. Kenya a de jure multi-party state, by that we mean that it be enshrined in the Constitution that Kenya be multi-party legally i.e in the Constitution a de jure multi-party state.
2. We also agreed that or proposed that, to be registered political parties must show prove of being national in outlook and not practice and tribal to avoid the national dis-intergration of Kenya's politics into tribal interests.
3. That for us to have a vibrant, effective and national multi party politics it is siddle to have unrestricted number of political parties, as this will allow any political joy ridders to adopt the hobby of selfishly forming and registering muribund and tribal if not personal political parties, that have no agenda for the Kenyan welfare.
4. We feel that, the ideal situation is to allow for the registering of three different national political parties, whereby the first two will be the main protagonists of the main parties whereby one will be providing the checks and balances to the other which is the ruling one, say like in the case of the original Kanu and Kadu at independence, offering and selling themselves and their ideas and policies to Kenyans on how best Kenya should be governed. On the other hand the safety valve will be the third party which will provide the middle ground which will accommodate those who are neither in the first nor in the second political party. This arrangement will help be decongest the Kenyan multi party political scene and allow for clarity, maturity and accountability of views held by various Kenyans and politicians. As we shall

know exactly what they stand for, this will also make it easy for Kenyans to elect the best party than it was or has been in the case of a forest or political parties many of which are moribund tribal and only help to complicate and worsen the chances of better political party from making it. At the moment the millead political parties that we have, have almost identical manifestos and policies, and hence it is not easy to tell the best from the available options. As a result, the electorate simply strive to vote in personalities and not what they stand for.

5. This limited number of multi-parties will also help to create and enhance a level playing field, among the contesting parties during elections as it will be affordable and possible to Legislate the exchequers partly funding of these three political parties without exacting serious strain to the public funds, unlike in the case where there are numerous political parties.
6. On education we proposed that the government should:
 - a. Offer free primary education, affordable secondary education and greatly subsidized University education in addition to guaranteeing jobs to college leavers, through a well managed job creating economy.
 - b. We propose that corporal punishment be.....

Interjection Com.Nunow: Give us the highlights, I think you have already exhausted your five minutes. I will give you one more minute to give us the highlight without reading.

George Oinda:

- c. On education we propose that corporal punishment be restored in schools to uphold discipline, order and responsibility among students.
- d. On education, still on education we propose that National schools should be entirely funded by the government as of now they are still expensive for the few qualifying rural fox children who secure vacancies there, but are unable to afford hence end up losing those vacancies to those who can afford.
- e. Guiding and counseling be made a full time carreer, and occupation among our teachers in schools to accord them adequate time to attend to students.

On structure of government or the type of government,:

1. We suggest that Kenya should have a combination of Presidential and Parliamentary type of government.
2. The supremacy of Parliament must be restored to strengthen Parliamentary government.
3. The creation of the post of the Prime Minister who will be the head of government and leader of government business, and who should be appointed by the President with 65% approval Parliament, he must also be subject to impeachment through the vote of no confidence by Parliament.
4. We propose federal form of government to be re-introduced to devolve or decentralize power from the center to the regions to empower the regions assume their rightful roles in developing the country equitably.

5. The central and regional government should uphold the principles of

- a. Independence of Judiciary
- b. The rule of law
- c. The supremacy of Parliament as we have said.

On tribalism: To reduce tribalism, the government should desist from giving Constituencies or Districts tribal names, or names that have tribal connotations or tag, to allow for tribal neutrality and fairness, this will encourage peaceful co-existence of all the tribes that inhabit that particular District.

On public servant remuneration, we propose that terms and services of all civil servants in all the three arms of government, civil servants together with other public servants, in other arms of the government, together with those public servants in public corporations otherwise known as parastatals be harmonized to avoid, political and selective treatment of certain quarters of the government employees, and in that case, there should be an umbrella remuneration commission representative of all public workers which will carry on, or carry out this harmonization in such a way that, they fetch streamline set and fair equitable and just salary structures and progressions of all public workers, to avoid big disparities. Like in the case of now the recent case where MPs are awarding themselves huge salaries, not less than half a million when other Kenyans who are getting peanuts.

On legal services, the cost of legal presentation is very prohibitive, we therefore suggest a three prong approach to this problem

1. Introduce basic legal education in schools.
2. The government to strengthen and equip the Kenya Law Institute, the brain child of the land departed patriot honourable Ooko Ombaka, to take up the role of representing and advising ordinary citizens freely or affordably in all Kenyan courts.
3. Alternatively the government can liaise with the practicing Lawyers to sharply reduce the cost of legal fees chargeable to Kenya citizens clients. As much as possible the government should employ fair, objective, and independent prosecutors who are preferably Lawyers.

On public service delivery:

1. The government should consider in-corporating an effective Kenya anti-corruption authority in the Constitution, one that is elected by Parliament and is independent of the Executive as similar to the ombudsman institution in Canada.
2. The government should consider paying decent salaries and allowances to all its public servants for example the police to limit them from the temptation of corruption to make ends meet.
3. The government to licence local brews within bill properly established and registered community clubs which meet certain minimum standards and be subjected to continuous proper public health inspection to avoid police harassment of poor folks who cannot afford the cost of commercial brews.

4. Too many road blocks which do not serve the public but corrupt traffic police should be reduced in not entirely removed.

Com.Nunow: Thank you mwalimu, we will read the rest. Could I have the ladies, come to front, those ladies that want to speak, kina mama ambao wanataka kuzungumza nakupeana maoni yao, njooni hapa mbele kuna viti. Wa kwanza mama keti hapa tutaanza na wewe wengine waketi kwa hivi viti. Wale ambao hawatakuja mbele nitajua wamekuja kusikiza wala si kuzungumza. Mama utatupatia majina yako kisha utupatie mapendekezo.

Gladys Odija: Majina ni Gladys Odija Beja kabla ya Katiba, kulikuwa na Mungu na lazima huyu Mungu tumuheshimu. Na kila area wako na Mungu wao wana abudu. Kwa sababu niseme hivyo kama hapa Nambale au Busia, majina yako Makhoha Wabwire, Etyang and so on. Na hapa Kenya nafikiri tume-borrow Mungu asio wa Kenya. Sasa ningomba Kenyans tuwachane na huyu Mungu mwenye mimi naona naitwa Hara kwa nini tunatumia neno hii harambee? Tutafute jina ya kutumia neno harambee kwa sababu ninajua hii hara or har, ni Mungu wa watu wengine na imekuja kutawala Mungu wetu wa Kenya. Ninaona tusipoamini Mungu wetu wa Kenya, hata tukiandika Katiba ya aina gani, huyu Mungu wa nje anatawala maneno yetu hayataenda vizuri.

Mambo ya elimu, Wasichana wapate elimu sawa na vijana.

Uridhi: Wasichana wapate uridhi sawa na vijana kwa sababu hawa ni watoto wangu wote, na wananjua mimi kama mzazi. Ni hayo tu Commissioner.

Com.Nunow: Asante mama jiadikishe mama wa pili.

Fridah Baraza: kwa wakunga wote kwa niaba ya wakunga kutoka sehemu tatu jina yangu ni Fridah Baraza. Nawakilisha tu kwa neno ya wanawake wale ambao ni wakunga, tuko na taabu, kuzalisha wanawake wenzetu tuko kwa taabu, tungependa watusaidie walete magari kwa kila hospitali, tusaidiwe. Kazi ya ukunga, mimi nilianza Kakamega mpaka saa hii sijapata usidizi wowote, tunafanya kazi bure. Malipo, tulidanganywa tutapata usaidizi tumengojea lakini hatujapata kitu. Sasa wengine tunapima akina mama na kuwapeleka hospitali Busia. Sasa wakirudi wewe usiki unaenda kufanya kazi hiyo, hakuna mpira, na ukimwi umejaa na bwana yake huyo ukienda ni maskini mwenyewe tena unaenda uchukue unga, uende umpikie uji usiku huo, hiyo ndiyo mimi nalilia. Mimi nataka tu mtusaidie maana sasa tuko na taabu.

Esmelenia Odilo: Good afternoon? these are my views first of my names Esmelenia Odilo and these are my views. Women should automatically be given the chance of ... succeeding the husband's property immediately after death.

Secondly, our girls or daughters to get a share of the parents wealth for example shambas and others just like boys.

Thirty, our system of education should go back to the old one and the government to give it out freely. In our hospitals cost sharing has caused great harm to the poor so the government should see to it that every mwananchi gets free treatment by equipping the hospitals.

Com.Nunow: majina kwanza

Margaret Kamido: Kwa majina naitwa Margaret Kamido. Memorandum yangu ndio hii, ya kwanza ni clashes. Siku ya kura tunakuwa na clashes nyingi kutoka kwa President, anatuma police kuja kunyanyasa wananchi kwa area yenye hawataki huyo President, hiyo irekebishwe.

Ya pili itakuwa upande wa wanawake: Wanawake wanataka kama wanaume wao wamekufa, wapatiwe rights zao. Kama vitu kama bwana amewacha kitu kama shamba, au motokaamimi sitaki kuona kama mama ananyanyaswa na ndugu za bwana wake.

Ya tatu ndio hii. Huyu ni mama mwenye ana mtoto mchanga na huyu mama anashikwa na police kwa sababu ya chang'aa, mtoto huyu anapelekwa kwa jela na mahali penye wanapeleke huyu mama, ni mahali penye pananuka sana, serikali iangalie hiyo. Sasa mtoto huyu kama anatoka ni lazima akufe, serikali irekebishe hiyo Katiba.

Ya nne ni chief na liguru, hawa liguru waangaliwe wawe wanapatiwa kitu kidogo, kwa sababu wao ndio wanafanya kazi nyingi, kuliko chief au assistant chief. Ni hayo tu.

Pamela Maloba: Kwa majina ni Pamela Malova, mimi wazo langu la kwanza litahusu sana wamama. Ningependa serikali iweke sheria kuhusu marriage yaani marriages kwa mama. Kwa sababu, kuna divorces nyingi zinatokana labda na makosa ya wazee, lakini mzee anaona tu makosa ni ya mama anafukuza mama, hata inachangia usherati mwingi, kwa sababu mimi bwana sina mamlaka kwa hiyo boma, bwana amenifukuza sasa ninaendelea kutangatanga nikitafuta njia ya kukula. Kwa hivyo sheria iwekwe kwa wa mama, juu ya marriage kama makosa yenye ikipatikana upande wa bwana, hatua ichukuliwe, kama ni makosa yamepatikana upande kwa wa mama, pia hatua ichukuliwe.

Ya pili ni juu ya mimba za nje sana sana kwa wasichana wetu. Ningeomba Katiba iwekwe ya kwamba mtu yeyote akipatikana amepea mtoto wa shule ama mtoto yule bado mimba hatua ichukuliwe, ndio tukose kupata watoto wetu wasichana wakikosa masomo kwa ajili ya mimba ya nje ya ndoa.

Ya tatu, ni kuhusu cases za koti, mara nyingi sana tunaona cases zikienda kortini zinachukua miaka na miaka, kabla hazijakwisha ningeomba Katiba iwekwe ya kwamba Judges wale wanasimamia hizo wajaribu kuharakisha kwa sababu cases

zikichukua miaka mingi, watu wengine hata wanapoteza maisha kabla cases zao hazijaisha na ndio hata inachangia sana hongo kubwa.

Ya nne, ni kuhusu kupata passport katika nchi yetu, kupata passport katika nchi yetu imekuwa ngumu sana mpaka hata inafanya wana Kenya wengine wanaenda katika nchi za nje kutafuta kama Uganda, kutafuta kupata passport kwa urahisi, na hiyo mimi upande wangu naona kama inachangia sisi kutoa hapa pesa kupeleka kwa nchi ingine wacha nchi yetu na ndio hata uchumi wetu kuharibika.

Ya tano ni kwamba ningependelea vile tunatengeneza Katiba hivi, Katiba hii ikisha tengenezwa ipeanwe kwa kila mwananchi ili aweze kujua ni sheria gani imepitishwa ndio mtu asiweze kufanya makosa kwa sababu akipitia katika hiyo, atajua hili ni kosa, hili ni kosa. Kwa sababu mara nyingi unaweza kuenda kortini, unasikia Judge anasema umefungwa, kwa sababu ya hii, na hii anakusomea Katiba yenye hata hujui, hata vile tunatengeneza hivi, tunatengeneza tu lakini hatujui ile tunatengeneza ni gani, hatujajua ile Katiba tunatengeneza kama. tungekuwa nayo na sisi tungelijua ni wapi kurekebisha ni wapi pa kuharibu.

Ya sita, ni juu ya elimu: Elimu yetu kama sisi watu wa Busia, imerudi chini kwa sababu uwezo wetu ni kidogo. Na ningepomba serikali yetu, watu ni maskini, ningepomba serikali yetu ijaribu at least kuinua education katika Busia, kwa njia ya kuweza kuleta vifaa katika mashule. Mambo ukisema harambee na watu ni maskini unajua pia matokeo haikuwi mazuri kwa hivyo ninaomba serikali upande wa education ijaribu kuangalia kila sehemu ili tupate vifaa katika mashule, wasiwachie tu wazazi kila wakati harambee, harambee na wazazi hawajiwezi. Nafikiria yangu ni hayo.

Rose Sagara: Thank you honourable Commissioners my names are Rose Sagala, and I have the following to propose that should be included in the constituted Constitution.

1. I dwell with rights of women and the girl child. The issue has been over emphasized and I am also emphasizing that the girl child or the women should be given a right to inherit part of the parent's property, especially land. That the girls should be apportioned part of the land, that is apportioned to the boys. This will ensure life security for the girl child, in the event of divorce, or separation, death, before getting married, un employment or lose of job. I emphasize this because it is sad to note that the girl child in the event of death is normally buried without honour and in most cases they are buried at the fence or outside the father's compound, but if given their own land, then that will ensure a grave yard for them.
2. On the issue of sexual violence, or rape I propose that extremely harsh punishment should be netted against the rapists, gross punishment such as life imprisonment should be dispensed to act as a deterrence. In case courts awards what I would term as a polite sentence, this will serve to encourage more rapists to defer more girls, and it would also be a mockery to the Judicial system. To emphasize this point, I have just read in the Daily Nation 31st July 2002, page 18 column one a case in South Africa where a one week old child has been raped, as a sexual cult, in the believe that it

cures a HIV infected person.

3. **Widowhood:** That widows should be given a right to wholly inherit and administer their late husband's property or estate and this will serve to keep off menacingly greedy relatives who want to grab the wealth. It will also ensure life security to the young and growing children. Therefore during the events of title deeds, it should be mandatory for the husband and wife's name to appear on the document.
4. **Still on women professional advancement, or appointment to senior positions,** it should be pegged on qualification, experience and merit rather than be looked at as a favour or privilege thus equal opportunities to be given to both men and women to compete favourably on a level playing ground. Women in senior positions have excelled just like men, therefore there is no situation of a weaker sex, it should be an equity to equity or equal to equal situation.
5. **Then lastly I will speak on a civil service.** Procedures for appointment or promotion in the civil service. It should be pegged on the length of service or experience, qualification, and merital performance, and I propose that an appointment board be put in place to look into this. As such in the event of a head of department retirement resignation, death, promotion to higher office etc, and therefore need to appoint a successor, the performance of the second in command or other senior officers in the department should be vetted and evaluated, by the appointments board in order to determine who is suitable for the position. This is because we have witnessed cases especially I would now look at the Ministry of education, where head teachers of secondary schools are hand picked to take over senior offices with little regard to the long serving and competent officers in that department. This serves to discourage hard working officers hence the sleve and aparthly we witness in the civil service performance. If the head teachers have to join the civil service, let them go through the ranks beginning at the junior level as other officers in order to gain experience pending appointment. Thank you.

Prisca Andera: Thank you for this chance, my names are Prisca Andera from Nambale Constituency. I have a few points to highlight, although some have already been mentioned I may leave them out. I will start with this one, I would request before I request I want to say that resources are misused. I would like to say that resources are misused, for example in Kenya we have many Polytechniques which have died a natural death, and the buildings are there and in some cases, we still have the staff there. Sometimes even the manpower, the human resource is placed in the wrong places, I will sight the example of Bunde Technical. Bunde Technical is in Busia and it has an enrollment of about 46 students with 45 instructors or lectures. That is a waste of human resource. Along side with that I would say, that Bunde Technical is stationed at a place which is not accessible and therefore, I would request that our MPs when they leave on when they end up their MP slip there should handing and taking over, so that the project that they started, are handed over to the incoming MP, so that he can go on with those projects.

Another point ison land: On land I would like to say, that the land left fallow big acreage of land definitely it habours monkeys, snakes, mungoes and all the sort, and these are the threat to immediate neighbours, I therefore suggest that this land the Constitution should have it that it be leased to people to farm on it on hiring basis, if not a tax Constitutionally be imposed on the owners of this land, and this tax be paid per acre so that the money got can help in educating children, freely.

Point number three, is on somebody has mentioned it, it was on the police, kukata hukumu juu ya mahakama, so I will not talk about it, but all the same I cannot just leave the police just like that. I have another point on the police and I would like to say that the police specifically the traffic police should be removed from the roads, because they simply go to solicit for money and they do not do what they are supposed to do. For example they do not look at the condition and the state of the vehicles, they do not look at the overloading of the people and loads, they do not verify the loads carried to establish legal and illegal goods. They are comprised on all those three, and therefore I suggest that the Constitution should strengthen and be more strict on the issuing of driving licences, they should not be bought these licences. All current drivers should be re-tested.

Secondly another suggestion is that there should be a vehicle examination carried out, every after a given number of kilometers covered, say 3,000 kms covered, you go for examination you get a certificate given. There should be a very effective office to check on this, in every District. I also suggest that the Constitution should protect its people when it comes to roads that we use. The state of our roads is pathetic and it should be looked into. The Constitution should leave the maintenance of roads at council level, let them fund the council, and let the council take care of the roads.

Another one on women, women should be given a chance to feature in the Parliament, if possible they should form 30% of the Parliament, therefore I suggest that particular seats be set aside for women to contest at District or Provincial level. The voting for women should be done by everybody, the women plus their husbands. I know we are giving you views, you will dig into them and find out what you can do about them.

Finally Nambale Constituency when you look at Busia, Budalangi Constituency is in Budalangi division, Funyula Constituency is in Funyula division, and Butula Constituency is in Butula division. Nambale Constituency is covering three divisions. Therefore I think it is a very big Constituency, I request that you look into its population statistics and if possible, if it were lands splitting, then it should be split into two Constituencies. Those are my points.

Finally I forgot to say something about drinking. I was going to suggest that the Constitution should control drinking in Kenya. For example, I request that you look for a way in which bars can open at five, so that people after work is when they can go to drink. Even the locally made beer and the Kenya Warragy, can also be drank freely after five. Thank you.

Com.Ayonga: Thank you I think she meant that people should go to work first and then go to those leisures later, and that would help to bring up our economy. Ladies and gentlemen, it is already past afternoon and I can still see the hall is full if you turn your heads behind, it is as if we have done nothing since we came here, yet I know we have done so much but people are still coming in and the space fills up sooner than you look back at it. Now in order that I might be of use to you all, we have been giving you five minutes, but now we have to change, I think when Commissioner Kangu gave you the order of our work, he said we give five minutes to begin with, but then as we proceed, we have that priviledge of changing of time, changing for the cutting of time not by decreasing time, because I am sure that all of you, those who wanted to speak wants to speak, angalau

useme kitu kidogo, na ninajua by now watu wengi wameshasema, yale ambayo ulikuwa unafikiria, wameacha pengine kitu kingine pande ile. Na kwa hivyo rather than for you to come here and repeat the same, thing, ingekuwa kitu kizuri hata kama ukifika hapa na kusema point ile, na hii, na hii, niko pamoja na hiyo, na uweke microphone chini, uende ujadikishe. Na wale mlio na memoradum, tafadhali umejua uliandika nini hatutaki uje hapa utusomee, tutaenda kusoma baadaye, tunataka tu uje useme katika memorandum yangu, kuna hili na hili na lile, si kutusomea, kwa maana we know you have worked on your memorandum, if ni yako au kama ni ya kikundi mumeshaongea. Na unajua ni yapi makubwa mlio nayo. Na kama ambao unataka kusema yamesemwa, wewe tu wekelea nguvu katika hayo usitusomee. Kuanzia sasa nina anza na dakika tatu tu, tumekubaliana? dakika tatu? Basi sasa nina jina la George Akhabi, nikisema jina lako vibaya unanisamehe, ngoja kidogo, si neno, hamna vita, kama mama amekaa na yuko hapo, tutamuachia nafasi aseme yake moja, mawili, ndipo yule ambaye nimeseama George tafadhali awe karibu hapa. Mama neno moja au mawili utuambie.

Cornelia Anyango Ofosa: Mimi kwa majina naitwa Cornelia Anyango Ofosa. Mimi niko tu na maneno mawili ama nikiongezea moja itakuwa kama short tu. Neno langu la kwanza, nitasema siyo mimi ni mitambo. Mimi nitasema kwa ajili vile ninakaa hapa Kenya nitasema juu ya chief na sub-chief. Ninataka ya kwamba pendekezo langu kwa chief. Mimi ninakaa na Mgururu na mgururu ndio anajua area yangu sana, ninataka mgururu akuweko na lengo kushinda hata chief, kwa sababu chief hajui vile ninakaa, tunapigana usiku, chief hajui kesho yake watampelekea maneno ya uongo na pesa vile mimi sina pesa, na atapendekeza huyo mwenye atampelekea kwa hivyo nataka mgururu awe na power kushinda chief kwa sababu mgururu ndiye anajua vile ninakaa.

Neno langu la pili itakuwa upande wa surveyor, watu wa lands. Mimi kama hivi ninavyo zungumza sina bwana, bwana wangu amekufa na nitakuwa na jirani yangu ambaye ameona bwana wangu amekufa anataka kuninyang'anya shamba langu na ataenda kwa watu wa lands. Watu wa lands watampatia forms na ata feel bila hata mimi kujua na watampatia number na mimi niko na watoto, nitashtukia number yangu imeenda, na mimi sijui kwa sababu sina pesa, na huyu huko na pesa. Kwa hiyo ninataka, watu land watoke upande wa shamba, shamba iwe ni mambo ya wazee kwa sababu wazee ndio wanajua vile bwana wangu alikuwa anakaa hapo, vile aliipeana shamba, vile babake, alimpea shamba, na vile anaishi, jirani ni wazee.

Neno la tatu la kumalizia. Mimi nikikaa nikigombana na jirani yangu, saa hiyo anaenda kwa askari saa hiyo askari wanakuja wananichukua mimi nakunipeleka kituo cha police. Kufika huko wananiambia mama wewe ulikuwa na makosa nataka 3,000 na mimi kwangu hata sina sumni moja na wanataka 3,000 ndio nitoke, hapo nitaenda kufungwa watoto wangu watahangaika kwa sababu huyo yuko na pesa. Hayo ndio maoni yangu.

Com.Ayonga: Hebu ni kuulize mama swali na mimi pia nikuongoze kwa mawazo. Juu ya shamba, ungali unalea, ingekuwa kitu kizuri kama katika land title deed pia ingekuwa na majina mawili lako na la bwana wako, kwa maana mmoja akifa mwingine atasumbuka, unaonaje kwa jambo kama hilo.

Cornelia: Hilo linakuwa na mimi na bwana wangu. Lakini bwana wangu peke yake, akikufa hata ndugu wa bwana wangu, atakuja kunyakua hilo shamba, na watoto wangu watahangaika.

Interjection Com. Ayonga: Kwa hivyo pendekeza kwamba land titles iandikwe majina mawili.

Cornelia: iandikwe majina mawili.

Com. Ayonga: la nani na la nani?

Cornelia: la mimi bibi yake na bwana. Ili akikufa nisisumbuke sana.

Com. Ayonga: ndio, jirani asikunyang'anye na hawo ndugu zake. Ngoja kidogo, nimeanza kusikia kiluhya kimetokea, kiingereza kimetokea hiyo unajua sasa inanza kuonyesha, machafuko yanaenda kuweko. Sijui ni nini kimefanyika huyu mama hamtaki kusikia sauti yake, just a moment, just a moment we are wasting our time as we are talking, let me finish this, in a rather first way, please please, mama ulikuwa umejiandikisha, please I am controlling this, I am not asking you to tell me what to do, let me ask her had you registered? Ndio jina lako liko hapa, liko number ngapi? Ebu tufanye hivi, what I want to say is this, yeyote asije hapa mbele ikiwa si kumuita, lakini ambavyo mama amekuja akafika hapa, wacha tumuache aseme mawili, matatu aende kutafuta mboga. Na mama nataka uwe to the point just say kile ambacho hakijasemwa, sema majina yako.

Flora Kwendo: Majina yangu ni Flora Kwendo hata hivyo tu nitasema tu maneno mawili kwa ajili mengi yamesemwa. Wa mama inatakikana serikali iongeze wa mama siku za maternity leave, kwa ajili miezi mbili ni kidogo sana kwa mama

Interjection Com. Ayonga: wapewe ngapi?

Flora: wanaweza ongezwa hata miezi nne wakiwa wanalinda mtoto. Neno la pili kitu cha suspect, mtu huwa anashikwa mtu huwa anakuwa suspected anashikwa na labda hajafanya makosa, anashikwa anapelekwa ndani, anafinywa anaumizwa na labda hajafanya makosa. Kwa hivyo serikali inatakikana ichunguze ili neno suspect, kabla hawajafunga mtu kabla hawajaona mtu amefanya makosa, wachunguze kwanza ndio wamshike wamuweke ndani kwa ajili wengi wanaumia na labda hawajafanya makosa. Ni hayo tu.

Com. Ayonga: Asante enda ujadikishe, sasa mwingine yeyote asifanye hivyo sasa nafuata list yangu. Sasa yule ambaye nilimuita George Maghabi na dakika ni tatu tu, na unisadie ziwe tatu.

George: Bwana Commissioner ndugu zangu, na dada zangu. Yangu yatakuwa mafupi na ninatarajia yawe mafupi. Katiba ni contract between people between themselves na people na serikali. It is a contract between people (inaudible) and between the people and the government and how that they should be governed. Therefore, it is our responsibility as responsible citizens

of this country, to ensure that we have a good Constitution, and that is why we are here. In our new Constitution, it must be quite clear that power comes from the people and not from the leaders. It must be made manifestly clear that power comes from the people, not from the leaders and that the leaders must exercise power for the benefit of the people of this country.

As a Constitution, we must make the government have a vision. A vision for an integrated society, a vision for a country that has the interest of its people at heart. I therefore propose that the new Constitution must make it a duty of the state, to promote and preserve multi party democracy in Kenya. It must make it abundantly clear to the state that we promote and preserve democracy and that the law of dictatorship in all its forms is outlawed, it must be illegal to have a dictator in Kenya, by whatever description.

We must in the Constitution, state that we want a peaceful united country and that is why I am totally opposed to the view that we have a majimbo system of government. I think it is retrogressive, it is not going to help us to forge unity. But as we forge unity within the country, we must remember that we are diverse. So it must, the Constitution must also recognize our diversity in culture, in religion, in ethnicity. I do not support a view that we should introduce God in our Constitution. I think God is our overall but in our Constitution, we must just agree on how we are going to relate with each other. Therefore religion should be removed from the Constitution.

We must create structures in the government that recognize strict separation of powers. In this regard, I suggest that we should have a Parliament, we should have the Executive and we should have the Judiciary. Now the Executive should not include Members of Parliament, if we elect people here from Nambale Constituency, a person from Nambale Constituency to represent us in Parliament, he should go there to represent us in the Legislation, in making laws. So a Member of Parliament should not be at the same time a Minister, he should not be a Cabinet Member. The two must be separate and he should not be a judge. The three must be separate so that we elect a President and his Vice President, by universal human suffrage everyone of us adult, over 18, should vote for a President and Vice President. Once he is there, he appoints a Cabinet from outside Parliament, and if the President thinks that he should get somebody from Parliament, whoever has been appointed from Parliament, must relinquish his seat in Parliament, because the purpose of Parliament is to check the Executive, now if you confuse the two of them, they are in Parliament, and they are also executing, you cause confusion. The Cabinet appointed or nominated by the President, must be approved by Parliament, because they are going to impose rules and whatever on us they are going to rule us, and Parliament is going to be our representative, to check on the governments. So they must be approved by our representatives, and in this respect all Constitutional and state appointments must be approved by Parliament because Parliament will represent us.

I do not support a Prime Ministerial system of government:

1. because it is likely to create a Constitutional crisis. In the event the President and the Prime Minister disagree, and in any case, I will be contradicting myself because the Prime Minister must be necessary be also a member of Parliament,

and he will also be part of the Executive. I support a Presidential system modelled more or less on the American system, or the South African system, but where the President, Vice President and Cabinet are not members of Parliament.

The new Constitution must have a vision of employment for everyone in this country. As we sit here, about 75% of the population of Kenya is unemployed, in any form, but the government of the republic of Kenya today, has no vision for employment at all. We want a Constitution that makes it, puts a duty on the government to create an environment for employment of the Kenyan people of a certain productive age. Young people coming from school must be employed. I propose also that health and education be recognized as fundamental rights of Kenyans in our Constitution, so that every Kenyan has a right to go to a hospital and be treated and have the government pay for the treatment.

For the first 12 years of learning the government must, we want the government to fund that schooling, the first 12 years of education and this government can afford. After the first 12 years, somebody can fetch for himself or herself.

Women: Women constitute about 52-53% of the population of Kenya. Women produce about 60% of the gross national product of this country and yet women are treated as if they are second class citizens, they are never given any recognition, even in the villages here, they work a lot more than we men do, and yet when it comes to responsibility, they are not given, they are not recognized. I propose that in the new Constitution it be made mandatory that positions of leadership, at least two thirds of the positions of leadership be occupied by women. I am just winding up, I recognize that.

Likewise in Parliament, women it should be made mandatory that at least one third of Parliamentary contestants, be women every party that wants to present a Parliamentary contestant, must have at least one third women. Lastly bwana Commissioner, very last I am suggesting that we have the Provincial Administration abolished, we replace it with strong local authorities, so that in the place of an assistant chief, we elect a representative to go to a local council, and it is that local council that will deal with our affairs locally, including the local police, so that we do not have a situation, where we have policemen harassing everybody around, if we have policemen recruited locally, whom we know, they will not harass us at all, because we know them, and we will sort out our problems. I wish I had more time, thank you very much.

Com.Kangu: you say political parties should nominate at least one third of their candidates as women but I am afraid this may not assure women sits in Parliament, why don't we take the Ugandan style of saying every District should have a woman MP, not for a Constituency in the District but for the entire District, so that you elections where say Busia has several women candidates seeking to be elected as the Busia District woman MP, so that they are elected directly for Districts.

George: Thank you John, that is another alternative but even if we have a Constitutional provision to that effect for women Districts or geographical representation, in to inculcate in our people a culture of recognizing the work of women we should

have it provided for in the Constitution that this be done. But least one third be women, and like wise that disabled people i.e physically challenged who are qualified must be given priority in employment.

Com.Ayonga: Thank you very much, if you can register your name and leave us your memo. Now I have Martin Kunguru, is there a Martin Kunguru? are you the one? Please, now Martin unajua ni dakika tatu tu, na tafadhali kama unaweza kuzikata ziwe mbili au moja na nusu nitakushukuru, you will make it one, tafadhali mnyamaze Martin atafanya dakika zake kuwa moja.

Martin Kunguru: Thank you very much Commissioner, my name is Martin Kunguru I have prepared a memorandum which has discussed various issues, the issue regarding ownership of the Constitution by people, the issue of the vision, the issue of power devolution and limitation, the question of human rights, the issue of participation by people in various processes of decision making, the issue of addressing the problems of vulnerable groups such as the elderly, the disabled, possibly women, the question of local authorities, political parties, the question of the civil and public service, the question of lands, and the question of International, national Districts and Constituency boundaries. All those are in my memorandum, I just want to highlight one or two points Mr.Chairman, on the question of lands:

1. I think the findings of a recommendation of this Commission it will be singrurised with the work that is being done with the Commission of reviewing the land laws in Kenya but specifically public land is no longer available, it has been taken over by quite few people and yet land is the only asset for a majority of Kenyans, so the issue of land, its ownership and use is one of the issues that is contributing to the inequality in the distributin of wealth and income in this country.
2. On the question of boundaries, I think it needs to be recognized that the International boundaries that we are have, the Provisional boundaries that we have the Constituency boundaries that we have, are very artificial, for instance if we take our area, a lot of people here are the same as the people in Uganda, the same as those in Tanzanian, so boundaries should not be made as a means for separating people but it should a mere convinience for Administration. So we really need to have a system where boundaries are not used as a means of distributing favours but as a means that facilities Administration

The other issue that I want to handle is the question of natural resources, rivers, lakes, forests. These are really the basis for current and future development but unfortunately this resource has really been misused, forests have been destroyed, some that have taken thousands of years to come up, an important source such as Lake Victoria is just now some people are calling it a pool. I think we need to have Constitutional protection for our natural resources. The other points Mr.Chairmana are in my memoradum, and I will not take anymore of your time. Thank you very much.

Com.Ayonga: Thank you so much leave your memo there. Ongaria Peter, dakika tatu tu

Peter Ongaria: Thank you Commissioners, the memorandum we prepared as a town council, my names are Ongaria Peter, Chairman Nambale County Council. The memorandum we prepared as a council most of the issues have been

covered, but I would like highlight, certain aspects like Judiciary, whereby is that the institution of the Judiciary in this area, is one component that has really brought bad feeling between the government and the public and drastic reforms must take place. The remand system is under abuse, the registries are under abuse and rampant bribery is the order of the day. We suggest that the elders, committee elders be given the mandate to censor sexual cases so that only their recommendations can be ratified by a court of law. This will cut on bribery and the injustices as you we seeing right now.

On the recall of MPs and councilors, we believe that this aspect should be taken into account because some councillors and some MPs become non performing and we have suggested that any councillor who becomes non performing should be recalled by at least signatories of 30% electorate, they can sign a memorandum 30% of the electorate of a councilor and for sitting MP he should be about 25% of the sitting. As for MPs we believe that no single MP he should represent more than 30,000 voters, even when we take into account semi arid areas, urban and areas and the rural of a setting.

On citizenship: We believe that every Kenyan born of a Kenyan has a right to be a citizen. We people at the boarder are experiencing problems, we are also recommending that there should be dual citizenship, whereby if the mother is a Ugandan or a father is a Ugandan, then the person should be given a citizenship of his country. The documents of prove should be the ID card (the Identity), and the birth certificate and passport and all these should be issued at the District level.

We have what we call indigenous intellectual properties rights. In this area we have our sugarcane and so unfortunately as many members have said here that, we have been made poor because of decrease by the Executive given chance to utilize our own resources the sugar, the mollases can make chang'aa which can be purified and we have an export. Our communities would not be as poor as they are today, so this aspect should be taken into account. Other than than we believe that, the Executive as opposed to the presence of the speaker, to go out of this Euphoria of elections and what have you. We believe that a high breed system of government should be adopted, where we have a President and a Prime Minister, but the President although given certain powers, should be elected by Parliament so that we get out of this excitement of Presidency, but the Prime Minister should be a leader of the majority in the house. These are my issues. Thank you very much the rest of the issues are covered in the memorandum thank you.

Com.Ayonga: Next atakuwa Charles Nyongesa atafuatwa na Chrisandos Mukule au Mukulu halafu Alex Syounda

Charles Nyongesa: Thank you very much Commissioners quite a number of things have been said, my theme here that I have said in this memoradum is:

1. Decentralization: I tend to agree that Kenya needs now a more decentralized government than ever before, because we are now so many, we cannot rely on Nairobi for all the services.

My name is Charles Osieno Nyongesa. Let me continue with where I was we should

decentralize from Nairobi, so that many services can move easily to the people, other speakers have talked about it, there

should Districts Service Commissions where people who work in those areas are recruited and developed or promoted in those areas. The idea of having for instance Provincial Commissioners and District Commissioners who do not understand local conditions I think should be changed. Another thing I want to talk about is about democracy, democracy is a process. I am sure that you people are having tusk here to make a Constitution, but what I know about some Constitutions is that it's static document, there must be legal Administrative process to ensure that people know their rights, and therefore I am suggesting civic education should be there, not only in schools but even for us adults, we must continue a public debate, we must have dialogue, we must have intellectual discourse not having only the time of election or like now when we are having a Constitutional Review is when many of us are talking about public issues, there must be civic if possible political education.

Another thing about democracy is that we should move away from representative to participatory democracy. Popular democracy where people in their villages discuss issues concerning them. You know we do not want to hear a system whereby when the politician talks, he goes unchallenged, we should give him questions.

On political parties, we want to say that the political parties must be ready for competitive elective politics. What we are seeing in Kenya is a situation whereby they come from high in the sky and they say to be a President, but somebody has no grounding in his home area, I think we should change from that.

Finally, I want to say that about the management of the economy, those people who are working in this country, the talk is that Kenya is one of the most, the people of Kenya are among the most taxed in the world. I think this issue has not been raised in this forum, those who are working they argue that things like pay as you earn, N.S.S.F, N.H.I.F, service charge was there and so on. These money is gotten from people but people do not see it come back. Even when somebody retires he does not see his pension come home very fast, we should reduce taxation in this country, and reduce to much government presence in the lifes of Kenyans. Thank you very much.

Com.Ayonga: Thank you, next nilisema atakuwa Clesantos, wapi Clesantos amechoka ameenda, wapi Alex? karibu mvua kunyesha kwa hivyo dakika zile zangu tatu zitakuja kuwa moja na nusu.

Alex Syunda: Thank you Mr. Commissioner, my views are just brief.

First on my side I would like to be Federal system of government to be running here in Kenya whereby powers are shared.

My names are Syunda Alex.

1. My first point was that I would like Kenya to be governed by a Federal system of government whereby powers are shared within regional areas.

2 Electoral Commissioners, those ones should not be appointed by President

The President should be partyless he should not belong to any party.

2. MPs who do not qualify to be elected to any party should not defect to another party he should be rejected.
3. Presidents should be elected earlier, of elections of President should be different from those of the MPs. MPs and councilors, elections should go together and then that one of the President be different.
4. The MPs salary to be determined by Kenyans for example right now MPs are getting a half a million shillings while the others are getting nothing. For me I see that the salary for MPs should be around 100,000 plus allowances.
5. The current system of 8-4-4 should be replaced by 7-4-2-3 system of education.
6. Education should be free from class 1 to form four.
7. Medical treatment in hospitals should be free and then lastly,
8. The posts of sub-chiefs, and chiefs should be abolished and then we have DO and PC going onwards and those people should be elected by the people. Thank you.

Com.Ayonga: Let me repeat this, kuna wa ngapi hapa katika mkusanyiko huu walio na written memorandum ebu inua mikono? for the benefit of those who come later who may not have had this announcement, we had said this, those with written memorandum have got two options, unaweza kuja na memorandum yako, uende straight kule ujiandikishe uweke sahihi ui submit na uende nyumbani. Pili unaweza kungojea uitoe baadaye na useme neno moja, mbili juu yake. Hii ninasema kwa wale ambao hawakuweco tulipotoa hiyo mipango, mjue kwamba, you can submit your memorandum without saying anything about it and go home, and be sure kwamba itaenda kusomwa na itasomwa neno by neno, coma by coma. Sasa ni wangapi hapa, pia tena nataka kuuliza ni wangapi hapa ambao wanataka kuongea? inua mikono Tafadhali mgeuze vichwa nyuma, inua mikono juu nataka watu waone so ninaposema kwamba ni dakika moja kila mmoja anaelewa. Si mmelewa si mnaona mko wengi? Lakini bona mkija hapa mnataka kutuhubiria, nyinyi mnafikiri sisi si wa Kenya hatujui taabu hizo zote, sasa nataka kuwaongoza hivi, tafadhali ukija sema lile ambalo halijasemwa, mtafanya hivyo? Sasa tena naanza kuita majina, kwa hiyo mnisaidie, dakika ni moja na nusu. Kuna Gabriel Odala, Gabriel anafuatwa na Denis Ongaria, Denise Ongaria yuko? ebu songa hapa karibu Denis, sasa tunataka kufanya mambo chap chap, naaimbiwa mvua karibu kuja, na ikinyesha hatutazikizana hata kidogo.

Gabriel Otieno Odala. Kwa majina ni Gabriel Otieno Odala, from Catholic Justice and Peace of Bungoma Dioces, I have already presented my two memorandums only that I will say something that missed in the two, and that the Constitution should bring back the sponsorship of the missions, the parishes the sponsorship to school, to instill discipline in school. Of late we are hearing of youth wanting to burn the schools, or want to kill their fellow students in the schools and this is because the moral teaching of the religious education has failed in our schools.

I want to say that the clause on any application form or forms to enter in our public institutions, that clause of tribe should be wiped out from that form.

A Constitution should be written in Kiswahili or English for the benefit of the people who live in Kenya because it's the two languages that they are used. I think I do not have time to waste I love peace and justice and I hate somebody who violates the law. Thank you very much.

Com. Ayonga: Asante Adala, nataka mfanye kama Adala namna hio. Sasa kuna Denis Ongaria, Denis nataka ufanye hivyo, hivyo.

Denis Ong'aria: I am Dennise Ong'aria, from the young leaders network, Busia zone I will mention a few things, but I have already submitted the personal memorandum and a the memorandum on behalf of the young leaders network, and the following are the points I will mention:

1. I would propose that all elected leaders, and all civil servants, in various positions, in the government must declare their wealth, to avoid the corruption that is rampant in the country right now.
2. These commissions of enquiry have done quite a lot in helping us find a few things that have happened in the government, but I would propose that, the law be put in place requiring the Commissions to disclose their reports immediately they finish the enquiry.
3. The Presidential appointment have been misused in this country and it is my proposal, that all Presidential appointments be approved by at least two thirds of the members of Parliament. I would also wish to propose that the party in government must be disassociated from Administrative duties. Like for instance you will go various border points right now, and find KANU wingers collecting tax on behalf of the government. This is morally wrong and we think that the party in the government must not be associated with the taxes of the government in place.
4. Finally I would wish to urge that the local brews that are here be licenced so that we avoid the sagas we have had like the kumi, kumi, incidence in this country. Thank you very much.

Com. Ayonga: uliweka kidole? Enda huko uweka kidole. Kuna Hezron Oyuka? Hezron Oyuka? kuna Kanute Dindi, Makhoha Francis. Unasema uko kama ni wewe ndugu yangu. Halafu kuna John Kombo, John Kombo na John Machio? John Machio yuko? Mbona wewe unapenda kukaa hapo mbele usije hapa mbele, we want to save time Makhoha endelea.

Francis Makhoha: I am Makhoha Francis, I will talk on employment. The government should be providing for employment opportunities, and not barring them. By this it can do so by enacting laws that bar big shorts in government from investing out of the country or having the accounts out of their country. They can also do so by barring retired for instance army majors, heading other Ministries and also this experience thing when advertising for jobs should be dealt away with. Where do they expect people to get this kind of experience if at all they will not be offered those chances.

I also talk on systems of government, the present system of government which to me is more Presidential system than a unitary

one has failed us terribly.

The Executive more so the President has many, many powers than is necessary, these has had many negative implications on the economic development. For example there is inequitable economic development pattern observed in the country. There is also unequal job opportunities distribution in the country. Institution of learning are not fairly distributed to all the country. It is my earnest conviction that, the federal system of government will do us good in ensuring that in suppressing the powers of President and also erasing the prevailing circumstances in Kenya, for instance there are four Universities in the Rift Valley while there is none in Western or Coast Province for that matter.

Interjection Com. Ayonga: Haya yameshasemwa, sema yale ambayo hayajasemwa.

Alex: The Issue of nominating Councilors I think to me is just duplication of duties, and also nominated MPs, should be dealt away with. Ya mwisho I think alcohol consumption might be encouraged, it's the high time I think we should set an age limit, we should not allow people maybe under to me under 25 years to be consuming alcohol.

Com.Ayonga: Asante sana. John Kombo?

John Kombo: Mimi naitwa John Kombo, Tulia kutoka Emokho village. Mimi maoni yangu nimesema hivi, mtu kama Raisi katika nchi hii asipewe jukumu la kufuta mtu kazi bila ruhusa ya bunge. Hiyo ni ya kwanza,

Ya pili katika nchi hii, hatutaki Rais ambaye atakuja kutuongoza sis, ambaye alizaliwa mwaka 42. Kutumia magari mengi na tunamjua ni Rais wa Kenya hii, sio mgeni wa Kenya hii. Hayo magari hatutaki hata kama magari matatu yanamtosha.

Ya tatu hatutaki police wengi kuchunga Rais na tunajua kwamba huyu ni mtu wetu, ma-police apewe tu police wawili kwa sababu pale anaenda watu wanamjua ni Rais wa hapo. Nikimalizia, Rais akienda mahali, afuatane na mjumbe ambaye mahali anaenda kutoa mkutano, hapana kuchukua watu wote Kenya nzima kupeleka mahali ambapo watu wanajua kila mtu, hiyo serikali iangalie ikate hiyo kauli kwa sababu hiyo ni pesa nyingi ambayo Rais mmoja, anatumia mafuta mengi, na magari mengi, spare ya magari ni za bei ghali katika Kenya. Nikimalizia, babu yangu mimi nikizaliwa nilikuta kama yeye anafanya kazi nyumbani ya kulima. Na alikuwa anaita wazee wenzake wanakuja kumsaidia shamba kupanda na kupalilia na kuvuna vyakula ambavyo nilikuwa nikila mimi. Kulikuwa hakuna police siku hiyo, wanakaa wazee wenyewe kwa wenyewe, na wanaenda vizuri, serikali iangalie kwamba mambo ya kusukuma watu na police hiyo government isifanye hivyo, huyu sasa ambaye anakuja hicho kitu afute. Asante sana.

Com. Ayonga: Next imekuwa Nehemiah Nasimiyu, Stephen Bunyasi, John Ongoma, Alex Kafua, ndio mnaitika kama Alex anavyo itika, wengine hata hamtaki kuitika.

Alex Kafua: Thank you very much Chairman of the Commission mimi sitasema mengi kwa majina naitwa Alex Kafua. Yale ambaye ningezungumza waliotangulia walisema lakini nita-highlight, kidogo I am going to talk on behalf of the business community in Busia District. Business growth, I will highlight business growth in this republic of ours is so low, about 2% due to a lot of corruption that has gone in all the four corners of this country. A lot of revenue is being collected and not properly utilized. The money that is being collected goes into a few hands and goes to the places that no mwananchi can ever follow and get.

Taxation: There is heavy taxation on every piece of revenue that is supposed to be received by every individual in this country. The accrued money is never accounted for properly. So nobody exactly knows how much money is supposed to be where after being collected.

Economy corruption and employment: All these is combined in one name of corruption. There is a lot of employment in Kenya but people are not getting the employment just because you get one person is having more than 4 jobs, so we insist one man, one job.

Sugar Industry: There is this thing called COMESA. COMESA was passed by a few powerful hands, it has ruined the economy of this country, especially we the sugarcane farmers of Busia District and Western Kenya as a whole. Had it been that we had been consulted, this COMESA issues would have never been signed, because it is only enriching a few people who are interested in importing sugar to this country. The sugar that is gotten from our farms cannot be marketed because they have overflowed the market. So we recommend that, the importation of sugar, should not be there, and if it is there, it should only be done by the Kenya Sugar Board.

Industrial centralization: We recommend that foreign investors and private developers, should be encouraged to develop industries in rural areas so that they may give jobs to the youth also in the rural areas, instead of congestion in only big towns like Nairobi, Mombasa, Eldoret, Kisumu and Nakuru. If they can do so, it will also ease the congestion problem of housing that is in Urban areas.

Unitary government: I am of the proposal that we continue having a unitary government whereby it will have to accommodate all political parties, and if possible if its not so, then the Kenya government should be partyless so just like the neighbouring country which has no party. So that nobody may feel that his party is better than the other one, because they are only serving the one people, the Kenyan people.

The powers of the President: I propose that the powers of the President should be completely reduced, the President of Kenya should not be above the law. The course root of all these problems that we Kenyans are facing are these problems of the

President being above the law. He does anything he wants and we find that you cannot go anything above what he has said, and then you are squizzed to the level that you cannot benefit after he has passed things because he is above the law. Thank you so much. I have got a memorandum that I am presenting and I was also sent by a lady to present the memorandum which I have it with me. I have been sent by a lady known as Alice Kafua who is also my wife I have got her memorandum.

Com.Ayonga: Sasa Stephen Eresa au Wekesa, ebu kuja halafu kuna Micheal Makaji, ndio huyo amesimama au huyo ni mwingine? Yule ambaye yuko au huyo anaenda safari yake? Mzee endelea, kama unaweza kutuambia majina na neno moja, mbili.

Stephen Wekesa: Kwa majina naitwa Stephen anaitwa Stephen Wekesa Obirika, na ninataka tuunde Katiba ambayo haitakuwa kama mchezo wa kandanda. Hapo ninamaanisha, baada ya kuunda Katiba kama hii, kiongozi mwingine atakuja na anaongoza wabunge wake na wanaanza kuchezea Katiba hiyo, wanafutafuta, na wanaweka maneno mabaya, mabaya. Kwanza kabisa,

Defence and National Security: The President should not be the Commander in chief of the Kenya Armed forces. That job should be left to the Ministry of Defence, and National security. The number of political parties should be limited, we should have only three political parties so as to get a President from majority votes. We should not retain the Presidential system of government. The government should be headed by the Prime Minister who will be elected by the people, and the President should remain more or less ceremonial.

The government should be of a national unity, all parties with sitting MPs should be involved in the Cabinet or the government. The government should look more or less like that of South Africa where a Cabinet is formed according to the number of Members of Parliament in the house. We should adopt a federal system of government in which Executive and Legislative authority is split between the Central government and the regional state. If this is done the economy of the country will be shared fairly and every Kenyan will have to benefit from economy of this country

Interjection Com.Ayonga: when you say ya kwamba unataka system federal system of government you know what federal system of government provides

Wekesa: We should have a multi party system representation at both levels of government. The President should have power to dissolve the Parliament. That work of dissolving Parliament, should be left to the speaker of the National Assembly. The Constitution should specify the qualifications of the Presidential Candidate. They should at least Bachelor's degree. The Constitution should set limit on Presidential powers, for example controlling armed forces, appointing Ministers and being a chancellor of all the public Universities. The President must be an elected Member Parliament, he should be allowed to function for only two terms of five years each.

The Provincial Administration should scrapped mostly the PCs. The Provincial Commissioners should be replaced by the Provincial governors who should be elected by the people. We should have an Independent Judiciary whereby Judges and Magistrates should do their work fairly and efficiently without being interfered by the big powers

Com. Ayonga: The next one atakuwa Elias Magero, do we have Elias Magero? kuna Simon Omito, Robert Munyekenye? sasa kuna Didimo Obias, Na Jonathan Mubweka? Jonathan kuja mbele, Wilfred Odungu? mzee keti James Ekesa una memorandum yako lakini ulikuwa umeadika unayo memoradum, kuja tutakupa dakika moja tu. Joseph Odongo? Basi.

Jonathan Mubweka Namlanda: Majina yangu ni Jonathan Mubweka Namlanda. Langu tafadhali ningeongea kiluhya ndio, nitasema **Elianga ni khukhusia omwana omukhana khumusomesha**

Translator: Yangu ni kumzaa mtoto msichana na kamuweka kama mkopo.

Interjection (rejection wise from the Audience)

A change of Translator

Translator: Mzee anasema lake ni kuzaa na kumsomesha.

Jonathan: Niwakhamala khumusomesha obechanga wakhamala khumanana mungu amapesa kabwerere khu fee school

Translator: Ukisha msomesha utakuwa usajifanya maskini kwa vile pesa yote inaishia shuleni kwa school fees.

Jonathan: Ne bienyekhana ni ya khurula musikuli arare imali mungu na aba arula musikuli naye omundu omusiani undu amubachirisia na amubukula saa

Translator: Inatakikana akimaliza shule alete mali nyumbani, lakini inaonekana akimaliza shule kijana mwingine anajitokeza tu anamnyakua.

Interjection Com.Ayonga: ngoja mnyamaze. Mzee tunaelewa, ukachukua mali na ukasomesha msichana, halafu msichana wako alimaliza shule, halafu amekutana na kijana town, kijana amemchukua kwa hivyo unataka nini?

Jonathan: Nyenye ikhwe, amala mika ekhumi nasiri khurera ikhwe khaba

Translator: Anataka mahari, kwa vile wasichana wanamaliza miaka kumi without kulipiwa mahari.

Jonathan: Eliakhubiri omundu akhola emirimo ni yakhamala khurula musikarai niyakha-retire ne khandi yetsa mirimo kia county council kicha khandi yesi yenye khweyandikishamo

Translator: La pili, mtu anafanya kazi ya serikali amalize a-retire na akikuja hapa nyumbani hata ya county council likitokea yeye pia amo humo ndani hawajui hawa wengine.

Jonathan: Elia khudaru osomesha omwana asome khalala mukilasi ndala nende musungu nende omuyindi nebasome mukilasi ndala nemiremo kilaba kinyolekha nebabukula omusungu ne balekha mumali uno khulwakhubere nemumali nokho

Translator: anasema kuwa watoto wanaweza kusoma pamoja na wazungu na wahidi kwa darasa moja na wamalize sawa sawa, lakini kazi ikitokea mzungu ndio anakuwa preferred au mhindi, na huyu mwafrika anabaguliwa kwa nini?

Jonathan: Yangu ni hayo

Com.Ayonga: Asantemzee yule anayemfuata, wale ambao nimewaita ningetaka msonge hapa na mfuatane James Ekesa

James Ekesa: Asante sana, nina mawazo yangu, kwa majina ni James Ekesa Vilema. La kwanza rumand, mtu anashikwa anapelekwa rumand kwa miaka tano sasa kifungo kitakuwa miaka ngapi?

Interjection Com.Ayonga: na usituulize maswali sikiza huwezi kutuuliza sasa unataka kutuambia tufanye nini?

James: Kama hiyo ni sheria itolewe, kama ni makosa itolewe kama ni sheria ambayo ilikuwa inaadikwa.....

La pili, kuna Province mbili tu katika Kenya nzima ambazo infaidika na kazi kama factory au TTC au kitu ingine, lakini sisi watu wa Western hatuna chochote sijui sisi tuko Kenya wapi. Tunataka pia kila Province iwe ikipata kitu kuliko Province mbili peke yake katika Kenya nzima. Nairobi Province na Coast Province.

La tatu, nafikiri la mwisho lilikuwa kwisha semwa, ya kwamba mtu akistaafu anapewa tena kazi ingine, si vizuri mtu kupewa kazi ili aende tu afungue kazi na aajiri watu wengine wale ambao walikuwa nyumbani kuliko tena kupewa kazi ingine ya madaraka serikalini. Asante sana.

Com.Ayonga Jafas Wadera, ndiye huyo, Selestino Oteba, Selestino yuko? Kuja karibu halafu Okemo Saferio, Okemo Saferio, uko hapo. Sasa wewe karibu jinsi ambavyo nimeita majina mwanfuatana namna hivyo, halafu kuna Michael Nangira, Michael Nangira yuko. Basi mnanfuatana namna hiyo.

James Wandera: Asante Commissioners na wanao husika. Mimi langu nitaongea juu ya umaskini ambao umekumba nchi

yetu ya Kenya. Nilikuwa napendekeza ya kwamba, katika Katiba, ingekubaliwa ya kwamba, kila mwananchi wa Kenya ambaye huwa anahesabiwa maana yeye ni mtu mzima na anajulikana, kama kwa mfano saa hii, katika nchi ya Kenya inajulikana ya kwamba, tuko watu milioni 33 na umaskini umekumba nchi yetu. Kwa hivyo nilikuwa napendekeza ya kwamba kama inaweza kupitishwa kama sheria kila baada ya miaka mitano wakati wa uchaguzi, kila mtu mzima huwa anahesabiwa, awe akipewa shilingi kama million 1 kwa kila kipindi cha miaka mitano inapopita, ili ya kwamba iweze kusaidia kupunguza umaskini kwa sababu wale ambao watukuwa bado hawajapata kazi, wanaweza kuanza kujimudu na hiyo million moja, wale pia ambao hawewezi kusomesha watoto, maana hawana kazi, wanaweza pia kujimudu pia kwa hizo pesa,

Interjection Com.Ayonga: umesema watu wapewe million moja in five years, ni maoni yako? Toa maoni mengine.

Jafas: hilo ndio nilikuwa naona ya kwamba ni la muhimu kwa sababu kuna hiyo itakuwa ni njia moja ama pendekezo la kupunguza umaskini kwa wale ambao hawajiwezi. Million moja kwa yule ambaye amesabiliwa.

Com.Ayonga: Jiandikishe kule, next Selistino

Selistino Oteba: Asante ma Commissioners, nitachukua wakati mfupi kwa maana mengi yamezungmzwa Selestino Oteba Munyekenye. Maoni yangu ya kwanza ni kwamba nominated MPs should not be appointed as Cabinet Ministers.

Ya pili nasema those who plunder the economy of the country should be barred by the Constitution of this country to vie for any political seat. Their property should be consphicated to recover the money. I think they should be taken to court. My next point Commissioners is that the Members of the Executive should not interfere in the work of other arms of the government, or they should influence decisions of other arms of the government. My last view is the distribution of the National cake, should be equal. Thank you.

Com.Ayonga: where is Mr. Okemo?

Okemo Zabelio: Mimi kwa majina naitwa Okemo Zabelio Okemo. Nimzaliwa wa hapa Buhaya. Mimi naomba hii Commission hii, kwa maoni yangu mimi naona hafadhali iweke sheria, mtu hapa ni Buhayo na ukitoka nje hata kama wewe ni kabila gani umeingia Buhayo, fuata sheria ya wanaokaa Buhayo. Na kitu kingine, kuna makabila mengine hapa wanaojipenda sana kusifu ukoo wao, wakikaa pale watu watatu, wanataja ukoo wao, na wanawacha ile jina ambayo wa Hayo waliweka. Na kama mnaweza kunikubalia nisema huo ukoo ambao inapendelea hivyo naweza nikasema.

Com.Ayonga: Nataka kusema hivi, hatukuja hapa kwa kuwasha moto, na hatutaji mtu yeyote, kama kuna tabia ingine ambayo watu wengine hawapendi nasema kuna tabia fulani ambayo pengine tusingependa lakini isije iwe kwamba, ile nyumba fulani ile, ile nyumba fulani hiyo, huo nikuengeza uchochezi na kuwasha moto ambao hatutaki. Na ninataka nyinyi mnyamaze

huko nyuma mimi ndie nina-deal na huyu mzee. Kwa hiyo mzee uendelee nataka unipe point yako ya mwisho. Hiyo tumesikia, wengine hujipenda na kweli si hapa tu, hata huko kwetu Kisii wako wengine.

Okemo: Neno la pili, watu ambao wanaajiriwa na serikali kuanzia waalimu, ma-chief, wote tunataka wapate transfer kwa sababu sisi wananchi bado hatujawachagua, serikali iliwachagua, ni watimize sheria kama ile, ile inashika DO na ya DC, hawa pia wafuate sheria kama hiyo.

La tatu, sisi hapa Nambale au tuseme Busia tunashida kubwa sana, Mungu aligawia watu mimea ambayo inaweza kuwapatia watu wao mapato, na kila kitu. Tunashangaa sana sisi kuambiwa hapa tulime miwa na serikali yetu inanyakuwa factory yetu inakuja hapa inapeleka Kericho. Sasa sisi hapa miwa yetu tutapeleka Kericho au wapi? Tunataka factory kufuatana na miwa ambayo tumelima ni mingi. Asante.

Com.Ayonga: Wapi Michael Nangira? Micheal Nangira: Kwa majina ni Micheal Nangira kutoka Elwahana village Biwok sub-location Buhayo East. Nina mapendekezo ya fuatayo, kwanza, Wilaya ambazo zilitengwa na zina majina ya kikabila kama vile Teso, kama vile Nandi, kama vile Kisii, Turkana, ningependa, hayo majina yafutwe na majina mengine ambayo yanaweza kutusaidia kuwa na umoja wa kitaifa yakwe kwa mfano badala ya Teso, tutumie jina kama vile Amagoro, badala ya Turkana tutumie jina kama Lodwar ndio tusiwe na ukabila. Kisii kama kuna mti huko ambao unaweza tumiwa, huko Kisii nadhani kuna miti.

Pendekezo la pili, upande wa University Admission kuna body ambayo inaitwa joint admissions board. Hii board huwa inaamulia mwanafunzi kufanya faculty ama profession ambayo pengine hakupenda, kwa hivyo ningependa mwanafunzi aachiwe kufanya ile profession ambayo amechagua yeye mwenyewe, sio kuamuliwa. La mwisho ningependa hawa Ministers wote ambao wanateuliwa wapitie kwanza through vetting kwa Parliament ndio wakuwe Ministers. Asanteni.

Com. Ayonga: Kuna Moses Sauke au Sauke, ndiye huyo? Halafu Lawrence Ilude, Lawrence yuko; na huyo Fredrick Matini, yuko? Silas Alabi yuko? sasa endelea, niliwaambia wa Luhya wanabarikiwa na mvua fanya haraka ili na wengine tuwasikize.

Moses Sauke: Kwa majina naitwa Moses Sauke, na I propose pension kwa civil servants isiweko na instead wapewe final dues, and not pension. Halafu retirement age iwe at least 45 years of age. Pia Presidential election to be a President I propose you must not also be a member of Parliament, instead people should elect a President who is not a Member of Parliament. I would also comment on prosecution process. On prosecution process, an accused person should at least be given a chance to defend himself before the hearing continues, because at present somebody is accused and wait for the proceedings to go ahead then he is only given the last time to defend himself. I oppose the prosecution process which is their now.

Lastly the present land ownership rights especially the succession process you see this lands are always divided divided I

propose the government to take over the land, and because it lowers the population of the country to at least suggest and live the Provincial Administration to decide on how to share the land, and give extra land to fellows who do not have, especially the street fellows, and those who have are born out of wedlock, then the division or the share, the government should give at least approximate of 10 acres to somebody who is unemployed, to practice his employment on the farm. That is all what I have.

Com.Ayonga: Kuna huyu Isaack Sidialo, lakini wewe ulipokuwa unasema kwamba, watu wasipewe pension, yako imekuwa ni original kabisa, hakuna mtu amesha tuambia hiyo Kenya nzima, kwamba watu wasipewe pension, ni wewe tu.

Isaack Sidio Okwara: Kwa majina ni Isaack Sidialo Okwara, nikiwakilisha vijana wa Bwilare sub-location kutoka kata ya Walaji. Ningependa tu kusema mambo mawili, matatu na niache. La kwanza, ni kufuatana na uchaguzi wa ma-Mayor na wenyekiti wa mabaraza. Jambo hili kama vijana wa Bwilare wanapendekeza kwamba, wawe wakichaguliwa moja, kwa moja na wananchi, kwa sababu wananchi ndio wanajua na wanaona huduma ambayo wanapata kutoka kwa ma baraza, kwa hivyo mambo ya kuchaguliwa na ma Councilor sio vizuri na wanatoa huduma iliyo duni zaidi.

Jambo la pili nitaongea kuhusu kuridhi mashamba. Mashamba inakuwa ni shida sana kwa vijana, unapata kupata cheti cha shamba kama title deed, au number ya shamba, inachukua mda mrefu na inagharimu zaidi kwa hivyo vijana wengi, hawawezi hata ku afford malipo ili kubadirisha mashamba kutoka kwa wazazi wao. Kwa hivyo tunataka hali ya kubadirisha mashamba, irahisishwe, malipo yawe kidogo, na hiyo huduma iletwe chini, hadi hata katika kata. Kwa hivyo Liguru na assistant chief na chief wanajua mtu ambaye amezaliwa pale, wazazi wake, na wanaweza kuwa mashahidi kufuatana na huyo mtu anavyotakikana aridhi lile shamba.

Jambo lingine ni mahali pa Rais kuwa na mamlaka, Rais ana mamalaka zaidi, anateua hata watu wasiokuwa na ujuzi kikazi, kwa hivyo tunaona hafadhali wawachie Bunge liwe likichagua, watu kama ma-Commissioners, na wenye kiti wa mashirika mbali, mbali na iwe wanaangalia ujuzi wao, masomo yao, wakaguliwe wapewe interview na wachukuliwe kufuatana na vile wamesoma.

Point ya mwisho serikali inatakikana tuwe na Waziri Mkuu ambaye anachaguliwa kutoka kwa wabunge walio wengi. Nashukuru.

Com.Ayonga: Harun Ombaso, Harun Ombaso ndiye huyo, halafu Dickson Masika. Dickson Anaseti Odongo. Harrison Opemi ameenda. Kwa hiyo endelea Ombaso.

Harun Ombaso: Thank you Mr. Chairman, My names are Harun Ombaso Matoko. I represent (inaudible) youth self help group. My first point is that, corporation among East African countries, i.e Kenya Uganda and Tanzania, there should be an

official one Identity card that can make different citizens to travel around without harassment from custom officials.

Secondly is about bursary funds. Bursary funds should be issued equally there should be no discrimination, whereby bursary fund goes to when it kicks off, and poor people go all suffering.

Third point is that town councilors, this is based on town councilors Taxation of business men and women should be put off or payment should be affordable to those once who can do with it. Lastly, that is the fourth, loans for agricultural farmers i.e. whereby you have got bodies such as agricultural farmers corporation, they should actually help farmers to motivate their agricultural products and get a wide market whereby they can move on with their lives well. I do not have much that is all I have. Thank you.

Com. Ayonga: Obanda.

Obada Ouma: Majina ni Obada Ouma, niko na mapendekezo machache ya kufanya. Ya kwanza kabisa nitaongea kuhusu uraia. Mtoto ambaye wazazi wote wao ni wazaliwa wa Kenya, wapewe uraia bila swali. Mtoto yeyote anayezaliwa na babake awe mkenya apewe uraia. Mtoto ambaye anazaliwa na mama yake ni Mkenya na babake si Mkenya, apewe mda kwanza ndipo maombi yake yafikiriwe kama mzaliwa wa Kenya.

La pili Rais, Rais asiwe mbunge, achaguliwe na 25% kutoka kwa Province tano. Raisi kabla ya kugombea kiti cha Urais atangaze mali yake na jinsi alivyoipata.

Ya tatu ulinzi wa taifa, Rais asiwe amri jeshi mkuu wa taifa la Kenya. Ni hayo tu.

Hiyo iwachiwe waziri fulani ambaye atateuliwa na Bunge.

Com. Ayonga: kuna Peter Ouma lakini nimeona jina hili Peter mara nyinga sana.

Huyu Peter nadhani tumefanya kuna Osiato, Osiato kuja hapa mbele, na Paula Kapo Ndubi, niliona hili jina ndubi ni lingi ni hapa na nilidhani wa Kisii walihama kuja hapa?

Au ni wale tuliwacha nyuma. Bonson Osiato

Bonson Osiato: Commissioners, haya ndio yangu ambayo naweza kusema. Kwa majina naitwa Bonson Osiato mimi naona kwamba wakati wa kupiga kura, wasipige kura siku moja ya councilor, mjumbe pamoja na ya President. Tuwe na system ambayo kila kura inapigwa siku yake.

Ya pili registration of societies, tuseme especially kanisa, kuna mpango ambao registrar general ningependa watengeneza, Commission ione kwamba tuanzie grassroots ndio kanisa iwe registered kwa sababu hawa kazi yao ni ku-collect shilling 1,000

kwa kila kikundi ambacho inataka kuwa registered, na mwisho you are rejected kwa sababu, makanisa makubwa kama Catholic na Anglican ndio wako huko juu.

Ya tatu, sioni kwa sababu Kenya ni maskini tutafute wataalamu iwe medically, awe iwe sheria kwamba wataalamu kwa kuandika Katiba watoke nje. Tuna wadugu ambao wamesoma hapa Kenya.

Ya nne, ile ambayo imesemwa sitarudia ijapokuwa Police wame-benefit vitu sana kutoka kwa chang'aa na busaa, ndio sababu hata police hawawaulize serikali kuwaongeza mshahara, akitoka tu amepata chumvi. Ya mwisho ni kwamba local authority especially Municipalities or the city council kama ile ya Nairobi, raia maskini hana nafasi ya kuenda choo kwa sababu vyoo vyote vimepewa chokora. Shillingi mbili, shillingi tano, shillingi kumi. Raia akianza kukaa vizur iserikali iangalie ndani ili vyoo viwe kama vile vya zamani, vile ambavyo vinawachiwa municipality yenyewe kuliko kupeana kwa chokora.

Ya mwisho ambayo naomba tu, ni kidogo kwamba ningependa sisi wakati tukisoma historia wakati wazungu waliingia hapa walikuja wakapata sisi tulikuwa na watawala kama Kabaka, kama hama tulikuwa na Mumia, nataka ile system irudi na tuwe na hii election ikomee kwa Prime Minister na tuwe na supreme court, kwa sababu neno President imefanya karibu kila mwenda wa zimu anataka kuwa President. Asante sana.

Com.Ayonga: Walter Manyasa, Chrispine Okedi? hakuna, Wabwire Simpriosis, Africanis Guluma, sasa tunaingia majina magumu kabisa, ndio ya kumalizia, malizia, Patrick Buluma ndie huyo na huyu Florencio, wanaume wanaitwa Florencio? wewe endelea.

Patrick Buluma: Hamjambo sana ma-Commissioners kwa majina naitwa Patrick Buluma Odilo, mimi nimzaliwa wa sehemu hii. Yale ningependekeza tu kwa hii Commission ni kwamba kuna sheria ambazo zimepitwa na wakati na nita quote tu hapa mbili, hasa tukienda upande wa mahakama utakuta mtu akifungwa mzee wa miaka kama sabini anapatikana na makosa, anafungwa miaka tano, anapewa tena adabu ya kuchapwa viboko, hiyo ni sheria ambayoi kwa maoni yangu ningependekeza kwa hii Commission ya kwamba imepitwa na wakati na sheria kama hiyo, inatakikana iondolewe, pia sheria kama ile ya kunyonga. Tunajua ya kwamba ni Mungu tu anayepeana uhai hakuna binadamu anayejua ya kwamba hakika mtu fulani alifanya hilo jambo. Ninataka ya kwamba sheria kama hiyo ya kunyonga iondolewe katika Katiba ya Kenya, na mtu afungwe kama ni kufungwa, afungwe kifungo kirefu lakini asinyongwe.

Point ingine ambayo ninaonelea napendekeza ya kwamba wabunge wetu wamejipatia (inaudible) kwa kujiongezea mishara, tuna sahai maskini wetu ambao ni watu wasiojiweza, viwete, na watoto wengine mayatima. Ninaona ya kwamba mda ambao walipewa mda ule wa miaka mitano ni mrefu sana. Naona ya kwamba huo mda upunguzwe, tuwe na kipindi cha kukaa kwa bunge, kura iwe ikifanyika kila baada ya miaka mine, tusiende mpaka miaka mitano.

Jambo lingine la kumalizia nasema ya kwamba, kwa upande kama wa federal system of government tumeona ya kwamba mpango kama huo umeanguka katika nchi zingine, kwa hivyo siupendekezi katika jamhuri ya Kenya kwa sababu unaleta ukabila na unaleta kutoelewana, we want a unitary government. Asante sana.

Com.Ayonga: Fredrick Nabongo, ndiye huyo, Kizino Ladoli, amekwenda, Elkanah Wekiu, ndio wewe mzee bona unaogopa jina lako Hezron Omuruoni, ameenda, Fredrick Ongelo yuko, hayuko alikimbia mvua. Basi tuendelee na wewe, sema majina yako.

Fredrick Nabongo: Majina yangu ni Fredrick Nabongo, na ninaenda kusema haya, nitachangia kuhusu makinisa. Ningependelea kusema ya kuwa sheria ambayo iko Kenya ya ma-kanisa yaani kuabudu kuwa huru kwa kila mtu, ingegeuzwa kwa ajili wakati huu tuna makanisa ambayo hata watu wanamuabudu shetani. Na hii ikiwa inaweza kugeuzwa, kanisa linapokuwa linaadikishwa hapa Kenya, na wanaanza kumuabudu Mungu, serikali ingefaa kufuatilia na kuona set up ya Kanisa hii ni namna gani, Ili kila kanisa likaweza kuwa na Constitution yake. Na iweze kusomwa na serikali na hata area ambayo kanisa lile liko liweze kueleweka vizuri ili tusiwe na mikasa ya kuabudu shetani, jambo kama hili wa Kenya wengi hata wamesikia kunakuabudu shetani. Na inakuja kwa ajili watu wamekwa huru kuabudu Mungu jinsi wanavyotaka, sasa watu wameacha kuabudu Mungu kwa njia nzuri wameanza kuabudu kivyao. Tunafaa hiyo sheria ichunguzwe na weweze kufuatilia.

Jambo lingine ni ndoa, ndoa ni jambo ambalo Mungu mwenyewe aliweza kuanzisha kwa hivyo watu wanapoona, serikali ingefaa kuweka sio upande wa kijana ama wa kike, tunaweza kuwa na mtu amesoma kutoka kwa pande hizi mbili, mmoja wao sasa utaona mmoja anapotaka kijana pengine anataka kuoia msichana familia ile ya msichana inaona huyu kijana hafai kufanya nini? kuoia pale lakini Mungu mwenyewe aliweka ndoa ni upendo, watu wakiwa wamependana, watu wale waweze yani kupata kuoana isiwe ndoa ichukuliwe kama commercial dealing kwa maana iwekwe ndoa iwe jambo la upendo na ionekane ya kuwa, kile kitu ambacho kijana atatoa ionekane tu ni kupigia familia ile asante. Kijana huyu anaweza kuwa pengine

Com.Ayonga: wacha story.

Fredrick: Point ingine ninaenda kwa corruption, jambo corruption lina kuja hapa nchini mwetu kwa ajili sisi wananchi wenyewe tunachangia corruption kwa njia hii. Mimi ninapo shikwa ni jambo nzuri kama tunaweza kutetea sheria, ninaposhikwa na police, watu wangu wakuje kortini na waone vile jinsi korti itaamua kuliko kupea askari pesa.

Jambo lingine ni kuhusu mamlaka ya Rais, mimi ningependekeza hivi, Rais wa Kenya inafaa achaguliwe na kila mtu na tusiangalie jama, anatoka chama gani, vyama vyote ni vyetu hapa Kenya na tunafaa tu kuchagua mtu kulingana na uwezo wake. Asanteni.

Com.Ayonga: Nataka ujue makanisa yote yana Constitution yao, hakuna kanisa ambalo linakuwa registered na registrar of societies bila ya kutoa Constitution. Nimetaka tu kukuhakikishia uje hilo. No I am telling you just a mere fact I do need any support thank you thank you. Enda ujiandikishe I do not need any support because it's a matter of fact.

Elikanah Vikiru: Mimi majina yangu ni Elikanah Vikiru na maoni yangu kuhusu Katiba hii ninaona ya kwamba tumesikia wakati mmoja wakisema ya kwamba tunataka serikali ya majimbo. Mimi maoni yangu ninaona ya kwamba, serikali za majimbo niza kikabila. Kwa sababu tunaweza kuwa na mtoto kutoka hapa Western, hawezi kufanya kazi Mombasa, hawezi kufanya Nairobi, atafanya Western. Na ikiwa Western peke yake, hiyo ni kama ukabila. Hata mtu anaweza kutoka upande wa Mombasa, anaweza kutoka upande wa Eastern afanye kazi hapa, sasa mimi nataka serikali ya majimbo isiweko, tuwe na serikali kama hii tulio nayo, mwananchi atembe mahali popote katika Kenya.

Ya pili ninazungumzia habari ya mtu ambaye ana mke wake na ana mali yake, na ana watoto wake. Wakati mmoja bwana anaweza kufa, na bwana anapokufa ndugu ya huyu bwana, wanakuja wanyang'anya huyu mwanamke, ambaye bwana ndugu yao amemuacha, wanamnyang'anya vitu, wanasema vitu vya watoto wetu, vitu vya ndugu yetu, na huyu mke amewachwa na watoto, mimi naona ikiwa mume amekufa na wamefanya ndoa na mke wake mali hiyo mke apate kuridhi na atunze watoto, watoto wakisha kuwa wakubwa huyu mke apate kugawia watoto hawa urithi wa baba yao.

Ya tatu, nikuhusu habari ya gereza zetu za Kenya ambazo zinatakikana watu wanaofungwa katika Jela, wanafungwa kama wanyama, hata wanyama wako afadhali. Mahali wanapolala, wana lala kwa sakafu. Pale kwa sakafu hakuna blanket, mtu huyu mahali pale, chakula ambacho wanakula, chakula kile hata si chakula cha binadamu anaweza kula, chakula kile kinapikwa ugali maji, maji na anapewa tawi moja la sukuma wiki, ili apate kula. Na hii si haki ya binadamu, inatakikana serikali ijue ya kwamba, mtu huyu amefungwa kwa makosa fulani ili na inatakikana anapoingia katika gereza ile aende afundishwe nidhamu na afundishwe mambo fulani, akitoka kule awe amebadilisha mawazo yake, ikiwa amejifunza kule ufundi, au ujenzi, anaporudi nyumbani abadilishe nia aanze kufanya kazi ile ambayo amefundishwa kule, na imletee mapato asiwe mhalifu. Hilo ni neno ambalo ninaona katika gereza zetu, unaweza kuona ndani ya gereza ile, watu wanapangwa saa za jioni, wanapangwa kama miti, huyu kichwa, namna hiyo kwa hivyo tunataka watu wale watunzwe wapewe mahali pa kulala pazuri, chakula kizuri kama binadamu.

Com.Ayonga: sasa nimesahau dakika yangu moja na nusu na hamtaki kunisaidia. John Momanyi au mlimai, yuko? Hayuko, Hosea Mlongo, Hosea Mlongo, Shaban Wandera, Halafu kuna Labat Wanga, unaona giza imeanza kuingia hapa, kuna Lukas Virunga Kokonya, uje mbele halafu kuna Wandera Wilfred, Wandera Wilfred yuko? Hayuko, Oluoch Ochieng, halafu kuna godfrey bwire.

Lukas Virunga Kokonya: Kwa majina naitwa Lukas Virunga Kokonya, nitaanza na youth. Youth tuko na shida ya kazi, mimi youth ningependekeza kwa hii Commission ikuwe mzee kama wewe umefanya kwa serikali ama bado unafanya kwa

serikali vile unafanya hivi, mtoto wako asipewe kazi na mtoto wa yule ambaye amesoma amemaliza, hajapewe kazi wako apewe kazi, na yule wa maskini akae, pendekezo langu la kwanza.

La pili, niko kwa wasichana youth nasema hivi, msichana anaweza kuja na mama yake, mtoto wa kambo sio kuwa akuwe na haki ya kupewa uridhi kama mzee wake amekufa kuwa apate mali yangu, na amekuja na mamake, wakati alikuwa anapewa mali anarudi kwa baba yake. Hilo ni upande wa wasichana. Upande wa wanaume iwe kijana wangu akipeana mimba kwa msichana wako, iwe wote sisi wawili kama ni kufungwa, vifungo, tufungwe sisi wote sio kijana ndio anafungwa halafu haya mambo ilikuwa ya kusikizana, kama rape case that is a different case. Tufungwe wote kwa sababu tulipendana ndio tukazaa.

Upande wa Provincial Administration ninoamba kuwa wa mama, mama yeyote kusema ati afanywe sub-chief, chief hapana, sababu ni hii Mimi ni bwana yake, mini pengine ni mnywaji wa pombe, natoka huko nimelewa na yeye tayari yeye ako na crown unapata ana ningojea na maaskari ananiweka ndani, sasa na yeye yuko kwa boma yangu sio kwao, sasa vitu kama hivyo mimi nakataa wa mama kuwa waakilishi wetu wa serikali.

La mwisho mzee ni hili upande wa tribalism, na hiyo ninasema hivi kufuatana na wajumbe wetu. Iwe Commissioners kama nyinyi tunawapa wa mama kwa mfano, hawasikii kiswahili ama hawaelewi Kiswahili vile ninaongea. Wawe sisi wananchi wenyewe sisi tunachukua uahayohapa, hapana kama wewe ulitoka sijui wapi, aa tunataka sisi wahayo nikizungumza kihayo, unawapa ambao hawasikii watasema kwa mfano, tunaka sisi Commissioners because once you are a Commissioner there is something sensitive within the government that you are now Commissioning. Hilo ndilo jambo langu la mwisho mzee asante.

Com.Ayonga: Kuna Alois Obias, Alois yuko?ameenda, kuna William Maina, William Maina, kuna Peter Okuku, Peter Okuku?ameenda, Solomon Njako ambaye ni Councillor yuko wapi? Ameenda,councilor naona umejianaa vilivyo, ninakupa dakika moja na nusu tu, tuambie maneno usisome hapo.

Councillor Solomon Njako: Asantesana bwana Commissioner kwa majina naitwa Solomon Injako nikiwa councilor. Mimi yangu sio mengi,ninataka kuguzia tu upande wa pension, ningependelea ya kwamba pension scheme iwe revised. Nina maana kwamba badala ya mtu akifa, pensioner for example akifa inakus yule mama ambaye amebaki kwa boma, a inherit hiyo pension kwa miaka mitano. Ningependa hiyo period iwe extended to 10 years kusudi mtu aweze ku-bring up that family.

Secondly on pension ningependa hivi, mama yule ambaye anaajiriwa na serikali na ana retire halafu akafiriki, bwana yake naye awe na uhuru wa ku inherit hiyo pension. Sababu gani? watoto wanabaki juu ya baba ndio atawa-bring up kwa hivyo tupewa nafasi kama hiyo both sides. Na Liguruus watu wamezungumza mambo ya Ligurus wapewe in service course, Liguruus wapewe in-service course na wapewe kitu kidogo kwa pay roll. Sababu hao ndio wanafanya kazi kwa grass roots. Hii post ya PC iwe scrapped off na ikuwe replaced by regional secretary ambaye atakuwa anapata records au information kutoka kwa ma-DC na anakuwa kwa Minister au kwa Permanent Secretary within that Ministry of Administration. Sababu mimi naona

kama iko duplication, PC from top hafanyi kazi yeye anafanya kazi ile ma-PC, ma chiefs ma assistant chiefs wamefanya, hio ndio pendekezo langu.

Interjection Com.Ayonga: Na kwa nini unapenda hiyo muwe na secretary ambaye anafanya (inaudible)

Councillor Solomon: They do not report directly until they come to confirm again on the ground. Secondly upande wa viwanda, mtu anafuga samaki hapa, au we grow fish for example in Busia District but we do not have a factory, kwa hivyo ningependekeza kwamba government injenge ma-factory na ma industry, mahali chakula kinapatikana, kwa mfano Thika wana-grow mananasi na kuna factory huko, sisi samaki yetu inatolewe kutoka hapa inapelekwa Nairobi for fish processing. Hiyo niaona kama tunanyang'anywa kazi kwa watoto wetu, na pia tunanyanga'nywa vitu vingi. Serikali itusaidie hapo. Mimi sitakuwa na mengi kwa sababu ya mda.

Com.Ayonga: Asante sana bwana Councilor, asante. Wilbar Wasirima, ebu kuja karibu, na Leonard Nyongesa, kuna mama hapa anaitwa Leornida? Huyu mama alikwenda. Vitalis Odhiambo yuko? Boaz Ofisi kuja hapa karibu, endelea.

Wilba Wanyonyi. Bwana Commissioner kwa jina ni Wilba Wanyonyo Wasrma makaaji wa hapa Nambale. Nina jambo tu kama mambo mawili. KBC mekuwa ni chombo cha kupazia habari kwa wananchi, lakini megeuzwa kuwa chombo cha kutoa kashfa kwa vyama na wanasiasa wa upande wa upinzani. Na kutoa sifa kwa chama tawala. Kama jana kipindi kilikuwemo muamko mpya, kama ungaliona hicho kipindi jana usiku kilikuwa tu kinatoa sifa mbaya kwa wanachama wa upinzani bila hata kusema neno angau moja ambalo mheshimiwa Oloo Aringo juu alisema ya chama kinachotawala. Kwa hivyo pendekezo kwa kuwa hiki ni chombo cha kupaaza habari kwa wananchi, kisipendeleo upande wowote. Na kiwe na uwezo wa kutoa elimu ya uraia, ili watu wajue civic education pasipo kuambiwa watu kutoa mambo ya bovu mkifanya hivi nchi yetu itakuwa kama Somalia, itakuwa kama Rwanda, itakuwa kama nini watu wanaogopa, mwisho ningesema mengi lakini yametajwa tayari, la mwisho ni Kenya imekuwa ni nchi ya watu wanao mcha mwenyezi Mungu, a God fearing state. Kuna mashule na hata Institutions ambazo tumetunikiwa majina ya watakatifu, kwa mfano kama Nambale Secondary school ni St. Thomas Nambale, Monica St, Mary's lakini wanaingiza majina ya watu wasio watakatifu, tuseme Monica Onyango, St.Mary's Onyango secondary Monica sasa watu wanakosa kuelewa huyu Onyango sasa amekuwa ni mume wa St. Mary. Hayo ni mapendekezo yangu.

Interjection Com. Ayonga: Hayo ni mambo ya kanisa katika utaratibu wa kanisa sio? Na tunaweza je kukataza kanisa kutofanya jinsi ipendavyo (inaudible) na faith ya watu wengine.

Wanyonyi: The church is over run I am saying this, nilikutana na kasisi fulani ambaye analalamika sana shule imepewa jina la mtakatifu kama St.Cecilia Nangina, tena imeingizwa jina la asiye mtakatifu huyu alikuwa ni kasisi, that shows that the church is over run. Kwa hivyo mimi ningependekeza hayo majina ambayo yamepewa mashule yametunikiwa na mashule ya watakatifu,

tafadhali wanasiasa, au viongozi wasiingilie wa kaweka majina yao, ndio tunaona sifa zimekuwa mbaya katika mashule yetu, hapo na mengi ambayo yamesemwa kwa hivyo ningependa nikomee hapo.

Com. Ayonga: Boaz Odipo ndiyo wewe,

Boaz Ofisi: Kwa majina yangu ni Boaz Ofisi kwa hivyo asanti sana kwa kupewa nafasi hii, Ofisi. Kitu changu cha kwanza ningependekeza katika Katiba ijao, President na Vice President wachaguliwe na wananchi directly. Na hiyo ndio naongezea na pia tuwe na Bunge mbili ambao representatives wa ile Bunge senate iwe waakilishi kutoka kila District. Ministers wawe wanachaguliwe na President ambao ndio wanachagua of commander in chief of the armed forces. Na Chancellor wa Universities apewe waziri wa education. Asiwe at President ndio tena Chancellor. Kitu kingine Ministers wawe vetted na Bunge, Ministers wawe vetted na hakuna kufutwa na President vile anataka. Wapewe nafasi asitolewe tu kwa vile President amependa, na ningependelea pia hao Ministers watoke kwa watu ambao wako na experience watu ambao wanaelewa na sio wale kutoka kwa Bunge. Cabinet Ministers wawe watu kutoka nje ya bunge, wa Bunge wawe tu wa bunge.

Pia ningesema upande wa land, Ningependelea hii Katiba iweko, kila mwananchi kila mwananchi ambaye ako na kipande chake cha land, apewe title deed, title deed iweko ndio corruption ambayo inaendelea kwa lands department iishe, kwa sababu hio inafanya vitu kama hivyo title deeds zinakuja za bandia. Lakini mtu akipewa land yake nafasi, title deed vitu kama hivyo ninafikiria itapunguza. Asante sana.

Com. Nunow: Asante sana, ningependa kuona wangapi wanata kuzungumza bado ambao wako katika hii hall. Ok.kwa sababu imekuwa giza, sitasema mambo ma dakika na mnataka mjitayarisha mind yenu namna hiyo. Kila mtu atakuja hapa aseme point moja peke yake. One point, not two if you want to repeat that was said its upto you but I will give you ngoja mzee bado nitaitana kwa list, bado nitatumia list lakini, keti tu tafadhali lakini nataka kila mtu kwa sababu hatutaki kuacha mtu yeyote, uje na point moja, kwa hivyo saa hii uwe unafikiria ni point gani muhimu sana ungependa kusema. Unakuja unasema majina yako, na unasema point moja na kusimama. So that is very clear na nitaanza na Kamilos Katere, is here there? Rev. Peter Okumu, Rev. Amos Lugalu, Rev. unataka kusema? Asante sana neno moja. Chukua neno tafadhali keep to one point.

Amos Lude Wamalwa: Kwa majina mimi naitwa Amos Lude Wamalwa, mimi ni Padre. Point yangu moja tu ni kufuatana na retire ya President. Nataka hiyo Katiba hii ipitize, President aki-retire arindwe vizuri na tena asiwe ati ndiye mwenye kiti wa chama chochote. Awachie President yule ambaye amechukua kuwa chairman wa kila kitu katika Kenya.

Com.Nunow: Asante sana, Rev. Jiadikisha tena kwamba umezungumza. Moses Obanya, yuko? Baraza Odugu yuko? Mwania John uko? Subiri kwanza nataka nifanye line up ili time isipotee, kuja hapa mbele, nikikuita unajua wewe ndio unafuata. Kujeni hapa subiri. Pandeas Okelo, Charles Nyangaro, Nyangoro? are your there,?Wilson Oboro Baraza? Kuja mbele, nyinyi wawili mje hapa mbele basi. Okay endelea.

John Muami: Asante mimi jina langu ni John Muami, niko na point kuhusu education act katika Constitution ya saa hii, ninapendekeza kwamba, shule za msingi Primary school should be run by the school committee. In the current school management, each school should have a school development plan which covers three years, but that school committee is elected after every one year. I propose that the school committee in a Primary school should also be elected after three years, so that they can work on that development plan.

Com.Nunow: Thank you very much.

Wilson Baraza Obore: Kwa majina naitwa Wilson Baraza Obore mimi nimzaliwa Bohaya hapa, kwa hivyo ile mimi nataka kuchangia kubwa sana ni kuhusu shamba ya marehemu, mzee anaweza kumuacha nyinyi vijana watatu ama wanne lakini unakuta watu wengine wanaigiza mambo menging fulani wanaenda kushtaki marehemu na bila hata nyinyi wengine kuenda kwa sababu kuna mama, mzee alikuwa na nyumba zake, mbili ama tatu, sasa mimi nataka Commission waendeleo ni huu mpango kwa sababu wanaweza kuangalia maneno wachukue hawa watoto kwa wakati wanaenda kushtaki mzee waende wote, si mtu mmoja ndiyo maneno yangu.

Com.Nunow: nani mwingine nimemuita? Njoo ujadikishe, njoo ujadikishe, Bernard Ojiambo, Peter Obinda, Arther Opendi Thomas Muhuhu, nani yule yuko, Obinda, jina yako, Peter Obinda anaonekana hayuko, Arther Obebi hayuko Thomas Muhuhu, hayuko na John Odanga, akaribie Peter Wandera, Michael Wesonga, yuko? usipoitika sitaweza kujua. Nani yuko? Peter Michael mzee karibia, Julius Chebuche hayuko, Learnard Wesonga, na George Baraza, mpatie mzee mkarishe hapa mbele kwa hiki kiti cha mbele, cha mbele, ya mbele. Sawa Bernard endelea.

Bernard Ojiambo: Kwa majina naitwa Benard Ojiambo, kutoka Constituency ya Nambale. Yangu ni kama yafuatayo, ningependa sheria ibuniwe hospitali za kiserikali itakayo kabiriana na madaktari. Kwa kuwa wagonjwa wetu wanaumia sana. Kwa kutojali wauguzi. Kwa vile kama hujamlipa pesa anazohitaji,, mgonjwa wako hatashughulikiwa vilivyo.

Interjection Com.Nunow: Ungependa nini kwa afya?

Bernard: Ningependa sheria ibuniwe itakayo kabiliana na madaktari wetu, wa hospitali kwa vile mgonjwa, ukipeleka kule mgonjwa kama hauna pesa za kumhonga huyo daktari mgonjwa wako atazidi kuumia hata atakufa pale. Matibabu yapeanwe sawa kwa kila mmoja.

Com.Nunow: Asante sana

Michael Wesonga: Kwa majina naitwa Michael Wesonga Namukuru, mimi yangu yote imeandikwa kwa memorandum na

nitasema tu neno moja ya assistant chief na chief, hawa watu wamezaliwa hapa, hapa kama Buhayo au Wabuhayo. Na waalimu ndio waweze kuwapatia transfer, kwa sababu hao wamesomea course. Kwa sababu hawo wanasomea course ya assistant chief na chief sio wamesomea course ya chief na assistant chief, hawa watu wazaliwa hapa. Asante.

Com.Nunow: Ipeleke huko, Julius Chepcher njoo, njoo uchukuwe njoo tu kwa microphone. Leonard Wesonga yuko, hayuko, na George Baraza, yuko, Julius tupatie majina na point moja.

Julius Chepcher: Mimi kwa majina naitwa Julius Chepcher, na neno langu moja kusalimu viongozi ambao wakuja kututembelea leo, na ni upendo kwangu kujua kwamba neno ambalo tulikuwa nayo yalikuwa mengi lakini kitu ambacho nauliza serikali yetu, irudishe mtido ule ule ulikuwa wa kwanza wa British, masomo iwe ya CPE. Masomo, elimu irudi kwa ile standard ambayo ilikuwapo ya ile ya CPE. Halafu tuanze tena upya form one-form four, and then form four to University. Nafikiria pale tutakuwa na mwendo mzuri sababu wakati tulikuwa na Kenya Equipment Scheme ambayo ilikuwa inatusaidia sisi. Lakini naona wakati huu wazazi kama sisi tuna hangaika sana kwa upande wa elimu ambayo imekunja kama 8-4-4. Sasa hata hayo ambayo ilikuwa ya kwanza ile, inaonekana sasa ile elimu ambayo ilikuwa ya kwanza imekuwa ni kama kati, kati ya secondary school kwa shule ya Primary school. Hapo naomba serikali irudishe mtindo wenye ulikuwa wa kwanza ule ambao tulikuwa tunalipa shilling ishirini kwa term. Halafu tuwe na equipment scheme irudi. Chokaa, serikali ilete, kalamu tulikuwa tunapatiwa kwa shule, kitabu na hali kadhalika. Hapo naona hapo itakuwa mtatusaidia sisi wananchi wengine. Kwa sababu kuna wananchi wengine ambao hawana kazi, na kazi yao wananchi ndio wasomeshe watoto wao, mpaka wapike pombe ya chang'aa ndio wapate malipo yale ambayo yanalipwa kwa shule. Nayo serikali nayo, inafuatilia hao, sasa ikiwakuta kama wametengeneza hiyo ndio wauzie wateja wao, ndio wapate shule wanawashika, na tena kuwanyang'anya yote kabisa ambapo inabaki bure, mtoto anabaki nyumbani huyo mzazi anabaki hivyo, hapo tulikuwa tunaomba tu ni hayo tu. Asante.

Com.Nunow: Inaonekana hatuwezi kuwasikia kwa sababu ya mvua, sasa wale ambao walitaka kuzungumza, ambao wanajua kuandika mtapatiwa ma karatasi muandike points yile mulikuwa mnataka kuzungumzia ili hizo points tupokee na tuweze kwenda naye, kwa sababu itakuwa ni kelele bure hata tape haitaweza kusikika, sawa, sawa, kama ulikuwa unataka kuzungumza njoo hapa mbele upatiwe karatasi uandike points zako. Ziwezi kukusikia hiyo ndio shida hata kwa microphone. Grace give them papers those who want to write, those who do not want to write - Sasa nitapatia Co-ordinator aseme neno moja mbili kisha amualike Chairman wa 3Cs atuongoze kwa kufunya kikao, atupatie mtu wa kutuombea, baada ya yeye kusema machache.

Timothy Wesonga: Asante sana bwana Commissioner, nadhani sasa nafikiria tumefika mwisho wa kikao na bila kupoteza wakati nitamuita Chairman wa 3C's aweze kupeana vote of thanks bwana chairman karibu.

Chairman 3Cs: Commissioners, na wananchi wenzangu, nafikiri namna mmesikia sasa tumefika kikomo na ninafikiri ni kikomo kizuri kawaida ya muafrika kama unamaliza kazi yako halafu mvua inyeshe, mambo huendea vizuri. Kwa hivyo kwa hayo machache nitauliza Zainabu Muyoti a give vote of thanks to wageni wetu, na nyinyi halafu ndio nitamuomba bwana Naftali

