

CONSTITUTION OF KENYA REVIEW COMMISSION

(CKRC)

VERBATIM REPORT OF

CONSTITUENCY PUBLIC HEARINGS,

SABATIA CONSTITUENCY,

CHAVAKALI HIGH SCHOOL

ON

JULY 30TH 2002

CONSTITUENCY PUBLIC HEARINGS, SABATIA CONSTITUENCY, HELD AT CHAVAKALI HIGH SCHOOL, ON 30.07.02

Present:

Com. Pro. Ahmed Ida Salim – Chairing

Com. Phoebe Asiyo

Com. Kavesta Adagala

Secretariat:

Maimuna Mwindau – Programme Officer

Caroline Kihara – Assistant Programme Officer

Josephine Ndung’u – Verbatim Recorder

Meeting started at 9.20 a.m. with a word of prayer.

Speaker: Good morning to you. Please for the people who are so much behind why don’t you come closer so that we can start off the meeting. Before we start off I’ll ask Reverend Muindi to pray for us.

Reverend Muindi: Can we stand up and pray? Our most Eternal Master we magnify your name this morning. It is just according to your will and your love that we are gathering together. Father we pray that you continue to be with us throughout the day. You bless the Commissioners even those who are coming to give their memorandum. God you bless them wherever they are you touch them. We pray for our country, give it peace. In Jesus Name I pray. Amen.

Response: Amen.

Speaker: Thank you very much Mr Muindi. I'll take a moment to introduce my Constitutional Committee for Sabatia. Starting there just stand up please. We have Margrate Sabwa, she is the secretary Sabatia Constituency Committee.

Interjection: inaudible

Speaker: It was not like yesterday

Chairman: I guess the Commissioners, members of the public I have the pleasure to introduce my committee. The committee that has been working in the last few months to prepare people for this presentation. On my right is Margrate Sabwa, the secretary. The next is the mayor Chancellor Kidhisia. Next is Mirembe Merceline, Mr Joseph Odoti. The next and the last one is Mr Jarmen Adagalo. And myself the chairman I'm Benard Chahil. Thank you very much. You are welcomed to this constituency. Thank you.

Pro. Ahmed Ida Asiyu: How long is it? Not very long. Is this alright? Asante sana Bwana mwenyekiti ya kamiti inayohusuka na kazi ya kurekebisha Katiba katika eneo hili la Sabatia. Na asante kwa kuwajulisha wenzako. Ya kwanza tumefurahisana kufika hapa kwenye kikao hiki cha Constituency ya Sabatia Chavakali High School. Kuendelea na kazi yetu ya kusikiliza maoni ya wananchi kuhusu kurekebisha Katiba yetu. Kabla sijaendelea ningependa kuanza kabisa kuwajulisha wenzangu hapa tuliyojua kutoka kikao chetu huko Nairobi. Kwa upande wangu wa kulia ninaye mwenzangu honourable Pheobe Asiyu. Mheshimiwa ambaye alikuwa na mashuhuru katika nchi yetu na mashuhuru katika kazi zake nje ya Bunge vile vile. Na sasa ni moja wa wanatume au Commissioners wetu wa commission yetu ya Kurekebisha Katiba. Upande wangu wa kushoto pia ninaye Commissioner Kavesta Adagala ambaye wale ambao bila shaka unamjua ni wengi katika eneo hili na katika Western na pia ni mtu ambayekwa miaka mingi mpaka hivi leo anasomesha katika Chuo chetu Kikuuu cha Nairobi. Tumekuwa tukisomesha pamoja kwa miaka mingi na nafikiri baada ya kazi yetu hii ya Kurekebisha Katiba tutarudi kusomesha tena. Kwa maana basically sisi ni walimu. Hii kazi tumechukua kuhudumia nchi yetu katika eneo muhim, usana na nio heshima kwetu zote kufanya kazi hii. pia tunao ma ofisas wetu kutoka Nairobi ambao wana kazi kubwa pia ya kutusaidia. Ninaye kwa mfano programme officer Maimuna Mwindau ambaye amesimama pale. Pia tunaye Josephine na tunaye Caroline. Hawa wana kazi kubwa sana kama muonavyo wakiingia tu wanaanza kurekebisha machine yetu ya kunasa sauti. Hiii maana yake ni kwamaba kila neno ambalo litasemwa hivi leo litanaswa kwenye tape. Kila oni ya kila mwananchi itanaswa na machines zetu. Sisi wenyewe tutakuwa tukiandika maoni hayo katika karatasi. Caroline pia ako na kazi hiyo hiyo. Na kwa hivyo kati ya yale

yatakayo aandikwa na yale yatakayonaswa hakutakuwa na oni lolote moja ambalo litatuponyoka. Tutarekod kila oni la kila mwananchi ambao atatupa hivi leo. Baadaye maoni hayo tutachukua Nairobi na kuanalyse maoni hayo na kisha tutakuja baadaye na kueneza maoni ya kila constituency. Kwa hivyo watu wa Sabatia wataona maoni yao ambayo tutazungusha klila pahali kuhakikisha kwamba sisi kweli tumechukua maoni hayo.

Kwa hivyo nimewaeleza jinsi ambayo tufanya kazi na kwa leo kila mmoja wenu ana njia mbili ya kutoa maoni yake. Njia moja ni kukuja hapa mbele na kutumia mdomo wake kutueleza kikauli, kimdomo, kiulimi maoni yake. Njia ya pili ni kutoa maoni yake kwenye karatasi, yaani memorandum. Yule ambaye atatoa maoni yake kimdomo, kiulimi tutampa kati ya dakika saba na dakika kumi tu kutoa maoni yake. Yule ambaye maoni yake yamekwisha tayarisha kabisa kwenye memorandum tutampa dakika tano hivi. Si kutosomea, na sisitiza tena. Si kusoma memorandam. Maana ikiwa kila mmoja atasoma memorandum yake itachukua muda. Jana tuliona memorandum ambao ni zaidi ya ukurasa ishirini. Kwa hivyo tunaona kwamba itakuwa taabu sana kumsikiza kila mmoja. Atoe highlights. Tatizo lililoko na jinsi ya kuondoa tatizo hilo. Jambo liloko au swali lililoko ambayo yeye angependa kuzungumzia na kisha jinsi ambalo jambo hilo inaweza kustawishwa.

Kwa mfano mambo ya elimu. Mimi nittazungumzia elimu. Shida ya elimu hivi leo katika nchi yetu ya Kenya ni hivi kwa ufupi. Kwa hivyo mimi napendekeza hivi. Naendelea na ya pili. Upande wa matibabu ningependa hivi. Upande wa jambo hili tungependa kufanya hivi. Bila ya maelezo marefu. Maelezo marefu yanachukua muda. Maelezo marefu hayana haja maana sote ni wa Kenya. Tunaishi hapa hapa. Tunajua yaliyomo katika mazingara yetu. Kwa hivyo tafadhalini punguzeni kabisa au jaribunmi kuondoa kabisa maelezo marefu. Nendeni moja kwa moja kwenye mapendekezo. Kata kwa andiko baadaye tukisikiza na kuandika kwenye machine zetu maoni itakuwa ni rahisi zaidi. Kuna jina pale juu fulani amesema hivi na hivi na maoni yake ni haya.lakini ukielezza kwa urefu itakuwa mwenzetu kule anasikiza na hajafika kwenye pendekezo. So it takes a lot of time to reach the recommendations. Sawa. Maoniyaweza kutolewa kwa lugha yoyote. Lugha ya kimama, Kiingereza au Kiswahili. Kwa hivyo kila mmoja wenu ana uhuru kuzungumza kwa ile lugha ambaye yeye anapendelea kusema maana anaweza kuutueleza bora katika lugha hiyo. Sawa. Na mtu akija hapa mbele kwanza ataanza na jina lake. Ili sasa tukianza kunasa maoni yake tutujua ni fulani ndio anatoa maoni.

Tutaanza kabisa na jina mimi jina langu ni fulani. Natoka hapa. Maoni yangu ni hivi. Inavyofuata na kadhalika. Na mwisho kabisa ni kusema kwamba tutapata nafasi kwa wale ambao wana uwezo maalum. Tutawapa nafasi si mwanzo kabisa lakini tukiona kwamba wao ambao wana uwezo maalumwengine wanaita walemavu. Ikiwa tutaona kwamba kukaa kwao kwa muda mrefu ni taabu mtatusamehe tukiwapa hawa nafasi. Au akina mama ambao wanaotaka kurudi nyumbani kupika vyakujla vya watoto na kadhalika hawa pia huenda tukawasaidia watoe maoni yao waende na kazi zingine za ma kinyumbani. Nafikiri mtawafikia majiwa jambo hili. Basi hayo kwa ufupi ni maelzo yangu na sasa moja kwa moja nitamwita mtu wa kwanza kabisa aliyejiandikisha. Na jambo hili pia nataka kusema kwamba tujaribu kathri tuwezavyo kufuata orodha iliyoko katika registration forms. First come first serve. Mtu akiwa na haja kubwa sana. Anakwenda kumwona daktari ana hivi ndio atakuja kutueleza na sisi tuweze kumpa nafasi kutoa maoni yake ya kwanza. Kwa hivyo kwa jina la mwenyezi Mungu tuanze kutoa maoni na nimwite Joram Endelia Obaga wa Kenya National Chamber of Commerce kutoa maoni yake. Bwana Obaga karibu.

Joram Endelia Obaga: Wale wote ambaye wamakuja kurekebisha Katiba yetu ya leo, nawasalimu kwa jina la Mwenyezi Mungu hamjambo? Asante sana. Mimi kwa majina naiitwa Joram Endelia Obaga. Nikiwa nakilisha the Kenya National Chamber of Commerce katika Sbatia. Mimi nitasema kwamba kwa niaba ya Chamber of Commerce Sabatia, kuti cha kwanza nitaongea kuhusu mashamba. Mashamba tuko naye na taabu hapa. Tunataka Katiba irekebishwe mtu asiwe na shamba kuzidi kama eka mia mbili, mia tatu ama elfu moja. Hapo utaona kuna watu wengi wanapata taabu kwa upande wa mashamba. Wengine hawana mashamba. Neno lingine ya pili tunaongea kuhusu biashara yetu hapa. Tunatgaka Katiba irekebishe kwa sababu tuhnafanya biashara na watgu wasio wenyheji wa hapa tuseme wageni. Tungependa biashara yao wafanyie katika town kama Nairobi, Mombasa na Nakuru. Na pia vile vile huko wanaweza kufanya kama wholesale na vitu zingine. Lakini hapa tgunaona ya kwamba biashara yetu hapa watu wasio wageni wanapewa kama watu wasio wanchi. Wanapewa kama retail na retail hii inatakiwa kama wenyeji wa hapa kwa sababu mtu kama mgeni akipewa kama hii biashara ya kufanya retail hii na anavunja kama wale watu ambao wanafanya biashara ya retail. Nafikiri mimi sitaongea mengi kwa sababu nimeandiika memorandam na mambo yote ambayo iko hapa nafikiri nitawakabidhi halafu nitakuja kuangalia ndani yake. Yangu ni hiyo, asanteni.

Prof. Ahmed: Asante sana Bwana Obaga umetuanzia vizuri kabisa. Maoni ni wazi wazi point by point. Na memorandum yako tutaisoma tuwafikie kwa makini kabisa. Ningesema pia tutasikia mwenzetu moja ofisa wetu akipiga meza. Akipiga meza

maanake umefika mwisho wa time yako. Hiyo si kusimamiza maoni yako bali uwind up. Maliza maliza. Sasa namwita Bwana Lazarus Asamba. Bwana Obaga tafadhali mwenzangu Commissioner Adagala anataka kukuliza swali la kufafanua kidogo, kufahamwe zaidi. Karibu kukae.

Com. Adagala: Ni kwetu vigumu kuanza siku bila kusema mireembe. Mireembe boshi.

Response: Mireembe

Com. Adagala: Sasa Joram nimefurahi isipokuwa ningependa utudondelee topic mbili tatu hivi kwa sababu ya umuhimu ya organisazition wako. Lakini kwanza umesema hapa mashamba ni shida. Lakini hapa tumeketi hii ni town. Na inaonekano bado hatujabadilisha akili. Pengine tungekuwa nafasi ungetuambia vipi tujipange kitown. Sijui unaweza semaje kwa hiyo.

Halafu umesema mashamba ni madogo sana. Na kila mtu anafaa awe na eka mia mbili au mia tatgu au elfu moja. Kwa Katiba unasema kamila. Ni eka ngapi inafaa. Na usizungumzie Kenya nzima pekee yake pia uzungumzie hapa. Hapa kuna mtu am, baye ana eka mia mbili? Zungumzia akenya na pia hapa. Wewe ni mwakilishi wa Sabatia. Utazungumzia pia ya Sabatia sio uwache Kenya. Nasema hivyo kwa wale wote wanakisha National Organisation.

Halafu ya tatu tutaenda moja kwa moja lakini wacha nimalize. Haukutambua wao ni akina nani. Au walifika vipi. Pahali pengune tujmeenda watu wanasema kamili. Wao ni akina nani wanafanya ninio. Sio ati kile umesema si kizuri. Lakini pia tunatafuta proposals na information. Kile umesema locals wafanye reja reja hiyo ni sawa. Lakini hawa wageni ni akina nani na wamefika vipi.

Mr Joram: Asante nitakujibu swali hilo nzuri.

Com. Adagala: Ni maswali matatu. Ya kwanza hii ni town. Tuipange vipi? Kwa sababu nafikiria kama hapa ni mahali pa kulima na ni town. Ni kama Kawangware ilikuwa kwa town watu walikuwa wanalima lakini sasa jni nyumba zimepangwa. Watu wa town wajipange vipi kwq njia ya chamber or commerce?

Mr Joram: Asante sana. Watu wa hapa town nikisema kwa upande wa biashara hiyo nina maanisha ya kwamba hapa katika Chavakali hasa na Mbale utaona wageni hasa kama jamii ya Wahindi. Hao pengine si citizen lakini mtu anakubaliwa kuuza retail. Kama ingekuwa vizuri wangeuza wholesale na pia vile vile wafungue factories. Halafu sisi ambao tunakaa katika town hapa wawe wakiajiri watu. Kuliko utakwenda utapata yeye amepewa biashara na amekatiwa licence ya retail. Badala ya

kufungua kitu kama wholesale. Kwanza walikuwa na wholesale wakaacha hiyo nyuma yake wanaingiza tu maduka wanafanya retail. Na hiyo mwananchi ya kawaida anaumia kwa hizo sana. Kwa sababu vitu ambavyo vinatoka factory wenyewe ndiyo wanatengeneza wanazijua sana. Sisi hatujui lakini ukienda huko kutafuta kama anauza sukari kilo moja ni shilingi thelathini na nane. Na wewe unataka uchukue sukari hiyo uende uuze kwa duka shilingi thelathini na nane. Na yeye amechukua kwa factory straight anauza kwa bei ya chini. Sasa utaona mtu anatoka anaenda kuuzia kwake na wewe unataka kuuza kitu kidogo upate ndani yake hiyo naona kama ni ngumu.

Upande wa mashamba ningesema namna hiinikiwa namzungumzia mji hii hapa town namzungumzia Kenya yote. Kwa sababu utaenda huko kama Rift Valley utaona kama mtu ako na elfu tatu elfu nne. Na wengine ambao wako kandoi hawana shamba hata eka moja hata point pekee yake. Kwa hivyo ningependa hapo katiba irekebishwe kila mtu aruhusiwe kuwa na shamba kama kama mia moja eka pekee yake. Ikiwa unaweza kuwa na mambo ingine muhimu sana kama ya kufuga mifugo haingezidi kama mia mbili au mia tatu. Kuliko mtu kuweka karibu elfu tatu elfu nne na hiyo shamba halimi inakaa tu. Na watu ingine wale ambaye iko shamba unapata wanapata taabu zaidi.

Com. Adagala: Kwanza watu wa Chambers of Commerce hamna role kwa hawa wageni ambao unasema wamepewa licence. What is the role of chambers of commerce in all this? Labda inaonekana kama hamuna role. Ya pili nataka uzungumzie. Hii ni town. Tupange vipi hii town. Na ni kweli huwezi kulima. Ni kama kitchen garden ya mboga. Tupange vipi hii town.

Mr Joram: hao wakubaliwe kufungua ma factories halafu wananchi ndio warudi wafanye kazi kama kufanya kazi.

Com. Adagala: Role ya Chambers of Commerce.

Mr Joram: Kwa kuusema kweli kwa upande yetu tunapata shida kwa hiyo. Shida tunapata ni njia wananchi wanaweza kupata mkopo ya kufanyhia kazi. Ukiangalia utaona ya kwamba kwa upande ya mkopo ya pesa tungefaa serikali iweke manani kwa upande wa Chamber of Commerce ya kila branch. Wawe wakipewa pesa yao kutoka juu inakuja mpaka kwa benki yao ya kuweza kufinance. Kwa sababu kwa upande wa pesa nafikiri ikko shida.

Com. Adagala: No it is not alright. You know this is a town. And we keep thinking it is farmland. It is not for farming. This is a town. How should we organize this town for the next 50 years. Kama hujafikiria ni sawa kwa sababu tutapata nafasi ingine. Unaweza kuweka kwa memorandum ingine. Lakini hapa tunaketi ni town. Isipokuwa locals wanafikiri hii ni mashamba. Watu

wangetuongoza ni watu kama wewe wa chamber of commerce. Tutoke kwa hii mambo ya eti unalima na mwishowe unavuna magunia mawili na ungefanyia hiyo shamba kitu kingine. Asante.

Mr Joram: Unajua kwa kusema kweli mimi naweza ambia wewe watu ambao wanakaa hapa kwa town tuseme kama Vihiga Municipal Council. Unajua watu wengi hawajajua kama hii ni town. Lakini kwa vile umesema ni town. Yangu tu kwa Chamber of Commerce ni kuwekea mkazo ya kwamba tunakubali wageni waingia lakini wasipewe licence ya kuuza vitu kama reja reja. Wapewe licence ya kuuza kama wholeale na kufungua factory. Kama hiyo ni sawa.

Prof. Ahamed: Bwana Obaga nafikiria Com. Adagala anakuuliza role ya Chamber katika mabo hayo uliyoyafikiria. Katika matatizo hayo ni ktu gani? Maana tuseme kwa upande wa licence Chamber haina uwezo wa kuisema na serikali kwamba wahikikishe kwamba licencing and retailing should only be given to Kenyans and not to people who are non Kenyans.

Secondly people who are already wholesalers themselves. That is where the role of Chambers I think that is what my colleague was trying to impress upon you. Don't you have a say in the giving out of licences to traders. The chamber of Commerce. Don't you have any proposals or recommendations for the ministry concerned? But please when it comes to this issues we feel this is what should happen. And have you tried that particular intervention?

Mr Joram: Asante. Unajua wakati mtu anakua kufungua hapa biashara licence wakati zinapeanwa na Municipal Council nafikiri Municipal Council na Chamber of Commerce hawakai ili kujadili kuona ni license gani mtu anastahili kupewa. Hao wanapeana licence bila kwanza kufikiria.

Prof. Ahamed: Ndio ulijaribu kuwaeleza shida kama hizo amabzo unatueleza hivi leo.

Mr Joram: Unajua hapo kitambo kati ya Chamber of Commerce kulikuwa na shida kidogo hapo nyuma lakini kwa vile Chamber of Commerce sasa imeingia imesimama sawasawa hilo neno huenda kuzungumza na hawa.

Prof. Ahamed: Kabisa. Asante na hiyo memorandum yako ungepeleka pia. Haina nyingine lakini mapendekezo kama hayo kwenye ministry inayohusika. Ministry of Trade na copies to major Municipal Councils na County Councils which comes to spread this idea of the locals getting more opportunities for the retail trade. Sawa.

Mr Joram: Sawa hiyo

Prof. Ahamed: Tgukiendelea mbele basi namwita Bwana Lazarus Asamba. Pole tulikuita lakini karibu sasa ni wakati wako.

Lazarus Asamba: Asanate kwa kunikaribisha kwa kutoa maoni yangu. Jina langu ni Lazarus Asamba. Mimi twakushatoa maoni tofauti tofauti. Mengine kwa biashara kwa kuwa sisi tunahusika kwa biashara. Mengine kwa vile tunakaa kirahia. Na mengine imekuwa yangu mimi binafsi. Kwa kuwa mambo mingitumetaja kwa ufupi fupi mani kiandiwa marefu sijui utabeba hiyo makaratasi namna gani. Lakini kilichonipendekeza kutoa maoni ya kusema nimechukulia tu kusema vitu vitatu. Ulinzi, elimu na maisha. Basi naanza kwa kupendekeza mambo ya ulinzi. Maoni yangu kwa ulinzi watu wengi wamekuwa hawaelewi nini. Wanategemea tu ulinzi numerically polisi -----(inaudible). Hapana. Ulinzi lazima ianzie kwa masha ya yule mtu ako masikini. Anaishi vipi? Hiyo ndiyo ulinzi. Sasa ulinzi mimi napendekeza lazima Katiba itambue raia yule mdogo sana anaweza kuishi namana gani kwa nchi yake. Maana raia akiwa masikini hata ukimwonyesha bunduki hajali. Atakuambia nipige sababu ana njaa. Kwa hivyo tutafute njia ya kufanya ulinzi. Mtu asifanye ualimu kwa ajili ya njaa. Basi maoni yangu mimi naona ulinzi ambao tunaweza tegemea, tunaweza punguza ulinzi ambao unapendekezwa kwa Katiba ya kimbele. Majeshi, polisi, GSU, chifu. Hii yote mimi naona ni gharama. Ni aina bure tu. Tuwe na jeshi. Tuwe na polisi. Lakini hii idara ya magereza. Igeuzwe kuwa shule ya kufundisha walivutabia. Akimaliza kupewa funzo aajiriwe kazi au apewe loni ya kujijiri yeye mwenyewe.

Ikiwa yeye anarudia ile makosa uliomfunga mimi naona huyo mtu aondolewe mbali. Afungwe maisha. Maana si mtu wa kujitegemea. Lakini tuje kwa njia ya maisha ya ulinzi huo huo. Mtu raia mdogo sana lazima apewe eka tano. Eka moja ikiwa ya homestead na ingine ya mifugo na ingine ya nyasi ya kulisha hiyo mifugo na eka ingine iwe ya kujilisha mwenyewe apande ile chakula inaweza kuhifadhi. Na eka ingine iwe ya mazingara. Kuni na miti ya kujenga na kadhalika. Halafu tena huyo mtu afundishwe njia ya kuenda kujilisha yeye mwenyewe. Awache kutegemea watu kuja kumdungia kuku yake sindano. Hapana ajifunze yeye mwenyewe apate kujua voile kutunza hiyo vitu yake. Hiyo itakuwa serikali inapeana ulinzi kwa raia wake. Na hiyo katiba itulinde hivyo.

Tukijia kwa upande ya masomo, masosmo ndio inanikerra mimi sana sababu hakuan mtu anajua tumefanyiwa gombo na Wazungu kutunyima akili ya kujitegemea. Tunafundisha maringo ya geologicaly. Kusema bila kutenda. Sasa mimi napendekeza university ya sasa ianzie darasa la tatu, la nne, la tano na la sita. Hiyo ndio iwe university. Yaani elimu ya university iwe kwa

sekondari na elimu ya sekondari iingie kwa primary na ya primary ifikie kwa darasa la nne peke yake. na tifungue elimu ya hali ya juu ya ugunduzi ambayo itachukua miaka minane ambao mtgu kujifunza ile kazi yeye anaweza fanya. Kazi hiyo itakuwa akimaliza ile professional school ya miaka nane apewe loan ya kufungua kiwanda ya kazi ile alisomea. Loni hiyyo iwe ya muda mrefu kwa miaka ishirini. Asiumie kwa kulipa. Na hii ndio -----(inaudible) ya kupata viwanda. Maana hii masomo hakuna mtu anaweza kutengeneza kartasi au hii gharama ya kusomea. Tunasoma nini miaka ishirini na nane? Mpaka mtu anazeeka. Hawezi hata kutengeneza kiberiti ya kuwasha moto. Hii si masomo. Hii ni utumwa wa kisiri ambao Wazungu waliutengenezea bila sisi kujua. Na hiyo nataka Katiba ihimize chama kinachotawala au wale wako ushukani walinde rahia wake kwa kuwasomesha maarifa ya kujitegemea. Sio kama sasa.

Naomba Kitabu ya Mungu isirushiwe kuapishwa Mahakamani. Ukifanyia mzaha mtu ako na maandiko matakatifu. Hook unatoa urongo, huko unatoa rushwa. Hii Mungu atatupiga na mikasa bila sis kujua. Hata makanisa wamejiunda kuabudu sanamu. Hii ni mbaya sana. Na waliyoharibu Biblia ni wageni waliokuja kufundisha Wafrika kimakosa. Waafrika wanajua Bibilia kimakosa ambayo mpaka hivi sasa tukiabudu Mungu hii Ukimwi itakwenda. Lakini sababu tunafanyia Mungu mzaha Ukimwi itatumaliza. Watu hawajui Ukimwi ni adhabu. Ni kiboko ya Mungu. maana tunafanyia Kitabu ya Mungu mizaa. Imekuwa tamaa sana. Wakati ni chache sana. Mengi nitapatia kwa ile karatasi.

Prof. Ahamed: Asante lakini mzee nitakupa dakika moja tu ya kutupatia jambo la tatu. Liko jambo la tatu ya mwisho?

Mzee Asumba: Iko

Prof. Ahamed: Kwa dakika moja tu. Kwa ufupi kabisa.

Mzee Asumba: Nitajaribu. Jambo la tatu.

Prof. Ahamed: Ulisema ni amani, security na maisha.

Mzee Asumba: Sasa maisha imekuwa hivi. Ukulima. Mtu anawezaje kuendesha maisha nyumbani yake mtu huyo hana akili? Mtu huyo hana shamba. Kwa kuwa mashamba ambayo ilikuwa inatumikiwa na wageni, colonialists iligawanywa vibaya. Inanyimwa watu fulani na inapewa watgu fulani. Kwa nini hiyo -----inauddible in Kenya? Mpaka unaona mtu mmoja ana maelfu na elfu ya shamba na mwingine hana nusu ya heka. Sasa huyu mtu wa nusu ya heka ataishi namna gani? Si hiyo ndiyouhalimu inaongezeka.

Prof. Ahamed: Sasa mzee tupe pendekezo lako. Ungependa jambo gani lifanyike?

Mzee Asumba: Tunataka mtu Katiba ajilinde kila mtu apewe apewe kwa udogosana hecta tano na apatiwe loni ya kulipisha hiyo. Hata ukimpa bila loni vile vile ni kumpa mabusi.

Prof. Ahamed: Asante sana. Mzee tumepata maoni yako lakini kuna swali mawili upate kutueleza tufahamu zaidi. Commissioner Asiyu.

Com. Asiyu: Asante sana. Mzee Lazaro umependekeza kwamab ingefaa kama mkenya yoyote kwa hawa milioni thelathini wapate kama hecta tano ya kuwawezesha kuishi ili wasiwe na njaa na ili tumalize umasikini. Lakini hii inawezakuwa kwa sasa tu mzee Lazaro. Katiba hii itakaa na watu wa Kenya kwa miaka hamsini au nyingi zaidi ikitegemea hali ya katiba yenyewe kama ina nguvu ya kutosha. Na itakuwa na nguvu kwa vile wewe na wengine mnatoa shauri yenu. Je hii hekta tano itaweza kufikisha familia hizi miaka hizo zote? Hakuna njia ingine unaweza kufikiria ambayo inaweza saidia zaidi mambo ya ile maisha ulikuwa unasema. Ya masiomo ambayo haitatulazimisha kupeana shamba lakini jambo ambalo itasaidia wa Kenya kujisimamia wenyewe kwa miji zao kwa hali ya afya, elimu na maisha vile umesema?

Mzee Lazaro: Nijibu

Com. Asiyu: Ndiyo

Mzee Lazaro: Kwa wakati huu ambao sisi hatuna kidi ndio sababu tutajisaidia na ukulima. Sasa tukifungua hii shule ambao nimependekeza ya miaka nane professional school ndio hawa watu watakuja kufungua viwanda ndio wengine tutapata njia ya kujitegemea maisha ya ki town ya kibiahsara na hatuwezi kuingia katiak abiahsara kama sisi hatuna elimu. Basa kwa wakati huu sii bado ni wajinga. Ujinga yetu tutagurikia mashamba. Wakati hii mashamba inakuja madogo wakati famili vile vile inaongezeka na hawa watalamu nao wamefungua industries ya kuwalea watu kibiahsara. Vile countries zingine zinaishi kibiahsara tu lakini wakati huu hatuwezi maana sisi ni wajinga.

Com. Asiyu: Asante. Sijui niseme viori sasa kwa maana unatutusi sote. Wajinga na mbele ya tume. Sijui nisemeje.

Mzee Lazaro: Lakini si maatusi. Ni wazi sisi hatuna akili. Hakuna mkenya hawezi kutengeneza hii kalamu. Ni ujinga. Hakuna mzee Kenya-----inaudible. Kama yeye anatengeneza lakini anatomia ujuzi ya Wazungu. Plastic Mzungu anamtengenezea. Halafu pengine anatengeneza wino pekee yake. Hatutaki maarifa ya kununua chuma ya Wazungu wewe unaenda piga na asa unatengeneza panga. Hapana. Kama huna ule chuma yako atapata wapi ya kutengenezea panga.

Com. Asiyu: Ok. Nafikiri unaweza kusema hiyo yote bila kusema sisi sote niwajinga.

Mzee Lazaro: Si namna hiyo.

Com. Asiyu: Nasema ni maoni mazuri sana tena very original. Tena very visionary. na unaweza kusema bila kusema wote ni wajinga

Mzee Lasazo: Asante. Ukiwa unawezaona hiyo hata mimi nafikiri tunaweza kutafuta lugha ingine badala ya ujinga. Asante. Swali ingine.

Prof. Ahamed: Asne sana mzee Lazarus Asamba. Mzee Asamba ni mwenyekiti wa elders council. Barasa la wazee. Asante.

Tafadhali jandikishe pale na utupe memorandum twende tusome kwa makini. Jana kule kwa Makunga Salvation Army Church kwa bahati mbaya hatukumaliza wote wananchi ambao walijiandikisha kwa ajili ya mvua ilikuwa mkubwa sana. Hutukuweza kuwasikia na wao hawakuweza kusikia sisi. Kwa hivyo sijui kama katika wale ambao hawakupata nafasi jana wako hivi leo? Yuko waliofika kuule na ambao hawakupata nafasi ya kutoa maoni au bado kufika? Sawa tutaendelea mbele.

Com. Adagala: Chateva ni vandu vatakae vali vi Chamaganga, vatujikhu hano? Kwali kuvavolele vathi Vokoli nitali nivatuga vanyala kwimanyia ma vamolome. Shijila imbula ikuvi nyinji ne mwamanya mumbakha thi-hall vujila iceling. Okay, khu lihurila limanya liva vudinyu. Khali hano khutukana kukole bwangu imbula nikhuba kujie kukiri.

Prof. Ahamed: Basi tutaendelea na wale wamejiandikisha leo na nitamwita Reverend Simon Mauhindi.

Reverend Simon Muhindi: Na heshimu timu ya commissioners ambaye imekuja hapa.

Com. Adagala: Ngoja kidogo. Mbele ya Tume unaruhusiwa kutumia ile lugha unajisikia. Professor Salim anatumia lugha ya Kiswahili lakini nyinyi kwa vile aliwaambia kwa Kiswahili nafikiri tunaenda kwa Kiswahili. Nitali munyi mtumikiri amabaro, vunyala luva oluswahili luva luzungu, luva lulogoli. Luva lulogori Magret Nyasa ala-traslator, alachirung'anyia vunanga Salim na Commissioner Asiyu vahuli makandi kuva kuli nakuve niku-typer, kalavio ndio nango, lulogori no luzungu. Nitari mumanye ni kindu mu-katiba ni kindu, ulomaloma nikindu ulimi ni kinde kinene. Kimbola ndi molome olugori tave nitari kamanya kava niva moloma oluzungu, khu uvethanovola olulogori lutikila tae. Lugori lutukila? Lutukila ee. Kutakula amang'anaka ni keshizungu na kikiswahili tae. Niva lulogori lutukila, nuvee nulugori olulahi, omolome. Numanyi oluswahili lwolo lwomanya omolamo

vulahi omolome. Ni luva lizungu omolome. Nitali luva lulogori twakola translation. kulakola makukiring'anye luve muluzungu no luswahili. Muhulili, khuhulili, haya

Prof. Ahamed: Sawa Reverend. Karibu.

Reverend Simon Muhindi: Jina langu ni Reverend Simon Muhindi. Naakilisha Kanisa letu ya PAG kutoa memorandum yetu.

Hapa ningependa kuzungumzia maneno ambaye tumeyataja katika memorandum hii. kufuatana hali jambo la kwanza tuliyo tazama katika Katiba iliyoko hivi sasa haina ile preamble ambao ----. Ile ilikuwa ni maongeo ya uingereza . kwa hivyo tungependa original preamble ambaye inaweza kusema hivi: Ewe Mungu wetu tunayemwamini sisi wa Kenya twakubali Amani, Umoja na Mwito wa Harambee uwe kati yetu. Wananchi na wageni wetu tukaye pamoja katika uhuru na demokrasia ya haki. Heshima twaitoa kwa serikali yetu na kulinda raslimali yetu hadi vizazi vijavyo tukifurahia Uchumi wetu na kukitaa ufidia wa kila aina. Tusikae katika migawanyiko au utumwa na umasikini. Bali maazimio yetu ni kufanya kazi kwa bidii na upendo ya nchi yetu ili tuwe na maendeleo na baraka kati yetu na udungu wa kulinda Katiba ya wa Kenya. Hiyo preamble tungependa iwe katika Katiba yetu.

Hapa nitayazungumzia juu ya mambo ya Executive ya Kenya. Executive ya Kenya tunayo president ambao tungependa ili ya kwamba kufuatana hali ya rais iwe ni ya kwama rais ya Kenya asihurusiwe kutoa mali yoyote na kuweka nje ya nchi hii. Maana raisi akiweka mali yaake katika nchi ingine itakuwa ya kwamba yeye ni msaliti wa nchi hii. mali anayepata yote ni mali amepata kwa nchi hii. kwa hivyo inastahili rais aweke mali yake hapa maendeleo yake hapa. Ikiwa iko nje ikidhalisha mali iletwe hapa. Hiyo itakuwa ya kwamba ni kutengeneza uchumi ya nchi hii kuwa sawa. Tena pia atakuwa akionyesha wananchi mfano, ma MP na tena pia wana biashara wakenya wote wata iga mfano huo na utakuta kwamba nchi hii ina mali ya kutosha bilahali ya umasikini.

Halafu mambo mingine ningependa kuwaelezea ni juu ya protection juu ya rais ambao ni rais wa Kenya. Inaonekana Katiba inweza kuwa ya kwamba haina uzito sana. Rais wa Kenya inaonekana matumizi yake vile alivyo kila saa ni huenda ikwa ni wasiwasi. Mara utakuta kwamba kila saa atakuwa katika ile vazi la bullet proof. Gari yake ni bullet proof. Security yake kila

saa anazungushwa anazingirwa. Kwa hivyo inaonekana ya kwamba vitru hizo inaonyesha kuna wasiwasi fulani. Kwa hivyo twaonelea ya kwamba iende ikawa wa Kenya hawajakuwa na hali ya hshima ya kuheshimu tawala. Uende ikawa inaweza kuwa na mambo ya kufikiria uhabifu fulani wowote. Kwa hivyo jawabu lajgu ikawa ya kwamba ni heri rais awekewe na kifungo ambacho inaweza kuwa ya kumlinda rais kwa mtu yeyote awezaye kufikiria hata kutoa haiwake. Ni mtu ambaye anastahaili kupatwa na kuadhibiwa vikali hatya kufikia kwa kifo tena sio na wote ambao wanaweza kuhusika jambo hilo. Ili rais apate kuwa na utulivu akijua ya kwamba Katiba yamtetea.

Hapa kufuatana hali ya mambo ya Bunge. Naonelea ya kwamba Wabunge katika nchi ya Kenya wao wanakuwa kama Watumwa ambao wanafanya tu kule Nairobi lakini hawafikiri kazi ambazo wajibu wao katika Constituencies zao. Kwa hivyo pendekezo yetu ni ya kwamba katika constituency ya kila Mbunge lazima kuweko na ofisi ya serikali ambao Mbunge atafanya ndani kazi pamoja na wafanyikazi wengine ambao wameajiri kutoka constituency. Na yeye atazame ya kwamba kimiradi yote inatekelezwa viiivyo. Maana hawa wanakaa katika Bungeni wanagawa pesa za kuenda ministries mbali mbali. Lakini haki katika constituency yake tunaona ya kwamba kazi hiyo inatekelezwa. Yule anakuja tu kama mgeni halafu anatoroka anaenda. Kwa hivyo tungependa tuwe na ofisi ingeweza kuendeleza kazi hiyo.

Prof. Ahamed: Reverend unatoa maelezo mazuri lakini marefu. Baadaye tutasoma kwa makini na kwa details. Sasa toa pendekezo kwa mfano mambo ya Wbunge umesema kwamba wafungue maofisi kwenye constituencies. Sasa enda na points ya pili na ya tatu na kadhalika. Maana ukisikia kengelesasa hivi nikikwambaia wakati imeisha.

Reverend Muindi: Ok. Thank you. Kufuatana hali ya uchumi ya Kenya naonelea kwamba uchumi utaweza kulindwa na utafutiwe njia kabisa ikiwa uchumi imekuwa sawa Katiba hii ipeane nafasi kwa watu ambao wamepitia miaka kumi na nane anapopokea kipande ama identity card yake yeye aanze kuupewa elfu tatu kwa kila mwezi ili atumie kwa matumizi yake kwa sababu ni rahia ya Kenya. Kama bado hajapata kazi. Akipata kazi aajiriwe apewe mshahara lakini serikali iwe atoe elfu tatu kwa kila mwezi kwa huyu kwa sababu ni rahia wa Kenya. Awe ni mtu yeyote ambaye amepata kipande.

Halafu tena kufuatanana mambo ya dini. Mambo ya dini tunaona hapa nchini Kenya kufuatana na hali ya watu wale ambao tunaye Khadhi. Khadhi ni muslamu anafanya kwa ofisi ya serikali katika judiciary. Anapofanya kazi hapo Wakristo hawana wale ambao tgunaweza kuita Christian arbitrators ambao tunependa ya kwamba wapate wanashugulikia vile vile makhadhi

wanavyofanya ili katika registration hata wafanye kazi ndani kwa kuonyesha ya kwamba waomit wale ambao wanakuja na imani ingine ya kusajirisha vikundi vyao kama hao devil worshiper na watu wengine ambao ni cults wanaokuja. Hawa ambao wamesomea theologia kutest the doctrine. Halafu nikimalizia kufuatana na mambo hayo ningependa ili ya kwamba kufuatana vyama katika Kenya. Vyama katika Kenya viwekwe vitatu ama vinne ili tuweze kupata kufanya kazi hapa nchini. Vyama zaidi ya kumi ama hii vyama ambavyo inaweza kuwa zaidi ya arobaine mbili na makabila yako hapa arobaine na mbili na tuna vyama karibu arobaine na sita ina hasara na hii ni kuonyesha kwamba labda hatujaelimika katika mambo ya kuendelea katika nchi yetu. Kwa hivyo nimeshukuru katika haya. Labda mengi mtasikia katika memorandum ambao imeshaandikwa hapa. Thank you.

Prof. Ahamed: Thank you very much Reverend Muindi kuna swala kwa mwenzangu hapa. Ungebakia hapa kidogo.

Com. Adagala: Asante sana Reverend kwa maoni yako. Kitu cha kwanza ningependa kukuliza kwa sababu wewe ni Reverend. Wakristo wanasema au kanisa za Wakristo wanasema Kenya iko 80% Christian. Sivyo? Waislamu wanasema Kenya iko 40% Muslims. Hiyoyote ni 120%. Unaona. Yaani ni zaizi ya Kenya. Lakini kitu kinacho ambacho ni kigumu sana na umezungumzia kwa njia ingine. Lakini ufisadi. Tutafanya nini ufisadi, corruption. Kwa sababu 80% ni Christians na 40% ni Muslims. Wanapata pesa wanaleta fungu ya kumi kwa wewe. Iwe itakuwaje kwa sababu kuna shida kujbwa hapo? Hiyo ndiyo ya kwanza. Ya pili kuhusu kanisa. Vile umelalamika kuhusu political parties na umetoa maobi yako na tumeandika. Pia watgu wengine wanalalamika kuhusu makanisa. Ni mengi sana. Inacause confusion. Inaleta mambo ambayo sio ya Bibilia. Hasa ni upande wa bibilia Wakristo wanalalamika. Vipi tutafanyaje makanisa. Kwanza ni ufisadi na kanisa na vile watu wanasema ni 80% Christian. Ufisadi inatokea wapi?

Reverend Muindi: Ok. Asante sana dada Kavesta kwa hilo swali. Kufuatana na ufisadi nchini Kenya. Ufisadi zamani watu walipokuwa wakifanya kazi wakati wa ukoloni baada ya mtu kuleta chakula kwa meza mzungu alikuwa anasema hiyo ni asante. Basi anaregesha anasema hiyo ni asante ambayo anampa mtu. Lakini hii ilikuwa inafanywa asante baada ya kuwa ya kwamba amefanya kazi. Lakini sasa wa Kenya walipozidi kuonelea ya kwamba labda upunguvu umeshaingia hakuna mtu ambaye anaweza kusema asante kwa kazi amnaye anaweza kuwa amefanya. Basi akasema ya kwamba kabla hajasema kitu chochote nifanyhie asante. Ili unipe kitu ndiyo nifanye kazi hii sawasawa. Ni hii ilionekana ya kwamba mambo haya ilianzwa kujitoka kwa wakubwa waliofundisha watgu ya kwamba tunagawana hiki na hao walipoona ya kwamba wanagawana hiyo ugonjwa ikaenea katika nchi ya Kenya. Na ugonjwa huu ikaenea katika nchi ya Kenya, serikali haikuwa tayari kudisipline. Ilinyamaza na

mambo hii ikaendelea. Serikali ingechukua jukumu na kufanya nidhamu kwa wale ambao ni wadhifu. Na walipokuwa kimya maana wao waliohusika katika mambo hayo ufiada umeenea. Katika makanisa hata imekuwa ni wale wale ambao wanahusika katika ufiada. Kwa hivyo ile ajmbayo naweza kupendekeza ni hili. Ningependa Katiba hii ipate kuwa tayari kuonyesha kwamba nidhamu lazima iwekwe. Nidhamu iwekwe kali ambayho inaweza kutoa mambo haya ya corruption ndani ya watu. Bila nidhamu ya kutosha watu wa Kenya wameharibika kwa sababu ni kama kasumba ama it ius a kind of a spirit ambayo inawasumbua.

Imeafecta wale walio katiika serikali na walioko ndani ya dini. Kwa hivyo tunaendelea kuangamia kwa sababu ya ufiada.

Jambo la pili ambalo umetaja kufuatana na mambo ya vyama. Makanisa hapo mwaka sabini na nane sheria ilipitishwa kwamba hawatasajiri makanisa mengine amabo walikuwa wamefunga. Lakini kwa sababu ya hiyo corruption walibeba pesa wanawapa. Mara makanisa imefikia kiwango ambapo kinaweza kuendelea lakini wamepeana kwa watu. Wamesegrisha hata vikundi vingine ambao havina mwelekeo. Wamesegrisha even cults ambazo labda zinaleta confusion. Lakini ningependekeza niseme hivi, vyama vinapata pesa kewa serikali. Vyama vinatumiwa na watu wa serikali. Vyama vikiwekwa hapa vingi vinastahili ili wapewe pesa na serikali. Hata makanisa yakiwa mengi serikali haiiti ndani pesa. Lakini vyama vikiwa mingi vinaharibu uongozi na vinaleta mambo yasiyokuapo. Then we spend a lot of money katika hali ambaye ilioko. Wewe unapendekeza vyama view vichache.

Prof. Ahamed: Asante sana Reverend kwa maoni yako na jawabu lako ya maswala yetu. Twashukuru. Tafadhali utajiandikisha pale utuachie memorandum. Sasa namwita Mrs Milka Nyarimbo.

Milka Nyaligu: The commissioners and the rest of the guests hamjambo nyote.

Com. Adagala: Milka address yako ni kwa commissioner pekee. Hawa watu wengine nbi wahusika.

Milka: Ok. The commissioners my name is Mrs Nyaligu Milka. I'm presenting a memorandum to the commission on behalf of Ambadina Self-Help Group. First these welfare states free education. Education is a basic requirement hence basic education primary.

Com. Adagala: Milka please give us the proposals. This is not a time for civic education and I don't know how you would be educating. Give us education free. Whatever yhou want. We know it is a basic right. The time for civic education has passed.

Mrs Nyaligu: So our group is suggesting that there should be free education and the government should be able to put up schools, build them, equip them whether they are local or central. Because you don't expect poor Kenyans to bring these schools and equip them.

Free health care: we are suggesting that there should be free health care because the parents cost sharing is a double taxation and yet the taxes we pay to the government should be able to cater for free health care. There are cases of expectant mothers giving birth in unhygienic conditions in the present Kenya. The lack of money to go and get these facilities

Prof. Ahamed: Mrs Nyaligu you are giving details. Once you have told us free medical care I think the details we will read them in your memorandum. Go on to the next recommendation or proposal

Mrs. Nyaligu: Ok. The next proposal is street children. We would like the government to control the street children who have become serious risks to the public.

Prof. Ahamed: How do you think this should be done?

Mrs Nyaligo: they should be able to get them from town, rehabilitate them and move them to homes and discourage others from the streets.

Com. Adagala: Milka does the government give birth?

Milka: The government does not give birth.

Com. Adagala: Who gives birth?

Milka: We give birth

Com. Adagala: Where are the people who give birth to these children?

Milka: That's what we want the government to find out

Com. Adagala: Where are the people? Kwa sababu kuna Katiba is about the governed and the governors. And every time you push something to the government where are the wananchi?

I'm sorry to cut you into your submission but you really put it very well. You said you want the government to control. When the government can control is to sterilize people. Yes. Sterilize people. Kwa hivyo wasizae.

Milka: No not that wasizae.

Com. Adagala: No. you know when you say government control. That is how we say government control. Sorry Mr

chairman.

Milka: Now we come to the economy. We know Kenya's economy is in intensive care unit but the government has allowed some grabbing of land. People are having so many acres of land. The forests land are allocated to themselves. While this is supposed to be the government land.

Prof. Ahamed: So what do you propose? What should be done?

Milka: The government should be able to control the forests and not allocate them to particular people big portions of land while the others are having nothing.

Prof. Ahamed: Next point

Milka: Agriculture. Kenya's economy is basically agriculture. The biggest question here is how secure is the farmer. Farmers are producing enough but they go to rot because the government is not taking care of them. We would like the government to put a policy for farmers and food policy. As I said Kenyans are having a lot of problems and at the same time they are starving. There must be a policy to ensure that there is at least food preserved for a year.

Prof. Ahamed: Do you have a proposal how that can be done?

Milka: The poor should have access to this food free of charge. For example they have a Cereals body just next to us but there is no food there. People are suffering.

Now we come to infrastructure. There should be a clear policy on distribution of water, roads and electricity throughout the country. Vihiga District for example is densely populated and quite productive agriculturally. The infrastructure on the other hand is very poor. How then does one expect the right to resources and hence economically empower the population? Why should some areas in this country which have no economic potential worth writing? An infrastructure that can even wrangle that in developing countries.

Prof. Ahamed: Milka you know you are reading that. Don't you have points just to tell us without having to read and posing questions. Give us some answers to some of the questions you raised.

Milka: Ok. I come to election laws. A time table should always be made to show when parliamentary and civic election

should take place. One individual should not tell the country to hold them.

Prof. Ahamed: We didn't get the points on elections.

Milka: What I'm saying is. When I'm talking about individuals, I'm saying that this should not be dictated but it should be done. There should be a policy saying that civic election should take place during such a time.

Voters registration: This should be a continuous process. Why not issue voters cards the same way ID cards are? Every election here thousands are denied their rights to vote because they did not get registered. One will get the impression that it is intentional rigging.

Government structure: The Executive. It is increasingly acceptable in Kenya that few citizens have been able to rip off the fruits of the fast liberation because of the growing alienation of the State from the society and tendency towards the monopoly and control of the policies affecting the people.

Pro. Ahamed: Last point.

Milka: Provincial administration. This a colonial relic that should be abolished. Ethical functions should be taken over by local government which should be strengthened but made directly answerable to the electorate. Local Government should be independent of central government for it to be effective. It should be charged with not only administrative duties but development issues as well. School, roads etc should be under its docket. Central Government should not be allowed to rob it of its revenue as it is the case today.

Parliament. the remuneration

Pro. Ahamed: Sorry I think your time is up. We can read the memorandum fully later on but may be one or two questions from my colleagues. Commissioner Asiyu.

Com. Asiyu: Milka why do you demonise election dates while this country is one of the very few countries in this part of Africa which has always had its elections after every five years? The other day you remember the British Prime Minister gave one month notice to the British to go for elections. And that is perhaps one of the most effective countries. He did not wait for the term to end. It was just convenient for him to do so and it was done. And this country has always had its elections after every five years on the dot in December. So what is it that you want us to recommend now.

Milka: But you see the other developed countries already have a policy. But here we don't have a policy. We don't know when the elections are going to take place.

Com. Asiyu: But elections take place after every five years. are now suggesting to us that we should fix the election date in the new constitution.

Milka: Yes we should the period and people be notified in good time. So like now we don't know when the elections are going to take place.

Com. Asiyu: Can you now give us the proposals. Perhaps the only reason why there is this doubt ni kwamba kwa maana ya kwanza katika nchi hii tuko na mambo ya Katiba inaendelea. President wa zamani atakoma kuwa president na pia election imekuja wakati ambao Katiba haijaweza kumaliza kazi yake kwa vile ilianzwa nine months late. Hiyo ndiyo pengine ni sababu kuna wasi wasi. Sio kusema kwamba -----inaudible na uchaguzi kila miaka mitano.

Milka: They always say it is between such and such a date but we are not sure of the month. Like now we are not sure of the month. So it means the people affected are now preparing because they know th date and the ordinary man does not know the date. So we would like to be sure that such and such a time.

Com. Asiyu: So your recommendation is that the election day be fixed----- (inaudible).

Milka: Yes they should fix the date let's say after every five years but they say the month so that evrbody is aware in that particular monthwe are going to have elections.

Com. Asiyu: I would have wished and be very happy if you had talked to us about the terms of those things like the President and the Members of Parliament. Do you have any contribution to that effect. Like how many terms should the President have

Milka: Two term

Com. Asiyu: And Members of Parliament

Milka: About one term

Com. Asiyu: inaudible

Com. Adagala: Thank you for your contribution. But you would have said more if you didn't read. As I told you it ios not civic education. You would have given all your proposals if you didn't read. Because along time to read. Now what I have a problem with is the concept of your group and the attitude that you have in your presentation because-----you should really be presenting with a vision of friendship for Kenya or for co existence. The constitution is about vision but when we hear you

are discouraging people saying some places have infrastructure even where it shouldn't be. You have all kinds of negative things which are really not reflective of the concept of your group. We are really looking for vision for Kenya

Milka: But we

Com. Adagala: Listen to me

Milka: Ok.

Com. Adagala: Hii mambo ya hii government is here it will probably have two lines of the history of the government of Kenya 200 years from now. We are looking for a vision and yours should be a vision of friendliness, co-existence of how different people can live together. But I'm just a bit disappointed but I think we need to use such a concept of friendship to further things rather than to cut up things.

Milka: But let me say something. You see we are all Kenyans. And we should have equal rights. What I'm trying to say here is that why should some areas be more developed than others if I can say that in the layman's language?

Com. Adagala: You know all you need to say is there need to be equitable development. We are not going to take the road of Kerio Valley because you are all fond of saying that and lift it and put it in Nyando. You should say equitable development without discouraging anybody. Mzee here before here was also discouraging. Please before the Commission do not despise anybody. Thank you very much.

Milka: Ok.

Pro. Ahamed: Thank you very much Mrs Milka Nyaligu for your views. I now call Mayor J. Kibichia to give us his views. Karibu mayor.

Mayor Joshua Kibichia: Commissioner jina langu ni Kibichia Joshua nikiwa councilor kutoka Modete Dikura Kigama Ward na tena mimi ndiyo Mayor wa Kakamega Municipal Council. Now kuna -----inaudible ambapo imeandikwa nitampa nyinyi baadaye. Ningependa kuanza kitu kimoja kidogo namna hii. -----(inaudible) vitu vingi tuna shida. Na shida hii ni kubwa sana kwa sababu hatuna pesa ku run local authorities. Of late ndiyo tumeanza kupata what we call lactive local authorities to ensure brand ambaye inatusaidia kidogo. -----inaudible nilikuwa na shida ya namna hii. kwa hivyo nina pendekezo ya kwamba Local Authorities zipewe uwezo mkubwa wa kujitegemea na wapewe funds kama ya zamani. Wakati wa ukoloni walikuwa wanasaidia council kupewa pesa -----(inaudible).

Now councils wana chief officers. These chief officers ni wafanyi kazi wa Public Service Commission. -----wanapanga hiyo mizigo council inalipa mshahara. Ningependekeza ya kwamba chief officers kama Town Clerk, Treasure, Engineer walipwe na central government ambay einawaandika. Na tena ningependekeza ya kwamba allowances ya councilors ziwe unified kwa nchi nzima na vile vile zilipwe na central government.

Iko kazi ingine kama plot allocation. The DC na Local Authority may be the chairman of plot allocation. Lakini baada ya hiyo hizi plot allocations zipelekwe kwa commissioners of land ndiyo atatoa barua ya allotment letters. Tena napendekeza ya kwamba council ipewe uwezo ili wakipeana plot kwa watu vile vile allotment letter itoke hapa badala ya kutoka kwa commissioners of land na ichukue muda mrefu miaka mingine tano. Vile vile central government ikilipa councilors allowance zao na chief officers itakuwa na pesa may be ya kulipa wale wafanyikazi wa council watabakia kidogo.

Councils tunapewa projects na hizo projects wanapewa kufanya unakuta during tender ya project hiyo inafanywa na Ministry of Local Government baada ya kufanywa na respective councils. Sasa tuingependa councils wapewe uwezo wa kufanya tendering wenyewe ndiyo wawe wana control hiyo kazi. Vile vile council wamenyimwa nguvu ya kufanya kazi yao ili wakitaka kitu hata ikiwa kidogo ni namna gani kubadilisha swali hii ingine kwa hii mpaka ruhusa utoke kwa Permanent Secretary Minister for Local Government. Hiyo ningependekeza ikataliwe uwezo ipewe ile council yenyewe. Kwa sababu hiyo ni kucheleweshwa sana mpaka wenyewe wacosane huko Nairobi badala ya kufanyia pale pale kwa council yenyewe. Kweli kitu ingine ndiyo inaweza amgusha ma council lakini Ministry inaweza kusaidia kwa kupata NGOs wa kusaidia kupata maendeleo na Local Authorities.

Nikitoka kwa hiyo ningependa kumpa hii commission mawadhao ingine kama tuna ma advocates. Wanachukua kesi ya mtu for example alikuwa mtu wa accident halafu mambo inaenda kwa high court na yule mtu mwenye gari au insurance wa kulipa utakuta hizi pesa zinachukuliwa na ma advocate na wakati anachukua mwenye kuumia hana kitu anapata upesi. Na ile sheria ilikuwako wakati mwingine ilikuwa inasema kama mtu amelipa kitu namna hiyo kotini advocates wapeane kwa yule mwenyewe kwa muda wa 24 hours na hii haifanyiki. Unakuta wanakula hizo pesa na yule masikini wa Mungu anaumia. Wakipelekwa kotini kwa kubana hiyo pesa ya rahia wanapewa kifungu kidogo. Ningependekeza ya kwamba koti akiona mambo ya yule mtu

ameumia hajalipwa ile watu wachukuliwe hatua apelekwe kotini kama anafungwa wahakikishe ile pesa imerudi kwa yule mtu mwenyewe. Isiwe tu akishafungwa halafu inakwisha kama siku moja tulikuwa na kesi mtu amechukua milioni sitini au zaidi na akienda kotini wanapiga yeye fine ya 60,000 shillings and that was all. Kwa hivyo inatakiwa hizi pesa huyu mtu afanywe alipe.

Kitu ingine ningependa kusema ni ya kwanza. Katibna ichukue mambo ya wenyeji ya Kenyans wenyewe kama customary laws. Ikubaliwe zile ziko mzuri iwekwe kwa hii Katiba watu wanaweza kutumia. Na hizo ni kama vile mtu akijinyonga vile anazikwa na ku clean watu hawa. Kwa hivyo hizo tabia zingine za kienyeji ikubaliwe na hiyo Katiba mpya.

Juu ya irrigation, hii inasaidia nchi nyingi. Na hapa tuna maji ambayo inatoka Egypt, Sudan and so on. Why don't we have this irrigation done in Kenya kwa sababu area ya Kenya ambaye inapanda chakula ni kidogo sana kuliko ile iko idle. Kwa hivyo kama irrigation iko area kama Moyale, Wajir. Iko fertile land lakini maji ndiyo hakuna. So tukitumia irrigation itafanya tuwe na kazi mzuri.

Kitu ingine ningependa kuzungumzia ni mambo ya land. Na land kwa Kingereza tunasema isa very bad issue and a sensitive issue. Kwa hivyo land ya Kenya inatakiwana ichunguliwe vizuri ili case za mashamba ifanywe na watu njia kujlika kupelekwa High Court. na hapo hapo mambo ikija kwa succession tena inatakiwana imaliziwe huku kuliko kutaka pesa mingi kulipa kotini na inachukua muda mrefu bila kumaliza maneno ya succession. Kwa hivyo hii ikiwa decentralised ili ifanyie hapa karibu itapunguza gharama ya kuenda Nairobi na vitu vingine namna hiyo. Ningependa kuthibitisha juu ya ile Local Authority kumtegemea. Area kama hii kuna mambo mingi. Kina gold hapa, kuna personel. Kwa nini serikali kataza watu kuchimba gold na hii ni mambo yaletea sisi faida mrefu. Kwa hivyo wakati wa saa nina karatasi nitawaachia ningependa kusimamia hapo.

Pro. Ahamed: Asante sana Bwana Mayor heri tafadhali utangojea kidogo. Kuna maswali mawili matatu. Commissioner Pheobe Asiyu.

Com. Phoebe Asiyu: Bwana Mayor you have just told us of an experience where somebody stole 60 million shillings and was only fined 60,000. you have gone ahead to recommend that there should be restitution that such peoples who steal this type of money should be made to pay back. But I did not hear you say what happens after they pay back. Should they also be punished for these offences after restituion or should they be left free after they pay back whatever they might have taken.

Mayor Kibichia: Nasema hawa watu wawe punished na court halafu baadaye koti ipeane order ya kusema walipe ile mtu pesa zake. Kuliko kuwacha yeye namna hiyo. Ni kama mwizi anaiba serikali halafu anaenda kufungiwa mwezi mbili tatu anarudi kutumia hizo pesa. Huyu mtu afanywe alipe pesa zile.

Com. Adagala: Mayor asante sana kwa maoni yako hasa kuhusu Local Authority. One of our mandates is to look into evolution of power. Yaani vile power inaweza kuwa shared kuliko ilivyo na umezungumzia hivyo. Lakini wewe sasa unataka turudishe power kwa central government. Mandate inasemka tutele chini na wewe unataka irudi. Ya salaries na chief officers na salaries ya councilors. Unataka ilipwe na central government. Kwa nini? Na tumeambiwa tutele hiyo yote chini. Sasa vile intokea ungetuambia ushuru inafaa igawanywe vipi kati ya central government na Local Government. Kwa sababu ikigawa na local government iwe na share kubwa itaajiri hata hao chief officers na iwe in control. Italipa councilors vile ina uwezo kwa council yenyewe na iwe ina control. Sasa sijui itakuwaje kwa sababu vile umesema tumeyandika. Lakini sijui vile itaendelea. Pia hiyo devolution of power iko kitu kama council iwe na ngivu vile umesema. Lakini sioni vile umeipea nguvu. Yes tenders zitakuja projects zikuje na hiyo yote. Sasa hiyo yote ikija kwa nini pesa iwe kwa central government?

Mayor Kibichia: Pesa inaweza toka kwa central government kwa sababu most councils wako na income ndogo sana. Lakini ikitoka kwa central government

Com. Adagala: Ukisema wewe mwenyewe empower. Niyo empower lazima iwe na maana na maana yaka ni resources na taxation. Unajua hivyo. Hiyo empower tunakubali na wewe ndiyo umesema. Lakini unasema tuwe na power, tender na project lakini hujazungumzia taxes. Hujazungumzia ushuru. Hiyo ndiyo muhimu central government itakata nini na local government ipate nini. Ushuhuru kutoka hapa kuenda Nairobi ndiyo wamrudishie au nyinyi mtachukua ushuru halafu muwape -----inaudible. Hiyo ndiyo upower. Tutakuwa na ushuru na awpe ile percentage yao.tuzungumzie hapo kidogo.

Mayor Kibichia: Hapo nimesema kama ushuru inaweza kuja kangu si ile ya kutosha badala ya kuchukua hiyo

Com. Adagala: Ushuru inatoka local sources. Grass roots. Serikali haina ushuru. Inatoka kwa local authorities. Sasa unataka ushuru iende kwanza ndiyo irudi au unataka uwe na kisi chako na uwapee hiyo kitu chao?

Mayor Kibichia: Hapo Bwana Commissioner nasema hiyo ushuru kama inapatikana kwa hapa ya kutosha tutandika. Lakini kama hapa wakati huu tunategemea vitu kama local markets na hiyo haitoshi. Kwa hivyo tuikipata kutoka juu tumsaidie. Kama ushuru inatosha hapa ita run council.

Pro. Ahamed: Asante sana nafikiri Commissioner ametosheka. Mimi ningefuatia kidogo bwana Mayor swala aliyokuliza

Commissioner Adagala na kuguzia hapo pendekezo lako. Nafikiri si pendekezo lakini ulisuggest kwamba allotment letters kwa plots in this area should come from the commissioners of lands. Na hii pia imeguzia aliyosema commission Adagala kwamba baadala ya devolution kwamba mpewe mamalaka ningependa mamlaka iwachiwe ministry. Lakini the trend now is the opposite. Kwa hivyo unaweza kutueleza kidogo kwa nini unasema kwamba barua za allotment zitoke kwa ministry badala iwekwe kutoka hapa hapa.

Mayor Kibichia: Hiyo ni kusema kwamba at times inachukua muda mrefu. Kwa hivyo kama ingekuwa hapa karibu ingechukua muda kidogo.

Com. Asiyu: Kwa hivyo unasema ya kwamba -----inaudible ya council commissioner of land asiwe na nguvu ya kupeana plots. Iwe ni ya Local Authority.

Mayor Kibichia: Nasema hivyo.

Pro. Ahamed: Kwa hivyo si kufahamu labda. Yaani allotment letters zitoke wapi?

Mayor Kibichia: Hapa hapa

Pro. Ahamed: -----inaudible commissioner of lands ----

Com. Adagala: Now unajua kuna kitu kinatokea kwa hiyo devolution. Hiyo ya kulete nguvu chini na ikifanyiwa hivo unakuwa bna swali ya federalism. Watui kushiriki kwa mambo yao, watu kufaidika kwa vitu vyao na watu kuwa na mamlaka ya kusema hiki kitaendelea hivi na vile. Kama hapo umesema kuna gold lakini UN ilifanya survey wakasema kuna gold hapa. Na Kenya gorvenment ikasema it is not viable. Lakini kunaona watu wachimba. Hatga Kenya government inafanya magendo kidogo na hiyo gol. Sivyo? Sasa Local Authority inafaa ituambie kwa sababu hatna njia ingine lazima tufanye devolution kuleta nguvu chini. Mngependa hiyo nguvu ifike kwa nini? Ifike kwa region au District kwa organization ikishuka.

Mayor Kibichia: Ningependa hiyo iwe kwa watu wenyewe local Authorities ile concerned na District isitoke juu. Wapewe ruhusa kufanyh a hiyo kazi na barua yenyewe.

Com. Adagala: Sio ruhusa. Ni structure ya nchi. We are talking about the structure of the country. This is devolution. Nafikiri mfikirie hiyo kwa council yenu ili mijue kwa sababu local council wame jiorganeze. Will it be regional power or will it be county council power or how many structures shall we have. Shall wee have the central government, the regional government and the local authority or shall we just have central government and then local government. How shall it be? Hiyo kitu lazima council

yenu ifikirie kwa sababu inafaa iwe na structure. Huwezi kumwaga maji inafaa iende kwa kikombe hiki na kwa birika ile na dnoo ile. Otherwise inamwagika tu. Itakuwaje?

Mayor Kibichia: Iende kwa region.

Pro. Ahamed: Bwana Mayor asantesana kwa maoni yako. Tafadhali utajiandikisha na utatupa memorandum yako ulituhidi. Asante. Sasa tunaona kwamba tuna vijana wengi sana wa shule ambao wamefika hapakuhudhuria kikao chetu tutawakaribisha na tutalaji kwamba wengine kati yenu wawili, watatu wanne hivi watakuja hapa mbele na kutoa maoni yao. Sijui kama mmejiandikisha. Yuko kati yenu mwenye alijiandikisha kujtoa maoni? Have you registered some of you tgo give views? That's very good. You are most welcome. This is really constitution for the young people. Some of us are getting old. We will not be around for very long. We would like to see that you have a say of the constitution that will govern your lives for the rest of your lives. Karibuni. Sasa namwita Bwana Agrey Omima. Yuko? Bwana Omima amejiandikisha pia yeye ni from the Provincial Administration. That is a very refreshing initiative on his part. We look forward to hearing your views Bwana Omima. Karibu.

Agrey Omima: commissioners kwa jina naitwa Aggrey Omima.. ningependa kupeana recommendations ya Chavakali community ready and present. First reccomendation

Com. Asiyu: What is your role in Chavakali community?

Mr Omima: I'm a chief of Chavakali location.

Com. Adagala: Ok.

Mr Omima: Recommendation ya kwanza ni kuhusu ofisi ya rais. Nilisema ya kwamba the future President must be a graduate. Minimum age 40 years and maximum 65 years. Ya pili ilikuwa on land matters. Any individual Kenyan must own not more than five hundred acres. On land matters our recommendation is that land cases should not go to court. Ziwe solved na tribunals at sub-location, location and District level.

On Provincial Administration ningependekeza ya kwamab village elders must be incorporated and be paid a monthly income.

On Legislature it was recommende that for one to be an MP he must attain the qualifications of form four and above. On government it was recommended that we have a military type of government.

Political parties. It was recommended that we have a maximum of four political parties in Kenya. That's what I had.

Prof. Ahamed: Thank you very much Chief Omima kwa hayo maoni yako. Mliona jinsi ambavyo ametoa. Ametoa so many points in less than two minutes and told us so much in those two minutes. And that is the model we would like each and everyone of you to please follow. Because we will move fast, understand and cover many points. Chief asante sana labda kuna swali moja utaulizwa. Com. Adagala.

Com. Adagala: Asante chief. Kweli umepresent kwa njia safi sana. Hata uko na sauti nzuri kuliko yangu. Yangu imeharibika. Chief councilors kuna umri. Umesema ya President na Wabunge.

Chief Omima: On local authorities hatukupeana lakini walipendekeza kwamba local authorities ibadilishwe iwe parastatal.

Com. Adagala: Eleza zaidi.

Chief Omima: Parastatal in the sense that vile parastatals ni mingi hazina mapato ya kutosha kulipa wafanyikazi wao. Walionelea ikiwa parastatal wanaweza kujipanga vizuri na kupeana services kulingana na faida ambao wanatoa kwa revenue yao.

Com. Adagala: Yaani wajisimamie

Chief Omima: Ndio

Com. Adagala: Now kuna vitu hapa ile niliambia mayor sisi tunajukumu ile kazi yetu moja ni kupata njia ya kuleta hiyo nguvu chini. Ukisema unitary government ni kama it is outside our mandate. Sababu yetu ni devolution. Sijui ni kwa nini hujapeana sababu ya unitary.

Chief Omima: Unitary sababu hawataki mambo ya Majimbo.

Com. Adagala: Majimbo ni nini.

Chief Omima: Majimbo vile wengine walikuwa wakizungumza ni kupendekeza ya kwamba kila sehemu iwe na mwakilishi ambaye atakuwa kiongozi wa hiyo area. Na unitary ni kama serikali ambayo tukonayo. Iendeleo vile vile kuwa na President moja ambaye ako na powers.

Com. Adagala: Sorry kidogo. Kwa sababu hatuifadhi muda wacha niulize. Unajua yule President tunaye ni kama ya kipekee duniani na imechukua nguvu za sehemu zote imaweka uma. Imechukua nguvu za sehemu zote za nchi ikaweka Nairobi. Ikachukua nguvu za Parliament ikaweka kwa President. Ikachukua nguvu za Bunge ikaweka kwa President. Ikachukua watu wengine wa Parliament ikaweka kwa Provincial Administration. Sasa kitu moja tunafaa turekebishe ni hiyo. Hii shereke hii

President vile iko na President Moi anajua. Si unaona unasema kutakuwa na mabadiliko anajua. **Elivumbu lievumba lihi nivakhutimula or no niliva linyinyu, olwa litulao kutuka mathi kenaka asundukhanyi.** Ikiwa vile ilivyo that nchi itakaa vile ilivyo kwa sababu 50% ya resources ya utajiri ya Kenya iko Nairobi na itakaa hivyo na sisi tutakaa hivyo. Na hata hii local authority nasema iwe kama parastatal itakuwa tu jina. Jukumu yetu ni devolution. Kufungua hizo nguvu ifike chini wananchi washiriki na wafaidike. Wananchi wawe na mamlaka kwa maisha yao. Sasa hiyo tutaweka hapa lakini ni kama point ambayo haiendelei. Thank you.

Com Ahamed: Com. Asiyo. Bwana Omima asante sana kwa maoni yako. Tafadhali nafikiri memorandum yako umetupa. Utampa Agnes pale na kujiandikisha. Thank you very much.

Com. Ahamed: Sasa tunaona upande wangu wa kushoto ndugu zetu ambao ni special ability. Na sijui kama wana nia ya wamajiandikisha kutoa maoni yao. Can we hear fom one of them. We begin with the lady. Karibu kwenye kikao na -----(inaudible). Na tafadhali utanza na jina lako kisha ujtupe maoni yako.

Diana Kagea: I'm Diana Kagea Ndega. The Constitution of Kenya Review Commission. Memorandum from Sabatia Constituency Disabled Group. We the Sabatia Constituency People Special Abilities have observed that cases of our group ae not well catered for. Therefore we have proposed as follows:

Health: That we be given free medical care or that the disabled pay a half of what other people pay. That we have different reception for disabled at public hospitals where the same interpreters be availed. Wheel-chairs be checked free and affordable. Government should employ social workers to advice families of disabled people on army prevention and direct item to rehabilitation centers. The disabled be trained on medical care. All the medical staffs be trained on how to handle the disabled people.

Education: free education for the disabled where possible disabled people should be allowed to attend normal schools so that they may interact with the normal children. All the teachers be trined on handling the disabled children. Schools for disabled should have teachers on handling the disabled or ordinary teachers.

Making facilities for the disabled. Make facilities affordable for the disabled eg grall papers, hearing aids, white-cane,

wheel-chairs etc. Braille and sign languages be entrenched in the constitution as national languages. Kenya examination Council should have a department for disabled that will set exams for the deaf and the blind. The council should also find exams for the disabled differently from that of other students without incidents. Ministry of education has caught a system for enrolling the disabled qualified students in schools and colleges ie 35% of these chances be reserved for them. Free vocational training be provided for the disabled. A tax should be introduced to every worker in Kenya to create a fund to support the disabled.

Out of the Fund Information Centers with Braille documents and newsprint and also self interpretation be established to help keep the disabled in touch with events happening globally. The national disabled funds be decentralized to district level. Lessons for other planners should be in Braille and sign language. Financial allocation be given to every district per year. The disabled and their parents be elected to sit on the Board of Funds Disabled. A ministry for the disabled be established under the ministry special department education for disabled government should set aside funds during the national budget to cater for the disabled through the ministry for the disabled.

Trade. The disabled should be exempted from taxation when they import goods. They also be exempted from trade licence, interest free loan be given to the disabled to assist them start their businesses.

Physical environment constructs engineers when constructing public houses and bridges should have disabled in mind ie specialized when constructing pedestrian roads zebra crossing should have a signal or computerized voice to warn the blind on moving or not. To sensitize the public to deal with the disabled special -----inaudible in wheel-chairs. When designing the Kenyan currency they should design them in a way that the blind can easily differentiate between them to minimize theft.

Courts. Special evidence concerning the disabled should be considered eg in case of rape case or theft, texture, voice and recognition and smell be accepted as evidence. Men who abuse sexually the female disabled people be severely and forced to marry the disabled person in case of pregnancy. Women who are victimized for bearing disabled children get compensation from the men and responsible. Anybody who hurts a disabled person be prosecuted. The police be taught. Trained in sign languages in order to be able to communicate with the disabled and on general handling of people with special abilities eg if a policeman wanted people to disperse the deaf and the dumb may not be able to understand what to do if the policeman does not

use sign language.

Administration and police should give non-discriminatory services to all. employment should not be discriminated eg forces may require just a clerk yet they will advertise for a tall muscular individual, broad chested etc. thus discriminating against the disabled. Promotion opportunities for disabled be the same as those ones of normal people. Retired disabled be entitled to compulsory pension to assist them after retirement. We should have quarter system on employment opportunities for the disabled. thank you. Ana additional point please. The grabbing of the special institutions. Ningependa kusema kwamba kama mtu anataka kunyakua institution amabyo iko special lazima apitishwe huko mbele kwa sababu gani. Hiyo wanaencourage uombaji. Uchokora. Kwa hivyo kama mtu anataka kuchukua land ya institution hasa hizi special ajue hawa hawajiweji wataenda watafanya nini wataenda wapi. Thank you.

Com. Ahamed: Thank you for those views very very comprehensive, original and important. You should point out that the disabled we give them a better name special abled groups are among the marginalized groups. we have been asked to give special attention in the new constitution. And your views will help us a great deal in formulating a section for the disabled in the new constitution. Tunashukuru sana. Asante. Commissioners do you have any question to ask? Thank you very much. I believe we have someone coming from these specialy abled groups wanting to give views. Several of them. We'll take them in between others then. All right. i now call may be one more. Karibu. We are ready when you are. Please start with your name.

Oscar Sagala: Commissioners kwa majina ni Oscar Sagala kuutoka Solongo Sub-location West Maragoli. Kuongezea tu kwa hayo maoni ambayo group ilitoa nitaenda kutoa yale ambayo imehusika na wote. Jamii yote. Ya kwanza ni kuhusu kubaguliwa. Sisi kama walemavu jinsi mlivyosikia kwa hiyo memorandum yetu ni sehemu nyingi amabyo tumbaguliwa sana. Mojawapo ni katika kazi za ofisini, shuleni na hata sehemu za matibabu. Tunapokwenda kule hauchukuliwi kama mtu wa kawaida. Kwa hivyo pendekezo langu ningeliomba popote pale mlemavu wowote anapatikana ni lazima achukuliwe kama mtu wa kawaida na ana uwezo. Tukiangalia sehemu ya ofisi walemavu ni watu very active. Anapoingia ofisi hauwezipata anatoa koti yake anawacha kwa kiti anaenda kwa starehe zake. Lakini anakuwa pale fulltime. Kwa hivyo tungelipenda kayika Katiba ijayo ofisi ama idara tofauti tofauti ikaweze kuajiri walemavu. Ndiposa uchumi ikaenda kuendelea ukiwa mzuri. Jinsi mlivyosikia katika memorandum yetu upande ya shule. tukisoma pamoja katika shule hizo. Hata nikiguzia upande wa women wale ambaoni isabled. Si rahisi

upate wameolewa lakini wakiwa pamoja shuleni ama katika colleges ama sehemu zingine zote utapata wamezoeana na wale walemavu na watazoeana nao. Hata utapata sasa wengi wanaolewa na pengine kuoa.

Jambo langu la pili ilikuwa nimeongelea kuhusu saa. Ukiangalia sisi wafrika wengi hatuweki sa maanani. Tukisema tufike sehemu saa mbili tunarudi kuongeza masaa mengine juu inakuja kuwa saa nne. Kwa hivyo ningependekeza katika Katiba saa ikaweze kutiliwa manani kabisa. Na tukifuata saa yote ambaye tunayapanga itaweza kutimika vizuri.

Jambo langu la tati ni mavazi. Tukiangalia siku za sasa mavazi hauwezi jua huyu ni mwanamume hauwezi jua huyu ni mwanamke. Mavazi ya kiume yanavaliwa na watu wa kike. Unapata mavazi ya kike yanavaliwa na mwanaume. Kwa hivyo ningependekeza ya kwamba ikiwezekana kwa Katiba ijayo mavazi yanayostahili mtu yaweze kuvaliwa na mtu anayestahili. Tukiangalia kama longi kwa mfano pengine kwa familia kuna mama, baba, msichana na mvulana. Mama anava longi, baba anavaa longi, mtoto wao mvulana anavaa longi na mtoto wao mvulana anavaa longi. Ukija kwa nyumba ama wakiwanje wkielekea shuguli zao si rahisi utofautishe ni nani pengine ni kiongozi wa familia ile. Ama ni nani mtu wa kiume. Kwa hivyo tukaweze kurekebisha upande wa mavazi.

Pro. Ahamed: sasa Bwana Sigala point lako la mwisho. Ukiwa una kumbuka hakuna haja ya kutusomea. Tuambie tu.

Bwana Sigala: Nadhani hiyo ya mavazi ndiyo ilikuwa yangu ya mwisho. Asante.

Com. Ahamed: Asante sana kwa maoni yako. Ngojewa kidogo mwenzangu hapa ako na swali ya kukuliza. Coam. Asiyu

Com. Asiyu: Asante Bwana Sigala. Umeongea juu ya nia ya watu juu ya walemavu kwamba hawaoni wale walemavu kama ni watu. Lakini hujatueleza ungependa tuseme nini ili nia ya watu ibadilike. Pengine ungesema kuwe na elimu kwa shule na kila pahali juu ya ulemavu ndiyo watu waanze kuelewa na waheshimu walemavu. Ungependekeza namna gani. umesema tu kwamba watu waeshimu lakini pengine ungeueleza hizo mambo zingine zingeweza watu wa Kenya kuheshimu watu.

Bwana Sagala: Asante sana commissioner. Jinsi mlivyosikia. Nilipotaja kuhusu kutangamana na nilitoa mfano ni kusoma pamoja. Pengine kipofu au kiziwi anasoma katika shule ya kawaida ile. Unapata wananfunzi wale wanaelewana. Wanapendeleana kusoma. Wanakuwa pamoja. Halafu wanajua huyhu mlemavu ni mtu kama sisi. Sasa tukianza katika sehemu kama shule.

Com. Asiyu: -----na uhuru ya kibinadamu kwamba huwezi kuambia mtu nenda uchi au vaa longi au kunyasa au ufanye nini.

Hiyo ni right yake. Kufanya mwili yake vile anataka. Zamani hata Wazungu kabla hawajafika mwafrika alikuwa hana longgi.

Mimi ni kwa Jaluo. Wajaluo walikuwa wanaenda uchi tu. Na kuona hiyo uchi ya watu hakukuwa na shida. Kwa nini unawacha mambo mihimu ya ulemavu na unatuambia mambo ya mavazi ambayo pengine hatuwezi kuandika hata kwa Katiba ambayo itakuwa nai makosa kwetu kuanza kuambia watu muhubiri Mungu hivi. because people have the right na freedom of worship, freedom of movement, freedom ya kila kitu hata ya mavazi. Na hayo hatuwezi kuingiana nazo. Pengine una jambo moja muhimu sana kuhusu walemavu ambayo ungependekeza tuandike kwa Katiba mpya. Si mambo ndogo ndogo hizi za mavazi.

Bwana Sagala: Ndiyo nilisema mengi tumeguzia kwa ile memorandum ya group. Inginge tulisoma jana halafu hayo ndiyo tumemaliza leo. Kwa hivyo mengi hayo mkiasoma zaidi yanashikilia karibu sehemu zote ambayo tumehusika.

Com. Adagala: Umesema kuajiri walemavu au watu wa uwezo maalum waajiriwe kila mahali. Asimilia gani? what percentage.

Bwana Sagala: Kwa vile disabled si watu wengi sana. kwa hivyo ikiwa kwenye ofisi fulani 10% iwe ya disabled.

Com. Adagala: Ya inafaa mjue Jkatiba ni kitu cha nguvu. Mkisema kila mahali 10% itakuwa hiyo hiyo. Katiba ikisema itatendeka na la pili hii mambo ya dress code hii mambo ya mavazi, mama amesema ya kweli. Pengine tuende traditional halafu tujue tukiwa uchi huyu ni mume huyu ni mke, na huyu ni mtoto ambaye haja. Kwa sababu hizo nguo ni za Wazungu na Wazungu wake na wanaum wanavaa nguo sawa.

Com. Ahamed: Huna haja ya kutu—amekueleza ma commissioners juu ya jambo hilo kwa hivyo mtafikiria.

Bwana Sagala: Asante sana shukrani.

Com. Ahamed: Sasa namwita Pastor Jackson Kidusu. Na kabla hujaanza Pastor ningesema kwamba tunaona wananchi wanakuja wanamiminika hapa. Kwa hivyo kwa upande wa wakatingependa kusema ya kwamba tukipiga kengele yetu pale ya kienyeji tafadhali utamaliza maliza.

Jackson Kudus: Asanten Commissioners na wageni wote ambao wameasili katika jumba hili ili kuweza kutoa maoni. Jina langu ni Pastor Jackson Kidusu. Nimekuja hapa kwa niaba ya Ikuu Neighbourhood Assembly. Kikundi changu kiliweza kuketi na tukaona katika Katiba yetu ya zamani hatuna diambo. Kwa hivyo waliweza kufikiria na kuchagua maneno yafuatayo kuwa preamble katika Katiba ambayo itaundua. Waliweza kuzungumzia na kusema preamble iwe ifuatavyo. Sisi kama wananchi ya Kenya kwa vile tulipigania uhuru pamoja tutaendelea kuhifadhi umoja wetu kuondoa umasikini na ufisadi kati yetu tutalinda uhuru yetu na pia tutaendelea kulinda Katiba yetu tukizingatia historia yetu kama sisi wa Kenya.

Kuhusu ufisadi ambao wamezungumzia kwenye preamble walisema ya kwamba tuwe na wizara ya ufisadi. tuwe na wizara maalum ya kupigana na ufisadi isiwe kitendo tu iwe ni ministry. Pia waliweza kuonelea tuwe na ministry ya justice. Pia wakaonelea tuwe na wizara ya scores. Kuhusu mashamba waliweza kuona kilamwananchi wa Kenya kwa vile ni mzaliwa wa nchi hii ni lazima awe na mahali pa kuishi kama shamba. Kwa hivyo waliona mwananchi wa Kenya kwa udogo sana tusiwe tunabagua wanandni wanakaa Nandi, wa Maragoli wanakaa Maragoli bali tuwe na uhuru wa kukaa mahali popote na kila mwananchi awe na kiasi cha heka mbili ya shamba.

Kuhusu industrial education tukaona ya kwamba elimu ambaye tunaelimishwa sasa haitusaidii sana maana watoto wetu wakishasoma wanaenda tu kutafuta kazi ya ukarani na hali kadhalika. Kwa hivyo walisema tuwe na industrial education.

Kuhusu couns walionelea ya kwamba Mayors na Chairmen wa council wawe wakichaguliwa na wananchi.

Kuhusu uridhi kikundi changu kiliweza kuzungumzia na kuona ya kwamba ikiwa wewe ilichaguliwa na wananchi wakati unawacha kazi hiyo ambayo ulichaguliwa na wananchi usiwe usiwe ukachagua mridhi wako. Uwachie watu wenye walikuchagua wachague mwingine.

Kuhusu utawala kikundi changu kiliweza kuona ya kwamba chiefs na assistant chiefs wawe wakichaguliwa na wananchi wenyewe. Maana ni wafanyikazi ya wananchi.

Kuhusu rasilimali tuliweza kuona ya kwamba rasilimali ya nchi hii iweze kutawanywa kokote katika jamhuri ya Kenya. Kwa mfano ministries. Wizara ya kilimo inawekwa Nairobi na kilimo iko Western. Kwa hivyo wazari ya kilimo wakati tunapogawa kilimo iqwekwe mahali ambapo kazi ile inafanyikla kwa wingi. Kuhusu barracks waliweza kuonelea ya kwamba army barracks ziweze kugawanywa kwa kila mkoa. Kila mkoa iwe na army barrack. Universities pia iweze kugawanywa kwa kila mkoa.

Kanisa waliweza kuonelea ya kwamba waislamu wamepewa mwakilishi wao kama Khadhi. Kwa hivyo Wakrosto wao waweze kupewa Christian arbistrator ili waweze kuzungumzia mambo ya Wakristo ili case ya Wakristo isiwe inapelekwa mahakamani. Nimezungumzia kuhusu uridhi maana walionelea ya kwamba uridhi ukiachiliwa mtu, mtu anaweza kusema mimi nikiondoka mtoto wangu aridhi kazi ambaye nilikuwa nikifanya. Kwa hivyo awachie wananchi wenyewe. Asante ni hayo tu.

Com. Asiyu: Sasa imeongea juu ya kugawanya kwa ministries kuenda pale zile ambayo mambo hayo yanatokea. Kama mambo ya uvuvi na ukulima iende kwa hizo mkoa. Itakuwa namna gani Pastor juu ya collective responsibilities ya ministries. Kama ministry moja iko hapa Kakamega ingine iko Kiambu ya kahawa ingine iko nchi ya Mombasa ya samaki. Itakuwa namna gani kuwa na collective responsibility na kukaa karibu ili serikali iongee na kufanya mambo yao pamoja. Pengine kitu ungetuambia ni hii ni kwamab kungekuwa na devolution of power ili kila mkoa iweze kupata pesa kutoka kwa serikali kuu ya kuendesha mambo yao wenyewe. Kwa maana vile unasema is not practical. Pengine ni kitu kitakuwa ngumu sana kufanya kama unataka ministries ziletwe huku na ministries zingine ziachwe mahali fulani. Swali langu la mwisho ni kwamab unataka Wakristo wawe na koti yao wenyewe. Na Wakristo ndiyo wengi katika nchi hii na pia hawana sheria kama ile ya kislamu. Yaa Wakristo wako na ile sheria yao ya ten commandments. Lakini unataka hii koti ya Wakristo iaangalie mambo ya ten commandment pekee yake? Ukawa unasema hivo mtu akiua Wakristo watakuwa na koti yao ya kumjaribu na mahali ya kuua yeye kwa sababu mpaka sasa Kenya bado inaua watu wanaoua. Kama wale wauajijama wanaofanay robbery ya nguvu. Si hii ni kazi ambayo ungeachia serikali ndiyo ifanye?

Pastor Kidusu: Mambo ambayo waliweza kuzungumzia wakaona ya kwamba kesi nyingi zimjazana Mahakamani na ma jugdge hawashugulikii. Mambo ambayo ingeweza kuzungumziwa na wakristo kama ni Wakristo izungumziwe nyumbani na imalizike imekaa kotini. mpaka hata wengine wamekwenda kuchukua ma advocates wanaharibu pesa bure. Na ni mambo ambayo ingezungumziwa na kumalizika.

Com. Asiyu: ----- ya cases kukaa kotini miaka mingi. Ulilinganisha sheria ya Kislamu iwe na Wakristo pia. Ile ten commandment, mambo ya kuchelewa kesi hukuleta hata kidogo. Na hiyo ni jambo ambayo ni ya maana sana lakini hukulinganisha mahali pale ilipolinganisha uislamu na Ukristo.

Pastor Kidusu: Nafikiria hayo nilikuwa nikiguzia tu lakini mengi kukamilisha hiyo sentence nilikuwa nimeandika kwa memorandum.

Com. Asiyu: You have not answered my first question. Uliongea juu ya waziri kuletwa huku

Pastor Kidusu: Shida ambayo tunaoneklea ya kwamba ikiwa tutakuwa na sehemu ambayo kilimo kiko ofisi au ministry ya kilimo iwe hapo. Kama kuna sehemu zingine ambazo kilimo kama umesema kilimo cha kahawa, majani chai kuwe tu na department hiyo upande ule. Halafu reports zote zinaletwe kwa mijinistry.

Com. Ahamed: Lakini tukifuatia desturi hiyo minisries nyingine zitafanyiwa vile ville sio. Sasa tuseme tourism itakwenda wapi?

Pastor Kidusu: Mombasa iko tayari

Com. Ahamed: Na health?

Pastor Kidusu: Ministry of health inaweza kuwa Nairobi lakini iwe na department ya health katika kila mkoa.

Com. Ahamed: Lakini hivyo iko kwa sasa kuna provincial headquarters ya health, kuna provincial headquarters ya kila Wizara kwa hivi sasa.

Pastor Kidusu: Shida ambaye ilitokezea ni kwamba wananchi wamakuwa wamesikia ripoti katika radio hasa upande wa leo katika Bunge. Waziri anapoulizwa mambo ya miwa kule Mimias anasema nitaenda huko nichunguze kwanza. Na kitabo achunguzer kwanza atahepa hepa kuja Bunge. Na kama hiyo ministry ingekuwa Mumias angejua hiyo mambo.

Com. Adagala: Mzee huyu anasema mambo ya maana kwa sababu kule South Afrika iko hivo. Ministries zimetawanywa ili watu wakizunguka pesa inatembea isiwe mahali moja. Kitu kama health basi inaweza kuwa Nairobi lakini wanaweka Judiciary, Mahakama kwa mji moja, parliament kwa ingine. Sasa ni wewe mwenyewe ungejua eample ya kutumia. South Afrika au ya Germany.

Com. Ahamed: Asante Pastor. Tukiendelea mbele bwana Manoah Isolio. Yuko? Karibu. Tafadhali utazingatia wakati. Tunaona wananchi wanajiandikisha kwa wingi sana. kwa hivyo tungependa kila mtu ampe nafasi mwenzake.

Manoah Isolio: Waheshimiwa Commissioners jina langu ni Pastor Manoa Isolio. Nikiwa vice presiding clerk Chavakali yearly meeting of Friends Quakers. Kanisa letu la marafiki limekaa na kuchunguza katiba ambao imekuwa ikitumika na yale mabadiliko ambayo tungeliweza kuwa nayo. Tumependekeza points ambazo hata wenzangu washaguzia na sita rudia kwa sababu itakuwa duplication. Nitaguzia tu zile labda hazijaguziwa. Sura na maopngozo ya serikali kanisa letu imependekeza ya kwamab serikali iendeleo kuwa na rais badala ya kuwa na rais pamoja na prime minister.

Wabunge. Wanatakikana wawe na ofisi na wafanye kazi fulltime kuwahudumia watu ambao waliwachagua kuenda kwa Bunge.

Com. Ahamed: Wawe na ma ofisi wapi?

Pastor isolio: Wawew na maofisi kwa constituency zao ili wanacnhi waweze kuwafikia mara moja na kutatua matatizo yao. Mishahara ya Wabunge iwe ikitayarishwa na Public Service Commission badala ya Bunge.

Serikali ya mitaa. Madiwani ambao wanataka kuchaguliwa wawe na kiwango cha elimu ya kidato cha nne. Mayor achaguliwe

moja kwa moja na wananchi na asiwe mwakilishi wa ward.wawe kwa ofisi miaka mitano. Wnaweza tena kuchaguliwa.

Provincial Administration tunapendekeza ya kwamba ifike tu kwa District badala ya province kwa sababu mambo mengi huwa yanachelewa. Mawsilaha ya watoto. Watoto wa Kenya wapewe malezi mema. Elimu ya primary kwa watoto wa Kenya iwe bure. Huduma ya matibabu pia iwe bure na wanao nyanyasa watoto wapate kuadhibiwa kisheria. Video na vipindi vya TV. Serikali ipige marufuku films za kimapenzi na zile za kiatili kuonyeshwa katika maduka au centers na hata kwa nyumba kwa sababu huonyesha watoto mabo yasiyofaa na watoto waanza kuharibika.

Kuhusu mashamba kila mtu awe akimiliki shamba lake mwenyewe. Kuhusu uridhi wa mali. Uridhi wa malio igawiwe watoto wa mtu au mtu anaweza kugawa uridhi kwa watotb wake wote wakike na wakiume. Asanteni.

Com. Ahamed: Asante Pastor. Nafikiri kutakuwa na swala moja au mawili. Anyone who has a question.

Com. Adagala: Asante Pastor. Kanisa ya Friends ni kanisa ambayo ina vision na ina muongozo fulani na tungependa sana hii kanisa ifanye bidii itulete hiyo muongozo ndani ya Katiba. Kanisa ya Friends ndiyo ilileta muongozop kwa United Nations. Imeleta mungozo kwa Diplomacy, conflict resolution. Vitu vingi sana. hiyo vision kanma nilivyoambia mwanamke aliyekuwa hapa Milka inafaa msitenge kile mnafanya na Katiba. Katiba ni maisha na maisha ni Katiba. Ukiwa na ile jambo ambalo inakuongoza ni mzuri kwa maisha yako unalete kwa Katiba ilui tuwe na muongozo mzuri. Pengine mnaweza kuketi na kufikiria ile mambo ya quakers. Ile philosophy na kuona vipi itaingia kwa mambo ya Kenya. Iko hapa lakini chache chache chache na mbali mbali. Inaweza kusaidia sana. provincial Adminisrtation. PC na DC halafu chini yake itakuwa nini? Ile ambaye haitakuwa kwa provincial administration.

Pastor Isolio: Chini yake itakuwa na chiefs na assistant chief na wazee wa mtaa

Com. Adagala: Watachaguliwa vipi?

Pastor Isolio: Watachaguliwa na Public Service Commission.

Com. Adagala: Pia wakichaguliwa hivyo wananchi wanasema wawe wanapigwa transfer. Vile iko sasa wananchi wanasema ikikaa hivyo basi awe anenda transfer. Aende Migori kufanya kazi kidogo. Aende Kabras miaka tano. Hivo. Wanasemamwenyewe wachague au wachaguli8we na waende transfer.

Pastor Isolio: Ma chief wanapochaguliwa na wananchi huwa kuna shida wakati anapobakia tu pale. Awe effective au asiwe

effective atakaa hapo mpaka atakapo retire.

Com. Adagala: Wqakichagua retirement ni yao ya wananchi. Inaitwa the power of recall. Wakichagua wakipiga kura kwa chief watamfuta kazi pia. Wananchi wenyewe. Unajua ni two different things. Sasa unafaa ufikirie hapo.

Com. Asiyu: Mzee umeongea juu ya wazee wa vijiji. Tunajua wanafanya kazi muhimu sana. ingesema hawa wapewe allowance kidogo ama waachwe hivyo vile walivyo kwa sasa/

Pastor Isolio: Wazee wa vijiji hasa hapo utawala ndiyo unazia. Kwa sababu hawa ndiyo wanajua shida ya kila mtu pale anapoishi. Kwa hivyo wale wanatakikana wapewe allowance kidogo ili wajimudu kwa kazi hiyo.

Com. Ahamed: Pastor asante sana kwa maoni yako. tukiendelea mbele nafikiri Bwana Johyn Apollo umekuja kutusaidia. Sio? Uimejiandikisha ili kuendelea na kazi muhimu sana ambayo hivi leo Bwana John Apollo yeyer anatafsiri kwa ishara kwa wale ambao hawajiwezi kwa upande wa kutoweza kusikia au kuona. Tutakushukuru sana kwa kuzungmza. Samahani. Sijui kama kuna mwenzetu kati ya hawa. Lakini labda tungewapa nafasi moja wao. Jitayarishe. John yuko yeyote watu ambao wanatusaidia kutoa maoni. Leo hawajaingia? Walikuwako jana? Asante. Lakini wakifika utatujulisha tafadhali. Sasa tumewasikia wenzetu wasioweza kuona kutoa maoni yao lakini naona kuna majina mawili. Danson Denda. Umejiandikisha. Unakuja kusikiza au una maoni ya kutoa?

Danson: Ndakuhandika.

Com. Ahamed: Kiaribu. Danson Denda is next.

Com. Adagala: Akiwa akija ningependa kusema kwa kamati. Wamefanya bidii sana kwa watu wa special abilities wale ambao wanakuja kuzungumza. Lakini nikiangalia hall hii. Sijui wanawake wako wangapi? Hebu tuone mikono. Ya kamati mtatafuta wanawake waje kutoa maoni hapa pamoja na watoto wa shule. Mtafanya hiyo bidii badala ya kuketi hapa. (Bandu vi Chavakali vandu ki vamwivula, mwikolele vindi vyosi?) Unajua Tutapiga hiyo report hebu sikilizeni. Tutapiga riport kwa nini ya Chavakali hii ni maoni ya wanaume. Katiba haifai hivyo. Inafaa muwe nusu wanawake na nusu wananume. Na vile mnafanya mnawaachia wanawake kazi nyingi nyumbani halafu mnasema navene, vaja mwavateshitha?

Com. Ahamed: Tafadhalini tutulie tupate kusikiliza kupata maoni. Na tunasajili tunanasa maoni kwa hivyo hatutaki fujo nyuma ya yule ambaye anatoa maoni yake amabaye sasa ni bwana

Danson Ndeda. Rita riange ni Danson Deda Aluruta, na mbetha na mang'ana kavili kindenya kumolome. Muloma ndi,

serikali nyanza akhonye raia alala ninzi , polisi nivakenda murisafu, vavethanga na sub-chief a nor neliguru.

Translator: Ovolange nithi nimbola. Basi tanga kandi vulahi, vakhulanga vwa?

Danson Ndeda: Danson Ndeda Deda Aruta,

Translator: Danson Ndeda Aruta,

Danson Ndeda: Ninyi mbole ndi, Police nakenda murisafu, vatugana vave na subchief a nor likutu

Translator: When the police come to the villages I would request that they come with the chiefs not just on their own.

Mr Ndenda: polisi shiamanyi vandu va sub-chief alinde tae. Vali na sub-chief, polisi shianya kura makosu kovo tawe.

Translator: Because the police don't know the villagers. When they come with the village elders then they know exactly whom they are looking for and whom they are dealing with.

Mr Ndenda: khuli nzi mbele mbovu vanyala kunguva kunya makoso tawe nindi ndeng'ene

Interpreter: Since I'm blind they will just come and attack me and I don't know.

Com. Asiyu: Tafadhali heshima kwa kila mtu

Mr. Ndenda: shichila vamanya tae.

Interpreter: Because they don't know I'm a blind man

Mr Ndenda: ikazi ya sub-chief na chief polisi akola yahi.

Interpreter: The job for looking for people in the village is the work of the chief and the assistant chief not the police.

Mr Ndenda: A nor sub-chief nabehe ni kazi, atumi rikutu alala na polisi mwenoyo.

Interpreter: If the assistant chief is busy he should send the village elders together with the police.

Mr Ndeda: Nikava mang'ana official atume warrant.

Interpreter: If it is official they should send a warrant.

Mr Ndeda: Katushi yaho

Interpreter: That's all he has.

Com. Ahamed: Asante sana bwana Danson Denda. Maoni yako ni mnaufupi lakini ni muhimu sana. asante. Sasa namwita Daudi Libese. Una maoni? Karibu.

Daudi Libese: Inzi Daudi Libese

Interpreter: My name is Daudi Libese.

Mr Libese: maoni kange kalolekha ndi, ama-subheadmen kakolanga ikazi ing'ingi mulusoma sasa.

Interpreter: I see that the village elders do a lot of work in the community.

Mr Libese: Kundakavoye nyenya Serikali ivaethange omushara.

Interpreter: I request the government should pay them salaries.

Mr Libese: Nigenako kenyene butsa

Interpreter: That's all I have.

Com. Ahamed: Asante sana bwana Daudi Libese. Nafikiri oni lako ni fupi kabisa. Sasa kwa wakati kidogo tumekuwa na wanafunzi hapa. Wako walioajidnikisha kutoa maoni yao. Na kwa kuwa wana masomo kurudia. Ningependa kuwapa nafasi wawili kati ya hao waliojiandikisha kwanza kutoa maoni yao. Nafikiri ni sawa. Ingawa tutaruka ile list kidogo. Tungemwita moja yao aliojiandikisha yuko? Any of the young students who have registered to give your views. Please start with your names and then give your views.

Wilson Agata: My name is Wilson Agata, Headboy Chavakali High School. We as the scolders of issues concerning children call for the inclusion of -----inaudible in our review constoitution tha t faces the fundamental values which will be essential or the protection of the children of Kenya. This include -----freedom. Men and women have the right to lose their lives and raise their children in dignity free from hunger and from the fear of violence, oppression or uinjustice.

Equality. Many individual or community must be denied the opportunity to benefit from development. The equal right and opportunity of children womn and men must be assured. Wehave also respect for nature. Shared responsibility for managing our economic and social resources and development as well as threat to national peace and security must be shared among all the Kenyan communities.

Responsibilities of citizens. We rcognise and appreciate the fundamental role of every Kenyan citizen in protecting the constitution, upholding the rule of law and preserving our national heritage upto postericy. Constitution principles. Definition of a child clear definition of childhood would create clarity in the acknowledgemet and enforcement of children's rights. For the

purposes of legal interpretation and connected intent a child should be any person below the age of 18 years and this definition shall be considered to mean every boy or girl and children with disabilities.

The reviewed constitution should provide for registration of birth as a fundamental rights of every child. Birth certificate should be premafasi evident of citizenship.

Right to education. Every child should be entitled to free and compulsory basic education and affordable subsequent education both of which should be the States responsibility to guarantee. Children have the right to develop normally so that they can fully participate in the society in which they live in. education is the key to development which involves the mind the boy and soul. Access to justice by children. They should be constitutionally recognized to pay the cost for children or original jurisdiction administered by officers trained on children issues. That's all I have.

Com. Ahamed: Thank you very much Wilson for those views. Just wait there fore a question or two for you.

Com Adagala: Thank you very much for coming forward. This constitution is for you as the chairman said. You have more right to it. Because you will live longest in it than we will. Now you have given us universal principles. We don't know how they apply to our situation. It will be good if you sat down and see how they apply. I don't know whether you are from this area or not but at least where we are giving the views how do they apply? Where can they benefit? You know if you have a right to this and that is it there? Is it not? What you have given us is something abstract. We want the Katiba to relate to life. Ok. Where did you get those principals from?

Wilson: I was just doing a research.

Com. Adagala: You were doing a research. Where from? I can't hear you. You are not speaking in to the microphone.

Wilson: We were reading from the books.

Com. Adagala: Now look for the children's Act 2001 and read it also and see how what you saying is applicable to Kenyan children.ok. the only way you will understand those issues and the only way they will affect you is if they are applicable.

Wilson: What you are saying I have included it in the menmorandum nut I was only reading the highlights.

Com. Adagala: Thank you very much. May God bless you.

Com. Ahamed: Thank you very much once again Wilson for your views. Is thee another student who registered? Any student?

You can come forward. Start with your names and then your views.

Samuel Ndembese: I'm Ndembese Samuel.

Com. Ahamed: Get the mic closer to your mouth but not too close.

Samuel Ndembese: I'm Ndembese Samuel from Chvakali High School.

Com. Ahamed: Did you register

Ndembese: We were told not to register.

Com. Ahamed: Let me just have your name again. Samuel when you finish with us make sure you go just outside and register your name. You are going down in Kenya's history today.

Ndembese: So my first view goes to the bursaries which are awarded to students who are poor but are academically stable. I would like them to extend to students who are also poor academically and they are not able to pursue education. Because you find some students who are poor in academics would like to pursue education but they are not able. Students should be sponsored by the government to cultivate their abilities like poetry, sports and drama and trips even outside the continent. Apart from one we usually have for music festivals and games tournament.

About liberation movements, I would like the women heading the liberation movements should declare their marital status because most of them according to the views they give they make other women to conflict with their husbands yet most of them are single.

Privatization of public cooperations should not be done on the basis of eighth condition because that will represent neo-colonialism which we are trying to eradicate. The government should only privatize or sell shares of public cooperations when it has decided. Maybe the parliament has voted for it.

Then we also have the registration of political parties. They are nearing a threat whereby we may have two hundred political parties in Kenya.

Com. Ahamed: Just a second. What is your proposal regarding political parties.

Ndembese: We should have a maximum of five political parties.

Com. Ahamed: Thank you.

Ndembese: Then permanent allocation of land to the landless to avoid incidents like the Kibera which took place I think last year. Then we also have regulation of appointment and reshuffle of ministers on merits whereby the President should not just have all the powers to appoint the ministers but he should look at their intellectual capabilities whereby if somebody is having a degree in medicine he can be a health minister. We don't want a situation where we have a reshuffle from education to health, to industry to finance which means our ministers are not appointed on merits.

We should have mayors to be elected by citizens directly and not by councilors so that they can play the role of citizens adequately. Thank you.

Com. Ahamed: Thank you very much Samuel. Can you just wait there may be for a question for you. Com. Asiyu.

Com. Asiyu: Samuel we appreciate the views or perceptual views towards various sectors of society like women, girls, old men or old women should be positive. Now you are referring to some women who had liberation movement most of who are single. Could you give us examples.

Ndembese: I don't have names generally but from the research I have done most of them I cannot remember the names right now. But in newspapers when you do research you find that they are single.

Com. Asiyu: Well I have not come across any woman heading liberation movement in this country in the recent past and I do not know whether their marital status should have anything to do with whatever work they do if it is in the liberation struggle or whatever. Why are insisting that they should be discriminated against? These single women.

Ndembese: Because of the views they give.

Com. Asiyu: Give us example

Ndembese: For example men and women are equal therefore a woman should not play a role of cooking in the house. The man should also play. So if that one is not married then she is not genuine with the views. We would like the one who is married who is practicing those particular views in her house.

Com. Asiyu: Let's go back to your own home. I know you love your mum and your dad very much..

Ndembese: Yes

Com. Asiyu: Do you see any conflict in that home?

Ndembese: There is no conflict.

Com. Asiyo: So if there is no conflict in that home then that's how most of the homes of this country are. If there is no conflict in your own home. I'm sure most people here come from a background such as yours. I think you need to do a little more reading and more researches as you have started doing so that you appreciate more the role of women in our society but we will yes take your views and thank you very much.

Com. Adagala: Ok I just want to let you know that I'm single. Phoebe Asiyo is married and we have the same views. There is something much more fundamental being looked for in society than what you are portraying. Two you are not yet married. But let me tell you a marriage breaks from within and not from without. Nobody breaks somebody else's marriage. It breaks from within.

Com. Ahamed: Thank you very much Samuel. Please remember to go outside there and register. Fine I now call Alex Kisivuli. Alex. Please answer when you hear your name so that we know you are there because we have got to move fast now. Ukipoteza matatu au basi itaenda mbele kuchukua abiria wengine.

Alex Kisivuli Asawa: Commissioners na wote ambao wamehudhuria hiki kikao cha Katiba. Mimi sina mengi ya kusema ijapokuwa nitagusia. Jina langu ni Alex Kisivuli Asawa kutoka Sabatia Constituency. Mimi sina mengi ya kukugusia sana ijapokuwa nitataja machache ambayonaona inanizunguka. Yale machache nitagusia ya kwanza ni kuhusu elimu. Elimu yetu vile ilivyokuwa zamani.

Com. Adagala: Alex tafadhali just give pendekezo. Look at all these people. just give pendekezo kwa sababu ndani ya pendekezo lako itakuwa hiyo maoni yote unayo .

Mr Alex: Upande ya elimu tunataka free education kwa watoto wetu na pia tunataka warudishe Kenya School Equipment Scheme iwe ikisaidia wazazi kwa sababu kuna wazazi wengine ambao hawawezi kununua hata exercise book. Halafu tunataka kuanzia class one hadi class four tuwe na government examination ambayo itaselect watot wa kuingia darasa la tano. Kutoka hapo tuwe na class five up to eight tuwe na overnment examination ya kuselect watot wa kuenda secondary school. Tuwe na form one to form four wafanye selection ya examination ya kuingia form five na form six. Haya nimefikia hapo.

Com. Ahamed: Asante sana Aalex. Umemaliza. Haya endelea.

Mr Alex: Upande wa health watu wanakufa sana kwa sababu ya cost sharing kwa hivyo tunataka free health treatment. Uande

wa resources tunatak Kenyan resources iwe divided equally in the country. Halafu tunataka community rules ziwe implemnted.

Kama zamani kwa community yetu mtu akiua mtu wa ukoo yao huyo mtu hataikani kurudi kwa hiyo ukoo. Msichana akifanya mapenzi na mtu ya ukoo yao hakuwa anarudi kwa hiyo ukoo. Anaenda kabisa.

Com. Adagala: Na huyomt ambaye ni jamii yake

Alex: Wananedna naye. Ni hayo tu

Com. Ahamed: Asante sana Alex. Inaonyesha ya kwamba wewe ni Mwalimu. Unapenda sana mambo ya elimu na mambo ya utamaduni ya kienyeji. Asante. U a memorandum hapo. You have a memorandum to give us? Is that for us or for yourself Ok

Agnes take care of it please. Next is P. Jailu. Karibu. Ni chairman wetu ambaye anahusika na Katiba. Pia yeye ni mwananchi kwa hivyo ana haki ya kutoa maoni yake.

Com. Adagala: Tafadhali idadi ya wanawake iongezeke kwa hall committee.

B. Jailu: Mr chairman istinguished commissioners.

Com. Ahamed: Tafadhalini Mr Jailu anatoa maoni lakini tunasikia sauti nyingi nyingine na hiyo inatusawishi kidogo na pia inasawishi mitambo yetu.

Benard Chailu: My name is Benard Chailu and chairman of the Sabatia CCC and I have the pleasure to present a joint memorandum by members of that commetee.

Com. Ahamed: Bwana Jailu I guess you will give us the highlights and then we will read the memorandum. We are really worried about time.

Mr Jailu: I know. First our concern is about this very important issues we call the land resource. On this we have the following recommendations to make. The barring findings of the Njonjo Commission the constituton should provide for the following: we should impose an acre limt for the acrage of land to be owned by an individual in the following ways.

- a) In upper or higher potential agricultural areas the medium potetial agricultural areas and the low potential agricultural areas the upper limits should be different in thise parts of the country.
- b) Imposed a tax on land that remains un farmed for five consecutive years without valid reasons.
- c) Make it obligatory for land holders to take soil conservation measures to preserve land fertilities and proper vegetation cover.
- d) Expand forest land acrage fom the current 3% to 20% in order to arrest ----inaudible and general environmenytal

degradation and to provide habitat for the endangered Sauna nad Flora, provide wood fuel for homes, jobs for citizens and timber for the furniture industry.

- e) To a strong future communal strife over land rights the ownership of land in this country be vested in the State with the provision that the land so owned by the State shall be held on trust by individuals by the central government by local authorities and by farming companies.
- f) Provided adequate compensation is met for the development there on. Government may compulsorily acquire land if it is needed for beneficial project or for re-allocation to a private project which has social-economic benefit to the people.
- g) That Kenyans have the right to live and own land and other propertiesany where within the republic of Kenya.

The next is our views on the management of human and other natural resources. On this our comitttee have the following reccomendatins. That in view of existing mul-practices in the development, employment, management of human resources

Com. Ahamed: Bwana Jailu we appreciate the fact that you are reading and that you will not get far given the time limits you are getting.

Mr Jailu: I'll escape some of it. The ole of parliament in policing and watching over the resources of the country be expanded so that there is greater control of the way resources are used. In this country there be ana establishment of the Ombudsman to look intoi someof these public malfrucsses that may not be handled through the normal law processes. That the public Service Commission be empowered to develop and enforce social code of ethics among which should be a recommendation that leaders and workers in the Public Service declare their wealth regularly possibly annually in order for the law enforcement to keep track of their growth of wealth. That this country should have a preamble to its constitution and the preamble should include the following ideas. It should talk about protecting the human rights and enlightening people on the history on the histry as a common experience. There were also ways of cultural diversity, our common destiny and our result to fight the evils of tribalism, corruption and build a democratic society. Wet therefore that the preamble should hae something like this, having experence and shared the indignitives of colonial subrogation and being desirous to read our land of desiesty, ethnic jingoism, greed and corruption. And to build a just and peacefull prosperous society within our borders. We the diverse peolle of Kenya unite in this purpose do establish a national constituton of Kenya. I'm sorry I have to end there. This was a firy detailed

memandum and ihad to run over it without paying special attention to the details.

Com. Ahamed: A special bonus to the chair of CCC we give you a couple of minutes but may be you can use them to touch on many point as possible. But we are sure we will be reading the full memorandum later on kwa makini sana. lakini we give you another two minutes. Highlight just the main points without the details. You have only covered three points land, natural resources, code of ethics and the preamble. Give us two or three other different points.

Mr Jailu: On the issue of the principles of State policy we have the following ideas. We believe that this country should be a democratic society ruled by the people themselves and the law and practice should be the rule of law. That the citizens are equal before the law and should get equal treatment before the law. This is a plural society founded on the valyues of cooperation, modaration, tolaration and sharing of resources and that there should be just compensation of rights and privileges of citizens. That

Com. Ahamed: You don't have another different point. Principles of state policy.

Mr Jailu: On Electoral process we have this to say to establish a rhythm in the country's political process election dates for civic, parliamentary and presidential offices be specified in the constitution. that to ensure political stability and sense of continuity for future civic, parliamentary and presidential election it should be held at different times.

Com. Ahamed: Just one last one.

Mr Jailu: That the constitution provides for reservation of space office for specific interests groups which include professionals and people with special ability.

Com. Ahamed: Thank you very much. Samahani tumekusukuma mbeloe sana lakini we appreciate your contribution to the views abnd you know what needs to be done. Now please hand in your formerly but may be a question or two.

Com. Adagala: Thank you very much. Some very detailed ideas. There are many parts in Kenya especially the ones which you are saying are open and without people living there. Those people are saying that God gave each people their own land and they don't want people encroaching their land and they want the Ktiba to say so that everybody belongs in their ancestral land. So I don't know how it would be when you say that Kenyans can live anywhere and yet those places which do have land, the people there say their land is not idle. They have a different lifestyle. That's one. Two I wonder in your memorandum if you have anything on devolution of power.

Mr Jailu: Yes we have quite a lot on devolution of power commissioners. We have suggested that local authorities play a very

important role and therefore should be given more powers to manage their local resources and that these local authorities should share the national tax revenue to the tune of 15% of the revenue being a give --- back to the local authorities. About 15% of the national tax revenue.

Com. Adagala: Inaudible

Mr Jailu: Yeah of the national revenue in addition to their own revenue collected in their areas.

Com. Asiyu: Inaudible

Mr Jailu: There will be richer local authorities which will therefore have greater revenue sources than the poorer ones

Com. Asiyu: Inaudible

Mr Jailu: We are talking about devolution in the sense that while local authorities manage their own local resources in addition to that they will enjoy 15% of the national revenue so that they can do their jobs.

Com. Ahamed: In other words they keep everything they collect locally? They keep a hundred percent?

Mr Jailu: Yes.

Com. Ahamed: And still get this 15% from the government.

Mr Jailu: Exactly.

Com. Adagala: Why should they get anything from there if they are keeping everything?

Mr Jailu: The reason is local authorities don't have very strong revenue base and therefore they would be worse off than those that have endowed with greater resources locally.

Com. Adagala: You have divided the country into high potential, middle potential and low potential. There are people who are so called I don't know which areas are low potential. But the ones who are usually stereotyped as low potential they are saying they have been deliberately under developed. And therefore if they are the infrastructure. For instance North Eastern has three kilometers of tarmac on a road which is a thousand miles. There is nothing else which has ever happened in North Eastern except security. They are saying they have a lot of resources but they have not been developed. Therefore they cannot be classed as low potential. They say they can be as rich as Botswana if there was development. Because Botswana is the same kind of . so it is very difficult to know which is high potential and which is low potential because those who have been favoured with development with infrastructure are the ones who are developed.

Mr Jailu: I believe that this term has been used for quite a long time in this country. And we took it to mean the areas with

better rainfall and richer soils and so forth. But I do appreciate that with development other areas can also be agriculturally

Com. Adagala: Because those low potential areas are saying without rainfall let's have the waters of the rivers and waters of the lake to irrigate our land and it will reproduce. I think even commissioner Asiyo talked about it. We are trying to change the perception of Kenya and the card of classification which are very colonial by the way. Kericho is only rich because Mzungu put tea there. So we need to change around a little bit.

Mr Jailu: Thank you.

Com. Ahamed: Thank you very much bwana chairman kwa maoni yako. Jackson Emoja Asamba. Karibu.

Jackson Emoja Asamba: Haloow kwa commissioners wote kablz sijaendelea ningeweza kuwapa pole sana kwa kupoteza mmoja wenu ambaye alikuwa ni the late Dr Oki Ooko Ombaka.

Com. ahamed: Asante sana. tafadhali Bwana Aasamba taja jina lako kwenye mic for recording puposes.

Mr Asamba: Mimi naitwa Jackson Emoja Asamba natoka Nyadua. Ningelipendelea sana kuongea kuhusu elimu.

Com. Asiyo: Excuse me songesha microphone chini ili si pa pa pa. Juu kidogo.

Mr Asamba: Elimu ya Kenya ningependelea angalau tuendeleo na shule ya msingi yafanywa yakawa minane halafu sekondari waende form four wakimaliza mtihani waende tena wafanye form six ndiyo kutoka hapo mtu aweze kuenda university. University anaweza kuchukua miaka mitatu, minne na mitano.

Com. Ahamed: University miaka mingapi?

Mr Asamba: Wanaweza wakachukua ile degree ya kwanza miaka mitatu ama kama ni engine miaka mine. Dakatari aende miaka mitano.

Com. Ahamed: Haya endelea.

Mr Asamba: Tukiendelea kuna hii inaitwa child labour. Nadhani Katiba irekebishwe kuhusu wale watu ambao wanajiri watoto ambao wako chini ya miaka kumi na nane waweze kuadhibiwa. Unakuta mtu anakuja huku risaf anakuchukulia mtoto wako au mtoto wa dadako anamwonyesha ee ni wewe ni relative yake. Kwa hivyo anaweza enda naye Nairobi aanze kumfanyia kazi ya umaid. Maid naye ni child labour kwa njia ingine ambayo haidhibitishwi huku. Ambapo pia mtoto ambaye hajafika miaka kumi na nane asifanye kazi kabisa na yoyote ambaye ako na mtoto wa miaka kumi na nane ambaye haendi shule pia aweze kuchukuliwa hatua.

Com. Adagala: Punguza maelezo. Toa mapendekezo

Mr Asamba: tunaonelea vijana wetu wanakaa idle. Kwa hivyo kungeliwekwa ile ministry of sports. Halafu at least kila district ijengewe stadium kusudi wale ambao wanaelewa michezo waweze kufanya. Na kwa kila District ama area fulani iwekwe social services halls. Kusudi wale ambao wana talent fulani wanaweza kuenda pale wakafanya.

Halafu unapata tena kule kwa natural resources ambazo zinatakikana zigawa equally kwa kila mkoa iweze kupata kinachotakikana. Nadhani sina mengi ya kusema. Mengi yashasemwa ni hayo tu.

Com. Ahamed: Asante sana bwana Jackson Asamba

Com. Adagala: Nafikiri hiyo mwishoninational resources not natural resources.

Mr Asamba: There's national and natural. Tuseme natural resources. Ukija kwa natural resources unkuta kwamba huku western hapa Maragoli Forest tulikuwa na miti mingi sana. lakini kulikuja mtu mara moja tu hapa zikakatwa zote. Na zikaenda. Aliyefaidika si yule Maragoli wa hapa aliyezipanda. Aliyefaidika ni yule aliyetoka kule kwao akaja hapa. Akaturuta malipo akarudi nayo.

Com. Ahamed: Kama vile national parks pia wild life. Wenyeji wa pale hawapati kufaidika pia?

Com. Adagala: You know he said natural resources should be shared equally. They cannot be shared equally. What can be shared equally is national resources. Natural resources should be like what you are explaining fir the locals. And to be protected by the locas. You see that. and decision making by the locals so that natural. Si unalalamika mtu kutoka mbali alichukua

Mr Asamba: Bi Adagala nitaongea kidogo. Unajua kuna ile ambayo inatuhusu hapa Maragolini amabyo intaka tuiangalie kwanza hapo Maragolini. Halafu kutoka juu pia serikali ikiwa Maragoli wanang'ang'ana sana kufanya hivi wa fanyeni ya ziada.

Com. Ahamed: Kwa hivyo both national na natural. Asante sana Bwana Asamba kwa maoni yako. Margret Wambacho. Margret uko? Karibu. It is nice to get views from a lady after a long line of men coming forward. So welcome.

Com. Adagala: Kamati mshugulike mlete hapa wanawake leo.

Wambacho: Margret Good afternoon. My names are Margrate Wambacho and I;m presenting the Socio-Development Assistance in Sabatia Division. They have these recommendations. They say equality to all citizens. They want promotion of gende sensitivity and non-violence society.

Under Executive powers they say everybody has a right to enjoy the rights in Kenya and all people are equal. And in the Executive they say they want devolution of power.

Com. Adagala: Excuse me. Are you one of them?

Margret: I'm one of them.

Com. Adagala: Then say we no they.

Margret: Ok. I'm very sorry. Thank you for that correction. We want a free and fair election.

Com. Ahamaed: Sorry Margrate. Devolution of power was not very clear. What exactly did you want to say?

Margrate: Under devolution of power you see the three arms are just together. So in this case if we have the Executive it should deal with Executive matters. Legislature to deal with Legislature matters

Com. Ahamed: You mean separation of powers.

Margret: Separation of powers. And when they have separation they should reach up to the grass root level. We need continual civic education to make people have informed choices because many are illiterate and don't have information.

Under citizenship we need citizenship for a child born of any Kenyan parent to be automatic. We also wish to have dual citizenship due to a mixed marriage and Kenyan women to confer citizenship to foreign husbands. We need passports to be issued as a right.

Freedom and security. We need freedom of movement where passport is a right. We need the screening of refugees because when they come in they bring an in flow of ammunition. So if we have refugees they should be concentrated in refuge camps.

Political parties. We need access to media to all parties and we need a democratic multi partism to be put in place especially in the constitution. we need the funding of political parties to be from the national budget.

Judiciary: we need establishment of a Supreme court and a judge and this Supreme court be the highest court on the land. We need appointment of judges made by the parliament and it should be gender sensitive. Legal aid should be a right to persons who aer unable to afford services of a lawyer. Khadhis court be able to handle both criminal and civil cases. Under electoral system process party should save 35% women candidate. Reserve 35% seats in parliament fot women and vulnerable groups.

Voter education be continual exercise to eradicate illiteracy. Electoral police to prosecute election offenders.

Under cultural and economical rights we need fair treatment to all citizens. Anybody infecting someone with HIV AIDS be construed to abuse to right to life. We want to be able to own and use property. We need the constitution to establish gender commission to protect rights of vulnerable groups. we need to enact laws to outlaw FGM, widow inheritance and early marriage.

Then land and property, women should inherit land and other properties. We need a constitutional office called Ombudsman to check abuse of power. Ombudsman be selected by parliament from qualified persons.

Children's right. We need free and compulsory education for children and office of children of this much should be established.

Lastly under governance we need 35% presentation in parliament and government sectors for women and 35% for vulnerable groups which include the disabled, youths, minorities and orphans. We need to empower cassar to investigate and prosecute corruption cases in court.

Attorney General to act as a general financial watchdog. And lastly under Legislature affirmative action of 35% seats be reserved for women and MP be a full time job and any MP should have a minimum grade of B- and above. Lastly we should have one man one job. Thank you

Com. Adagala: And the women

Margrate: That is for all. In summary I say one job for one person.

Com. Ahamed: One or two questions for you Margrate. Please hold on.

Com. Adagala: you know Margrate thank you very much for your views and thank you for the way you have presented them.

I hope everybody else will do the same. 35% is not the figure for affirmative action. It is 1/3 which is 33%. Please if you are talking about affirmative action say 1/3 it is easier.. I think I'm right Asiyo. 35% I don't know what it will be. You can ask for 50%. In fact you should ask for 50%. It is the government which is obligating to put 33%. You can ask for 50% which is the proportion for the society.isn't it?

Margrate: Yes

Com. Adagala: Then these refugee camps are very controversial. The people in the North are saying nobody asked us to put

refugee camps in Kakuma and Hadab. I've been there to Kakuma and Hadab. They don't want them. They are ruining their environment and they are saying since we have taken care of these refugees let the other people in Kenya take care of them if the government wants them. So there is more to refugee camps than just keeping refugees there. Lastly, I think we have corrected that, the 35%. You can ask for 50%. You are not the government.

Margrate: Thank you very much. We will.

Com. Ahamed: Thank you Margrate. Harrison Mudaki. Yuko? Hayuko? Hopefully he will not turn up as we are leaving and ask to be given a chance. Jane Ominde. Karibu.

Jane Ominde: Tume ya marekebisho ya Katiba yetu ya Kenya kawa majina mimi ni Jane Ominde nikiwakilishi wa biashara Chavakali Sabatia division. Sitaongea kwa urefu sana kwa sababu wenzangu wameongea mengi kuhusu haya. Lakini yale machahce ambayo ningependekeza ni kwamba tungependa tukimchagua Mbunge wetu awe na ofisi hapa ili sisi kama wafanyi biashara ikiwa na tatizo lolote tuweze kumfikia. Kama anaweza kuzitatua atusaidie.

Na pia madiwani. Kama madiwani wanaweza kuwa na ofisi karibu kwa sababu tunapowachagua wakati mwingine tunawachagua halafu wakishaingia ofisini wanatusahau sisi kama raia ambayo tuliwatuma kwa hiyo kazi wakati mwingine kama sisi wafanyi biashara tumekuwa na tatizo sana kuhusu licence. Tumewekewa kiwango ya juu na tukitafuta diwani yetu ambaye tulimchagua atusaidie hapatikani. Tunapompata anakuwa kama yeye ndiyo msaliti wetu. Kwa hivyo tungependa kama ingewezekana wawe na ofisi karibu ili wakitusaidia kama ni kuttetea matatizo ambazo tukonazo. Mengi ambayo tumeandika kam, a wafanyi biashara tumekwisha kuandika sioni sababu ya kuyasoma yako kwa memorandum yangu. Ni hayo tu.

Com. Adagala: Jane ni vizuri kuuongea mambo lakini kuongea mambo hewani ni vigumu. Heri tuzungumze yale iko on the ground. Mbunge wa sehemu hii alijenga ofisi Sabatia. Watu wakatoka wakawambia kwa nini unataka kuwa Sabatia. Alijenga yeye mwenyewe. Wakaibadilisha ikawa post office. Kwa sababu walimwambia ukitoa ukipeleka kule uvami vuratura hango. Watu wa kule. Kweli au urongo? Alijenga. Hiyo post office alijenga iwqe office. Halafu na sasa ni ya KANU na post office. Halafu akajenga ingine karibu na nyumbani yake na iko hapo. Kile unafaa useme tunataka Wabunge wengine wawe na office kama Mbunge wetu. Unasikia.

Jane: Kwa upande huo kidogo naguzia wafanyi biashara kwa sababu wakati mwingine tukitaka tumpate inapatikana

kwamba hayuko. Inakuwa kwamba you must book. Sasa inakuwa vigumu kumfikia.

Com. Adagala: Ile ungeongeza kwa sababu office iko ungesema awe na office kwa kila location. Na awe na siku ankuja kwa location. Hata hiyo mapendekezo imekuweco. Ili awe karibu na nyinyi. Lakini office yoyote una book.

Margate: Tungependa mayor achaguliwe na wananchi wenyewe na asichaguliwe na asichaguliwe na madiwani kwa sababu anatumia sisi. Tunataka tumjue na wakati wowote **tukiwa na matatizo tumwona na yeye kutatua matatizo yetu.**

Nafikiri ni hayo tu asanteni.

Com. Ahamed: -----leo anakwenda mbio hapa na pale. Sasa anahamu ya kutoa maoni yake nafikiri. Au ungengejea kidogo? Haya. Anaendelea kutusaidia. Tutamshukuru sana. lakini mwenzake nafikiri tayari hazinwa ready to give his views. Hawa ni members ya committee yetu ya Katiba katika eneo hili. Kwa hivyo wao pia wako na maoni ya kutoa. Sikuwahamisisha wengine kutoa maoni lakini wao pia watoe maoni yao. Tuzingatie wakati. Tukiwaita pia tunaona ya kwamba kuna pages and pages of people. so please everyone to stick to the time ili kila mmoja aliyejandikisha apate nafasi.

Asingwa Makibasi: Sorry for taking a lot of your time. I'll be brief. My names are Asingwa Makibasi Azinamu. My first point is that we trust CKRC to give Kenyans a good constitution. Point number two, qualities of a good constitution or the new constitution. It must have the following qualities.

One written in a large language.

Two it should reach a large diversity of Kenyans

Three it should be translated possibly in Kiswahili and other local languages

Four it should enjoy the supremacy and the respect of all.

Number three the preamble. I've suggested that the preamble should capture the philosophy and the spirit of the national anthem. An additional point I'll add to the spirit and philosophy of national anthem would be it should empower the people of Kenya. I

Will not discuss the way I've written but it is as in my submission.

Number four political parties. We should not limit the number of political parties because we sound to be stiffening democracy.

But we should regulate them through the following conditions:

1. It should have a national executive outlook
2. For a political party to attract funding from the excica it should have at least 10 members of the party in parliament.

I've also suggested on political parties that we should have a special registrar of political parties and delink it from the current situation where we have the registrar of societies. parliament should be at a full time occupation but we should bare in mind that these parliamentarians are electorate. So I've given them four days full time session in parliament that is from nine to five . the last day which is the fifth day they should attend to party matters or ministerial duties. Then weekends I've suggested that they should concentrate on the electorate. I've also said on nominated members that it is unfair for an elected member of parliament to miss a ministerial duty or a ministerial job and instead the job be given to a nominated member of parliament. What I'm suggesting is that we should give priority to people who have battled in ministerial appointments and if you want to reserve some seats then probably we will be suggesting that we have another chamber of parliament where we have categories or we can cater for special interest. There would be a senate. I'm not ---(inaudible) that one but if that be the case then we shall go that direction.

On Provincial Administration I have suggested that they should be un elective. This is because if we were to elect them they would serve with impartiality and we will be grouping them together with politicians.

On corruption the discrete has suggested that the vice though bad as it is is caused by discrepancies in salary scales. For example if a junior clerk in the ministry earns five thousand and probably the senior most personnel in the ministry earns half a million. And it is this junior clerk who does most of the donkeys work. So it would mean that for this junior clerk to compare. Then the junior clerk may be tempted to subsidise his or her income through an -----(inaudible)

Com. Adagala: Proposal please.

Mr Makibasi: So the proposal be we try to minimize this salary discrepancies. Minimum amount to be paid especially for civil servants shoule be five thousand and maximum the chief executive in the particular office should be half a million.

Com. Adagala: 50 years from now it should be five thousand and half a million. What mechanism should we use to make sure there is no that disparity? What we want isn a mechanism that will last and last.

Mr Makibasi: Reviewed after every 10 years. The penalty for victims who involve in corruption should be to surrender the

corrupted whatever it would be and then serve a jail sentence of minimum seven years to life sentence. The relationship between an MP, the President and the Civic leaders to the electorate. I'm suggesting that they should co exist and work closely with the electorate. In this form they should organize brainstorming questions on issues, record the issues and submit it to the elected member. Whether it is the President or Civic leader or MP so that they act. They should act on the recommendations then offer solutions. For the president I have suggested that he should conduct these brainstorming sessions evry six months ot twice a year at the district level. For an MP every three months at locational level and the civic leader once a month at the locational level still. Through this brainstorming sessions we should be able to dertermine the ability of our leaders to artticulate and solve issues. Through this

Com. Ahamed: Bwana Makibasi you may have to wind up now. You have a memorandum right.

Mr Makibasi: Yes. through this then we may exercise the power of recall.

Com. Ahamed: Recalling MPs

Mr Makibasi: Recallint either an MP, President or Civic leader depending on the way I've **outlined it**.

Com. Adagala: How long should the President on the brainstorming? What is the period?

Mr Makibasi: Six months

Com. Adagala: Ok. Who should review it. It comes down to the same question I asked you. Who should review salaries after every 10 years. The mechanism. Someone should. And you can't say parliament you already see what did to their salaries.

Mr Makibasi: Parliament should review the salry scale for the parliamentarians.

Com. Ahamed: Really parliamentarians cannot review their own salary scale. That's what they have done now. You cannot review your own salary unless it is your own company.

Mr Makibasi: I was going to read.

Mr Ahamed: Don't read. Tell us.

Mr Makibasi: Even though of let parliamentarians have been awarding themselves heavy benefits against the non-performance.

Com. Ahamed: Tell us who should regulate the salaries for everyone.

Mr Makibasi: Are ferendum after every ten years. Points to discuss on devolution of power but I think I'll avail myself to-----naudible.

Com. Ahamed: Thank you very much Bwana Azinam. I'm sorry we really have to press on time. We are concerned that there is such number of people of registered who are getting their views and the last thing we want is to go away before everyone registered had a chance. The only way we can do it is to press people to give us their views within the time allocated. Sasa twamwita bwana Hesbon Munavu Kevogo. Yuko. Hesbon. Hayuko? You are the gentleman helping to register. You want to give your views. Karibu sana. but please you heard us talking about time limit. Give views within that time limit. Five minutes.

Hesbon Munavu: My name is Hesbon Munavu from Sabatia. I just wanted to present my views. Nationally we have to share our resources equally both natural and artificial. Children department should be cooperated in the office of the president and thereafter be extended up to location. Maragoli culture should be incorporated in law. I think that;s all.

Com. Ahamed: Thank you very much Bwana Hesbon. You are very short and very much to the point and we appreciate that. I hope everyone else follows the same procedure and then wwe will finish. That I can assure you. Next Wycliff Mudenyo. Yuko? Hayuko? Amekwenda chakula sasa wengine wanakimbilia. George Madegwa Chavakali Youth Group. In fact Hesbon comes from the same group I believe. George pia ameondoka? Ok. Councilor Washington Amendi. Karibu.

Com. Adagala: Ukiuliza---**kiluhia dialect.** Haitakuweko tena hii siku.

Councillor Washington Amendi: My names are councillor Washington Amendi area concillor. Nafikiri nitaongea kidogo ingawa mwenzangu kama mayor alikuwa ameongea na area chief. Nafikiri nitarudia kidogo tu kwa devolution of power of local authority. Whereby local authority tupewe uwezo zaidi kwa maana mambo madogo madogo we have to consult Nairobi. Things like fire and hire. Those are very minor things we can do on our own. So tukipewa uwezo wecan do many things on our own.

Com. Ahamed: Next point.

Councilor Amendi: Next point is powers za president ni nyingi sana. ziwe trimmed. The other one is MPs and councilors to serve just as president for at least ten years duration.

Com. Ahamed: When you say at least it means they can serve many more years.

Councillor Washington: No ten years.

Com. Ahamed: So at most

Councillor Washington: At most ten years. So both President, MPs and councilors.

Com. Ahamed: If they are re elected. It is not a guarantee

Councillor Washington: Sawasawa. The other issue is Busaa to be legalized if we are to get rid of chang'aa.

Com. Ahamed: It is either or.

Councillor Washington: Yes.

Com. Ahamed: If you want to get this chang'aa bring in Busaa. But it sounds poetic to me.

Com. Adagala: Where should it be served councillor?

Councillor Washington: In clubs.

Com. Adagala: Where?

Councillor Washington: Licensed and in clubs?

Councillor Washington: Exactly

Com. Adagala: Not in the village

Councillor Washington: I think for now that is all.

Com. Ahamed: Thank you very much councillor.

Com. Adagala: You are not going to get away with it. We want more on local authority. We have hardly got anything on local authority. People are aware that they live in county because it seems as if nobody knows anything about what a local authority is including councilors. Yesterday we had three or four councilors present. Hakuna ktu walisema local authority. Please give us more talks on local authority.

Councillor Washington: What I'm trying to say is that once we have been given powers to decide on our own is that we can decide on which projects to take on. Say infrastructure such as roads, wealth and as I said the issue of firing and hiring. The other issue is---

Generally we have powers we can do many things on our own.

Com. Adagala: We need to know what are those are. You are saying to do our things. You have given us three.

Councillor Washington: Yes.

Com. Adagala: Is that all you want? You know nobody else is going to say it except you. You have not thought it out. Let me ask what are the natural resources of this area? do you want to be in charge of the natural resources?

Councillor Washington: Yeah sure.

Com. Adagala: What are your natural resources?

Councillor Washington: Like the Maragoli forest if we can maintain it. We have Tiriki forest. I think that is all.

Com. Adagala: We need for some consultation. We need to leave here with a list of natural resources. There are young boys who are naked in rivers there. What are they doing? Drinking the water.

Councillor Washington: No they are bathing.

Com. Adagala: They are bathing? Give us a list of the natural resources at the end of it all.

Com. Ahamed: Solomon Nyaligu

Solomon K. Nyaligu: Commissioners my names are Solomon K. Nyaligu. I have got two views to present to you and they are as follows. Education and land. In this country we have squatters living in different places and you find there are some people who have got land where as the others don't have even half an acre. So I propose that those fellows who have some land to give to those who don't have. Of course we know there are some lands issued by boards and some which were given by the government. I'm appelaing to you that those who do not have land should have some two acres to cater for those who are living in different places. That's number one. Number two I would like the new constitution to go back to the former education. Free education should be in this country from primary school to secondary level. After that we just have form five and form six back to where they were because you find when a child finish secondary schools he goes to university. He or she cannot even express themselves and it is due to lack of that. Thanks.

Com. Ahamed: Have you finished Bwana Nyaligu?

Bwana Nyaligu: I have some more but

Com. Ahamed: Please look at you are addressing us.

Bwana Nyaligu: I have some more but it looks as if the time is short-----inaudible. But if you want me to continue I'll do.

Com. Ahamed: No what we will do we don't have much time to continue but we have a lot of time for you in terms of receiving memorandum as long as you want them to be for us to read later on.

Com. Adagala: All right. Let me ask you. Aye you a teacher?

Bwana Nyaligu: No I'm not a teacher.

Com. Adagala: you are not a teacher

Bwana Nyaligu: I'm with the civil servants.

Com. Adagala: You know we keep blaming the system of education and we keep romanticizing the past. What we need to think about is what is wrong. Is it 8 years and 4 years and 4 years or is there something fundamental in the system? It can't just be the years. When you bring from five and six that's okay. But that's beyond where we are now. But for me actually I find some very good qualities in the students who come to the university from the 8-4-4 system. There are some good qualities and some weaknesses. There were some good qualities with the other one and some weaknesses. So I think probably we have to find out what is it that we want to correct. Probably the thing that is missing in 8-4-4 system is IT, information technology. Computers from nursery to university.

Com. Ahamed: Thank you very much bwana Solomon Nyaligu. Domnick Mbaluka. Domnic is not here. He is gone. Evans Njambi. Unataka kusema? Umekuja kuluiza tu. Ok. Elphas Lavuna. Unataka kuutoa maoni Elphas? Karibu.

Elphas Lavuna: Majina yangu ni Elphas Lavuna kutoka Sonovo sub-location. Ninaye maneno mawili amaye nataka niguzie siku ya leo. Ya kwanza sisi kama wasiojiweza tuna pendekezo hivi

Com. Ahamed: Jaribu kuweka mic karibu na mdomo lakiini si karibu sana. karibu kidogo zaidi. Hiyo ni mbali sana.

Elphas Lavuna: Sisi wasiojiweza tumepata ujuzi ya kufanya kazi na tumepata ujuzi ule wa kufanya kazi ambayo hatuna njia ya kuanzisha kazi ile ili tupate matumizi ya nyumbani. Kwa hivyo ningependa ikiwa Tume inaweza kusaidia tupateko kitu kama loan ili tuendelee na kazi yetu itakuwa mzuri.

Neno la pili ni hili, sisi wasiojiweza wakati wa kura tunapiga kura kuchagua wakubwa wetu kama MP na madiwani. Sasa sisi wasiojiweza tunasahaulika sana. hakuna wakati ambao mheshimiwa -----(inaudible) anasema anataka kuona wasiojiweza. Sijawai kusikia tangu nizaliwe. Kweli naomba Tume ikiwezekana hii maneno yetu yafikiliwe kwa wale ambao nimeguzia. Kwa hayo machahce Mungu awasaidie.

Com. Ahamed: Ngoja kidogo.

Com. Adagala: Unajua tumepata kitu kizuri sana hapa Sabatia. Tumepata sio watu ambao hawajiwezi lakini watu ambao wana uwezo maalum. Tumeshukuru Sabatia kwa sababu ametuopa hii term Special Ability. Wewe una special ability ambazo mimi sina. Sisi tunakuita disabled and disability. You are special skills. Unaweza kuchukua hiyo? Umepokea?

Elphas: Ndiyo

Com. Adagala: Una uwezo maalum ambayo sisi hatuna. Ya pili ni pia ukisema unaenda kwa kura kuchagua wakubwa wetu, hawa si watu wakubwa. Hawa ni servants of the people. wanafaa wajue wao ni servants lakni wamejiweka wakubwa. Pia nataka kukujulisha tutakuwa na chapter kamili kwa watu wa uwezo maalum kwa Katiba. Na kwa nchi mko 10% of the population. Sasa inafaa kila mahali waajiriwe au kila mahali 10% ok.

Elphas: Sawa

Com. Ahamed: Asante sana kwa maoni yako Elphas Lavuna. Sasa namwita Joshua Chavasulitu karibu.

Joshua Chavasulitu: Commissioners wa Review jina langu ni Joshua Chavasulitu. Mimi ni mkaaji wa hapa ---inaudible sub-location. Jambo langu la kwanza ni hivi. mimi ni mtu asiyejiweza na nasema maneno haya. Watu wasiojiweza wanadharauliwa hii Kenya sana. na sisi kabla ifikiriwe kupata uhuru tulishukuru sana tukiona demokrasi. Jambo la kwanza ukiwa na ujuzi ambao unaweza kusaidia ujipatie maisha hauwezi kupatiowa mahali ya kufanyia. Na hiyo inatokana kwa sababu tumedharauliwa. Jambo la pili upande wa education. Tuli---- Kenya ikipata uhuru na kusema kwamba watoto qwa primary school wasomeshwe. Hilo jambao halifanyiki. Inawekwa kwa njia ya indirect way bila pesa. Mtu kama mimi au mwingine huwezi kusomesha yule mtoto.

Com. Ahamed: Joshua tafadhali sema tufanye nini. Katika eneo la elimu tufanye nini kuwasaidia.

Joshua: Tufanyiwe mabadilisho kidogo.

Com. Ahamed: Kama nini?

Joshua: Kama hivi. ukuiwa hapa Maragoli hakuna mtoto anaweza kuenda shule hakuna mtoto anaweza kuenda shule bila pesa.

Com. Ahamed: Sasa tufanye nini? Hana pesa mtu tumsaidie vipi?

Joshua: Sharing cost ifikiriwe.

Com. Ahamed: Cost sharing.

Joshua: Ifikiriwe sana kwa maana watotyoto wanafukuzwa sana.

Com. Ahamed: Endelea

Joshua: Jambo lingine ni hili. Upande wa administration

Com. Ahamed: Administration gani?

Joshua: Kama chifu, sub-chifu wanaweka mtu ambaye hakai na wananchi karibu. Akiaanza kazi yake hunyanyasa wananchi sana kwa sababu hajakaa nao na ajue wananchi wanaendelea namna gani. napendekeza namna hivi. mtu akiwekwa kama sub-chief iwe -----apewena wananchi kura ndiyo achukue hiyo kazi. Namba ya pili hapo sub-chief wengi na machifu hawana adabu. Muwe na transfer kama wafanyi kazi wa serikali wengine.

Com. Ahamed: Sawa endelea

Joshua: Wale wajumbe. Ukitaka kuona mjumbe mtu kama mimi namna hii ni ngumu sana. mimi sijawai kufika kwa mjumbe hata siku moja. Jambo la kufanyanisifike kwake ni hivi. ukitaka kumwona mjumbe mpaka uwe na mtu mwenye mali. Mtajiri sana ndiyo akushike mikono akufikishe kwake.

Com. Ahamed: Unafikiri jambo hilo sasa tuondoe namna gani.

Joshua: Unafikiri jambo hilo sasa tuondoe namna gani? mjumbe ni mtu wa kupigiwa kura na wananchi. Mpaka aweke wananchi wote kwa kitu moja. Mtu yeyote akitaka kumwona amwone sio apite kwa mtu fulani. Hiyo jambo inashinda hata mimi kumwona na nina shida.

Jambo lingine upande wama hospitali tuna shida hata nikiwa na malaria zaidi kuenda mpaka niwe na pesa labda nitafute private doctor.

Com. Adagala: Unapendekeza namna gani?

Joshua: Napendekeza mtu yeyote ahudumiwe

Com. Ahamed: Ahudumiwe namna gani?

Joshua: Akose kuulizwa miaka yako ni ngapi?

Speaker: Na hiyo miaka ndiyo mzuri nduyo wajue vile watakutibu

Joshua: Pengine ukisikia hiyo miaka, ukisema zaidi ya kiasi utafukuzwa uende ukufe juu wewe ni mzee. Hapo tuna shida kidogo. Ukifika kule hospitali tena unaambiwa uende ununue dawa duka fulani.

Com. Ahamed: Ungependelea kitu gani ifanyiwe habari ya dawa?

Joshua: Wananchi tusaidiwe

Com. Ahamed: Vipi?

Joshua: Kwa -----fulani upande wa hospitali

Com Adagala: Mpewe dawa ya bure sio?

Joshua: Ndiyo naman hiyo. Mambo ya tatu upande wa shamba. Wananchi wadogo tuna shida sana mtu akitaka kununua shamba. Mtu tajiri ana nunua shamba hata mia tano au mia nne. Ananunua shamba kubwa na mwenye pesa ndogo ukitaka hilo shamba hutapatiwa.

Com. Ahamed: Sasa ungependekeza kitu gani?

Joshua: Napendekeza hiyo mambo ibadilishwe.

Com. Ahamed: Vipi?

Joshua: Wananchi wanunue chake kidogo anaweza kununua. Nigelikuwa na mingi -----inaudible nimefikia hapo.

Com. Adagala: Umemaliza lakini.

Joshua: Mimi sijamaliza.

Com. Adagala: Twaweza kukuongezea kidogo time lakini punguza maelezo na utoe mapendekezo.

Joshua: Jambo lingine ni hili. Mtoto anasoma anapita mthani. Mtoto wa mtu maskini kama mim I ama mwengine yule. Kuna mabo usemwa kuna misaada fulani ama kuna usaidizi fulani kwa mtoto aliyepitia juu. Hilo jambo watu wadogo hatuoni. Mtu anachukua mtu tajiri

Com. Ahamed: Unapendekeza naman gani?

Joshua: Mapendekezo yangu ni kusema ibadilishwe awe mtu yeyote kusaidiwa ambaye hana uwezo. Na tena mtoto akifika university ilikuwa shida sana kwa Kenya. Mtoto anansomeshwa university na mzazi hana pesa

Com. Ahamed: Ungependa kitu gani bwana Joshua?

Joshua: mapendekezo yangu ni kwamba ile loan tulikuwa tunapewa tupewe. Pendekezo langu ni naman hiyo.

Com. Ahamed: Asante sana. very good. Ngoja kidogo kuna swala kwa mwenzangu hapa.

Com. Adagala: Joshua

Joshua: Sir

Com. Adagala: Kuna hii kitu nataka uelezwe. Kuna itilafu baina matajiri na masikini na wewe umeisema sana. umeisema kwa vitu fulani. Ungependa jamii kwa jumla, society kwa jumla ikae vipi ili hii shida itoke? Kwa jumla si kwa kitu kimoja ungependa vipi kwa jumla.

Joshua: Ningelipenda jamii isanywe na wawe kittu kimoja cha kufanya sio kubagua mtu fulani huyu ni matajiri na huyu ni

masikini. Tena jambo lingine niliwai kusahau wakati jambo limetokea kwa mtaa fulani, ukiita askari huwezi kuwaona hata sub-chief huwezi kumwona. Na kitu kinakuja pombe askari hata kumwambia kuna pombe fulani atawacha hiyo kazi akimbilie pombe. Lakini ukimwambia nina shida fulani hawezi kuja. Hiyo mambo ibadilishwe.

Com. Ahamed: Unataka ibadilishwe nini?

Joshua: Nataka ile shida yoyote mtu ako nayo asaidiwe sio pombe pekee yake ndiyo mtu anakimbilia.

Com. Ahamed: Asante sana Joshua kwa maoni yako. nitakusukuru sana jiandikishe pale. Is there a place Margrate for him to sign. Please help him. sasa tuna watoto wetu ambao walemavu wa aina nyingine hawana uwezo wa kusikia na kusema ama wana uwezo maaluu. Inategemea jinsi ambavyo wataka kuwasifu. Kwa hivyo nigependa tusikize moja wao aje hapa mbele atupe maoni yake. Bwana John utatusaidia kupata jina lake. Umejiandikisha ili tujue. Thank you.

Speaker: She has.

Com. Ahamed: Ok get her name for the record and then say it in the mic for her.

Pamela Shigoli:

Interpreter: Her name is Pamela

Com. Ahamed: Endelea

Interpreter: She has finished

Com. Ahamed: John did you help her to get her name registered?

John: No

Com. Ahamed: How did she get her name registered? Who helped her?

John? She wrote it. She is a teacher.

Com. Ahamed: All right.

Interpreter: She says her parents are poor so deaf school should be free. That is one. Books and pens should be brought to school. The government should help build schools for the deaf. She has finished.

Com. Ahamed: Thank you very much please. Tell her thank you very much. We appreciate your views and your coming. I believe you were also with us yesterday at Chamakanga and I'm sorry we did not get your views. But we are happy to get them today.

But before she goes Pamela. Can she tell us what sort of fees are being charged in schools. but she is paying some fees. Ok.

She does not know. Thank you very much Pamela. I now call Mrs Bukaya Bikira member of the committee. Is she ready to give her views? Madam have you seen her?

Madam: inaudible

Com. Ahamed: She was there. Ok we go to the next person. The next person is Atanas Luyainmduli. Bwana Atenas, sema tena jina lako kwenye mic linaswe

Atenas Linyule Endule: Jina langu ni Atenas Luyayi Endule, kutoka Location. Maneno yangu ya kusema, mingi nishasemwa lakini nitasoma tu yale yako halafu sawasawa nilikuwa nafikiria na wengine wameshaguzwa kwake. Naanza kusema hayo.

- i) Wazee wa Mitaa ni vizuri serikali iwafikirie kuwalipa mshahara.
- ii) Assistant Chiefs and Chiefs ni vizuri kupata transfer kutoka kwa location ama kwa sub location zile waiko, na kuenda pahali pengine kufanya hapo kazi, na wengine tena wanafanya. Kama sawa sawa pamoja kama hao walimu wanapata transfer kutoka kwa shule nakwenda kwa shule ingine, kwa sababu wote ni watu wa serikali.
- iii) Wazee wa Pension ni vizuri wakati serikali inaongeza watu wengine mshahara, na hao wazee wa Pension wale wali retire zamani na hao kupata tena kuongezwa.
- iv) Masomo ya primary na nursery ni vizuri kupata elimu ya bure kwa sababu nursery na primary hushinda hapo watoto wengi ushindiwa hapo.
- v) Wanakenya pahali yeye iko anakaa na wengine kama ni rahia wa hapo, asifikirie yeye ni mgeni pahali hapa akiwa ni Mnandi, Mluo, Mluhya, wakae pamoja siku hiyo, wakae kama wanajua tu waiko nyumbani kwao, kwa sababu pahali yeye alipata shamba, yeye ameshakuwa kwa nyumbani kwake.

Yangu mambo ilikuwa mafupi nafika hapo.

Com. Prof Salim: Asante Mzee Atanas Luyale. Kwa maoni yako umeyatoa wazi wazi point by point na ndivyo ambavyo

tungependelea maoni yatolewe. Twashukuru sana. Tafadhali utajiandikisha pale atakuja mtu kukusaidia uandike jina lako.

Sasa nafikiri ni Miss Bukare Kibira hajafika, akifika tutajua. Gladys Muyenze. Gladys karibu. Umekuja kusikiza. Una hakika, maanake umejiandikisha hapa kwa watakasema. Unataka kusema, una la kusema.

Mama Gladys: Jana nilikuwa nafikiria (inaudible)

Com. Prof Salim: Huna la kuongeza, una hakika. Tungependa kusikiza maoni ya idadi kubwa zaidi ya akina mama, ndiyo twakuhimiza. Takuhamasisha useme.

Translator: Nove niling'ana liwenya ovole, kali undu navoye, ivi onyala kuvolaku. Haya.

Com. Prof. Salim: Ukiwa ni mama, ukiwa ni jirani, ukiwa ni mwananchi, ukiwa ni mfanyi biashara bila shaka una maoni Fulani. Haya karibu Gladys.

Gladys Muyenze: Nina salimu hamjambo. Jina yangu ni Glady Muyenze. Mimi jambo yangu ni kuhusu akina mama nyumbani. Saa zingine tunaishi na mabwana zetu nyumbani huku, na mara nyingi hao wanapenda kuja ku kunywa pombe yao. Wakirudi nyumbani wakuwa wakali sana. Sasa tunashindwa labda ni vibaya wakati tuenda kuolewa kwao au ni namna gani. Wanakuta tumetengeneza chakula saa zingine, tulikuwa na pesa kidogo, tumetengeza hiyo ugali na mboga inakuwa hati ni lazima tungepika kama nyama na hakuwacha pesa za nyama. Sasa saa zingine wamama wanapigwa na tunaona hakuna sababu ya kupigwa. Sasa tunashindwa na hawa watu wakilewa, na pesa nyingi amegaramia kwa ulevi yake uko.

Com. Prof Salim: Gladys, ungependa jambo gani lifanywe kukomesha mambo kama hayo?

Mama Gladys: Mimi naona Wakikuyu wanakunywa kidogo lakini waone hiyo nyama wana-demand wameileta.

Tena tunakuwanga na watoto wengine, yaani mimi ni mfanyi kazi ya Municipal naona watoto wengine wanaranda randa kwa

Chavakali market hii na naona shule imejengwa uko Wasundi ya Chokora. Sasa nashindwa ni watoto gani wanaenda huko na naona wengine wanaranda randa hapa Chavakali chokora. Saa zingine wanatusi tu watu ovyo; sasa ninashindwa hii serikali, si isaidie hawa watoto wanaranda randa hapa chokora, wanaanza kucheza mchezo ingine ya pesa sio mzuri.

Sasa hawa Chokora wana wazazi?

Mama Gladys: Wengine siwezi jua wazazi wao, naona tu wanakaa pale. Wakati nilianza pale kazi niliwakuta pale na ninawaona tu bado wako pale. Na kuna wamama wengine hawa wamerukwa kichwa. Sasa

Com. Prof Salim: Mwenzangu ana swali kukuliza.

Com. Asiyu: Ngoja, usiwaite Chokora hata walisema, wasiitwe Chokora, wao ni binadamu. Hawa watoto walizaliwa, wewe ni mama, unajua walizaliwa. Si hivyo?

Mama Gladys: Eh najua walizaliwa.

Com. Asiyu: Walizaliwa na nani?

Mama Gladys: Na wamama.

Com. Asiyu: Umewahi kuwauliza?

Mama Gladys: Ukimuliza anasema mimi hata sikuona mama yangu, nilitupwa sijui mama alienda mahali pengine. Tena baba anafanya hivo tena. Halafu nina wengine naona tu wako Chavakali hapa.

Com. Asiyu: Serikali imetutuma sisi Tume, eh, kwa wewe utuambiye serikali iwalinde vipi. Hawa watoto nini itafanyika

kwa maisha yao. Umesema kuna mahali wamejenga, sasa zaidi ya hii imejengwa, nini ingine ifanyike. Kwa vile unasema serikali iwasaidie, serikali imetutuma kwa wewe utuambie wasaidiwe vipi.

Mama Gladys: Mimi naona wanafanyia watu kibarua, yaani wanabebea watu mizigo ndiposa wanapata kitu kidogo. Na naona hiyo haitoshi maisha yao ndiyo maana nilisema serikali nayo ikiingilia inaweza saidia zaidi. Lakini rahia wanawasaidia kuwapa shilingi tano, mbili haiwezi tosha maisha yao.

Com. Prof Salim: Ungependa jambo gani lifanywe?

Mama Gladys: Mimi naona hii shule imejengwa Wasundi hii, si wachukuliwe wapelekwe uko?

Com. Prof Salim: Shule gani?

Mama Gladys: Kuna shule ingine imejengwa hapa

Com. Prof Salim: Maalum? Kwa hao.

Mama Gladys: Kwa hao.

Com. Prof Salim: Yaani shule kama hiyo injengwe. Yaani tunataka kufikiria watoto kama hao si hapa tu lakini Kenya nzima, kwa hivyo watoto kama hawa wafikiri wafanywe nini?

Mama Gladys: Wasomeshwe

Com. Prof Salim: Katika shule kama hiyo?

Mama Gladys: Kama hiyo shule ya Wasundi hiyo.

Com. Prof. Salim: Okay, Gladys asante sana kwa maoni yako.

Interjection: Ulisema ya mwisho.

Mama Gladys: Yaani nilikuwa nasema kuna wamama wengine wamerukwa kichwa hivi na chini ni wakike, wamama kama hao wanazaa. Lakini wakiume sioni sana wanazaa. Sasa wengine moja ya hao watoto wanaweza kuwa wa hao wamama.

Com. Prof Salim: Asante Gladys. Kwa kukuhimiza umetoa maoni. Francis Ngaira. Karibu.

Francis Ngaira: The chairman Commissioners, ladies and gentlemen, I am having some views here and they are very few in fact and I want to embark on them.

The first one; the first one is this. Land grabbing in Kenya appears to be so common, and I would suggest that the new Constitution protects Kenyans from such an evil thing. It is somehow disturbing for a father to give his son land which is later grabbed by someone else. So it would be better if the new Constitution can protect us from this evil.

Com. Prof Salim: Don't repeat, you have repeated that same point twice.

Mr Ngaira: The second is this, next one, retirement age; this should be something like 65 years, because a person can work up to 75 years of age.

Com. Prof Salim: So you want retirement to 65 instead of 55. Okay next.

Mr Ngaira: The other one is this, Kenya should fundamentally have a ceremonial type of President. Kenya is

evidently having so many problems because we are having a powerful president.

Com. Prof Salim: There is no need for explanation. I think we got the point. The details, if you are submitting your memorandum, we will read them. Next point.

Mr Ngaira: Once a minister of Finance has read the Budget there is needless for some increment on commodities. Increments should become necessary during the next Budget but not in between. That used to happen during colonial period; we don't see why it can not happen now.

The other one is this, if a public official steals from public coffers, he must be forced to return the money.

The other one is that jobless Kenyans must be assisted financially by the government.

And the last one, amendment to the Constitution should not be necessary. That is all, my name is Francis Ngaira.

Com. Prof Salim: Thank you very much Bw. Francis, labda unge veri, sorry, the very last point you said amendment is not necessary. Don't you think sometimes it may be necessary and in which case what should we do?

Mr Ngaira: Me I do not think they are necessary.

Com. Prof Salim: Well you have every to maintain your views, we won't change the point. Thank you very much.

Com. Asiyu: Excuse me Ngaira. Were the colonial days good, because you said commodities should be like in the Colonial days. Were they good, because some other people are also saying we should go back to education the way it was in the colonial days, the old system. Colonial days were good?

Mr Ngaira: We have got some grounds where it used to be good, but in some others no.

Com. Asiyo: What did you say on employment and jobs.

Mr Ngaira: Employment right now,

Com. Asiyo: No just say what you said.

Mr Ngaira: Yes,

Com. Asiyo: Your proposal, what did you propose on jobs.

Mr Ngaira: We should create more jobs for our children.

Com. Asiyo: It would be good if you sat down, and gave some ideas on how to create jobs, because that is a very positive proposal.

Mr Ngaira: I can do it in, if we look at the colonial days like I said before, a person like a DO or Chief could employ 100 or so many people. I do not think a Chief at the moment can employ even one person. So we are wondering why. So Chiefs and those D.Os and others must be made to employ and that would reduce unemployment here.

Com. Prof. Salim: Thank you very much Mr Ngaira for your views. I think Mrs Bakaye is back to give her views.

Speaker: I can give mine

Com. Prof. Salim: You can give yours,

Speaker: Yea

Com. Prof. Salim: Alright you are welcome.

Margaret Sabwa: My name is Margaret Sabwa, a member of the Sabatia CCC, secretary to the Sabatia 3Cs. I have a memo here prepared in line with the views I got from the women from the Churches, Women Groups and Maendeleo ya Wanawake.

Education of the girl child or women; we recommend that free compulsory and quality education be provided to the girl child up to secondary level.

Continuation of former education programs be made available to mothers both at primary and secondary level.

Adult women literacy be promoted to enable women to learn about their rights and about the government.

Subsidized education be provided for poor bright girls.

Research and document packs on the girls and women education continuously to learn where the shortfalls exists so that improvement can be made.

Violence against Women; any customary laws and practices affecting women which do not conform with human rights and freedom should be outlawed; for example, wife inheritance, female genital mutilation.

Any form of violence and/or abuse of women and children shall be documented as criminal like wife beating and child molesting.

Violence and defilement of minors shall be subject to capital punishment. The following shall be documented as criminal offences:

- i) Rape of minors and the aged

- ii) Incest; even fathers should be prosecuted.
- iii) Physical and mental assault
- iv) Sexual abuse of the civil or social child like the school teachers and step parents
- v) That the state protect women, children and the aged during armed conflicts. Like when children are used as child soldiers during wars.

Poverty and women; the Constitution of Kenya should make provision to cushion the women, children, and youth and the aged and persons with special abilities. This should be achieved through the government assisted agricultural programs and economic systems which should improve food security and family incomes, thus higher nutritional levels for the promotion of poverty alleviation.

Tradition, cultures and practices; any negative and outdated aspects of the Kenyan culture or traditional practices should be discouraged, like I said like FGM and widow inheritance.

Fair child custody should be looked into.

Forced marriages of minors; we recommend no tagging of women of equating women to bride price. It should be applauded.

That there be equal ownership of land as well as moveable and immovable property, regardless of gender.

That the women status in society not be pegged on men, for example a woman cannot get a passport unless her husband signs for it.

The new Kenyan Constitution should be made available to all Kenyan citizen in simplified English, Swahili, vernacular languages and brail. We should also have a pocket constitution readily available to the citizen of this country.

The electoral system and process; we recommend that the Electoral Commission's office shall be delinked from the Executive. That electoral violence be outlawed. The Electoral Commission will be responsible to ensure security during an election process and any offenders should be prosecuted. That the electoral commission will have a third of its representatives being women. The Electoral Commission will have powers to declare MPs' seat vacant when a vote of no confidence has been passed by the electorate.

The Judiciary; that all citizen who cannot afford legal aid should be given free legal aid and especially children, women, the aged and people with special abilities.

That the Judiciary must be continually made independent of the Executive.

That the appointment and tenure of offices of Attorney General, Chief Justice and all judges must be influenced or compromised by the Executive.

Citizenship; that automatic citizenship be granted to all children whose mothers or fathers are Kenyans.

That citizenship be granted to Kenyan spouses both male and female on application after five years of marriage and spouse is proven to be of good conduct.

That Kenyans will be allowed to have dual citizenship.

The Kenyan citizens irrespective of age, shall be entitled to a passport which should be issued without much red tape and promptly on request

- Political parties; that Kenya shall be a multi-party state but the parties must have a national outlook.
- We should have a minimum of two and a maximum of five.

The Legislature; to vie for the office of MP, one must have a minimum of form 4 education and must have a first grade.

The post of a member of parliament should be a full time occupation, not a part time job. Technical appearances in parliament should be banned.

Members of parliament must have offices in their constituencies to be available to the electorate. Any member of parliament

defecting to another party other than the one which sent him to parliament, should not be allowed to seek re-election during that term. There should be a code of conduct for MP which should be a (inaudible) for voters.

A member of parliament who fails his constituency, should be recalled by the electorate, a vote of no confidence passed, and the Electoral Commission declares their seat vacant.

The quorum for the house should be 50% of the sitting members.

The rest is in the memorandum and you will read it.

Com. Prof. Salim: Thank you very much Margaret for those very comprehensive views and very very clear. Sorry you were beaten by the bell. You could not finish but we are sure we will read your memorandum fully.

Com. Prof. Salim: Thank you very much Margaret.

Ms Sambwa: Welcome.

Com. Asiyu: Everywhere we have gone, Turkana, Pokot, Msambweni, where, Maendeleo ya Wanawake has presented. Are here? Because you are saying you are presenting also on their behalf, but the Chair of Maendeleo has presented wherever we have gone.

Ms Sambwa: I am not presenting on their behalf. It is just views gotten from them at their meetings.

Com. Asiyu: Okay. Well, as mobilization, are Maendeleo here? Because you are mobilizing. Maendeleo needs to be here. That is what I was asking about mobilization, otherwise thank you for your views.

Com. Prof. Salim: Thank you once again Margaret. Jamin Lamosi. Jamin Lamosi, karibu. Kwa ajili ya idadi kubwa inazidi kuwa kubwa ya watu ambao wangependa kutoa maoni ningependekeza mimi kwamba kila mtu atakaye kuja hapa mbele atoe mapendekezo tu bila maelezo, au itabidi kupunguza time kupanusi wa time. Haya.

Jamin Lumosi: Jina langu ni Jamin Lumosi, ni mzaliwa wa hapa sub location ya Walutea ...

Translator: My name is Jamin Lamosi, born in Warudea sub location.

Mr Lumosi: Noma ndi, khuvehe no vudinyu luvega lwetu lwe buloroli hino, avana va kana nivatuli muthing’o thiavo, huvatula muvasatsa, mavatha kumenya na vana muthinzo thietu, khukkutwa avana venavo vanyala kusoma ndi.

Translator: Khusomia avana mtula muthinyumba avana vavo.

Mr. Lumosi: Avakana vetu vakhungangwa muthinyumba thiavo, vatsa kumenya hango henyu tu, khu avana venavo vanyala kusoma ndi?

Translator: Our daughters are thrown out of their marriages, they come back home with their children. Our worry is, how do these children go to school?

Com. Adagala: Wenya vasome ndi?

Mr Lumosi: Ling’ana lianyenyangi ku-katiba ya munyi muthi mukukonye.

Com. Adagala: Kutuka ovole kuli wenya

Translator: How do you feel, you are the one who lives in the situation?

Mr Lamosi: Shichila ovuliti obwondio vutula khu vana venava vathsa nuthigari ma vaitha kumenya hango.

Com. Adagala: Wenya ndi?

Mr. Lumosi: Nukhunga, nuvakhunga, hano vuve vulitu.

Com. Adagala: Wenya ndi?

Mr. Lumosi: Nzi nyenya mukhukhonya njira ya wenyanga vana venavo khuli vyala khuva.

Com. Adagala: Khumukonye ndi?

Mr. Lumosi; Avakana venavo vanyala kuva ndi na vana vavo.

Translator: What do we do with our divorced daughters?

Com. Adagala. Lumosi, wenya ki? Ni kukuteva matevo nive okhue majibu

Translator: Wenya serikali ikhonye ndi?

Mr. Lumosi: Nzi thenyanga serikali niva luveo niva iva yumithakhu khalunu ino, mukukonye shichila vana vabehe mumijithimu

avanyiji sana.

ComAdagala: Vola shiwenya okonyi. Mjira ki, vakokonye mjira ki.

Interjection: Margaret what is he saying

Mr. Lumosi. Abana vakana vatula muthingo thiavo,

Itranslator: Kwa khulila kenako.

Mr. Lumosi. Nenyangi mukhukhonye khuli abana vyala kuthia msukulu. Na vivuli vene vavele nivudinyu.

Com. Salim: Magret what is she saying.

Translator: He says he wants you to help them to know how these children will go to school. We are asking him what kind of help do you want?

Com. Prof Salim: Where is the father of the children. What has he done to ask the father to care of them?

Translator Avavusi va vanana vastha hai

Mr Lumosi: Vakhungawa, abakana venenavo avakhungwa vamenya muthingo.

Com. Adagala: Vandu vevula bandu venavo vasatha venevo vavehe hai?

Mr. Lumosi: Vavehe mubulogori muno.

Com. Adagala: Vamelandi kulinda vanavenavo, mima cho Murogari ni kindiki?

Mr Lamosi: Mima juo murogali kwenyangi mukhonyekhu.

Com. Adagala: Emima chuo Mulogori mundu musatha nivule mwana atukana akoleki

Translator: In Maragoli custom what does a man do when he has a child?

Mr. Lumosi; Niva obere nuvulidu munyumba.

Translator: Aaa vola vola wenya ndi, wenya vakokule ndi?

Mr. Lumosi; Nyenyanga Katiba ya mulomba, mtatue vuwezo mwenevyo, shichila khuve no vulitu mumukithsimu.

Translator; Kutatue khule ndi. Wenya vakhukonye vakhole ndi

Com. Prof Salim: Tafadhalini tuwe watilivu kidogo tupate kusikiza hapa tu.

Mr Lamosi: (Inudible)

Interjection: Bwana Lamosi, karibisha mic karibu na mdomo tafadhali.

Translator: He says he wants to know the new constitution can help them so that these children get an education.

Mr Lamosi: Sichila vundinyu vutsa, vevoli vene varula abana

Interjection: Bwana Lamosi,

Lamosi: Yes sir,

Com. Prof. Salim: Wewe ungependekeza jambo gani Constitution iseme kuhusu watoto kama hao.

Mr Lamosi: Nzi nyenyangi niva muyalitsa, serikali ngulie ivere muno, khali serikali yamanya abavana vanyingi vavere muno, avakana vamenya muthingo thietu thino, avasatsa vavo vavakunga.

Translator: The government knows there are a lot of divorced children who have gone back to their Homes

Com. Prof. Salim: Sasa unataka serikali ifanye nini?

Translator: Wenya vakhole ndi?

Mr Lamosi: Olunyasi lwenelo luwenya mukhukhonye, nzi mbele nalwo tahe. Nor abandu benevo, jamii vakhumenyi ninavo vavele no vunyali tave. Avakana vamenyi muno.

Com. Prof. Salim: Thank you very much. Any other thing Margaret he wants to say?

Mr Lamosi: Ling'ana lindi likhumalitha, inzi benausi nikuthira Kakamega, nameku numundu hunyala khundulitsa Kakamenga ilia tave, na mbe nu mulimi nusu heka, nakhulithi ndi, nizi kikutunga recovi lia Kakamega anor Emukumu.

Translator: Him self if I die in hospital like in Kakamega or Mukumu, I have no money, so is my family expected to sell my land to raise money to come and collect my body from the morgue?

Com. Prof. Salim: Bwana Lamosi, una wasiwasi wa jambo hilo. Ungefikiria utasaidiwa vipi, kwa upande wa hospitali.

Translator: Ovule kuli wenyanye Serikali ikhole, mayavo vamanye yaka niko mang'ana kawenyanga.

Mr Lamosi: Nzi nyenya ndi, niva muhethekhu ilaini ya vandu vatetekele avakumenyi mukivala kinu. Avatakha. Muenze kuliga'ana lienelo. Mukukonye shichila.....

Translator: Kuli ndi?

Mr. Lumosi: Muthi kuluvega lwa dakitari thilia ndio, likovi lienelo livule khuvakho tawe.

Translator: The government should look into the plight of the poor people so that if a poor person dies in hospital, the doctors

can write off the bill and the body is taken home.

Mr Lamosi: Asante.

Interjection: Bw. Lamosi

Translator: Ndio wenyanji ovule.

Com. Salim: Ebu Bwana ebu kidogo.

Translator: Linda lindaka hadi

Com. Prof. Salim: Margaret tell him he is looking at the very dark side of things about death that may be before death, comes treatment and recovery. He does not mind paying hospital bills to recover in hospital but to pay for the bills?

Translator: Avola ivi ohenzanga mumang'ana kukhumaliza akalikutsa. Lakini kuli nulwala nuthia musivitari, muhone, wenya kave ndi? Shichila kale ove mundu mutakha, khu nulwala mobole kkuva na mang'ondo kutunga, ohenze kukena kukiri kuhenza kokumwisho?

Mr Lamosi: Nyenyachi nivea nindio, niva nyala khuva nishiri mulamu and dakiri, serikali kandi kuenzele khu mang'ana kenako. Khuvandu vyakhuvehe vatetekhere. Vilia vili mtakitari livole kuvaho tawe.

Translator: He says even in life if he goes to hospital and he does not die, he would like the government to look into that and see if their bills can be written off.

Com. Prof. Salim: In other words he wants free treatment?

Translator: Khu kenyekhane serikali imutibange vuchira kutunga nor?

Mr Lamosi: Nyenyaji Serikali okhukhonyange avandu vathinga mtakitari vatunga vuonzwa.

Translator: Dakitari ole, wa serikali nor wa private.

Mr. Lumosi: Va serikali nende va Private. Vahenze va Private.

Translator: Private ma kanyaliki ta.

Translator: He says people should go to hospital and they do not pay for treatment but I am telling him it is not possible for private practitioners to treat people for free.

Com. Prof Salim: But for government he is suggesting

Translator: That they be given free treatment.

Com. Prof Salim: Thank you very much. Joshua Buhira. Uko? Karibu. Tafadhali utanza na jina lako

Joshua Buhira: Lira linage Joshua Buhira. Ndula Lunza

Translator: My name is Joshua Buhira from Lunza

Joshua Buhira: Ndopakisha mshere hundi mulimi kwaenge, nithi Kitale,

Translator: I rented out my land and went to Kitale

Interjection: Did he mention his name?

Ms. Margaret: You did not get his name?

Com. Prof Salim: I got it but did he say it in the mic?

Margaret: Yea he did.

Joshua Buhira: Yavukula omulimi kweneko yaha omusakulu wewe wathia kuta kurita lire na inzi hatamanya tawe nivere Kitale.

Translator: He rented out his land to an old lady who now passed it over to her husband who has gone and acquired a title deed on the land.

Joshua Buhira: Ndatula Kitale nanza kumteva nanya tumikiri lishamba lia hili.

Translator: Ma navula ndi?

Joshua Buhira: Nabola ahi, lishamba inzi wakunya nivi.

Translator: When he came back the old lady the old lady had possessed his land. When he tried to ask to it she said she bought it.

Mr Buhira: Ndamanya nithakusa, kha kenena ndakakola ndi, ndamala nitete vakaksa hano, niteta khuvatende hano, vatende vyamanya inzi ndakhuha vutsa, kole notumikira mu na inzi ninzia Kitale.

Translator: He says he only rented his land. If he had sold it the neighbors would have known.

Joshua Buhira: Mbeyo butsa

Translator: Wathiakhu avundu tae.

Joshua Buhira: Shindathiakhu abundu tae

Translator: Shiwathia Kuvami tae?

Joshua Buhira: Nithia kuvami vabolela ni kuthi, nakuthi nindolakhu mundu ta.

Translator: He has been to the administration and they keep telling him they will come but they do not come.

Translator: Khuwenyi ndi vakhole ndi avami avo.

Joshua Buhira: Bolangi serekali yangonye

Translator: Ikhukonye ndi

Translator: The Administration is not willing to help him with his case.

Com. Prof Salim: Does he have the original title deed, if it was his land, obviously he must have had a title deed.

Translator: Mulimi kwenuku wali wavukula ititle iwe mwene, oveye nayo?

Mr Buhira: aaa

Translator: Ndavukula vutswa thi number

Translator: He had not gotten the official title deed for the land.

Com. Prof Salim: Where did he get the number from?

Translator: Waturitha hai inumber?

Mr Buhira: Inumber? Lwa land vavitanga

Translator: When the lands people went round, he got the number from the lands department.

Com. Prof. Salim: Anything else?

Translator: Kindi kindi chosi?

Mr Buhira: aaa

Translator: Nothing else.

Com. Prof. Salim: Well we appreciate his views, we also appreciate the problem he is facing, sadly the Commissioners, as it is now has no powers to help, but obviously this is a case where there will be need for intervention by some people to look into the whole thing and see whether they can sort it out between him and the lady who has acquired it. We appreciate that that sort of thing does happen, in between the giving of the number and the acquisition of the actual title deed, unscrupulous people intervened and rushed to get the title deed before somebody like Joshua here can get his own. So we really feel very sorry about that. But hopefully, investigations into this new land rules, the Njonjo Commission will have given some attention to matters like this and justice will prevail eventually. We wish him the best of luck.

Translator: Vavola vahulili mang'ana koko kovoli kosi na vayathi kumanya ndi lwa vandu vakula thinumber, undu mundu anyala khutsa kuvukula ititle yoyo na ive mwene nuchiri kutsa kuvugura. Bandu vaihikala vanaga Njonjo vamoloma khu mang'ana kenaka, khu vabolanga ndi nanga muward balahenza kuvalole mang'ana nikatula fwana wathaonyole mulimi kukwo. Lakini ...kulola vandu. Chief nasua ma ivi onzi wa DO. Othi kuvolera DO mang'na koko. Ololanga? Odikhala ntho hango tahe. Haya . Asante.

Com. Prof. Salim: Asante sana mzee, Mungu akusaidie. Ajenge Luvai. Hayuko. Hannington Muthusi, karibu.

Hannington H Muthusi: Commissioner na vandu vosi mulembe kumunyi.

Translator: Jina langu ni Hannington A.Mujusi

Mr MuJusi: Lita lineage ni Hannington Andahi Mujusi, inze ndulanga Chavakali Village, Walutea Sub-location.

Translator: He is from Chavakali village, Walitea sub-location

Mr Muthusi: Na Ndamoloma khu point nzivaka not thine

Translator: I will discuss three or four points

Mr Muthusi: Yo khutanga ndamoloma khumulema

Translator: In the first instance I will speak like somebody with special abilities.

Mr Muthusi: Avalema khulondekhana Mkenya, mavehemu no vudinyo. No vudinyu bwavo ndevanga serikali niva yakavukila, ilumbe tsisendi kkuvalema vavehe avana.

Translator: People with special abilities in this country have a lot of problems. I would like to request the Kenya government to look into this and try and set some money aside for people with special abilities especially the young.

Mr Muthusi: Shikutanga khu vana vivulangwa valema avanyingi shivathithanga muschool tave, shichila ifisi.

Translator: Most children born with special abilities do not go to school, because there is no school fees for them to go to school.

Mr Muthusi: Niva serikali inyala khu-alocate thisenti kuvo, khu luvega lwe school nende matibabu , bwakavere vulahi.

Translator: If the government can set aside some money for their schooling and their healthcare, they would be very grateful.

Mr Muthusi: Ipoint ya khavili, ivehe, serikali luyapointanga omundu osikirira valema, bwakavere vulahi niva yakhaa-point omulema.

Translator: It would be good if whenever the government chooses somebody to represent people with special abilities to make sure that person too has special abilities.

Mr Muthusi: Kivune nimbola ndio shikira alamanya ovudinyu bwa valema shichila omula isaa yosi yakalwala, isaa yosi yenyanga a lot of care.

Translator: I say so because somebody with special abilities will understand what problems the others go through because they have a lot of health problems.

Mr Muthusi: Khuluvega lwa kavili, ipoint ya kavili. Ndakhavohe khuluvega lwa economy.

Translator: My second point is on the economy

Mr Muthusi: Economy yoneka kkulotekhana khu makosu ka serikali, na ndakatevi serikali irekebishe ilombe imishahara cha vahithiri valala vavee khu super scale inzikhu hasi.

Translator: The economy went back because of the mistakes of the government. I would request the government to reduce some of the salaries of the people who are in the super scale so their salaries come down.

Mr Muthusi: lilondaku, ndakhayathiri, niva khulondakhana nende disability yosi alala nende economy, serikali ilombe ithira ndala ya khukonya abandava vosi na vene valekonya.

Translator: I would like the government to find a way of helping the people with special abilities. If they help them, then the people will be able to help themselves.

Interjection: Hapo ni ya mwisho nafikiri. Asante mmemaliza?

Translator/Speaker: Tumemaliza.

Com. Adagala: Waja ngoteve,

Mr Muthusi: Ndiyo

Com. Adagala: Kutevanga, ovolandi vichithi mishahara, takhuvole olavole vamete mishahara vandu vare ni mishahara midi?

Mr Muthusi: Omushahara kaluno, niva mundu mulala anyala khunyla ntelefu mia moja nor hamisini, nor undi avekhu ni kindu cho kunyola tave, si eyeneyo shiakhuaffector mndu hundi muthuthu? Khu nzi ndolanga nivikhithi, valakuletalamwo employment. Ikazi ilanyoleka yakhuandika hundi mundu ama mushahara kwene kulia hundi hundi akhonyere baana nor vandu vandi vamtekemeyanga.

Translator: I feel that if the super scale salaries were reduced, then the government would have some money to employ the poor people and will create more employment.

Com. Prof Salim: Asante sana Hannington Muthusi kwa maoni yako. Shukran sana. Phili Aluvisia, hayuko. Absalom Omolo Hayuko. James Mbuhila. Yuko. Are you James Mbuhila, karibu.

James Mbuhila: Khu rita nangwa James Lumasi Mbuhila

Translator: My name is James Mbuhila

Mr Mbuhila: Nithikae hano ndi, mimi ninaomba Tume ya Kenya kutha kuvandu kuli kunyi ndi.

Translator: As I sit here I am asking the Commission to come here and help people like us.

Mr Mbuhila: Inzi ndi, nivulwa mumulimi, dada kahe naye yevulwa mumulimi kwenuiku. Ma kunyi kutala kutwa kivune.

Nuteva mundu oevehe mumulimi avola yakula, numbule leta kindu kimanyia wakula, hana ta.

Translator: My father was born on a piece of land. I too was born on a piece of land. Now I am landless. When I ask the person who is on that land, they say they bought it; I don't know how.

Mr Mbuhila: Ndathi kuserikali ikolekhu chavuli, kahli imbele ni nzikaratasi thiandakendelekhu.

Translator: I have tried the administration to help me, they turn a deaf ear. I even have all the papers that I have been going round with

Mr Mbuhila: Khu kuli nzi ndi, nzi mzaliwa wo mulimi, umulimi kunyala kukutiswa ndi vujila nzi kumanya anor vuji avatende nor vamwao dada kumanya.

Translator: Land on which I was born, how does it get out of my hands without the neighbors or the relatives knowing?

Mr Mbuhila: Omundu wahiyamila.....

Translator:(Continued from side A) does not have anything to show that he owns the land, yet he is enjoying the land and I live at the shopping center.

Mr Mbuhila: Khu nyala kumenya ndi mukivala muno ni family yangi nor avana vedu vyanyala kumenya ndi ni family ya yao, nor dada hulia amenya ndi mkivala ni family? Dada na mama vamenya ndi kivala?

Translator: How do I live in this land with my family, my brothers and their families, my father and my mother under such

situation?

Mr Mbuhila: Khu nzi ombi Tume ianze yakukonyakhu kumang'ana kene yako

Translator: I am asking the Commission to try and help me on this issue.

Mr Mbuhila: Ni yako kenylene.

Translator: That is all.

Com. Prof Salim: Asante sana Bwana Mbuhila kwa maoni yako.

Translator: Tanga ulindi.

Com. Prof Salim: Tunafahamu shida yako

Translator: vahulira itaabu yoyo

Com. Prof Salim: Ni kama shida ya mwenzako aliyetangulia

Translator: Nikuli kwakhava wakhatulaoyu

Com. Prof Salim: Na sijui kama jambo hili zinazingatiwa tuseme na Wazee wa Kijiji, ambao wanajua ni nani alikuwa mwenye ardhi hiyo

Translator: Shivanyi niva avamakutu na vandu vosi vamanya ni vamene mulimu tahe,

Com. Prof Salim: Na wametoa ushaidi kwamba wewe na wazazi wako walikkuwako hapo.

Translator: Vakhukhonyakhu vuyahindi mukoti khuvola ndi mulimi kulia ni kwa baba wowo, ama kutu?

Mr Muthusi: Vushaidi,inudible

Translator: Lakini vyama milimi ni kwenu?

Mr Muthusi: Mulimi ni kwetu

Translator: Vavolakhu ndio mkoti?

Mr Muthusi: eee inudible

Translator: Ahavami bavolakwo ndio mukoti

Mr. Muthusi: Khali mwene wahiyama.

Translator: They have gone to court and they have been their witnesses that the land is theirs. The other man has no papers to show that the land is his.

Com. Prof Salim: They have gone to court with witnesses?

Translator: Yes

Com. Prof Salim: And what did the court decide?

Translator: Ikoti ivola ndi

Mr Muthusi: Ikoti yabolera ndi thi kwenda msakhulu kwirani kusherinye.

Translator: Baba wowo

Mr. Muthusi: Maana shiyaliho tawe.

Translator: Umwanzia Mukoti

Mr. Muthusi: Namahenzi kwenda musakhulu nimuleta, umusakhulu yatushe imbeli wa DO nende omundu mwene uvola yakula mulimi yo. Omusakhulu nambolela manyia ikindu kimanyia wakuna nive omulimi yahanakhu tae.

Translator: When he first went to court his father was not around. The court asked him to bring his father. He took his father to the DO,s but the man who lives on the land has no evidence, could not produce evidence that the land is his.

Translator: Ma DO nakholandi

Com. Prof Salim: So what sort of proof did the man who said he had bought it, what proof did he present that he had bought, if, did he have a receipt? And where did he buy it from, and all those details.

Translator: Mundu mwenoyo wabola wakula mulimi ule averekhu na mariciti nor kindu chosi kimanyia wakula yakula mulimi kwene kulia

Mr Muthusi: Avekhu nikmanyia ndi wakula tave.

Translator: He does not have anything to show.

Mr. Muthusi: Kimanyanga ni thishilingi tsavehe ni nanzo, na kunyi ni matakha, khu kunyala kwekonya ndi?

Translator: Because he has money he pays his way out.

Com. Prof Salim: Hili ni jambo ambalo bila shaka lazima lifike kortini tena. Sijui kama baba yake alipata pesa Fulani wakati wowote kutoka kwa huyo mtu ambayo amesema kwamba amenunua, amenunua kwa nani?

Translator: Babayenu anyala kuva niyavukulakhu thisenti kumundu mwenoyo?

Mr Muthusi: Baba yavolera mundu ulia ndi, yavolera DO ndi omundu huyu ndavukula thisenti thali thakukutesa, kaze kwahandikizwanagu na kukuteza ta, nor khali kwahandikizanakhu khukulana ta. Mulimi ndao wenya khumukulanya nala vatende vange vaveo nende vanan vange. Makandi kuli inzi nasoma tawe, khundalinyala khukhukulista ndi mulimi kuchila vandava kwikhalao. Omwamish avatende avamwao vange, khu nzi khali niva ndasoma tawe ulola ndakhukola ndi sienyene.

Translator: The father claims the only money he received from the other man, is money which was given for rental, not to sell the land.

Com. Prof. Salim: Anyway, kama tulimwambia yule mwenzake, kwa hakika hii Commission hatuna wakati wa kuzingatia kila kesi, lakini bila shaka angetumia njia Fulani kuendesha malalamiko yake mpaka kortini, na Mungu amsaidie.

Translator: Avola nyasaye akhukonye vahulili mang'ana koko namalahandika vamanye ndi ngane vandu vavelele ne thishida kuli thienethi. Lakini hivi chokola othithakiri ibeli, othi mukoti. Case ithi mukoti.

Translator: He says I have no money.

Com. Prof Salim: Asante sana.

Translator: olutelele DO

Com. Prof. Salim: Sasa tunamuita Dorca Ibadanga. Yuko. Dorca, hayuko? Someone should be registering our friend here.

Margaret where is that registration (inaudible). Are you Dorca?

Speaker: No

Com. Prof Salim: But I called Dorca

Speaker: But I would wish to present because she is not around.

Com. Prof Salim: How do you know you are the next one.

Interjection: Can you please have discipline.

Com. Prof Salim: There is a queue and no jumping of queues. Councilor Erastus Aradi, Councilor Aradi. Hayuko?

Elias Onyango. Yuko?

Elias Onyango Isibe: Commissioners, ladies and gentlemen, my names are Elias Onyango Isibe. I come from Laduya location, Sabatia Constituency. I have the following to present:

- i) The form of government the Kenyans would like to have; I said Kenya should remain a multi party democratic state with unity of the government.
- ii) The three arms of the government, that is, The Executive, Parliamentary, Judiciary should be independent of each other. The three arms should have equal powers such that one is not stronger than the others, and their powers should be clearly defined and limited in the Constitution.
- iii) Powers and Roles of the Executive; the people I interviewed have a strong feeling in Kenya we need, Head of State, Head Government. The head of government symbolizes the Sovereignty of the nation. He should be above party politics and should not belong to a political party.

- iv) The focus of national unity; head of the government – he should be a politician whose party wins, he will be invited by the Head of State to form the government.
- v) Qualities of Head of State; he must a Kenya citizen, he must have at least a university degree, he must be of sound mind, he must be at least 40 years old and not more than 70 years old.
- vi) Qualities of Head of Government; He must be a Kenyan, he must hold a university degree, he must be at least 35 years of age and not more than 70 years of age.
- vii) The Executive; the people feel the new Constitution must provide for

Interjection: Hold on, hold on, hold on. You are not speaking for the people. You are speaking your views, unless you have been elected to be President of Kenya then you can talk about the people of Kenya.

Mr Isibe: I am talking of the people because I have been a Member of the Sabatia Constituency Committee, so I had an area to cover.

Com. And you are saying Kenya?

Mr Isibe: So I was representing The Gaduyians.

Interjection: (inaudible)

Mr Isibe: No, but you are putting words onto me. I want to say this,

Interjection: (inaudible)

Mr Isibe: You have taken me off the rail. The Executive should be removed from the office by parliament and not Cabinet on the grounds of being incapacitated. The Cabinet should be answerable to the parliament.

viii) Powers of the Parliament; parliament must vet and approve Executive public appointments. Parliament must have powers to support and sensor ministers and other public officers. Parliament must have power to create and dissolve ministries.

Right, to wind up on Local Government, the Constitution must declare the Principle of Devolution of power. The new

Constitution must de link the local government from the Central Government. The Councilors must be elected. All the Councilors must be elected. The funds collected in Local Authority should be used within the Local Authority, prospective Councilors should have a minimum qualification of “O” level certificate or C and above. Mayors and Chairpersons of County Councils should be elected directly by the people. Thank you.

Com. Prof. Salim: Thank you very much for those views, tafadhali register yourself right there. Elam Kigui, yuko. Haya.

Ellam Kigui: Asante sana, kwa jina ni Ellam Kigui. Natoka (inaudible) location,(inaudible) sub-location.

Ningekuwa na mengi sana lakini nyingi wengine wameshaguzia. Mimi ningesema kitu upande wa nurseries, and Headmen.

Mwalimu wa nursery tungependekeza, ujue nursery ndiyo msingi wa (inaudible) huyu mwalimu wa nursery

..... (inaudible) kusaidia hivi, hawa wanalipa serikali; kwa sababu kunapata shida hivi, kupata watoto wa nursery, school fees imetokea hapo, tunasema kitu kama 1,000/- na kuna walemavu wengi sana hawapeleki watoto kwa nursery.

Kitu kama Headman hii, yaani Iguru, serikali angependekeza hivi kukusaidia kukusaidia kuwapatia kitu kama mshahara hivi.

Kwa sababu nikiagizo kwa, kutoa maneno kwa (inaudible) naenda juu. Kuna kitu kama ilikuwa mwaka ingine 70s,

tukapata kitu kama Surveyors, na hawa Masurveyors wametusumbua sana. Sisi kama watoto wa babu zetu ama baba, bado

tunatumia namba ya Babu yake. Mimi sasa natumia namba ya Babu yangu, hata baba haana namba. Sasa kwa siku hizi, mtu

ana-increase kidogo kidogo. Mtu ana watoto karibu tano. Tungependelea mtusaidie hivi, tuletewe ikiwa kama surveyors,

watugawie namba kidogo kidogo, mtu awe na namba yake kama title deed. Kwa sababu serikali ametuletea ugumu, kumi na

tano elf ndiyo upate namba. Na kutoa namba kwa mzee, mzee anasema shamba ni yangu; wewe nunua upate yako. Na mzee

ame..... (inaudible) na sina pesa ya kununua shamba. Sasa mngetusaidia hivi tupate namba kidogo

(inaudible). Ni hayo tu.

Com. Prof Salim: Asante sana Ellam kwa maoni yako. Tafadhali jiandikishe pale, to register. Evans Amwai.

Bw. Evans Amwai: Kwa jina ni Bw Evans Amwai. Kile ambacho ningependekeza kwa Tume ni kwamba, kwa sababu Kenya ni nchi ya demokrasia inawezekana kwamba rais awe mamlakani karibu miaka mitano ama kumi. Kwa hivyo, ningependekeza kwamba, picha ya Rais kwa pesa iondolee kwa sababu itakuwaje, baada miaka mitano ama kumi tunabadilisha picha ya kila Rais. Kwa hivyo pendekezo yangu ni kwamba, badala yake waweke kile kitu ambacho tunaita The Court of Arms, i.e. hizo Simba mbili ama Crown.

Pendekezo ya pili ni kwamba wakuwa mashrika Fulani kama vile Central Bank, KBC, Telecom, ama POSTA ama KPL&C lazima wachaguliwe na Bunge, na before kuchaguliwa, ni lazima hiyo kazi itangazwe, baada ya kutangazwa, ionekane kwamba kuna watu ambao wanafuzu, kwa hayo watoto ambao wanafuzu angalia watu karibu watano hivi ambao majina yao yatawashilishwa kwa Bunge ili kwamba kuwe na voting. After voting, ndiyo tupatikane mtu ambaye atasimamia hiyo idara. Kwa sababu tukiangalia siku hizi, wajua ukishateuliwa kwa kazi, ni lazima utii yule ambao amakuteuwa, kwa hivyo,

Interjection: Evans unatoa maelezo mengi, hutapatata time kumaliza. Hayo ni details.

Jambo la tatu ni kwamba Tume ya Uchaguzi ipewe uwezo wa kutangaza siku ya kupiga kura, baada kushauriana na Rais.

Pendekezo la nne ni kwamba nchi iwe na vyama vikizidi zaidi vyama vitano, si zaidi ya vyama vitano.

Pendekezo la tano nikimalizia ni kwamba, Rais, umri isiozidi miaka 65, na ukipungua uwe miaka 30. Ni hayo tu.

Com. Prof. Salim: Thank you very much Evans, any questions. Moses Amugune, Sabatia Youth Group. Vijana wanasema.

Moses Amugune: My name is Moses Amugune, I am the Co-ordinator of Sabatia Youth Groups. I propose that our Preamble should be as follows: After languishing in abject poverty, nepotism, colonization, civil war and clashes and worst

enemy, that was corruption for 30 years, we believe the new Constitution will guide us from all these evil deeds as a Patriotic Kenyan, let us respect our skin colour and work as brothers and sisters.

Kenya should be a sovereign state.

Presidential powers; I propose that we have President, then Prime Minister, two deputy Prime Ministers, and President should have a running mate. Powers of the President should be limited.

- ii) Any president who is thrown into the library should not participate should not participate in one way or another into the running of the government after retiring.
- iii) I propose that we have what is called Federal Government where devolution of powers should start from the not in the grass root, that one should be on the Local Government, or the Counties and we should have we call Upper house and Lower house. What has been deliberated in the lower house should be forwarded to the Central Government.
- iv) I propose that Ministers should be reduced to 16, and serve only three terms; Councilors should be form four level,
- v) Revenue collection on the ground should be 65% to remain on the local government and 35% to go to the Central Government.
- vi) Education; I propose that BOG and Parents Association should be given powers to employ and sack the teachers.
- vii) With those few remarks I say that we should introduce in Kenya what we call Social Security Fund, whereby all Kenyans who are jobless should be entitled to earn Kshs6,000/- and then if you want to bring the government down you should have what we call Mass Action which should be intrenched into the Constitution so that we can bring the government by simple majority.
- viii) On succession I propose that land title deeds and whatever should be scrapped off. We introduce Land Commission Board.
- ix) On identification I propose that we should have a simple thing like a passport. Thank you very much.

Com. Prof Salim: Thank you very much Moses for your views. Thank you. No questions for you, clear. Nathaniel Adenya. Hayuko. Agatha Wilson. Wilson Agatha. Yea, this is the young man from the school, yes thank you. Frank Isindu, did he speak to us from the same school, did he? I don't think so. Anyway, he is gone. Rev. Henry Liyale. Karibu.

Rev. Henry Liyale: My name is Rev. Henry Liyale. Sina mengi ya kusema. Ninalo neno moja kubwa ambalo naweza ku-present mbele ya hii Commission, kwamba tunaye kanisa na serikali. Na hii vitu vyote vinaenda pamoja, lakini kwangu na-present kanisa ipewe mamlaka zaidi kujiongoza yenyewe. Ni hayo tu.

Com. Prof Salim: Reverend ni nani atakanipa kanisa mamlaka zaidi?

Rev Liyale: Katiba ambaye inatengenezwa sasa.

Com. Prof Salim: Mamlaka kufanya nini hasa ambayo hivi sasa haifanyi?

Rev Liyale: Kwa wakati huu, pengine kanisa haina nguvu zaidi, lakini Katiba mpya, lazima iotelee kanisa uwezo wa kuendelea.

Com. Prof Salim: Ungefafanua kidogo hasa uwezo gani ungependa constitution iipe kanisa.

Rev Liyale: Kwa kujisimamia katika mambo yake mwenyewe.

Com. Prof Salim: Katika mambo ya?

Rev Liyale: Kanisa.

Com. Prof Salim: Lakini kanisa si inaendeza mambo yake bila kuingiliwa sasa na serikali?

Rev Liyale: Siku hizi kuna mchanganyiko maalum, kuna wengine, kwa mfano, mtu anaweza kuwa kama mtu Fulani ama mtu wa namna gani, ama mtu wa serikali au pengine kama mtu mwingine kutoka kwa serikali na akija kanisani anataka kuchukua mamlaka ili aonekane kwamba yeye ndiye amesimamia pale, yeye ndiye mkubwa. Lakini katika njia hiyo, kanisa ikipewa mamlaka, itasaidia kwa sababu wanaenda pamoja na serikali.

Com. Prof Salim: Tupe mfano, Reverend, kwa jambo ambalo hivi sasa kanisa haiwezi kufanya na ambalo ungependa kanisa, lipawe uwezo wa kufanya. Mfano,

Rev Liyale: Kwa wakati huu, kuna makanisa mengine, wanaona kwamba yako yanafinywa na Katiba.

Com. Prof Salim: Inafinywa na Katiba?

Rev Liyale: Eeh.

Com. Prof Salim: Katiba ya sasa?

Rev Liyale: Eeh Katiba ya sasa. Kwa hiyo haliwezi kuwa na uhuru zaidi

Com. Prof Salim: Vinafinywa vipi? Wanaambiwa ebu fanya nini? Au inazuiwa kufanya nini?

Rev Liyale: Kwa mfano, siku hizi, kama ninavyo chunguza, naona ya kwamba kanisa na serikali kweli vinaenda pamoja, ni kama ndugu na dada, lakini baadaye kanisa haliwezi kujiendesha bila kufuata sheria za serikali.

Com. Prof Salim: Lakini hatijafahamu kwa hakika.

Translator: Volela Mululogori kuhulili jovola

Com. Adagala: Volela Mulogori khulili kovola. Please, kukuhulili chovola.

Rev Liyale: Mimi nasema hivi,

Rev. Liyale: nzi kuvolera amang'ana na hive wenye hulile

Com. Adagala: Bulila tave kichira manyi shikavola ta.

Rev. Liyale: Shivele kovula shiovele no bwiyangu khubukula Katiba hiyi vulunji ta.

Com. dagala: Haya kaa chini.

Com. Prof. Salim: Asante sana Reverend.

Rev Liyale: Lakini inatakiwa kwa kweli,

Com. Prof Salim: Unajua Reverend tufanye hivi, umesema mambo ya undugu, kanisa na serikali nkama ndugu, mimi ndugu yangu ikiwa ananifinya, siwezi kumwambia wewe unanifinya, ataniuliza nakufinya namna gani? Sasa wewe tueleze, kanisa

linafinywa na serikali vipi? Wanaambiwa kwa mfano, kitu gani wasifanye, au wanalazimishwa, kitu gani kufanywa?

Hatufahamu sisi; tunataka kufahamu; hatutaki kubishana, nataka kufahamu hasa kufinywa kwa kanisa inatokea vipi?

Rev Liyale: I am really specific, kwa sababu kanisa kuna wengine, hebu niseme hivi, kuna watu wengine ambao wanaweza wakapendelea kukaa pamoja na watu wa serikali au na watu kwa njia yao halafu wanafanya kazi ya kazi ya kanisa isiwe na uhuru wa kuendelea. Kwa hiyo, njia kama ile, ndiyo mimi naliona afadhali, ikiwa kanisa lingepewa uhuru, bila kuingiliwa zaidi, na mambo mengine.

Com. Prof Salim: Unajua kuna tofauti kati ya serikali na wanasiasa,

Ndiyo,

Com. Prof Salim: Kwa hivyo unadai kwamba kanisa inaingiliwa na wanasiasa Fulani, au unasema vipi?

Rev Liyale: Hata wanasiasa, hata watu wengine wa serikali kidogo kidogo, jinsi wanavyo kubaliana na wengine halafu kanisa linaona inakuwa shida kwa kanisa kuendesha mipango yake.

Com. Prof Salim: Sawa nafikiri tumefahamu; asante sana. Jambo lingine, haraka. Shukran Reverend, asante. Bw. Isaack Sambwa Chaya. Isaack Sambwa Chaya, wa FFWO Chavakali, utatueleza.

Isaack Sambwa Chaya: Asante sana. Mimi kwa majina ni Isaac Sambwa Chaya, yangu iko kwa upande ya kesi za korti. Sasa kwa upande ya kesi za korti, usalama wamepotea kabisa, vile sheria ilikuwa ya mwaka ya 63, haifanyi kazi sasa; kwa sababu kwa mfano unaweza kuta mtu amepata ajali kama ya gari, accident na yeye anapeleka maneno yake kwa Advocate amsaidie kesi hiyo, kupeleka kwa korti. Na ile watu wa gari ile, nao wanachukua advocate wao. Sasa hao wawili unakuta wamefanya urafiki kutoka kwa hiyo kesi yako, pamoja hata na Judge wote watatu. Sasa makesi inakaa hata ya miaka tano bado iko kwa korti sasa hivi. Hata ya miaka nne, bado iko mpaka hata yule mtu anakufa anawacha hiyo kesi.

Com. Prof Salim: Sasa Mzee Isaack, tupe pendekezo, vipi tutasuluisha jambo hilo?

Mzee Isaack: Tunataka hiyo, mtusaidie kupeleka maneno yetu mbele hii Jaji wanapoteza saa nyingi kwa Chamber anaonana karibu hamsini lakini kwa korti, anakwenda ku.... (inaudible) na mtu mmoja. Tunataka Majaji hawa wachunguzwe na serikali, wawe wakimaliza kesi kwa muda ambayo inatakikana. Watu wamepata shida wamekufa wamewacha kesi hizo, bado ziko kwa korti. Ukienda kuuliza unasema wanasema waliiba yule mtu pesa; na kumbe hawakuiba, pengine advocate na Jaji, walidibana zile pesa. Sasa shida iko hapo, tunataka kesi zisikae siku nyingi kwa korti miaka hiyo. Kuna ujanja ingine ile inafana hiyo, kesi hizo kukaa kwa siku nyingi namna hiyo. Advocate wanafanya urafiki na Jaji wakule hizo pesa za huyo mtu

kutoka kwa insurance.

Com. Prof Salim: Mzee Isaack, una maoni juu ya muda ambayo kesi lazima imalizwe ndani ya muda huo, muda gani?

Mzee Isaack: Hata ikizidi iwe kwa moja ni afadhali, kuliko miaka sita.

Com. Prof. Salim: Haya asante. Jambo nyingine?

Mzee Isaack: Jambo lingine nadhani kwa upande yangu hapana iko mahali ingine tena. Niko hapa kwa upande ya korti tu. (inaudible) imepotea na watu ya serikali hawasaidii, hata ukienda kulia hata wapi, hakuna mtu nasaidia wewe.

Com. Prof. Salim: Asante. Tumefahamu sana. Ni oni moja, lakini ni oni ambalo li wazi kabisa. Sijui kama wenzangu na mtoto wako anaswala yoyote? Au labda, anakustahi hana swala. Asante. Mzee Isaack ni Mjombake mwenzetu, bila shaka unamjua. Asema Nyote pia ni Wajomba wake. Na mimi ni ndugu yake. David Ogoga.

David Ogoga: Mimi naitwa David Ogoga, mimi ni mwalimu, ni Kiongozi wa Walimu, Chavakali. Nina maoni yangu kuhusu elimu ni ya kwamba: we must have free education in all primary schools.

About education again, our feeling is that the old system of education should be revived, where children go to primary schools for eight years, they go to secondary school for four years, we also revive two years for advanced and then four years university. This will enable our boys to go to university when they are mature enough.

Interjection: Boys and girls

Mr Ogoga: Boys and girls, yea.

- Other issues related to teaching, teachers are lowly paid, and indeed that is an issue that the government should look into. When Commissions are made, their recommendation should go straightaway to parliament for further discussion, not to an individual like a head of state and what have you.

Com. Asiyu: On the teachers' pay, government sent us for you to tell us.

Yea. I think we have Teachers' Service Commission who when they meet with the Union, I think the recommendations must be put into practice. We would not like the government to intervene and keep doging the teachers to that effect.

- As far as other issues are concerned, I want to believe that when it comes to Children's Acts indeed, most of the Acts must come back to the ground so that we find out what are the feelings of the local people. When it comes to discipline, we used to have Corporal punishment, it is now an Act, it has been abolished. Why are we imitating, foreign governments when Africans can come up with their own policies.

Interjection: So mwalimu you want corporal punishment to return?

- Corporal punishment has been very useful to us; it should be returned. May be other issues, I think I want to say, the powers of the president should be cut down.
- Commissions like this one must be permanent.
- Political parties must be sponsored by the government.
- We must reduce political parties so that they can come to three or four.
- Corruption, this is an issue. To reduce corruption I have a feeling that people who need leadership must be progued,

and if possible if found in corruption their properties should be faced and all their accounts (inaudible).

- When parliament is dissolved, I want to propose that we must have somebody to take over, like the Attorney General to run all the activities of our government as we wait for, not the Speaker. I will present these papers.

Com. Prof. Salim: Mwalimu, one second please.

Com. Adagala: Let me ask you. You want children to receive corporal punishment, why.

Mr Ogoga: I said when it comes to policies, let us consult the people as to what kind of punishments should be given.

Com. Adagala: Okay. That is fine. So not necessarily corporal. So consult.

Mr Ogoga: Yes consult.

Com. Adagala: Now you are saying we should not imitate other countries?

Mr Ogoga: Yea.

Com. Adagala: Where did your educational system come from?

Mr Ogoga: Well, I want to believe that we are growing as a nation. As we are growing, we should not go very fast to imitate where our education started from. They have advanced, let them give us time.

Com. Adagala: So we should scrap this educational system and have an African; if valid, we can develop our own

African one,

Mr Ogoga: Yea, Consultations I meant. Because we also have our own experts as Africans.

Com. Adagala: No I'm talking about the (iaudible)

Com. Prof Salim: Asante mwalimu. Aggrey Ashono. Aggrey Ashono, hayuko. Shadrack Shiluka.

Shadrack Shiluka: Kwa jina ni Shadrack Shiluka, natoka Liaduya location. Jambo langu ni hili; nataka tusikizane na Commissioner. Hii habari ya Hospitali naweza kuwa na mgonjwa kama hawa mahospitali kubwa Mater Hospital, M P Shah, wapi, na ukipeleka mtu wako uko na huyo mtu afariki, basi sasa ile walimtibia hapo, sasa wanaweza kukatalia ha hiyo maiti huko mpaka ulipe garama zote ndiyo uchukuwe hiyo maiti yako.

Com. Prof Salim: Pendekezo lako ni lipi?

Mzee Shadrack: Pendekezo langu, nataka serikali, ile Tume ya leo ijulishe serikali ile itakuwako ili wafanye msaada maana wewe umepoteza mtu yako, wasije kufanya garama nyingi hivi kwa hiyo mtu, ile bill waliweka huko kumlipisha hiyo mtu hiyo bill yote na wampunguzie kidogo

Com. Prof Salim: Shadrack, tafadhali weka microphone karibu na mdomo kidogo,

Mzee Shadrack: Wampunguzie bill halafu wapate njia wanaweza kuchukulia maiti yake, aende akamzike. Kuliko kumkalisha huko na wewe bado unatafuta pesa.

Pendekezo langu tena kujulisha nyinyi, unaweza kuwa na dada yako ndani kwa mji, na aolewe mahali, na hapo sasa aishi huko, na bwana yake amfukuze na akose mahali ya kukaa arudi nyumbani na wewe unashamba kidogo. Ile shamba, itambidi mimi nimjengee yule dada yangu nyumba kidogo hapa ya kuishi akingojelia hapo maisha yake. Lakini sio yule ameolewa age kwa

mji, atoke mahali ameolewa na bwana yake au bwana yake amekufa amemwachia watoto aje kwa mji tena nimjengee huko au nimpe shamba. Hiyo sasa itaonekana serilali ile itakuwako ikiwa itaacha hiyo maneno iendelee, wanawake wengi watakuwa wakiwacha mabwana yao wakienda kwao kupewa shamba. Watafanya ujaudi na kurudi nyumbani kujengewa

Com. Prof Salim: Sasa ungependa jambo gani lifanywe?

Mzee Shadrack: Ile jambo mimi nataka serikali mambo kama hii ikikuwako, tuchukuwe ile mama haana mahali popote wa kuishi, huyo ndiyo tunaweza kupokea, kuliko ule amewacha bwana anakuja nimpe yeye shamba.

Com. Prof Salim: Sasa yule ameacha bwana au aliachishwa na bwana.

Mzee Shadrack: Aliachiswa na bwana. Ule ndiyo tunaweza katia shamba kwa mji, maana sasa haana mahali ya kuenda.

Com. Prof Salim: Na nani ambao hamwezi kumsaidia?

Mzee Shadrack: Yule yuko na bwana hawezi kuacha bwana kwa yake kwa mji aje tena tumpe shamba kurudi.

Com. Prof Salim: Yaani akae na mmewe?

Mzee Shadrack: Akae na mmewe na watoto huko.

Com. Prof Salim: Ikiwa ni dada yako, si uweze kumrudisha huko kwa mmewe?

Mzee Shadrack: Naweza kumrudisha ikiwa maanake akifanya ujeuri huko hati nitakwenda nyumbani ndugu yangu anipe shamba, mimi nitamrudisha huko, maanake ana bwana na watoto huko.

Com. Prof Salim: Kwa hivyo hakuna tatizo hapo?

Mzee Shadrack: Hapo hakuna tatizo ya kurudi kwetu.

Na jambo la pili, ni shamba. Title deed, kwa hii serikali itakuweco Tume ambayo anaweza kutusaidia. Title deeds zinageushwa bila mpango. Unaweza kuwa na shamba mnajoin na watu wengine wawili, anaenda anauza hiyo shamba bila kukujulisha; na ukienda huko kwa lands, wanapitisha hiyo mpango bila kukujulisha hiyo shamba inapotea, na ukienda huko unakuta hiyo title deed yako iko huko, imewekwa question ndani yake kwamba hii shamba imeuziwa Fulani, huwezi kuichukua, na shamba ninako, nina title deed zake, una copy zake.

Com. Prof. Salim: Una maoni yoyote juu ya jambo hilo?

Mzee Shadrack: Ninao maoni.

Com. Prof Salim: Maoni gani?

Mzee Shadrack: Maoni yangu, kama officer hii yakipitisha hilo jambo, na ajulikane yeye ndiyo ametenda hiyo jambo, yafaa afukuzwe kazini,

Tape 5

Shadrak Shiruka: Officer yule akipitisha hilo jambo na ajulikane yeye ndie ametenda hiyo jambo, yafaa afukuzwe kazini bila malipo yoyote kwa hii serikali itakuwako, maana sasa watazidi kwendelea na maofu namna hiyo halafu ikose mpango yeyote. Yangu ni hiyo tu.

Com. Prof. Ahamed Idha Salim: Mzee, mume akijua kama wewe unajua, huyu bibi yangu anaweza kurudi kwako kama wewe. Pengine utambebeleza kidogo.

Shadrack Shiruka: Akitoka kwangu?

Com. Prof. Ahamed Idha Salim: Now, mkiishi naye. Pengine utaona pengine nimpembeleze kidogo tuishi vizuri.

Shadrack Shiruka: Ndio, akiwa yeye yuko nyumbani mimi naweza bebeleza yeye tuishi vizuri lakini ikiwa atazidi ujeuli na aende nyumbani au hati kwetu kuna nafasi ya shamba, hiyo ndio mimi nitakataa, hawezi kupata shamba huko.

Com. Prof. Ahamed Idha Salim: Aenda akipela na line saba na Mathare na nchi.

Shadrack Shiruka: Ndio akienda huko sawasawa maanake watafanya ujeuri akidhania atakuja apate shamba nyumbani. Halafu atazidi ujeuri.

Com. Prof. Ahamed Idha Salim: Asante sana Bwana Shadrack Shiruka kwa maoni yako. Peter Isabwa, Peter Isabwa?

Peter Isabo: Ni Asante. Kwa majina naitwa Peter Isabwa na mimi ni naibu wa chief wa sehemu ya Ewojo sublocation katika Chavakali location, Sabatia division. Pendekezo zangu ni kama ifuatavyo:

Mimi kama naibu wa chief ningependekeza ya kwamba katika Katiba hii mpya ambayo inaendelea kuundwa, ningependekeza ya kwamba sisi naibu wa chiefs, huwa tuna shida sana wakati tunafanya field work yetu hasa wakati wa usiku. Kwa hivyo ningependekeza ya kwamba tungekuwa na sheria ambayo ingetungwa ya kwamba, unapoteuliwa kuwa naibu wa chief ingekuwa vizuri kwanza kabisa mtu anapelekwa mafunzo na unafunzwa jinsi ya kuifadhi bunduki ndio tunakuwa na usalama kwa upande wetu hapa wakati tunapohudumia watu wetu wakati wa usiku. Inakuwa ni hatari sana kwetu kwa sababu huwa hatuna siraha. Na ikiwezekana kama ni vingumu kabisa serikali ituruhusu tupate kibari nje ya kubeba ikiwezekana mishale ya kutukinga wakati wa usiku kwa upande wa security.

Pia ningependekeza ya kwamba ingekuwa vizuri katika orodha yetu ya malipo ama kwa upande wa mishahara, ningependekeza ya kwamba ingekuwa vizuri serikali ituwekee kitu ambacho tunaita disturbance allowance ambayo itatusaidia kuhudumia watu wetu wakati wanakuja kwetu kwa sababu wakati wanapopata shida ya mwanzo kabisa wanakimbilia kwetu na hao wanatuambia ya kwamba ni na shida hii, nataka kwenda hospitali, nataka kwenda wapi, nasina transport, sina nini, mahitaji. Kwa hivyo ningependekeza ya kwamba serikali itufikirie tupate disturbance allowance.

Kumaliza kabisa ningependekeza ya kwamba ingekuwa ni vizuri katika hii Katiba yetu mpya sheria itungwe ya kukabiliana na wale watu ambao wana-commit adultery na wake wawenzao bila kibari kwa sababu watu kama hao tumekuwa tukikabiliana na wao na wakati tunepeleka mbele tunaambiwa ya kwamba hakuna sheria ya kushitaki kama hawa. Hasa wale wamama ambao wanawachana na mabwana zao, mabwana wanafanya kazi Nairobi na huwa tuna waharibu wengine ambao wanaenda wanawasubua haraka haraka na kuwadanganya halafu wanawaharibu na hata kwa wakati huu ambao kuna ugojwa mbaya wa ukimwi. Kwa hivyo ningependekeza sheria itungwe ya kukabiliana na watu kama hawa.

La mwisho kabisa ningependekeza ya kwamba tuwe na sheria ambayo pia itashughulikia jambo la wale watu ambao hawasikii

hasa kwa ile tunaita free education katika primary schools zetu. Hapa kwa mfano sijui sisi tuliambiwa ya kwamba watoto wa shule za msingi wasome bila kulipishwa chochote. Na kuna baathi ya walimu ambao wanaenda kinyume ya haya. Baadaye mtoto anaenda unaona anarudi badaye anafukuzwa ya kwamba mwalimu amemfukuza mpaka ndio asome. Kwa hivyo naomba serikali ya kwamba wakati inatunga ama inatoa order kama hii, sheria itungwe mara moja ya kukabiliana na watu kama hawa. Ikiwa mtu atafuja hiyo order anachukuliwa hatua moja kwa moja. Nafikiri ni hayo tu. Asanteni.

Com. Prof. Ahamed Idha Salim: Asante sana Bwana Isabo kwa maoni yako. Aggrey Vinzu, Aggrey Vinzu.

Aggrey Vinzu: Kwa majina ni Aggrey Vinzu Chaprimo kutoka Efojo sublocation, Chevakali location, Sabatia division. Yangu ni machache. Ningependekeza ya kwamba Rais awe na mamlaka madogo sana kwa maana yeye anachaguliwa na wananchi. Ningependekeza bunge inapochaguliwa, watu wakipigiwa kura, wabunge wajichagulie, mtu akitaka kuchaguliwa waziri achunguzwe kuanzia university alikuwa akifanya huko namna gani. Ili tuwe na viongozi wazuri kwa maana mtu ni corrupt, na kesho unasikia ametangazwa kuwa waziri. Sasa ndio hili linafanya corruption inajaa hapa.

Ningependekeza tuwe na commissioner wa wafanya kazi na iwe independent. Kama mashirika ya serikali kwa wingi yameanguka kwa maana wale walichaguliwa wote walimeza pesa wakamaliza. Ningependekeza commissioner iwe free kuchagua wale watu wana record mzuri kusimamia mashirika ya serikali. Hii itafanya uchumi wetu kwenda juu. Tuwe na sheria hapo.

Upande wa corruption: Ikiwa mtu amesimamia shirika la serikali na limeanguka, ningependekeza huyo mtu achukuliwe hatua kali kwa maana inapoanguka saa kidogo tena unasikia amepewa katika sherika lingine. Tuwe na sheria, ikiwa amefanya makosa, apelekwe kortini, ashtakiwe, awekwe dani na hiyo pesa zake, benki yake itafutwe mpaka huko ng'ambo hizo pesa ___ katika wananch.

Ya mwisho ningependekeza this commission iwe independent, electoral, yaani ya uchaguzi. Wawe na mamlaka, ikiwa mjumbe alichaguliwa, akipiga watu, akiumiza watu, wameingia bungeni, commissioner imchukulie hatua kali apoteze kiti chake.

Na upande wa councillors, ningelipendekeza tukisema councillors waanzie standard 8 ikiwa anaweza onge Kingereza. Na akitaka awe chairman, au awe mayor, awe na degree. Awe mfanyi biashara ili ajue vile anaweza endesha council, kwa maana wengine wanachaguliwa kwa council na hata hajui kuongea kingereza. Wakimhoji katika Kenya yote hawezi sema jambo lolote.

Com. Prof. Ahamed Idha Salim: Asante Bwana Vinzu. Umesikia kengere kali sana imelia na hiyo ni alama kwamba wakati umekwisha. Samahani tungekupa wakati mwingi saa hii lakini kuna watu wengi waliombakia na tuna hofu tusipoharakisha mambo hatutaweza kuwamaliza. Ya mwisho hiyo.

Aggrey Vinzu: Mambo ya majudges: Tuwe na commission ya kuchunguza majudges kwa maana tuna cases mingi zinaenda mahakamani, inamaliza hata miezi sita, hata miaka sita. Na case ambayo ingefanywa siku moja na imalizike na huyo mtu afungwe au afunguliwe. Asante.

Com. Mrs. Phoebe Asiyu: Nataka kukuuliza, ni lazima mayor aelewe kiingereza ndio awe mayor?

Aggrey Vinzu: Ndio. Kwa maana kuna wakati wa maswali, mayor akipatwa akiulizwa habari ya council aanze kutingiza kichwa, inaonyesha mmechagua mayor ambaye hajui ni nini anafanya hapa.

Com. Mrs. Phoebe Asiyu: Na mayor wa Spain hazungunzi kingereza kwa nchi zingine.

Aggrey Vinzu: Pengine hatuwezi chukua mambo ya nchi zingine.

Com. Mrs. Phoebe Asiyu: Lakini hii ni lugha ya kicolony.

Aggrey Vinzu: (*silent*)

Com. Prof. Ahamed Idha Salim: Asante sana. Erasto Bota, Erasto Bota yuko? Erasto hayuko. Douglas Chabanga,

Douglas Chabanga hayuko? John Agesa Councillor, Karibu.

Councillor John Agesa: My names are Councillor John Agesa from West Maragoli, ward Hamyudi Kigodi. I have the following to comment which I feel should go into the new constitution to help to strengthen our government.

First, land: Land division – sub-division of land is causing a problem therefore the subdivision should not go beyond one acre.

The land control board should go to local authorities.

Marriage: We have so many types of marriages and I recommend that the marriage so called come we stay, if a lady and a man stay together for over 3 years, it should be regalised.

Local authority: Local authorities should be autonomous in the sense that they should run their own business without referring to central government.

Rape cases: Rape cases are very common in Kenya and therefore we should be very serious with it. If any one is found guilty and the case is approved beyond any reasonable doubt that he has raped a minor as from one year to 12 years I think he deserves capital sentence that is should be hanged.

Political parties: In the new constitution we should have maximum of 4 political parties because parties are made or they are composed following the tribes and therefore they create tribalism. Parties also should delink themselves from provincial administration.

The government: I recommend that the present system of government should remain in place except President's powers should be trimmed off. Ministries should not be heaped in the President's office. Also ministries should be as few as possible. If they are many, should be 13 or 12.

Provincial Administration: provincial administration especially the position of chiefs, the chief's act should be repealed in total.

Chief must be treated like other civil servants. By that I mean chiefs must be transferable from one location to another within

the district.

Also chiefs should be elected by people directly so that they serve the people. Otherwise they should not be appointed by DCs. The title of a chief is very colonial and that it should be chief should come to locational officer, assistant chief, assistant location officers. Chiefs should be of form four level and should have at least mean grade C.

Also to avoid land rages in the area, chiefs and assistant chiefs should have no powers or control over land cases.

Education being last, the system of education in Kenya should be overhaul. The present system was introduced without proper planning and implementation and the end, it has a lot of mistakes. Therefore I suggest or propose that into the new constitution, the old system should be reintroduced that is 7 years of primary education, four years of secondary education, two years for higher education, and 3 years of university education.

Com. Prof. Ahamed Idha Salim: Ya mwisho, Ya mwisho councillor. We are running against time.

Councillor John Agesa: Yes I'm just finishing, this is the last. Changing education system from time to time becomes very expensive and it overburdens the parents by buying textbooks. Therefore the syllabus should remain constant. We should have universal primary education that is to say free relevant and compulsory. Thank you.

Com. Prof. Ahamed Idha Salim: One second councillor. One question from each of my colleagues.

Com. Phebe Asiyo: I just wanted to know councillor about these powers of the President which you said should be trimmed but you didn't tell us who should take over those powers. Where do we take those powers?

Councillor John Agesa: Most of these powers should go to parliament because if you want to get division fellows to run for example parastatal bodies, these and also ministers, and then Vice President, this should go to the parliament so that parliamentarians would chose who is suitable for those posts.

Com. Phoebe Asiyu: And No. 2, you suggested that the chiefs should be elected and also to be transferable. If the chief of Chevakali location elected the chief, would the other people in a different area, in this district, be comfortable with the chief who was not elected by them?

Councillor John Agesa: Because this will be a foreman dispatched to the common practice everywhere. So, whoever will be elected elsewhere will be as suitable as that one.

Com. Phoebe Asiyu: But sorry, you know that _____(inaudible) either you have them appointed and transferable or we vet them. For example if you find (inaudible)

Councillor John Agesa: Ofcourse yes, they should also be given a period to stay in the office so that they are transferable.

Hon. Mrs. Phoebe Asiyu: Mzee, can we take Musalia Mudavadi whom we have elected here and take him to Lachuonyo where Asiyu comes from?

Councillor John Egesa: As ministers, they serve Kenya as a whole.

Interjection

Hon. Mrs. Phoebe Asiyu: My friend, there are two different consents, either you elect or appoint. You appoint and transfer, you elect and a bill of the power of recall of the chief, you cant have two. Its one or the other.

Councillor John Agesa: Of course she has said, if they are appointed they should be transferable.

Hon. Mrs. Phoebe Asiyu: Okay. Now there is another thing. You did not appreciate the place and role of the chiefs, but you know that some of these people if it was not for them, some residents would not be sleeping at night because of the disturbance by young people, drunkards and so on.

Councillor John Agesa: We appreciate but we don't want them to be permanent at one place because they lose the meaning.

Hon. Mrs. Phoebe Asiyo: No, no, from your own.. can I just finish? From your own statement, you did not appreciate the role of the chiefs but I am saying that chiefs, _____ to play in our system. You are even asking that the chief's authority act should be done away with and you are not telling us who should now take over those powers when they are removed from the chief. Can you help us on that?

Councillor John Agesa: Yes, here chiefs act even right now with IPPG, some of its sections were repealed.

Hon. Mrs. Phoebe Asiyo: But if you have asked us, in North parts of Kenya to bring those ... that's the chiefs.

Councillor John Agesa: But for me I said, as they were repealed they should go for good.

Com. Kavesta Adagala: Com. Asiyo has asked you what I wanted to ask you but mine the other one I have is on the Presidency. You know when we say the President's powers should be trimmed, it really means there will be never again another President like Kenyatta and Moi. There will never again be because all those powers will flow back to where they were before. They will flow back to local council, they will flow back to the people because the people's powers are taken away, to parliament, or where they came from, like that. So we should understand when we are saying that that there is going to be a fundamental change. I'm not changing what you have said, I'm just saying people keep saying this then they say we want things to be the same. They will not be the same. Thanks.

Com. Prof. Ahamed Idha Salim: Thank you very much, please register yourself. Now, kwa kuwa watu wengi wamembakia kutoa maoni, itabidi kupunguza wakati wa kila mmoja kutoa maoni yake very very drastically. Kwa hivyo nikisikia kengere, nitamsimamisha mtu, hiyo itakuwa ni point yake ya mwisho. Kwa hivyo ningepomba kila mmoja wenu tafadhali awe tayari kutoa

mapendekezo tu bila maelezo. Ikiwa hatufanyi hivyo hatuwezi kumaliza. Na wengine watarudi manyumbani kwao bila kutoa maoni. Nafikiri tumeafikiana? Tumekumbaliana. Asanteni. Sasa nimwite Bwana Aggrey Muhazi, yuko? Aggrey Muhazi? Yuko? Hayuko. Boaz Okoto, Boaz, Hayuko. Laban Anzeze, Laban Anzeze, Amedoka? He is gone? Sam Oriyosi, San Oriyosi, hayuko, Stephen Kigadi, disabled? Yuko? Stephen.

Hatson Mayanga, Hatsan Mayanga? Administrator, Hayuko, Margaret Akinyi, Margaret? Yuko. Karibu Margaret, mwenye uwezo maalum.

Margaret Akinyi: Kwa jina Margaret Akinyi. Naongea kuhusu upande wa walemavu kwa sababu hata mimi ni mlemavu na collection wale wanajiita ambao hawajiwezi, sisi tunajiweza. Wale hawajiwezi ni ambao wamelala kitandani ambao hawajiwezi, lakini sisi tunajiweza, ni vile wametuweka kando, tumekuwa pending, watu hawaelewi ya kwamba sisi wasiojiweza ni wanadamu. Hawajatupatia nafasi. Kwa hivyo saa hizi naomba serikali ya Kenya ikapatia walemavu kazi kwa sababu akikosa kupewa kazi, hata mimi naweza kusema mimi niko operator lakini operator yangu hakuna kazi inafanya. Kutoka 1994, simu ilisitopishwa kufanya nini? Kufanya kazi. Kwa hivyo nikawekwa pending, na hii kuwekwa pending wakanichukua yaani sina mwelekeo, sas nikawekwa tu, wakakaa, wakakaa, nami nikasema vile mmenipagua, nitakaa. Nikakaa, nikakaa, kufika 2000 I think 2000 or 1999 ndio wananiuliza ni kazi unawe? Unaweza. Nikawaambia, mimi naweza hata kuosha office, mkinipa nitafanya nini? Nitaosha. Kusema ukweli mimi huosha office, na mtu asieona kama mimi akija kuwauliza kazi nisaidieni hata kazi ya umaid, utasema hiki kipofu kitanifanyia nini. Kwa hivyo serikali itupe nini? Nafasi.

Nitaongea tena kuhusu rehabilitations. Rehabilitations tuna shida, unaona walemavu wanapelekwa kwa marehabilitations au wanapelekwa kwa maindustry school training, after kutoka kwa training unakaa tu nyumbani, unaboesha hata mzazi, anaona ulienda kupoteza wakati wake bure, amekupatia pesa zake bure, na wewe hakuna faida umempatia. Kwa nini? Yule anajiweza, anaweza kwenda kutafuta kitu na amletee na wewe unakaa mlangoni. Because for example hata ushone sweater, utauzia nani? Ukishona mat, utauzia nani? Na watu wanapagua, wanataka yule ambaye anaona. Kwa hivyo serikali mimi pendekezo yangu ile ambayo nataka serikali ikafungue industries kwa walemavu ambao wakijenga mahali fulani walemavu wote ambao wako na experiences, wakijengewa watafanya kazi, na watu watakuja kujua maana ya disability ni nini. Unaweza kuona hapa maragoli unatembea umeshikwa, anasema Yarwara. Na uko mgojwa wapi? Wee ni mzima lakini kwa sababu

labda vile anaona umeshikwa, anaona wewe ni mtu bure. Kwa hivyo pendekezo yangu ni kusema kwamba, serikali ituchukue kama watu, hasa twende tukapewa allowances wale wanafanya kazi. Mtu kama mimi nikija hapa nakuja na mtu na wengine wetu wangekuja lakini vile lazima wawe wawili lazima apate mtu wa kumsukuma. Kwa hivyo pendekezo yangu ni government itupe allowance disabled wote. Mubarikiwe.

Com. Prof. Ahamed Idha Salim: Asante sana Margaret kwa maoni yako. Tumeandika nakunasa. Eunice mwenzako, Eunice yuko? Eunic, anataka kusema au aliyosema Margaret inatosha.

Com. Phoebe Asiyo: Margaret, unajua Katiba ikisema kwa sababu watu ambao wa... kama wewe wako 10% kwa nchi nzima. Serikali ikisema, kila mahali lazima kuwe na watu 10% . Ikiwa na watu kumi, mmoja ni mlemavu. Walemavu watapata kazi Na Katiba ikisema hivyo itakuwa hivyo.

Margaret: Nimekumbali. Nimependekeza ya kwamba leaders wote wawe wakipelekwa seminar kuhusu walemavu. Unaweza kwenda hospitali, karani anakujiibu kwa njia mbaya ya madhalau, ukinda officini wanakupagua kwa sababu yaani akikuona sura, anaona hiki kitaniambia nini. Kwa hivyo lazima leaders wote, hadi wa makanisani, wasitufudishe kiroho, lakini wasichabuichabui maana ya ulemavu. Wakafundishwe.

Com. Prof. Ahamed Idha Salim: Asante mara mbili Margaret. John Lamwenya, John Lamwenya? Hayuko? Zackaria Kanyanga. Zacharia? Hayuko. Japheth Chotero, Japheth Chotero, hayuko, Seth Nayori, hayuko. Abraham Lilazia, Anza na jina, sijui kama jina nimelisitaji sawa sawa.

Abraham Mwerazia: Kwa majina naitwa Abraham Mwerazia. Nina haya yenye mimi ningependa kuyasema.

Provincial Administration iondolewe. Councillor akuwe na minimum education of form four 3rd division and above and akuwe in between age of 60 and 30 years.

Chief Justice to be appointed through the parliament not the president.

Courts to work 24 hours. Constitutional courts ziwe available.

Local beer to be legalized.

Primary education to be free and compulsory.

Police force to be police service to serve wananchi not a police force to be a forced wananchi.

Unlawful arrest of a person, a person who has been arrested unlawfully should be compensated by the government.

Political parties to be three in number.

Thank you.

Com. Prof. Ahamed Idha Salim: Thank you very much Abraham. Umekuja, umejitayarisha kabisa. He kwew exactly what he wanted to say. Amekuja amesema amemaliza in just one minute. That's very well done. Hebu gojea Abraham.

Com. Phoebe Asiyo: Abraham, tukiondoa provincial administration, nani atafanya ile kazi wanafanya kwa wakati huu?

Abraham Mwerazia: Police.

Com. Phoebe Asiyo: Police watakuwa wakisikiliza hata mama akiwa na shida na bwana nyumbani anakimbia kwa chief, au assistant chief, ataenda kwa police? Pengine huyo police hajui mambo ya kabila hiyo, hata lugha, itakuwa namna gani?

Abraham Mwerazia: Tutakuwa na council of elders at local level.

Com. Phoebe Asiyo: Ndio watafanya kazi ya chief, na DO, na DC, na PC?

Abraham Mwerazia: Ndio.

Com. Phoebe Asiyo: Council of elders?

Abraham Mwerazia: Council of elders. Kwa maana wananchi watakuwa na their own councillor at that area.

Com. Phoebe Asiyo: So you actually want the local authorities to take over from the provincial administration.

Abraham Mwerazia: Yes. That's devolution of powers.

Com. Phoebe Asiyo: So its not the police but the council, the elected people.

Abraham Mwerazia: Yes.

Com. Prof. Ahamed Idha Salim: Thank you Abraham, Derick Obwaya, Drick Mbwaya.

Derick Mbwaya: Commissioners and all those who have attended today's function, my name is Derick Mbwaya from Chevakali village and I have my views here.

First of all is about creation of new cabinet posts for example Prime Minister. In my view, this post, I'm not in favour of creation of such posts because some people are just out to create them because they want to solve their problems, for example power sharing and they will end up forgetting problems facing the common mwananchi.

About political parties, I will suggest that immediately after elections, those political parties that are not represented in parliament should cease to exist because this will assist in tabing the problem of tribal parties.

Also in sports, I would suggest that the government should actively involve itself in sports because through sports we shall cub the problem of unemployment since the government doesn't know that the problem of an employment can be cubed through sports. So in all sporting activities for example football, volleyball, handball, and other forms of sports. It should be responsibility of the government to finance or to look for outsiders (people from abroad) to come and invest in sports for example the government can attract people from out to come and own clubs in Kenya for example football clubs. If clubs are owned by people from out there would be good management hence the youth will be attracted in playing. Because you know poor paying clubs for example the way are now having clubs in Kenya, most of them are poorly paying, they will not attract

players. I think that's enough.

Com. Prof. Ahamed Idha Salim: Thank you Derick

Com. Kavesto Adagala: Question inaudible:

Derick Mbwaya: They can share but my problem is may be that is their only interest, to share powers and forget about our problems.

Com. Kavesto Adagala: You know Derick we are making a constitution for 50, a hundred years, two hundred years, forget about these people who are playing around, what is your long term view of Kenya? (2) The Presidency we have will never be the same again because it took the power of the Prime Minister, we said it before, parliament, local people, local authority. So it's a distortion. Where will that power go?

Derick Mbwaya: They will share through the President. The President can have his ministers and the cabinet. They can share through the cabinet but creation of many

Interjection

Com. Kavesto Adagala: Okay what would you like? Would you like a Presidency like the American one?

Derick Mbwaya: Yes, the American constitution.

Com. Kavesto Adagala: Okay, then you say that, don't go into these little little things, petty things which are happening. Because you need a ... what we are looking for is a vision.

Interjection

Com. Prof. Ahamed Idha Salim: In other words he should not personalize matters. If you have certain people in mind may be you say well, this person or that person. You are saying this only because you want to share power and therefore you become prejudiced and subjective. You know as commissioner Adagala tells you, we would like commission that will stay long

may be after your own grand children are dead. Hopefully you will have children and grand children but we would like them all to get the constitution that they will be very happy with. So can you regionalize them? In so many years time, agreeing with the sort of constitution we are recommending, you think they will be happy with it?

Derick Mbwaya: They will be happy with it because you know too many top positions in a country can cause confusion.

Com. Prof. Ahamed Idha Salim: Very good. Thank you very much. We respect your views. Asante. Abraham Eboso, Abraham Eboso, Abraham Eboso yuko? Abraham Karibu. Karibu mzee.

Abraham Eboso: Nzi nangagwa Abraham Eboso.

Translator: My name Abraham Eboso

Abraham Eboso: Na hamenyi ni hachavakali hono.

Translator: I live here at Chevakali.

Abraham Eboso: Imang'ana kambekhu na kavandu vali vovulwani okhutula mwika kumi na ine kutukha kumi na nane.

Translator: I want to speak about the war veterans from 1914 to 1918

Abraham Eboso: Lia kavili okhutula khumwika salasini tisa okhutukha ku arobaini na tano

Translator: Secondly from 1939 to 1945

Abraham Eboso: Sandithi lwa mwithi hano okhuhandika amang'ana ko mundu na muthikwivala kuli kuvenya. Ka kange kabeeniko kanyenya bole.

Translator: I'm glad that you have come to record whatever everybody has to say. Now I will tell you what I want to say.

Abraham Eboso: Abandu vitu vo mwika kumi naine kutukha kumi na nane, vatungwa tahe.

Translator: Our people from 1914 to 1918 were not paid.

Abraham Eboso: Abandu vokhutula omwika wa salasini na tisa khutukha gwa robaini na tano vatungwa tae.

Translator: Sales from 1939 to 1945 were not paid.

Abraham Eboso: Inzi nindi omulala khuvandu avalwana ovulwane bwa kavili

Translator: I happen to be one of the people who fought the two wars.

Abraham Eboso: Khwanyola amang'ana mbulishi ndi, iserikali ye bulaya, yalete nzishilingi thimunyole, na serikali yamkenya yavola avandavo vakhutsa.

Translator: We got speculation information that the British Government spent money but the Kenyan government told them these people are all dead.

Abraham Eboso: Khu cha kuvekhu kwenyanga munyi avanene vamuthi kuandika mang'ana ka, muthi kuhenza avandavo vabula kutugwa shichilaki.

Translator: What we wanted to do is you go and find out for us why weren't those people paid.

Abraham Eboso: Na shiachila nivavehe kwakutsa nikuveo mavavukula thishingi thietu vatumikila, valakhutunga?

Translator: Why did the government tell a lie that we are dead when we are alive? They took our money, will they pay us?

Abraham Eboso: Akange nagenaka nyenya serikali imanye kane valala wasalila nor wahithira vandu vandi amapesa nivavika muya na kunyi kwakuba kivi sigwanyola tae.

Translator: We want the government to know that we are heard that we worked and some other people took the money.

Abraham Eboso: Liokhumalitsa,

Translator: Lastly

Abraham Eboso: gwenya serikali ahane thishilingi thiokutula ku kumi naine khu kuminane. Khutula kusalasini na tisa.,
Wenyanga ndi vahane miandu chetu.

Translator: We want our duesto be paid.

Com. Prof. Ahamed Idha Salim: Asante sana Bwan Eboso kwa maoni yako

Translator: Asante sana khu maoni koko

Com. Prof. Ahamed Idha Salim: Tutachungulia jambo kama hilo.

Translator: Valehenza mumang'ana kenako.

Com. Prof. Ahamed Idha Salim: Banard Lugavali, Banard Lugavali, hayuko? Benard hayuko? Lugavali? Councillor
Keneth Kibiso, Councillor Kibiso? Ameodoka. Alice Ajehere. Alice Ajehere, Alice hayuko. Millicent Ochango, Millicent
Ongango, Millicent Ochago, Yuko? Hayuko. Serah Dimbo, Serah Dimbo, Maendeleo ya Wanawake, hayuko. Jacob Sidani
Mlavi, Jacob Sidani Mlavi. Jacob Sidani? Hayuko? Hadson Logongo, Hadson Logongo, hayuko. Petro Mahagiru, Petro
Mahagiru, hayuko. Hudson Ngovoga, Hudson Ngovoga. Robert Aradi, Robert Aradi, Dickson Kiduso, Dickson Kiduso,
Katibu Dickson.

Dickson Kidusu: Okay my name is Dickson Kidusu, I come from Solongo sublocation and I have got the following views to
present. As regards the President, he must be above 35 years.

He must not be immoral, corrupt or povers, he must serve a maximum of two terms of five years each. If it does not deliver, or
provide a good work, a vote of no confidence must be passed against him. He should not be above the law and the
constitution can provide for a case whereby we can have a president who is not affiliated to any party who is an independent
candidate but who is a citizen of Kenya and who has done a good work that Kenyans can see. He must be competent and
credible and the thing of enuinity against the president should be scrapped off because if he has been a good president, why
does he trike for enuinity?

On political parties I propose that we have a maximum of three political parties which will be funded by the government. They should not be barred from contesting in an election and they should not be only opposition parties but parties that will cooperate to bring good changes in Kenya. For ministers, a minister must be qualified in the field of operation that he works.

For nominated MPs the parliament should have a right to pass a vote of no confidence in a nominated MP who contravenes the laws of Kenya or who does not do the work it had a portfolio who does not provide good results.

Ministries: They should be broken into smaller, some should be broken into smaller units for effectiveness e.g we should have a ministry of defence, ministry of sports, ministry of children affairs, ministry justice. We do not need to have two ministers holding one office like today we have two ministers of energy all in one office. The chief justice and the Attorney General must be appointed by the president in consultation with the parliament. The President alone should not appoint the chief justice.

When we come to the chancellor of public universities, I propose that the President should not be the chancellor but a chancellor can be appointed by the parliament after it has been seen that he is fit to be the chancellor. The president should not preside over petty things as, or small things like Agricultural shows, but the main end of site A Tape 5

On work, retirees, I'm finishing, retirees must not be given or appointed to another work again and no one should hold two offices at the same time.

Mayors must be elected by the people and serve for two terms of 4 years each. Qualifications of councillors and mayors at least a degree from a recognized university and in finishing, the constitution must clearly declare that citizens of Kenya are sovereign and that everything must be done in consulting the citizens themselves and a fixed date should be set in the constitution on which Kenya should hold elections. Not the one that we have been holding elections on, 29th of December because it has made the December festivities not to be celebrated in a good manner and that date can only be changed if a president resigns or a vote of no confidence has been passed against him or if he dies. Thank you.

Com. Prof. Ahamed Idha Salim: Thank you very much for your views Bwand Dickson Kidusu. Simon Adagala, Simon Adagala.

Simon Adagala: Majina yangu ni simon Mwendwa Adagala. Niko hapa kusema maneno, kupropose kutoma mapendekeao kadhaa. Kwanza mimi ni retired civil servant, nataka nitoe mapendekezo kuhusu pensioners. Ningependekeza kwamba, wakati wowote mishahara ya wafanyi kazi inaongezwa, pensioners pia wafikikiwe na waongezewe. Ningependekeza pia ile NSSF, National Social Security Fund badala ya tu kuwapa wazee pesa kidogo wanapostafu imbadirishwe iwe na pension scheme, ili hata wale walifanya kwa mafactory wakistafu wapewe pension mpaka wakufe.

Ningependekeza pia freedom of worship katika Katiba ambayo tutakuwa nayo. Najua ya kwamba tumekuwa na Katiba ambao ilikuwa inaruhusu watu kuambudu bila shida lakini pia Katiba hiyo ionyeshwe wazi wazi kwamba hatutaruhusu watu waambudu shetani kwa sababu tumekuwa na malalamiko katika mashule kwamba kwa sababu ya kuambudu kwa uhuru wa kuwambudu, watu wengi wamechukua hiyo Katiba na wakaleta kuambudu shetani na si vizuri. Wakati huu Katiba iwe wazi wazi kwamba ijapokuwa tutakuwa na uhuru wa kuambudu lakini hatutakumbali watu kuambudu mashetani. Pia katika hali hiyo ningependekeza kuwa tumekuwa na shida, mimi pia nafanya kazi ya uhubiri. Katiba hiyo tumekuwa na uhuru wa kuambudu lakini kuregister ministry tusema kama mimi nikaamini kwamba niregiste ministry in my own name, imekuwa shida hapa Kenya katika Katiba yetu mtu kuregista ministry na imeleta shida sana. Ni lazima ufanye mambo mengi, uapply several times and you may not even be given that chance.

Pendekezo lingine pia ni kwa elimu, elimu yetu hapa Kenya imekuwa ile tunasema examination oriented. Yaani Mkenya kukwambia kwamba amesoma ni lazima akuonyeshe certificate na ningependekeza kwamba tutest watoto wetu on that continuous assessment. It is unfair mtoto asomo class one up to standrd 8 halafu anajaribiwa siku tatu. Akianguka hiyo imeishia hapo. Ningependekeza kwamba tuwe na ile continuous assessment ili tunaconsider alipita namna gani darasa la kwanza, la pili, la tatu, hiyo inakuwa the total sum ya mitihani yake na anapewa break. Itasaidia.

Mwisho uridhi nataka kusema kwamba, uridhi Katiba ni lazima iwe wazi. Uridhi watoto wote ni watoto, msichana mvulana ni mtoto. The issue ya kusema aliolewa ama hajaolewa that is not the issue, the issue is watotot wetu ni watoto sawa na mzee akiwa na kitu wote wafaidike. Asanteni.

Com. Prof. Ahamed Idha Salim: Asante Bwana Adagala kwa maoni yako. Keneth Isolio, Keneth hayuko. Aggrey Mugei, Aggrey Mugei, Hayuko. Aenea Hodari, Aenea Hodari hayuko. Rebecca Itheria, Rebecca Itheria, hayuko. Saidi Onzere, Saidi Onzere, jua kali, Said hayuko. Wecklace Ida, Wecklace Ida, hayuko, Reuben Kioko, Reuben Kioko. Reuben is here? Is he? No. Somebody else walking out, Peter Kidiga, Peter Kidiga, Karibu Peter Kidiga. Beatrice Muhojo yuko? Beatrice Muhojo yuko? Beatrice Muhoja, yuko, nilikuwa nataka kumwambia ajitayarisha, she is next. So Peter Kidiga, karibu,

Peter Kidiga: Lita linage ni Peter Kidiga

Translator: My name is Peter Kidiga.

Peter Kidiga: kutula Wadio Sub-location

Translator: I'm from Wadio sublocation

Peter Kidiga: Ndalomaloma khu Serikali

Translator: I'm speaking on the government.

Peter Kidiga: ma enomenome amang'ana ka President

Translator: First I want to speak on the President.

Peter Kidiga: President kanyeka aruke vandu khu miaka jitano

Translator: The President should hold the office for only 5 years.

Peter Kidiga: Ni nachagulwa kandi, akavilitha miaka kumi tae

Translator: If he adds it should be a maximum of 10.

Peter Kidiga: President akhava na thingulu thinyishi ta

Translator: The President should not host too many powers.

Peter Kidiga: Ave ne thingulu thinyishi sana

Translator: He has too many powers.

Peter Kidiga: Kwenya thingulu thilia thipunguzwe

Translator: The powers should be reduced.

Peter Kidiga: Lia kavili

Translator: Secondly

Peter Kidiga: kuthi raia

Translator: We citizens have freedom,

Peter Kidiga: kuve no vuhuru vwa kulomaloma

Translator: We should be free to speak whatever we want.

Peter Kidiga: Polisi yevamanyi ikazi yavo tae

Translator: The police don't know their job, they harassing mwananchi.

Peter Kidiga: Na thingulu tiavo zipunguzwe

Translator: The police powers should be reduced.

Peter Kidiga: Vanyola iriport kuchila mang'ana fulani, shivathithanga wa subchief tae, vathia kujimira mtu bila kumanya akholi
that crime

Translator: They get imposed and without looking for the assistant chiefs, they go right to the people and arrest them without knowing whether they have committed a crime or not.

Peter Kidiga: polisi kenyekha vakhulindi

Translator: The police is there to protect us

Peter Kidiga: na shivakulindanga kunyi raia ta

Translator: but they do not work with the citizen.

Peter Kidiga: Vakulithanga chang'aa vakulithiranga vandu vandi vahira kukulitha avundu hundi

Translator: There is chang'aa dealers and they take the chang'aa and they intum go to sell it elsewhere.

interjection

Com. Ahamed Adha Salim: Sorry Bwana Kidiga kwa kuinterrupt lakini hayo ni maelezo kwa hakika, tufanye jambo gani, pendekezo lako ni nini?

Peter Kidiga: thingufu thia polisi ntinyikha thikavilwi assistant chief

Translator: The powers of the police should be transferred to the assistant chief.

Com. Ahamed Adha Salim: Police wafanye nini?

Peter Kidiga: vapolisi vanyola iriport ya makoso fulani, vanyika vathi trough chief.

Translator: When the police get a report they should go through the assistant chief. I'm telling him he has already said that.

Peter Kidiga: shindi na manji tae

Translator: That's all I have.

Com. Ahamed Adha Salim: Thank you very much Bwana Peter Kidiga kwa maoni yako. Tafadhali utajiandikisha pale.

Wilson Indagiza, Wilson Indagiza, Banard Buseja, Banard Buseja, Hilda Zibuni, Hilda Zibuni, Hilda is here? Okay karibu Hilda Zibuni.

Hilda Vimbuni: My names are Hilda Vimbuni. I have the following to propose.

The provincial administration should be scrapped and ministers should be heads of provinces or example Minister of Western province. This will have the effect of reducing government expenditure

Interjection

Com. Ahamed Adha Salim: What should replace the provincial administration?

Hilda Vimbuni: The Ministers. The centralized government operation from Nairobi let us have ministries in provinces for example, Ministry of Tourism should be based in Mombasa. Women should be given 6 months maternity leave, this will improve the health of children at thi early stage. These people are sent of parliamentary seats should be set aside for women hence improve the participation of women in decision making.

The Kenyan currency should bear no President's head but the head of the lion or any other feature.

Disabled people should be put on some monthly allowance to enable them attain the minimum living standards.

Nominated MPs posts should be set aside for the disabled people. The President should not be above the law.

Impeachment of the President should be introduced to tame immoral and corrupt leaders.

The President should have a wife. That woman can be seen in public with the President side by side.

Com. Phoebe Asiyu: Who should have a wife?

Hilda Vimbuni: I meant a president who is aman to have a woman.

Com. Phoebe Asiyo: President woman?

Hilda Vimbuni: She should also have a husband. This will also help to curb immorality. For a minister to be appointed in a certain ministry, he or she should at least have a minimum of a diploma.

A government of national unity should be introduced. Both the opposition MPs and the ruling party MPs should be appointed ministerial posts. This will enhance unity and reduce tribalism which brings corruption. Defection should be legalized. Defecting MPs or councillors should not be allowed to contest the same seats once elections are called again.

We should only have three political parties in the country. We should borrow a leaf from the American democracy for too many parties promote tribalism. Thank you.

Com. Ahamed Adha Salim: Just wait.

Com. Kavetsa Adagala: You know, America doesn't have three parties. It has many parties but there are two major ones. If you want to quarrel from the democracy, they have many parties. A coalition government only, if someone gets 53% of the votes, it would be very difficult to convince them otherwise to now look for someone else. Coalition governments are there where there is not a clear majority; so I think we probably should think about that because when saying nice things they sound nice but think about it some more.

Com. Ahamed Adha Salim: Thank you very much Hilda. Javan Magy, Javan, yuko? Hayuko. Baranaba Mudogo, hayuko, Nicksom Amendi, hayuko, Manaseh Mujiwa, Manaseh, karibu, two minutes. You may go down to one minute so wale wengine waliombakia tafadhali mjitayarishe kwa points peke yake. Uende tukampa kila mtu dakika moja tu maanake wakati umezidi kuendelea mbele sana.

Manaseh Mujilwa: Amita kange Manase Mujilwa

Translator: My name is Manaseh Mujilwa

Manaseh Mujilwa. Mbe tha na mang' na kavili

Translator: I have two things to say

Manaseh Mujilwa: Okuvika imbeli we Commission yetu, Ilikhutanga, kovehe nende sheria ivola ndi, niva omundu alahinzila ikazi, vamaha vamuha ibarua ivola ndi, nutuka litiku fulani, olathia retire.

Translator: First of all we have a law which says, when you get to a certain age you will be given a retirement letter.

Manaseh Mujilwa: Na inzi mwene havundu handahinzilanga ikazi, ndahinzila mihika zaidi ya kumu na nane,

Translator: I worked for 18 years and my type of work,

Manaseh Mujilwa: Na ndali ndanyola ibarua mu personell ivola olajhathi retire mwihika ndi .

Translator: and I had a letter from the personnel department which gave me my retirement date.

Manaseh Mujilwa: Ku litiku lienelo liali litiki kutukha ndeta mang'ana ka imbeli we Commission, litiku lieneli liali likiri kutuka ma nendekhezwa ikazi.

Translator: I was terminated before the end of my contract.

Manaseh Mujilwa: Kichila nuleshi ikazi vakhuhandikila ibarua ooh, kwali kwakovelela wethi litiku fulani lachini kukuhenza ibarua ivola kalunu olathia.

Translator: When you get early retirement they should say we had said you would retire on this date but now we are saying you go earlier.

Manaseh Mujilwa: Na ndamala nindula tha kukazi haraka ma litunga liavatunga siliali lilahi tae

Translator: I left work hurriedly and they didn't pay me my dues well.

Manaseh Mujilwa: Lienelo lifwehe ndio.

Translator: That's finished.

Manaseh Mujilwa: lia kavili

Translator: Secondly,

Manaseh Mujilwa: Avevoli

Translator: Parents

Manaseh Mujilwa: Vavere novudinyu sana.

Translator: they have a lot of problems.

Manaseh Mujilwa: Ndakayanzi kuteva icommission yaveo kalunu,

Translator: I would like to ask the present Commission

Manaseh Mujilwa: Vakuvikhire isheria ivola ndi khutunge ovushuru khuli kwatunga na vana vanyole vitabu khuli vanyola khale.

Translator: I would like them to make a law so that we pay taxes like we used to pay in the past and the children gets free books.

Manaseh Mujilwa: Shichila kaluno no msigo munene sana.

Translator: Buying books is a big burden.

Manaseh Mujilwa: Na nicho mang'ana kandakuyaniza mbikiku imbeli wa Commission yetu.

Translator: That's what I wanted to bring forward to the commission.

Manaseh Mujilwa: Thank you sir.

Translator: Thank you.

Com. Kavetsa Adagala: Omalilitha mang'ana koko wenya kareture kave ndi nangwa? Omalilithi ta.

Manaseh Mujilwa: Mangana kange olwa ndatula ku kazi, vamba kindu kikuthuthu na ndali mdu.....interjection. By Com. Adagala

Com. Kavetsa Adagala: Khandi khumanyi okhubore khuhuhuli, wenya ndi?

Manaseh Mujilwa: Nyenyanga matiku kali nikakiri imbeli kala, vandungi.

Translator: I want to be paid for the days that were left before retirement.

Com. Ahamed Adha Salim: Asante Mzee Manaseh. Thank you sir. Mark Donald Karika, hayuko? Prispinos Edeke, Prispinos Edeke, hayuko, Edwin Lanogwa, Edwin? Hayuko? Stevans Lukalo, Stevans Lukalo, Ameenda? Samuel Debere,

Samuel Debere hayuko? We already had him. Amaganga Markson, Markson Amaganga, hayuko? Ephraim Ritu, Ephraim Ritu. We had him? Yes we did. Alenga Ogango, Alenga Ogango, hayuko, Bibiana Adabwa, Bibiana Adabwa, yuko? Wewe ni nani? Yana Adabwa? Alright?

Nani?

Alenga Ugangu: Alenga Ugangu.

Com. Ahamed Adha Salim: Oh yes.

Alenga Ugangu: I would first of all like to request the commission to give the people of Kenya the draft of the constitution before it is actually released to the public in use because raising view and having them put in place are two different things but still two faces of the same coin. I also want the youths to be fully involved because this constitution is going to be used by the youth a great deal.

I also want to say that the police force should not be used by the people of Kenya as the last resort of failures such that anybody wanting to join the police force should have passed his examinations i.e. he should have a grade of C plain and above so that we have competent and efficient police officers. Then I would want to comment, or just insist that the government puts in place institutions for the disabled so that we also have them included in our economy raising.

Then I would want to talk on patriotism. I just want to say that the power of a nominating a presidential candidate should be stationed to the delegates conference and not the outgoing presidents. Thank you.

Com. Ahamed Adha Salim: Thank you very much Alenga Ugangu for your views, he is a student in this school and those were very clear views he has given and very ... one after the other without any hesitation. He knew exactly what he wanted to say. Hopefully the rest will do the same because we have no time, its going to rain and once it rains heavily we will not be able to hear the views. So tafadhali kwa haraka tujue ni nani yuko hapa, Arnest Were yuko? Arnest Were hayuko. Itikia tafadhali, usipoitikia tutaendelea mbele. Esther Kateje, Come in. Esther karibu. Are you Esther? Esther is the student behind?

We called the names many times. Okay Bibiana? Siyo? Two minutes maximum. If he can finish in one minute we will be very

grateful. Get it closer because you have ..

Mrs. Bibiana Adabwa: My names are Mrs. Adabwa from Kakamega.

Com. Ahamed Adha Salim: Endelea, time is passing by.

Mrs. Bibiana Adabwa: Mine is about pension scheme for the

Com. Ahamed Adha Salim: Please get the mic closer because we have a problem with your voice, the closer the better.

Mrs. Bibian Adabwa: Mine is about pension schemes for the elderly. I would like the government to set aside the scheme where the elderly can be supported because they hardly get any support even from the immediate familyhood.

Interjection

Com. Ahamed Adha Salim: We got that point.

Mrs. Bibian Adabwa: Thank you. Next, the parties should release their manifesto to the people so that we can make out the difference. What kind of party we can vote for. Thank you so much.

Com. Ahamed Adha Salim: That's all? Thank you very much again, very clear, very focused on two issues. Nest Arnest Were hayuko, Esther Kateje, Esther, a student. Karibu Esther.

Esther Khateje: My names are Esther Khateje. My main point is that anybody should retire after 50 years because if they retire any late, the young generation will miss chances for jobs.

Secondly, anybody who is found guilty on child abuse should be sentenced for at least 5 years. Thank you.

Com. Kavetsa Adagala: Esther, what about if we can create more jobs? Because it is possible. The jobs are not many, they

can be created.

Esther Khateje: That's good but in the present Kenya we are finding

Interjection

Com. Kavetsa Adagala: We are talking about the future Kenya.

Esther Khateje: The future?

Com. Kavetsa adagala: 50 years a hundred years, five years.

Esther Khateje: It will be fine.

Com. Ahamed Adha Salim: We give you our best wishes. Mwan C.S. Mwalimu, Makhani, Mwalimu Makani yuko?

Hayuko. Gemine Muhado, yuko? Hayuko. Evans Lisuli, mkulima, hayuko. William Mutange, Karibu Bwana William

Mutange.

William Mutange: Jina yangu ni William Mutange mimi ni Maragoli, mwenyekiti wa Maragoli East Africa na nitazungumza

maneno kufuatana na mageuzo ya Katiba, utagurizi page 3 halafu tutaenda kwa page 20 na 21. Utagulizi kwa maoni nasema

nikiwa kiongozi huko maragoli ni hii: Tunaipa mageuzi ya Katiba mamlaka kwa njia hii: Misaada hii yote ambayo iko katika

Kenya sehemu ya Maragoli hakuna hata mmoja.

Interjection

Com. Ahamed Adha Salim: Pendekezo lako?

William Mutange: Pendekezo langu ni hii: Watu wanatoka Marogoli wanaenda hata city, kilometer elfu moja.

Com. Ahamed Adha Salim: Sasa wataka wafanye nini?

William Mutange: Wagawanye industry, na watu expert wa kuelewa kufanya kazi katika province. Kupuguza umasikini ulioko hapa, kwa hivyo umasikini uko mwingi. Watu wako karibu million mbili, (maragoli sasa)

Com. Kavetsa Adagala: Endelea na pendekezo lingine.

William Mutange: Pendekezo lingine ni hiyo. Hiyo tu. No. 21 mali ya ____

Mali ya siri, mimi nikiwa mfanyi kazi wa Jo scientists katika African region, nitasema hivi, kitiba ichukue nafasi kila points iwe ikitrain Jo scientist, kama Maragoli hapa kuna natural resources na natural resources hakina mtu yeyote anafanya. Pendekezo ni kusema, kwa natural resources tumesema experts, Katiba hii ikumbaliane na maoni hii mimi naweza kufanya kwa ijadara.

Interjection

Com. Ahamed Adha Salim: Hii si mjadara ni kusikiza maoni. Hakuna majadiliano. Oni lako ni nini juu ya mambo hayo?

William Mutange: Mambo hayo kutoka 65% iwe ikigawanywa katika province.

Com. Ahamed Adha Salim: 65% ya nini?

William Mutange: 65% ya industries.

Com. Ahamed Adha Salim: In provinces?

William Mutange: In provinces.

Com. Ahamed Adha Salim: Away from where?

William Mutange: Itolewe kutoka central government na 35 % imbakie kwa city kama Nairobi.

Com. Ahamed Adha Salim: Mbele zaidi, anything else?

William Mutange: Yes. Tuna shida kama vile watu wamezungumza mengi, shida ya Maragoli ni health, watu wanakufa,

Interjection

Com. Ahamed Adha Salim: Pendekezo yako, juu ya mambo ya health?

William Mutange: Waweke madaktari kila location. Wahusize location council ambayo ilikuwako zamani ya kusaidia watu.

Com. Ahamed Adha Salim: Very good.

William Mutange: Watoto wa miaka miwili mpaka miaka gapi wanakufa, na hakuna health yeyote hata moja.

Com. Ahamed Adha Salim: Sawa, endelea mbele. Kuna jambo lolote mbele maana time yako imekwisha kwa hikika.

Tunakupa nafasi kwa pendekezo moja la mwisho.

William Mutange: Pendekezo la mwisho, tunauliza government ilete watu wa daktari wa kufanya survey kujua ni kitu gani kinaua watu kila wakati.

Com. Ahamed Adha Salim: Very good. Thank you very much. Next tunamuita Bwana Joash Amedi. Karibu Bwana Amedi.

Joash Amedi: Wanajeshi jina langu ni Joash Amedi natoka area hii. Maneno yangu ni mafupi tu Mengi yamesemwa juu ya mashamba na juu ya uridhi ya wanawake. Uridhi ya wanawake naomba commissioner hii, inaposhikilia kuamua sheria yake, izingatie Bible vizuri kabisa, Wakorintho 7:4, nikisema hivo, hapa kwetu katika Maragoli kuna democracy kubwa sana ya wanawake na wazee wa hapa walikuwa wanawalinda vizuri na mira zetu ni sawa. Kwa hivyo napendekeza Katiba hii iwekwe

mira za kila watu zikubaliwe kusikizwa. Neno la pili ni kusema tu katika Katiba yetu ya Kenya, inafaa iwekwe corruption na kupeana ruhusa nyingi ikiingia dani ya nchi ni lazima parliament ivujwe mara moja ili uchaguzi ufanywe na marekebisho hayo yaodolewe. Nafikiri kusema mingi si sawa, wamesema saa zimekwisha. Asante.

Com. Ahamed Adha Salim: Asante sana Bwana Joash Amendi kwa maoni yako hayo. Jathan Kaiya, Jathan Kaiya, hayuko, Charles Cheuga, Charles Cheuga, hayuko, Boaz Linalogwa, Boaz, hayuko. Michael Labukusi, Michael Labukusi, okay, Michael Labukusi hayuko? Zarah Mohamed, Zarah Mohamed, hayuko, Mariam Masudu, hayuko, Tom Sadagi, hayuko, na mwanafuzi Maxwell Amaganga. Alright Maxwell come forward. Be as clear and concise and first like your colleague earlier.

Amaganga Maxwell: My names are Amaganga Maxwell. With mine, my views is about the appointment of the chairman of the electoral commission of Kenya. I think there is need for us to have a different body to choose the chairman for ECK. This for now I know we have been having the president as the one incharge to appointing and you see now elections were rigged, its being carried on the president is on one side and also we have the opposition side. So I think there is need for a neutral person to be chosen so that he can be the chairman of this Electoral Commission of Kenya.

Another one from what I've been viewing, I think the brew which is being made by local people, I think they should be legalized because many Kenyans especially those whose income is low, are user friendly to that one because you will realize that this expensive liquor is being used by those who have great income hence its like you are discriminating the common mwananchi. So my wish on the other side whereby we know of the kumikumi which is a dangerous brew but its just because of its high concentration which is caused by it being illegal. It is illegal and health people have to make it concentrated so that the consumption

Interjection:

Com. Ahamed Adha Salim: You don't need to explain. Any thing else?

Omanga Maxwell: And then the last point is about the life in which the president should be in powers. I think we should have the president being in parliament or being the head for two terms only and not for unknown period of time.

Com. Ahamed Adha Salim: Very good. Is that it?

Omanga Maxwell: That's all.

Com. Ahamed Adha Salim: One minute.

Com. Phoebe Asiyu: You say busaa is user friendly. Tell me, what age does it start becoming user friendly?

Omanga Maxwell: Above 25 years. Those who can at least have small income. Not for young.

Com. Phoebe Asiyu: Thank you.

Com. Ahamed Adha Salim: Thank you. Asante sana for your views. Please register there. You have contributed to a Katiba that will help. For it shall guide your life for quite a while.

Simon Monoko, Pamela Sidori, Solomon Ingosi, na Maxmilliam Kandege. Hawa ni dugu zetu ambao wana tabu ya kusikia lakini John nafikiri wamesha enda? Wameshaenda kwa hivyo twawashukuru kwa vile ambavyo wamefika, tumepata maoni yao kwa jumla, kwa hivyo ni ishara nzuri kwamba wamekuja hapa kwa tabu lakini wameonyesah jinsi ambavyo wanafikiria Katiba ni muhimu. Tukiendelea mbele namuita Bilali Salim Mudetsi. Karibu Bwana Bilali.

Bilali Salim Mudetsi: Asalam aleikum wabalakatu. Mimi maoni yangu ni juu ya makazi. Tuna makazi katika Kenya, yale madogo na yana mahakama. Mimi maoni yangu ningependelea vile inakuwa makazi hayo yanatoleka katika doa na talaka iwe isitoshe peke yake. Waongezee mamlaka kupatana na Koran, waongezee mamlaka kufuatana na Koran. Ikiwa mtu amekosa, aadhibiwe kufuatana na sheria ya Koran. Ndio mapendekezo yangu ambayo nilikuwa nikitaka nje hapa mambo yangu hii ipelekwe mbele, makazi wongezewe katika mahakama yao cheo cha kutosha. Wanaweza kuhukumu mtu yeyote mwenye makosa kufuatana na sheria ya Kiislam.

Neno la pili, tuna mashamba, hayo mashamba, kuna mtu anaweza kumiliki acre elfu mbili elfu tatu na kuna watu katika nchi hii wanaangaika. Unaweza kukuta mtu anazaa watoto amejenga pahali pamoja hata pahali ya kupitia ya kutengeneza choo hakuna.

Interjection

Com. Ahamed Adha Salim: Pendekezo lako Mzee Bilali, pendekezo lako juu ya mambo ya ardhi ni nini?

Bilali Salim Mudetsi: Pendekezo langu ni hii, kama wanaweza kugawa, serikali inaweza kugawia wale ambao wana shida. Ikiwa si hivyo, serikali iweke vyake kodi, ile kodi iingie katika education, isaidie wale watoto ambao wazazi wao hawana mapato.

Nafikiri sitakwenda sana na iko neno moja ambayo nitakuishia tena. Tuna watu madaktari katika mahospitali, wanaletewa madawa kutibu nayo wananchi lakini madawa yale yakija kama leo, ukienda kesho unaambiwa hakuna dawa kwenda nunua katika clinic.

Com. Ahamed Adha Salim: Pendekezo lako juu ya jambo hilo?

Bilali Salim Mudetsi: Pendekezo langu ni zile dawa zikija kuwe na uchunguzi kabisa mtu asije ni mgojwa, anaambiwa kwenda nunua katika clinic, na hadi dawa ziko. Ndio pendekezo langu serikali iangalie mambo haya isuruhishe maanake ndio _____ inakuja vingi kwa sababu mtu hana pesa ya kwenda kununua katika clinic ndio anazidi kuumia mpaka mwisho ni kifo. Nafikiri sina zaidi ya hapo. Pendekezo yangu ni hiyo, ikiwa mnaweza kuweka katika marekebisho ya Katiba, muingize dani yake, nitafurahi. Mungu amsaidie.

Com. Kavetsa Adagala: Mzee, wewe ni mkaaji wa wapi?

Bilali Salim: Mimi? Mimi nakaa katika yadui ya sub-location, Sabatia division.

Com. Kavetsa Adagala: Liaduya? Yaduya iko town.

Bilali Salim: Eee Liatuya ivere mtown.

Com. Kavetsa Adagala: Katukana vandu vamanye kumenyi mtown. Milimi chivakavulanyiaji ni mtown, thi plot nzio mtown. Tupatilike hap tunaishi towm.

Bilali Salim: Imanyi ndi naangwa.

Com. Kavetsa Adagala: Ne milimi chakulima kutese mumagunia hamsini ta, Kuvehe mtown.

Bilali Salim; Kuvehe mtown...

Com. Kavetsa: Yes

Bilali Salim: Na kane kuvere mtown lakini vaveo vandi vatavehe Motown tave. Nivo vatendehera.

Com. Ahamed Adha Salim: Mzee Bilali? Sijui kama wajua hawa akina mama ambao walijiandikisha wakaondoka? Zarah Muhamed na Mariam Masuti.

Bilali Salim: Nawajua, Zarah Muhamed namfahamu.

Com. Ahamed Adha Salim: Na sijui kwa nini walikuja kisha wakaondoka. Mara tungependa kusikiza maoni yao, wakiwa akina mama wa kiislam.

Bilali Salim: Wote wawili nawajua. Wako katika Muskiti wa Makongeni.

Com. Ahamed Adha Salim: Kwa nini hao waliondoka bila kutoa maoni?

Bilali Salim: Hata sijui, niliona wakiondoka, hata mimi nilikuwa pale nikaona wanaondoka.

Com. Ahamed Adha Salim: Sijui kama inawezekana kuwajulisha waje kesho juu kuna kikao kule Bokoli.

Bilali Salim: Oo, halafu kuna mwingine ambae ameondoka nilisikia ukimtaja anaitwa Zaidi Onzere, Huyu ndio naweza kumuona mara moja lakini wale wako hatua kidogo na mimi.

Com. Ahamed Adha Salim: Asante sana Mzee Bilali. Salaam aleikum. *End of tape 5*

Bilali Salim: Aleikum Salaam

Com. Kavetsa Adagala: Wajulishe wakina mama _____ (inaudible) wengine.

Bilali Salim: Wengine, hata huyo Zarah ameniuliza hapa, kuna mmoja, yaani leader wao, alikuwa na karatasi ambayo walitengeneza mambo yao. Wameniuliza kama yuko wapi, nikawaambia kweli nilimuona lakini yuko nyumbani. Wakaniambia kwa nini yeye hakuja na yeye ndio na mamlaka yetu ambayo tulitengeneza. Kwa hivyo huyo nitamjulisha aje Bokoli.

Com. Ahamed Adha Salim: Shukulani, asante. Major M. A. Kidusu, Major Kidusu, karibu.

Major Shem Kidusu: Mimi ni Major Shem Kidusu from Salvation Army Church. Napendekeza machief wawe wakichaguliwa na wananchi kupunguza ufisadi na ninapendekeza mambo ya pombe hapa Kenya, ikiwa pombe inataka nchi ya Kenya iiondoe, lazima sheria iseme pombe yote Kenya imeondolewa maana

Interjection

Com. Kavetsa Adagala: Hallo, (microphone testing) Okay endelea.

Major Shem Kidusu: Nilikuwa nasema pombe ikiwa hapa Kenya inataka kuondolewa iondolewe pombe yote kwa mtu yeyote. Maana waliondoa zile za kienyeji na wakawacha zile za beer. Sasa zinaconfuse, ikiwa nikuondoa ziondolewe zote.

Pendekezo lingine ni ya kwamba ni vizuri wale viongozi wa makanisa wakumbaliwe kuingia katika siasa kwa sababu wakiingia

katika siasa, wanaweza kuongoza nchi vizuri kwa sababu Kenya 80% ni Wakristo na unaona ya kwamba wale viongozi tunaweza kupewa ni wale ambao si Wakristo. Kwa hivyo tumenyimwa hiyo haki kwa sababu tunaambiwa tukae mahanisani.

Ninamaliza kwa kusema ya kwamba ni vizuri tuwe na ile utawala kama ule wa King David ambao tunasoma katika Agano la kale maana ufalme wa King David ukiangalia ulikuwa na maminister kumi na mbili lakini utaona ya kwamba katika nchi ya Israeli walikuwa watano. Na makabila mengine wakawa maminister saba.

Com. Ahamed Adha Salim: Hapa ungependelea wagapi ministers?

Major Shem Kidusu: Mimi ningependelea wawe hata kumi na mbili kwa sababu ufalme wa King David ndio ulikuwa ufalme mzuri.

Com. Ahamed Adha Salim: Endelea. Nafikiri wakati umekwisha. Una la mwisho?

Major Shem Kidusu: La mwisho naomba mambo yafikiriwe.

Com. Ahamed Adha Salim: Bila shaka, twakuhaidi kwamba yatafikiriwa Asante

Com. Kavetsa Adagala: Ngoja, nilitaka kumuuliza Muisilam pia _____

Com. Ahamed Adha Salim: Ashaondoka.

Com. Kavetsa Adagala: -----(inaudible) ni Wakristo, na Waislam wanasema 40% ni Wakristo, Yote they are 120%

Speaker: _____(Inaudible)

Com. Kavetsa Adagala: Ufisadi unatokea wapi? Hawa watu wote ni wa kanisa 80%. Nyinyi hamna mamlaka ya Kiroho kuhusu hawa watu wa ufisadi. Labda 80% wangukuwa Wakristo, sio ufisadi, Kenya ingekua nzuri, tungembaki na 20%.

Major Shem Kidusu: Hapa mimi nimesema vizuri ya kwamba sisi watu wa makanisa tumezuuliwa kuingia katika siasa.

Com. Ahamed Adha Salim: Asante sana major, asante Bwana Bilali, twakushukuru na wewe nafikiri waweza kwenda. Mvua yaja. Hatutaki kukubakisha nyuma. Endelea ulikuwa unatoka. Sio? Tushamaliza. Enos Rubia Enos yuko? Hayuko. Geoffrey Otieno, hayuko, Omar Mugalitsi, karibu Omar Mugalitsi.

Omar Mugalitsi: As you have said my names, Omar Mugalitsi, I come from Bukorunya sublocation, Isala location, I have the following recommendations or views to make to this commission which I believe is unique in the history of this country. Unique in the sense that I'm hoping that it will not be like the others that we have seen in the past.

1. I recommend that on representation that we have provision or a constitution that allows for impeachment of non-performing and unavailable Members of Parliament. That is the electorate should be given the go-ahead to say no, even before the term ends or otherwise we have a provision for the position of deputy MP.
2. On political parties, I propose that the number of political parties in this country be regulated to avoid mass confusion.

Interjection

Com. Ahamed Adha Salim: How many do you want?

Omar Mugalitsi: I want a maximum of 5 political parties which are very serious and these political parties should be funded by the tax payers.

3. Education: I propose that there is no need of having a president or politicians being the Chancellors or the Chancellor of public universities. Instead we should have Techno Crest. Not politicians. Still on that one I propose that Boards of governors be scrapped from the school managements because they are irrelevant. Irrelevant in a sense that they spend money which they have not helped in raising. Instead let us legalise PTAs and be given a free hand in running matters pertaining school managements.
4. Infrastructure: In this country I propose that every location in this country be directly allocated funds to make _____

(inaudible)

5. President: The person, that man or woman who has to lead this country should garner over 50% of the votes cast in order to ensure that whoever is doing that because he has been elected popularly not a repeat of what we had in 1992, 1997,

Interjection

Com. Ahamed Adha Salim: No need for details, just give proposals or views. The bell will ring any second now.

Omar Mugalitsi: No. 6, I'm moving very fast

6. We would like to have a position in our constitution for locational, divisional, district and national referendums to be solving or retreating to issues on matters that crop up in this particular country. Referendum.
7. We want a clear provision or constitution for freedom fighters. They need to be recognized in our constitution for the role they played. Their families should not be left to languish in poverty. I have in mind people like Kagia, Kubai, Onyanko, Kimathi and others.
8. Abolish the positions or posts of assistant ministers. Instead let us have Deputy Ministers.
9. I propose that we have Vice President being elected to avoid sincovancy.
10. We need a constitution that will provide for the finding of the various public enquiries, inquests or commissions, for example, the Ouko Commission, Devil Worship Commission, Tribal Clashes, Akiwumi, and possibly others.

Com. Ahamed Adha Salim: Thank you very much. You were giving us that memorandum?

Omar Mugalitsi: Yes .

Com. Ahamed Adha Salim: Thank you very much.

Omar Mugalitsi: The last one Mr. Chairman, I would expect us to have a constitution that will get lid off bad governance and the type of direction we have had for many years in this country. Cornmanship, dictatorship, pretence, and cult worship. Thank you very much.

Com. Ahamed Adha Salim: Thank you very much.

Com. Kavetsa Adagala: Kijana? There are also freedom fighters from Western Kenya and from Maragoli, It will be good to

do some history.

Omar Mugalitsi: I was giving examples. Everytime I was giving those minor examples. We have J.D. Otieno from Olang’

Com. Ahamed Adha Salim: Thank you very much. Aggrey Bano, Aggrey Bano hayuko. Christopher Nyathera, hayuko. Benadict Kiwanuka, Benadict Kiwanuka. Chritopher is here? Are you Chritopher Nyabera? Karibu. Dakika mbili please. I hope you are ready with your proposals.

Christopher Nyabera: Mimi naitwa Christopher Nyabera. Ningependelea kusema hivi kwa serikali. Police hapa Kenya, ama Kenya mzima tu yote kwa jumla, wanapata tu mtu wanamshika, hawa wamekosa

Interjection

Com. Ahamed Adha Salim: Ungetaka tufanye nini? Tumesikia hayo.

Christopher Nyabera: Nataka kosa hilo mtu akishitakiwa, asikae katika remand, na kama amekosa wamalize hayo maneno yake kwa njia ya haraka.

Com. Ahamed Adha Salim: Ya pili

Christopher Nyabera: Jambo ingine, tuna watu ambao wanakunywa pombe. Na wewe ukikunywa pombe wanakataza. Wanakataza chang’aa na busaa,

Com. Ahamed Adha Salim: Wewe ungependelea nini?

Christopher Nyabera: Ningependelea kitu kama busaa au chang’aa ziwe tu public kwa sababu beer pia wanatumia.

Com. Ahamed Adha Salim: Mbele.

Christopher Nyabera: Na upande wa wanawake, unaweza pata mwanamke mwenda wazimu ama kichwa yake imepungua kichwani lakini anatembea tembea barabarani, halafu utasikia mwanamke ana mimba. Unashidwa hiyo mimba amepata wapi, na ukifuata zaidi unapata ni watu wale

Com. Ahamed Adha Salim: Sasa ungetaka pendekezo gani?

Christopher Nyabera: Sasa ningependekeza hao watu wanafanya hayo inatakikana wachukuliwe hatua kali sababu mwanamke mwenda wazimu ana mimba ya mtu mkubwa, sasa huyu mkubwa nataka achukuliwe hatua na asiruke.

Com. Ahamed Adha Salim: Sawa, Yule ambaye amefanya jambo hilo?

Christopher Nyabera: Yee, ni hayo tu sababu muda ni kidogo.

Com. Ahamed Adha Salim: Asante sana Bwana Nyabera. Tafadhali ujiandikishe pale kuwa umetoa maoni yako. Benadict Kiwanuka, yuko Benadict, Church leader hayuko? Stella Wagasa, Stela Wagasa hayuko, Hasan Kibyavai, hayuko? Edward Chamwanda Edward Chamwanda, hayuko, Simon Muhado, Simon Muhado Karibu. Simon Imbui yuko? Okay utafuata. Endelea. Please bwana Simon weka hiyo mic karibu na mdomo tafadhali. Usiondoe mbali, haina hatari hiyo.

Simon Muhado: The powers of the president iwe minimized. Or whoever is the leader should not be above the law.

Land problems: Those people who own land more than 5000 acres or so should be asked by the government to surrender or to lease a fraction of that land to the landless. At least a fraction

interjection

Com. Ahamed Adha Salim: What do you do with what you get back from them? What do you do with the land?

Simon Muhado: The land should be given to the landless.

Com. Ahamed Adha Salim: Endelea.

Simon Muhado: Unemployment: The government should revive all those industries that have stopped e.g Kikomi and others.

In this country, you will find so many people without holding jobs and these big people holding more than one or three jobs.

Interjection

Com. Ahamed Adha Salim: Pendekezo lako?

Simon Muhado: What I want the government to do, one person one job.

Com. Ahamed Adha Salim: Very good. No. 4.

Simon Muhado: Education: Primary education should be free for all. If it means its meaning. Bursaries for secondary education should be for all without any buyers. 8-4-4 education should be scrapped.

Interjection

Com. Ahamed Adha Salim: What should we have in its place?

Simon Muhado: It should be returned as it used to be.

Health: Free treatment for all Kenyans in all clinics and government hospitals. Cost sharing should be scrapped.

The law: It should be for everybody regardless of who is who. In this country, we have seen senior people being protected from serious crimes.

Interjection

Com. Ahamed Adha Salim: I think we got the point. All should be equal under the law. Next point do you have any?

Although I think the bell has gone? Last point?

Simon Muhado: Security: People in this country are not very free guns are everywhere.

Interjection

Com. Ahamed Adha Salim: Just what is your proposal?

Simon Muhado: My proposal, the government should look into it that Kenyans are protected. Corruption: Corruption should be dealt with severely, people who are holding money abroad, this money should be brought back.

Com. Ahamed Adha Salim: Thank you very much Bwana Simon Muhado for your views.

Simon Muhado: I still have more here.

Com. Ahamed Adha Salim: One? Or the last one? Haya, hiyo moja.

Simon Muhado: The tradition comes in. I think the government should legalise these local brews because

Interjection

Com. Ahamed Adha Salim: I think this came up, we have got the point. Thank you very much.

Simon Muhado: But what I have here is still some more. Could I bring it and then it should be ...?

Com. Ahamed Adha Salim: We will read it in details if you give it to us.

Simon Muhado: Okay thank you.

Com. Ahamed Adha Salim: I'm sorry we are rushing because we have a lot of other people who want to give views and the rains are coming they will interrupt our hearing. We said Simon Imbui yuko? Karibu mzee.

Simon Imbui: Mimi mwenyewe naitwa Simon Imbui, niko location hii na mimi naka Mutheche. Kwa hivyo kitu mimi nasema kanuni, sisi tuko na watu, ugojwa unaonea sisi, na mtu anakufa na bibi yake na sisi sawasawa wazee namna hii. Wanaachia sisi watoto, sasa mimi namna hii, nitaweza mtoto? Mimi niko na miaka themanine na sita, nilizaliwa mwaka wa 1914.

Com. Ahamed Adha Salim: Bwana Mzee Simon? Unazungumzia habari ya watoto wa watoto wako?

Simon Imbui: Watoto ya watoto wangu. Na hao wanakufa na wanawacha watoto wanarudi kwangu. Anakufa na mwanamke mwenyewe, mimi nabaki na watoto. Nitafanya nini? Serikali itusaidie kwa maneno kama hii, ikiweza kuwagojea sisi tuwe na imani tunaweza furahi.

Com. Ahamed Adha Salim: Na ungependa wajukuu wako wafanyiwe nini mzee?

Simon Imbui: Wajukuu wetu, sasa ndio wanarudi kwa mguu ya yule baba yao,

Interjection

Com. Ahamed Adha Salim: Serikali ifanye kitu gani kukusaidia?

Simon Imbui: Itusomeshee.

Com. Ahamed Adha Salim: Haya, endelea.

Simon Imbui: Kwa njia ingine, kwa nje hii, watoto wamekwisha kuwa wakora, anaenda anachukua shamba, wewe umenunua, Yeye anaenda anachukua, nini nyuma yake anaweka kwa yako. Sasa nasema, kama mimi nakufa, yeye atachukua shamba hii ya wajukuu wangu. Na hiyo tunataka serikali, shamba yetu irudi kwa wazee, title deed itoke kwa wazee kwa maana wanaenda chini ufisadi, wanaenda kwa ufisadi, na wewe ukikufa shamba inaenda. Hakuna kitu ya kusema. Serikali itusaidie. Mimi nasema hivyo, mimi niko namna hiyo. Nakuta kwa yangu iko title deed. Kwa hivyo tunapenda Mungu na serikali ni kitu moja. Tunataka tusaidie wazee sasa sisi namna hii tunaisha. Hamna pahali ya kupeleka chakula. Mke akufe, niwachiwe watoto, tufanye nini? Ni hiyo maneno mimi nalia ni hiyo mtusaidie, serikali itusaidie kwa njia kama hiyo. Nikiwa mdogo mimi

nilikuwa kwa army, miaka tisa na kubeba kitu. Nitaomba nani? Saidia hapo tunadanganywa na ufisadi. Hati pesa ndio hiyo, hamna. Tunataka serikali itusaidie kwa hiyo maneno. Hamna maneno mingi Mungu ambarikie.

Com. Ahamed Adha Salim: Asante Mzee Simon, Mungu nawe akumbariki na wewe pia na aondoshe tabu zako.

Simon Imbui: Amen.

Com. Ahamed Adha Salim: Francis Kidaha yuko? Karibu Francis. Samuel Mwanzi yuko? Samuel Mwanzi? Okay.

Francis Kidaha: My names are Francis Kidaha. I would like to propose the following to the commissioners.

We should have a constitution courts and a supreme court.

On the side of security especially the local one, the police should be controlled by the local elders but be paid by the government.

On the side of political parties, we should have a limited number of 4 political parties and they should be paid by the government and the party that qualifys to be paid the government, they should have a minimum 8 members in parliament and 20 councillors.

On the side of the legislature, we should provide in the constitution whereby that an MP who is not performing his duties well, he should be recalled back. That is through a sign of a hundred people to write to the Speaker. The same applies to the councillors. If a councillor is not performing his work properly, he should be recalled and this should be done through the local government minister.

On the electoral commission, the President should be above 35 years and not more than 80 years.

On the executive, we should have a provision in the constitution whereby the president can be impeached and should also not vet off the powers of the parliament.

On the basic rights of the people, I propose that on the judiciary, every person who is very poor and cannot afort to hire a

lawyer, the constitution should provide whereby any person or any Kenyan is entitled to a constitution lawyer.

On the side of the tradition, I agree the commissioners to have a constitution whereby people should request the tradition of other people. That's all I had. Thank you.

Com. Ahamed Adha Salim: Thank you very much Francis Kidaha for those very clear views giving very quickly and within time. We now call Phillip Kidako. Philip Kidako yuko? Hayuko. Richard Ambwere? Hayuko, Zadrak Odiara yuko? Zadiak Odiara? Karibu.

Zadok Odiara: Kwa majina ni Zadok Odiara, mkaaji wa hapa Chevakali. Mapendekezo yangu iko hivi. Ya kwanza majibo; hii federal government is undesirable to Kenya shauli ya ukabila.

Ya pili ni employment: Yangu ni one man one job.

Political parties: I'm recommending two strong political parties and then a third one which can say not strong but which can chip in just to balance them.

Com. Ahamed Adha Salim: So three political parties?

Zadok Odiara: Three political parties yes. Third one, free medical treatment in our government hospitals and cost sharing should be scrapped off.

We should have specific laws on corruption, nepotism, godfathers and what have you.

Free primary education and it should also be compulsory and then we should also have free university education in public universities.

Succession processes, ziko mingi sana, tungependa zipunguzwe ili mtu akitoka kortini ni kwenda kupata title deed straight away. Thank you.

Com. Ahamed Adha Salim: Thank you very much Bwana Zadok Odiara, hayo pia ni maoni ambao ametoa haraka, alijua

atakasema nini, akasema wazi wazi. Sasa twamwita Andrew Musagala, Yuko Musagala Andrew? Tom Mikara, hayuko.

Rogers Nyambari, hayuko. Ather Kihundu? Hayuko. Japheth Muhadia, karibu Japheth.

Japheth Muhadia: asante, kwa majina ni Japheth Muhadia nikiwa sublocation Ithiero, location Chevakali, division ni Sabatia, district Vihiga. Mimi ningependelea hivi kwa upande wa korti. Maoni yangu kwa upande wa korti, mimi naona ukiwa na case kwa upande wa korti, unaweza kuchukua muda murefu ukiendelea ikiwa kama una, ukienda unaambia rudi nyumbani, case imehalishwa. Pendekezo langu ningesema hivi case ikiwa kwa korti, afadhali serikali yetu iangalie itusaidie case iendelee mara moja mambo imalizike mbila kusumbuliwa kwenda na kuja, mpaka karibu miaka sita.

Interjection

Com. Ahamed Adha Salim: Bwana Muhadia, una muda ambao unasema lazima imalizike kwa muda huu?

Japheth Muhadia: Ningependa case iwe kama wiki moja ama wiki mbili case imekwisha.

Com. Ahamed Adha Salim: Lakini unajua case nyingine za mauaji na kadhalika, huwezi kumaliza katika wiki moja week mbili.

Japheth Muhadia: Kama mimi namna hii

Interjection

Com. Ahamed Adha Salim: Kuna uchunguzi tu katika case kama hii huwezi kuchukua week kadhaa.

Japheth Muhadia: Ndio.

Com. Ahamed Adha Salim: Lakini kwa ufupi nafikiri, ungependa case iharakishwe kadhili iwezavyo?

Japheth Muhadia: Ya. Maanake mtu anaweza kwenda, kama mimi namna hii niko na case upande wa vihiga, imekaa karibu miaka sita

Com. Ahamed Adha Salim: Kama bado inaendelea?

Japheth Muhadia: Na kwa file moja, inaamliwa kama unafuata kama yule mtu akulipe garama. Sasa uchukuwe court brokers, wachukue mali yake, na hiyo mali sasa ikae kwa korti week moja, wanarudishia yule mtu bila kukujurisha.

Com. Ahamed Adha Salim: Nafikiri ile shida tunaifahamu. Hiyo ni detail.

Japheth Muhadia: Tena hapo, ile file moje, ile tu, tena wanageuza, zile garama wanarudi wanaweka kwa yule mudai. Kwa hivyo, mimi napenda serikali ichunguze mambo kama hayo maanake inaonekana yule ana pesa na yule ambao unafuata, wewe huna pesa.

Tena ningerudi upande mwingine kwa upande wa manyumba kwa upande wa town kama Nairobi. Mtu akikaa kwa nyumba kama miaka kama arubaine, ama therathini, kama nyumba ya city council, serikali iangalie yule mtu amelipa pesa zaidi kushida hata zile zilijenga ile nyumba, kwa hivyo nyumba inaweza kurudi kwa yule mpangaji. Iwe yake. Ni hayo tu, ningeendelea sana lakini saa imeisha lakini niko na mengi, ningeendelea sana.

Lakini tena upande wa chiefs ama sub chiefs, tafadhali kwa serikali yetu, maanake chief akichaguliwa, ama assistant chief akichaguliwa, wananchi hawajui amechaguliwa wapi.

Interjection

Com. Ahamed Adha Salim: Wapendekeza nini wewe?

Japheth Muhadia: Napendekeza hivi, mtu kama chief ama assistant chief awe akichaguliwa na wananchi maanake wanajua tabia yake. Asante sana.

Com. Ahamed Adha Salim: Asante sana Bwana Japheth Muhadia. Ikiwa una maoni zaidi ya hivi kama nilisemavyo, tuko tayari kupokea, utakuwa unaandika hivi leo, kesho tuko Bokoli, tutapokea maoni yako. Kwa urefu upendavyo. Wyclif Onyino, Wyclif Onyino, hayuko, Elisha Ongere, Elisha Ongere.

Elisha Ongere: I'm Elisha Ongere of ... I propose this: Presidential posts should be ceremonial as its done in India. We should have the post of Prime Minister which are electoral and then also the Predential post should be for a maximum two years only.

The police system:

Interjection

Com. Ahamed Adha Salim: The Presidential post?

Com. Kavetsa Adagala: Two years or two terms?

Elisha Ongere: Two terms only, sorry if I said two years. Two terms only.

On police system we should adopt the Tanzanian and the Ugandan style.

Inaudible interjections

Elisha Ongere: What happens is that the public don't relament about the police, they find a lot of respect between them and the police. About appointments to national posts, this one should be done on technoclastic levels. Someone who is highly qualified would want to be incharge of a national body.

Freedom should be recognized before they all die; so that they can be rewarded however little and even their families be recognized.

Lastly this country doesn't what we call Art and Culture Museum. There should be a body that should be set to establish and put first what is called Art and Culture museum. What we normaly have as national museums are just for conservation of births and kind of other things. They don't reflect the national art and culture. So those are my views.

Com. Ahamed Adha Salim: Thank you very much Bwana Elisha Ongere for those views. Na Bwana Elisha Ongere ni wa mwisho kabisa. Tuna furaha kusema kwamba wote ambao wamejuandikisha, tumeyasikia na tukapata maoni yao na iliombakia sasa ni kuwashukuru sana wote waliofika hapa tangu asubuhi mpaka hivi sasa kutoa maoni yao. Na jambo ambalo ni muhimu kwao kufahamu na kujua pia ni haki yao, kwamba maoni hayo tutayazingatia kimakini na twahakikisha kwamba kila mtu

ambaye amejandikisha we are at Bokoli tomorrow so you can come and give your views there.

I'm sorry when you register to give your views, you are expected to stay on and just as you see here the last thing we want is to have to deal with people at the last minute as we are winding up. It's not fair to us also. So if you could come kindly to Bokoli tomorrow we will be very happy to receive your views.

As I was saying, maoni hayo ambayo tumepokea hapa kama maoni ambao tumepokea kwingine, tutayazingitia, tumeyanasa, tutaya-analyse na Katiba itaandikwa kufuatwona maoni ya wananchi. This is the people driven constitution. Maoni ya kila constituency yataonekana katika constituency report ambazo tutatayarisha. Na constituency reports yatasababishwa ili kwamba muone na muhakikishe kwamba maoni yenu yamezingatiwa.

Pia kutakuwa na conference kubwa National Conference ambapo Buswaga, or a draft constitution itawajadiliwa na watu kiasi cha mia saba. Watu hao wakiwa ni wabunge wote, wakiwa ni wakirishi wa tatu kwenye kutoka kila district, wakirishi wa akina mama, wakirishi wa kidini, wakirishi wa vile vikundi abavyo vinaitwa marginalized wamewekwa kado na kusahauliwa. Hii ni constitution kwamba majadiri ambayo itatokea juu ya mswaga wa draft constitution yanajadiliwa na kila sehemu ya wananchi wa Kenya. Na kufuatia matokea ya conference hiyo tutajua la kufanya baadaye. Ikiwa conference itakumbali huo mswanda, or draft constitution yetu, na ile national report ambayo itakuwa ni report juu ya preview process yote, ikiwa wamefikiana juu ya jambo hilo basi hiyo, huyo mswaga wa constitution or Katiba itapelekwa mbele ya bunge na bunge itajadiliana yake na twaomba kwamba majadiliano yatakuwa mafupi maana kutakuwa wemo katika national conference. Siyo?

Kwa hivyo hatutaraji kwamba bunge baada ya kupitisha mswaga wa draft constitution watakuwa wanapinga huko kwenye bunge. Kwa hivyo ikipelekwa kule tutaraji itapitishwa na itakuwa ndio Katiba yetu mpya. Na ikiwa kutatokea kutosikizana juu ya mambo fulani katika hiyo draft constitution, watu wamejadiliana lakini mwishowe mambo fulani hawakukumbaliana juu yake na hiyo conference haiwezi kwendelea milele na milele, kuna time limit, basi mambo hayo tuombe kuwa ni machache yatapekwa mbele ya wananchi wote, kuulizwa je, nyinyi mwaona je? Hapa katika conference watu hawakukubaliana, nyinyi maoni yetu juu ya jambo hili tuseme elimu, iwe ni ya bure au iwe cost sharing? Nyinyi mwaona iwe bure, au cost sharing? Kwa hivyo maoni ya wananchi, ile majority ndio ambayo itaingizwa kwenye constitution na final draft itapelekwa mbele ya parliament or bunge mara mbili na kupitishwa na kuwa ni constitution yetu mpya. Basi mtaona kwamba tuko na kazi kubwa mbele yetu

ambayo imembakia. Hii conference, na ikihitajika, iwe referendum. Lakini sisi kwenye tume la Katiba tutashughulikia mambo hayo haraka iwezekanavyo ili kwamba mambo iendelee na tumalize kazi yetu kwa usalama na kwa ukamilivu kwa njia ambayo wananchi wenyewe watakumbali. Hayo ndio maelezo yaliobakia. Maana mumetoa maoni hapa, hamjui mambo gani yatafanyika baada ya maoni yenu kutolewa. Kwa hivyo kwa maneno hayo tunamaliza kikao chetu cha leo, kesho tuko Bokoli kwa wale ambao hawajatoa maoni yao, waelezwe habari wafike kwa wingi tupate maoni yao. Swala hapo?

Francis Kidaha: Mimi nasema naitwa Francis Kidaha, ningependa tu kuuliza commission, Katiba itaisha lini? Next year ama this year?

Com. Ahamed Adha Salim: Katiba, sisi tumepeleka mpango wetu au timetable ya kumaliza kazi yetu hii na kufuatia mapendekezo yetu tuliopoleka kwenye re-select committee ya parliament, kazi yetu hii itahitajia wakati mrefu ambao utaingia katika mwaka mpya ujao.

Ndio sasa parliament itazingatia ombi letu hili na watakata shauli juu yake.

Francis Kidaha: Tunaweza songeza Katiba mpaka mwaka ujao?

Com. Ahamed Adha Salim: Nitamaliza kusema, tulivyopanga kazi zilizobakia itachukua muda fulani na muda huo tulivyopanga sisi kufuatia uchunguzi wetu katika kazi zilizobakia, utaingia katika mwaka mpya ujao. Sasa itabidi sasa parliament ifikirie ichungue maombi yetu. Wakikumbali maombi yetu bila shaka kazi yetu itaendelea katika mwaka mpya. Sawa?

Speaker: Ningependa kuuliza ya kwamba, ni utaratibu upi utatumiwa kuchagua wale waakirishi watatu kutoka kila district?

Com. Ahamed Adha Salim: Na hivi tukisema kuna regulations zimepangwa. Na regulations hizo zinahusika na mabo hayo ya kuchagua hao watatu zitachapishwa hivi karibuni katika official gazetti, na mtawaona wenyewe. Kwa hakika ni marefu hatuna wakati kuwaeleza lakini bila shaka wakati ule ambapo zitachapishwa zitaelezwa kila pahali. Na nyinyi kwa kuwa ni wanachama wa kamati inahusika na Katiba, mtapata na colour zenu na mtafanya kazi hiyo ambayo tumewapa ya kueneza mambo kama

hayo na maelezo kama hayo.

Kwa hakika hapa tumekuja kusikiza maombi lakini tutakubali swala moja ya mwisho.

Raymond Amoga: Asante Bwana commissioner, mimi naitwa Mr. Raymond Amoga. Mnaweza kufanya nini ili tuhakikishe ya kwamba hii mambo ya Katiba hailingalishwi na mambo kama ya siasa? Iwe tofauti na siasa iwe tofauti. Kwa sababu kuna mfurugano sana. Asante.

Com. Ahamed Adha Salim: Hilo ni swali muhimu lakini KBC station sauti husemavyo, kama tume ya kulekembisha Katiba kuna sheria ambayo imewekwa, ile act, sisi tunafuata ile. Ikiwa na wanasiasa wana mipango yao mengine, mipango ya hii, ya election na kadhalika, wao hatuwezi kuwazuia, hatuwezi kuingilia mambo yao. Sisi tunafuata ile kanuni ilioko. Ikiwa wanasiasa kwenye bunge wana maoni fulani, ikija ile programme yetu ya kutaka time tumalize kazi yetu mbele yao, wao watakata shauli. Si kazi yetu sisi. Sisi tunafuata ile sheria ilioandikwa ambayo imesema kwamba baada ya draft constitution kutayarishwa, baada ya ile report, national report kutayarishwa mambo hayo yapelekwe yajadiriwe kwa muda fulani. Tunafuata hiyo. Ikiwa kesho watu watasema, au bunge itasema, punguzeni hili, hatuna haja na referendum, au badili ya kubishana katika national conference kwa muda fulani punguzeni kwa muda fulani, tutafuata, ikiwa watabadirisha ile act waliotupa ambayo tunaifuata.

Kwa hivi sisi hatuhusiani na mambo ya election hivi sasa ingawa mambo ya election yako katika Katiba, sisi tunatayarisha recommendations za wananchi na kuandika recommendations hizo na proposals katika Katiba mpya. Kwa hivyo hatuhusiki na mambo hayo mengine.

Kwa hayo maelezo mafupi nafikiri hatuwezi kwendelea mbele, ila kama ni kusema kuwashukuru mara ya pili, twashukuru members wa committee ambayo imeshughulika sana katika kutayarisha vikao vyetu hapa na pale, waendeleo na kazi hiyo na wahakikishe kama alivyoeleza Commissioner Adagala kwamba katika kikao chetu cha kesho kutakuwa na wanawake wa kutosha, walemavu wakutosha, na sehemu yote ya Wakenya wanaface kama wale pia, tupate ili kwamba kila eneo kila sehemu ya wananchi wa Kenya, watawakirishwa katika kila kikao chetu. Kwa hayo, tunawashukuru sana kwa uvumilivu wenu. Na ni huyu my--- Maimuna is not here to laugh at me and to thank you very much and we finish as we started. With prayers and

