

**CONSTITUTION OF KENYA REVIEW COMMISSION**

**(CKRC)**

**VERBATIM REPORT OF**

**CONSTITUENCY PUBLIC HEARINGS, SHINYALU  
CONSTITUENCY, AT MUKUMU CHURCH HALL**

**ON**

**MONDAY, AUGUST 5<sup>TH</sup>, 2002**

**PROCEEDINGS OF CONSTITUENCY PUBLIC HEARINGS, SHINYALU CONSTITUENCY**  
**MONDAY, AUGUST 5<sup>TH</sup>, 2002, AT MUKUMU CHURCH HALL**

**Present:**

Com. Dr. Charles Maranga  
Com. Nancy Baraza

**Secretariat in attendance:**

Fatma Issa	- Programme Officer
Wambeyi Magomene	- Asst. Programme Officer
Mary Babu	- Verbatim Recorder
G. Majanja	- District Coordinator
Martin Musonye	- 3Cs Member

The meeting started at 9.20 a.m. with Commissioner Charles Maranga in the Chair.

Before we start I will ask a member to pray for us.

**Speaker:** Natusimame. Tuombe.

**Prayer:** Mungu Baba Mwenyezi, tunakushukuru siku ya leo, wewe mwenyewe umetuwesheza tumefika hapa katika hall hii. Tumefika kwa sababu ya shuguli muhimu, ambayo inaendelea katika nchi yetu. Mungu Baba shuguli hii tunaiweka mikononi mwako. Tuko hapa wananchi ambao tungependa kutoa mapendekezo yetu, yetu, kuhusu Katiba ya nchi yetu. Mungu Baba utujaze roho mtakatifu wako, utujaze neema ili yote ambayo tutapendekeza, maoni yote tutatoa leo yatakua ya manufaa. Mungu Baba, Commissioners ambao wako hapa tunawaweka mikononi mwako ili waendeshe shuguli hii kwa njia ya usalama. Ninaomba hayo katika jina la Yesu Kristo, mkombozi wetu. Amen.

**District Coordinator:** Those who are here, we have as presiding over this Commissioner Dr. Charles Maranga, we expect to be joined by other Commissioners as we go along. Commissioners we have 3 members of triple Cs here, whom I will just quickly introduce to you. We have Mr. Vincent Itevete coming from Kyaega Location, we have Peter Shivachi coming from Iresi Location, and we also have the youth leader who is representing the youth but is not here right now, called Khamasi. Now where we are, specifically we are going to be listening mostly the people from those two locations which are the western side of Shinyalu Constituency, that is Khyayega and Iresi. So you are welcome I hand over this meeting to you. Thank you.

**Com. Maranga:** Thank you Bw. Coordinator. (Greetings in Luyia) Asante sana. Mimi nataka kuwashukuru kabisa. Mimi vile mmesikia ni Com.Dr.Charles Maranga Maguasi. Natarajia ma-commissioners wenzangu mmoja wao ni Nancy Baraza, mwingine ni Dr. Githu Muigai. Lakini kabla hawajafika juu wao walikuwa wanatoka Nairobi, mimi ningetaka huu mpango wa kikao uendelee ili watu wasije wakachelewa sana.

Kwanza kabisa hebu niwatambulisha ni akina nani tuko nao hapa. Tuko na Programme Officer wetu ambaye anaitwa Fatma Jama, ndiye huyo; huyo ndiye anasimamia upande wa secretariat, naye anayemfuata anaitwa Wambeyi Magomene, ambaye ni Assistant Programme Officer; na upande wangu wa kushoto, tuko na Mary Babu ambaye ananasa sauti zenu, ama sauti zetu zote wakati tunaongea. Kwa hivyo hata ukiona mimi siandiki kama Commissioner tunazo recording facilities hapa, ambazo zinafanya sisi tunase kile mtu anachozungumza.

Hebu nimpatie masharti kidogo kabla hatujatoa maoni yetu. Kwanza kabisa, mwananchi yeyote ambaye anataka kuongea, ni lazima ajiandikisha. Na ukijiandikisha hapa utasema kama unataka kuongea ama unataka tu kuwa mtu wa kusikiliza wengine vile wanaongea. Kwa hivyo kama hutaki kuongea unajiandikisha kama observer. Kama unataka kuongea utatuelezea, ni vipi unataka kuongea.

Na kuna njia tatu ya kutoa maoni kwa Tume. Kwanza kabisa mtu anaweza andika makala, ama memorandum apatiane kwa Tume. Na hiyo unaweza patiana kwa Prog. Officer wetu ambaye ni Fatuma na hiyo inatosha. Kuna wengine ambao wanataka kutoa hiyo memorandum, lakini wanataka kughusia yale maneno ya mhimu tu, kwa ufupi kabisa. Na hiyo ni njia ya pili ya kutoa maoni. Na kuna wale wazee ama akina mama, wananchi watukufu wa Kenya ambao hawajatengeneza chochote.

Memorandum ama la. Kwa hivyo unafika mbele ya Tume na unatoa maoni yako vile fikira zako ziko. Kwa hivyo nayo hiyo vile unakubaliwa.

Ule muda sisi tunawapa watu ni kati ya dakika tatu hadi tano. Dakika tatu kwa wale ambao wako na memorandum na unataka kughusia main points. Usitusomee memorandum kama unayo. Tuambie yale maneno ya muhimu, hiyo ndiyo inatusaidia kwa sababu sisi kama Tume, inatakikana tuende kusoma hiyo memorandum.

Na masharti mengine, wakati unatoa maoni yako mbele hapa usitutajie tu shida zenu, msituambie shida zenu kama watu wa Shinyalu peke yao. Msije mkatuambie mko na barabara mbaya, Chief anatusumbua, DO anatusumbua, serikali haifanyi kazi, sisi utupatie mapendekezo. Unataka aje wewe kama mwananchi ya Kenya? Kama kuna shida ya barabara unataka iwe namna gani? Kama kuna shida ya matibabu unataka mfanye namna gani? Unapendekeza nini? Unataka wananchi waendeleo kulipa ama unataka matibabu ya bure? Kama ni elimu, unataka elimu iendeleo kulipiwa ama ... maneno kama hayo. Usije ukalalamika tu, bila kutupea mapendekezo yoyote. Kama ni polisi wanasumbua nyinyi, vile vile mtuambie. Kama ni majudge kesi zenu haziamuliwi vizuri msememe hivyo hivyo. Kwa hivyo hii imeghusia maneno yote ya nchi hii yetu ya Kenya. Hii ndiyo tuyenasema, hii ndiyo sheria kuu. Yaani Katiba, ndiyo sheria kuu.

Na kwa hivyo sisi hapa vile vile tungehitaji wakati unatoa maoni yako, usije ukataja jina la mtu. Usije ukasema Chief yule wa location yetu, juzi alichukua kuku zangu tano, na nini na nini na maneno kama haya. Sisi hatutaki mtaje majina ya watu. Taja ofisi. Tunaelewana? Kama unaongea juu ya ofisi ya Rais, ongea kwa ofisi ya Rais. Hapana taja jina la mwenye anashikilia kiti cha Rais. Kama ni Mbunge, taja ofisi ya Mbunge, hapana taja Mbunge wenu wa Shinyalu. Kama ni DC ni hivyo, kama ni DO ni hivyo, kama ni Chief ni hivyo hivyo. Ongea kuhusu ofisi, usije ukaongea maneno ya watu kwa sababu hawana njia wanaweza wakajitetea mbele ya Tume, na sisi vile vile sio korti leo. Sisi hatukai katika kikao cha kortini. Kwa hivyo tunataka watu waongee kwa njia iliyo sawa.

Na kama unasikiza kuna wengine wanaongea, hukubaliani na maneno yao, hakuna haja ya kupiga kelele. Wewe kama utapata wakati wa kuongea mbele kuja tetea mjandala wako mbele ya Tume. Kama kuna wengine wanasema wanataka serikali ya majimbo hiyo ni shauri yao. Wale ambayo wanasema wanataka serikali ya umoja, hayo ni maoni yao. Kwa hivyo usije ukasema kwa nini fulani amesema namna hii. Tumeelewana? Unaheshimu maoni ya kila mwananchi wa Kenya. Na kwa hivyo wananchi wa Shinyalu mimi nafikiri mtafanya hivyo.

Na unaweza ukatumia lugha yoyote ukitoa maoni mbele ya Tume. Unaweza ukatumia lugha ya kimombo, unaweza kutumia lugha ya Kiswahili, ama unaweza ukatumia lugha ya mama. Kwa hivyo wewe ndiye utaamuta ni lugha gani tutatumia vizuri. Lakini ukatumia lugha ya mama, lazima tuwe na mtu ambaye anatafusiri, kwa hivyo muda wako utakuwa mfupi, na mimi kama mwenyekiti wa kikao, nitakukatisha. Kwa hivyo ukisema kama unajua Kiswahili, basi ongea kwa lugha ya Kiswahili. Lakini unaweza ukatoa maoni kwa lugha yoyote.

Na wakati unafika mbele ya hii mic kutoa maoni yako, unajitambulisha majina yako kamili. Kama mimi ni fulani fulani unajitambulisha. Sababu tunafanya hivyo, ni kuwa hizi report, wakati zitaandikwa kila mtu jina lake litaonekana. Utasema fulani ulitoa maoni fulani. Kwa hivyo wakati unafika kutoa maoni toa maoni ambayo ni ya muhimu. Kwa hivyo hayo ndiyo maoni mengine tutafuata.

Ya mwisho, ukishaongea na umetoa maoni, sasa wewe itakubidi uweke sahihi kwa kitabu chetu rasmi. Na hiki kitabu chetu rasmi, kiko hapo kwa Fatma ambapo utajiandikisha useme mimi ni fulani fulani. Tumeelewana? Kwa hivyo mimi wakati muda unaisha, mimi nitakuambia sasa fulani. Kama sasa mtu wa kwanza hapa anaitwa Stephen Ingati, nitamwambia maneno yake ya imeisha sema point yako ya mwisho. Lakini nawewe unaweza ukamaliza tu kwa sababu unajua dakika zako zimeisha. Kwa hivyo hivo ndiyo utaratibu tutafuata. Na vile vile kuna wakati sisi wanatume, ama Commissioners tunaweza tukakuuliza swali ili uweleweke. Kwa hivyo nafikiri hayo ndiyo yatakuwa maneno ya muhimu kabisa.

Na mwishowe kabisa: kama kuna maswali unajibu, kama huna jawabu unawaachia hapo. Na sisi kama hatuna swali, hatuwezi tukakuuliza. Kwa hivyo huyo ndiyo itakuwa mpangilio wetu wa kikao cha leo na hayo ndiyo masharti tutafuata. Kwa hivyo mimi tu ningetaka kuwaomba huyo muda wa dakika tatu hadi tano, tatu kwa wale ambao wako na memorandum na wale ambao hawana memorandum tunawapa kati ya dakika tatu hadi tano. Ukimaliza haraka ni vizuri sana. Kwa hivyo kabla hatujaanza rasmi, hebu ni mjulishe huyu ni Commissioner mwenzangu Nancy Baraza mtoto wa nyumbani, nafikiri ni vizuri awasalimu kwa kilugha.

**Com. Baraza:** *Bushiere bosi?*

**People:** *Bushiere.*

**Com. Baraza:** *Mubushi bulayi?*

**People:** Eee.

**Com. Baraza:** Basi asante.

**Com. Maranga:** Basi huyo ni Commissioner mwenzangu, na nafikiri mmesikia ni mtoto wa nyumbani hapa. Hata kuna wengine hapa, wote ni watoto wa nyumbani kwa hivyo watasikia maneno yenu. Hata naona Mary anaangalia ni mtoto wa nyumbani hapa. Makomene hapa ni mtoto wa nyumbani, hata mimi. Si ni hivyo. Hata Fatuma. Basi wa kwanza kabisa anaitwa Stephen Ingati. Haya karibu.

**Stephen Ingati:** Bw. Commissioner, wananchi wenzangu hamjambo wote? (audience: Hatujambo) Mimi naitwa Stephen Ingati kutoka Shinyalu na nina memorandum lakini nitaongea kwa ufupi kulingana na upande wa land.

Kuna mashamba katika Kenya, haya mashamba watu wamenyakua kutoka kwa Wazungu, watu wengine hawafanyi chochote kwa hiyo shamba. Kwa upande wangu naonelea kwamba ni afadhali wale watu wanakosa mashamba na mahali pa kulima wapewe nafasi wapate kulima ili tuwe na chakula cha kutosha kwa nchi yetu nzima.

Ya pili kwa upande wa Serikali, kwa ukulima hasa tunapewe fertilizer na mbegu ya mahindi ama ya vyakula vyovyote. Hivyo unakuta wameweka mbei kali kabisa kwa ajili Serikali inachukua kodi kutokana kwa hiyo mbolea ambayo wanauzia wakulima.

Kwa upande wa wakulima wakienda kulima, ni wale ambao wanajiweshesha kulima, ambao wanaweza kuwa na pesa ya kununua fertilizer na walime. Na wale watu ambao hawana chochote wanalima bila mborea. Sasa tunapata shida ya kupata chakula cha kutosha kwa maana kuna wale wenye uwezo, ndiyo wanatumia mbolea na wale hawana uwezo hawatumi mbolea. Sasa chakula kinapunguka kwa ajili ya kuweka high taxation ya mbolea na vitu vingine vinavyohitajika kwa ajili ya ukulima. Kwa hivyo tunaomba Serikali yetu ituhurumie ili wakulima wapatiwe kiasi kizuri kwa upande wa mbolea.

Jambo lingine ni kuhusu upande wa majimbo. Mimi nimeonelea kwamba wakati huu tukiwa na Serikali ya majimbo inaweza kuwa vizuri. Kwa maana hata America kuna states. Kila jimbo linahudumiwa vilivyo. Wakati huu ukienda Central utapata kuna industries za kutosha huko, lakini ukija Western hutapata chochote, pengine utapata moja. Na watu wetu na watoto wetu n.k. wanakibilia Nairobi. Badala ya wengine kuwa huku wengine wakuwe N. Eastern, na wengine wawe kama Nyanza, sasa wanatoroka kutoka kwa mashamba na wanaenda upande wa Nairobi ili waweze kupata huko kazi kwa ajili hawana industries huku. Na ikiwa tuna Serikali ya majimbo inaweza kutuwezesha watoto wetu wapatiwe nafasi upande wao ili waweze kupata kazi huko. Kwa hivyo napendekeza Serikali ya majimbo.

Jambo lingine ni upande wa elimu. Naomba Serikali yetu ikiwezekana katika Katiba tuwe na elimu ya bure kuanzia darasa la kwanza hadi darasa la nane. Na shule za upili ama secondary schools, ninashangaa kuna shule hata haina bei. Unapata kama Mangu High School wanalipa karo shilingi nyingi sana ile mtu ambaye hajiwezi, hawezi kusomesha huko mtoto wake. Na mtoto wake ni mzuri ambaye anaweza kusaidia Kenya. Kwa hivyo ingekuwa vizuri, shule za upili, fees ama karo, iregeshwe badala ya kuifanya kiwango cha juu kabisa, na tena Serikali ionelee kwa kusaidia wapate vifaa vingine, ili mwananchi ambaye hajiwezi kujimudu apate nafasi ya kusomesha mtoto wake.

**Com. Maranga:** Ya mwisho. Ama umemaliza? Asante nashukuru na nakuomba hiyo memorandum yako uweke jina lako na uende uweke sahihi, huko kwa Fatuma. Asante kwa maoni yako. Anayefuata ni Karoli Khayumbi. Pole pole mzee. Atafuatiwa na Tim Isenye ako? Basi you will be next.

**Karoli Khayumbi:** Milembe bos? Lira lianje ni Karoli...

**Com. Maranga:** Ngoja kidogo tutapata mtu ambaye anaweza kutafsiri. Nani anaweza akatusaidia? Ok karibu. Tusaidie tu-translate na uanaze kwa majima mzee.

**Karoli Khayumbi:** *Lira lianje ni Karoli Khayumbi.*

**Translator:** Kwa majina anaitwa Karoli Khayumbi

**Karoli Khayumbi:** *ndulanga Mushinyalu.*

**Translator:** anatoka Shinyalu

**Karoli Khayumbi:** *Nenya khulomaloma khu yaka,*

**Translator:** Na anataka kuongea kwa yale yatakayofuata.

**Karoli Khayumbi:** *Shisoko shie bu-President*

**Translator:** Kiti cha urais.

**Karoli Khayumbi:** *Nende Democracy.*

**Translator:** Utawala wa watu wenyewe, yaani democracy.

**Karoli Khayumbi:** *Shisoko shie bu-President, shienyekhananga shibe nende mundu udukhane.*

**Translator:** Kiti cha urais kinatakikana kiwe na yule mtu anastahili, na yule anaweza

**Karoli Khayumbi:** *Uli nende mushiere.*

**Translator:** Yule ambaye ako na bibi.

**Karoli Khayumbi:** *Na hango, bana babola tata utsiri, - atsitsa khubuluka.*

**Translator:** Akitoka nyumbani watoto waone huyo ndiye baba anatoka

**Karoli Khayumbi:** *Na ibulika wa asamulilanga, abe ne buyanzi buyabeshenywe*

**Translator:** Awe na ushirikiano mzuri na uhusiano mzuri na mtu yeyote.

**Karoli Khayumbi:** *Khali vyama biosi bibaa biliyo.*

**Translator:** Na hivyo vyama vyote viwe na ushirikiano mzuri na uhusiano mzuri.

**Karoli Khayumbi:** *Na khulonda na khuliamikha,*

**Translator:** Kufuatana na utawala,

**Karoli Khayumbi:** *omu ni tsikabila arobaini na mbili.*

**Translator:** Tuko hapa kabila arobaine na mbili.

**Karoli Khayumbi:** *Khulondana nende malako ka Lancaster house,*

**Translator:** Kufuatana na ile Constitution ama vile walikaa kule Lancaster House,

**Karoli Khayumbi:** *Kalolekhanga, shia ekabila khutukha ianekhu.*

**Translator:** Kulingana na hiyo ilikuwa kila kabila ipewe nafasi ya kutawala hapa.

**Karoli Khayumbi:** *Shikali bwami buruli munzu fulani, khandi bukalushe munzu fulani tawe.*

**Translator:** Sio ya kwamba iwe yule akitoka inarudi kwa familia fulani hapana.

**Karoli Khayumbi:** *Shichira shibuli bwa royal family tawe.*

**Translator:** Isiwe ile ya kifamilia

**Karoli Khayumbi:** *President na-ritai,*

**Translator:** President akisataafu,

**Karoli Khayumbi:** *Ahelwe lijembe*

**Translator:** apewe jembe,

**Karoli Khayumbi:** *ahelwe lijiko,*

**Translator:** jiko, wheelbarrow,

**Karoli Khayumbi:** *ahelwe luuma,*

**Translator:** apewe folk

**Karoli Khayumbi:** *ahelwe lupanga.*

**Translator:** na panga.

**Karoli Khayumbi:** *Bindu biene ebyo atsie nabyo hango khuli izawadi.*

**Translator:** aende navyo nyumbani kama zawadi yake ya kustaafu.

**Karoli Khayumbi:** *Khushira khubola mbu, anyole khandi mshahara themanini khu mia. Khuli tsishilingi tsimilioni tsibiri,*

**Translator:** Isiwe kwamba awe akipewa mshahara kama hiyo asilimia themanini

**Karoli Khayumbi:** *Na la alile retire yeye nibwere,*

**Translator:** Na akiwa amemaliza retiring benefits zake,

**Karoli Khayumbi:** *Yikhale tsa hango.*

**Translator:** akae tu nyumbani.

**Karoli Khayumbi:** *Abuli khubola khandi mbu nenyu khuandikwa ta.*

**Translator:** Isiwe ya kwamba eti anataka kuajiliwa tena.

**Karoli Khayumbi:** *Likhuba lia khabiri,*

**Translator:** Kitu cha pili,

**Karoli Khayumbi:** *Mapesa keru ka Kenya.*

**Translator:** pesa zetu za Kenya,

**Karoli Khayumbi:** *shikali malayi ta ta.*

**Translator:** sio nzuri.

**Karoli Khayumbi:** *Kalumbwa i-silver, nende copper.*

**Translator:** zimetengenezwa kwa silver na copper

**Karoli Khayumbi:** *Ma tsinoti tsimu tsia hamsini, mia mbili, mia tano, elfu moja.*

**Translator:** na kuna zile notes za hamsini, mia moja, na elfu tano na elfu mia moja

**Karoli Khayumbi:** *Tsinoti tsiene itsi, nimberi nikholi manya amakoso, mundu nayitsa khunjimira, ahenzanga khutsishilingi tsili mwikulu etso, abola neny tsishilingi elfu ndala.*

**Translator:** na ikiwa nimefanya makosa, na ninakuja kuwekwa mbaroni wale wanakuja kuniweka wanaangalia zile pesa nyingi zile elfu moja

**Karoli Khayumbi:** *Khali nobaha tsishilingi elfu ndala yene eyo, babola khandi umbere shilayi shi?*

**Translator:** Hata ukiwapea elfu moja hawaoni kama ni kitu cha maana

**Karoli Khayumbi:** *Abundu ene ao, mundu wa balanganga 'common man,' ne walisinji lichenda mwo buli lwosi, bisolorwe ne biitsa. Ne khali unyala khunyola khali idola ndala khulitukhu lilala.*

**Translator:** Hapo mtu wa kawaida ndiye huwa anaumia sana wakati kuna mchango unaendelea. Yeye ndiye huwa anaulizwa

alipe afanye harambee hiyo yote na yeye ndiye huwa anaumia sana, kwa kawaida yule hana chochote.

**Karoli Khayumbi:** *Enjira tsieru ekalishichi khu division, bandu be be division baherwe tsi-tractor khulomba tsinjira tsili mu-division, khu khusemenya khutsitsanga nende maendeleo imberi.*

**Translator:** Barabara zetu zirudi kwa kiwango cha division, ili ziwe zikirekebishwa katika level ya division, ndiyo ziwe zikiendelea kuwa nzuri.

**Karoli Khayumbi:** *sie khu ndushi ene ao.*

**Translator:** Amefika pale

**Com. Maranga:** Asante Mzee wangu, kuna swali

**Com. Baraza:** *Mr. Khayumbi, uboli President na ritai bamue lijembe nende lipanga. alaambakhana khu-retire? Namanyi atsia khunyola lijembe shalaambakhana khurula mu-state house?*

**Karoli Khayumbi:** *Mundi wosi uritaynga, aherwanga izawadi. Anyala khuerwa khali ingabo, akirere ingo ingo ikhole ikasi ya yahinzira. Ni ndio khali bakholi ba Serikali banyishi bakholanga, baherungwa.*

**Com. Maranga:** Asante sana mzee nakuomba uweke sahihi na wewe urudishe hiyo mic pengine utakuwa ukitusaidia. Tim Isenye halafu utafuatiwa na John Maviala, ako? Haya uwe karibu.

**Tim Isenye:** Thank you Mr. Commissioner and Madam Commissioner and ladies and gentlemen. My names are Tim Isenye, I am from Shinyalu and my memorandum was sent to headquarters sometime ago so I just need to present it orally.

It was focusing on the empowerment of women in Parliament. It is based on a programme called Tricarmel Parliament whereby we could have the senate, revive our old senate and then we will have two lower chambers of Parliament one strictly for ladies and the other one strictly for men. And I did that because of the gender issue has really been defranchising this country and I think even if it is programmed for 2 five years from now that is ok. And one reason I did that is that we would have 150 women members, a 150 men, and the senate will have 30 members which will be based on population and 50% of that is 15 will be women and 15 members will be men. And the reason I did that is because I know a senate can do a very good job and they will be vetting all the laws of the country. They will also vett all their expenditures, they will veto the laws from the lower house, and generally a force of 30 people will do a better job than relying on one person as a centre of power.

Now I will shift the power from the presidency to the parliamentary system, in that one will represent the entire country, so that even the President and the Constitutional office holders, can be disciplined by the senate.

Secondly, the terms of these three chambers of Parliament will be reduced from current 5 years, and the lower house should have at least 3 years so that these guys do not just go up to Nairobi and sit there for 4 years, and run down to Shinyalu here, telling us that we would have to re-elect them. That the senate will have 6 years, and I would also suggest that the presidency be confined to 6 years. One term 6 years, and no more. If a person cannot learn a job for one year, he doesn't have a reason to be there. So that is in short my proposal although the terms were not included. The reason I suggested separate chambers of Parliament we have seen schools here, like our ladies school here Mukumu it is run by ladies and it is doing very well, being at the top of 100 schools is a good show and this lady who has been running it for 10 years should be a candidate for senate. So that is the main reason I was suggesting some format of our Legislature.

**Com. Maranga:** Thank you, I want to ask you a question, how do for example, the decisions of the two houses how are they going, to be implemented while women are discussing their own, men are discussing their own? I think what you are trying to suggest is an ideal situation which can be very difficult to achieve. But what I am interested in, I am not worried about the 50-50% kind of representation, but how do they effect their decisions?

**Tim Isenye:** The decisions will not be confined to women gender issues, the women will legislate any law in this country. And all laws that originate from any of the two chambers, lower chamber of Parliament will go to the senate to be vetted for whether it will be implemented or not. So it will not be a matter of ladies legislating their own issues but any law originating from, the ladies will be free to legislate any law in this country not necessarily for the ladies.

**Com. Maranga:** But let me ask you a question, if now ladies are legislating, they are making laws which may favour them and the men are also making laws which may favour them, how do those laws meet, if they meet at a point? Don't you see there is going to be a problem even if that senate, and the senate might also be partisan?

**Tim Isenye:** That is not possible because all representatives are taught to be in politics they are supposed to originate laws, which are local but when it comes to the senate this are supposed to be nationalists. They will look at all the laws, and vet whether this is a good law for the country or not. And if it is a good law the majority will be the majority of voters in the senate.

**Com. Maranga:** Don't you also realise it will also be very expensive to make laws separately, people sitting separately, I mean you don't have a way of bringing them together?

**Tim:** Let me answer you that.

**Com. Baraza:** Or work on that. You have a problem with men dealing with women?

**Tim Isenye:** I don't have one because they are already monopolizing the present Parliament, they are only 9 women in the Parliament out of 210 I mean those who are elected they are only 6 who are there. So if we continue with the present status, women will take maybe 50 years before they reach 150 members. That is why women are 50% of this population and they should have 50% of the seats. (interjection)

**Com. Baraza:** Sorry, let me interrupt you, if we design a system that will increase women participation, at the legislative level but which will make sure that they will sit together would you have a problem with that? I understand that and your principle is good that we should have affirmative action....

**Tim Isenye:** I wouldn't have a problem but over the last 40 years, we have tried that and it has never worked. That is why we still have six members of Parliament as women out of 210. So we need to make another direction in this issue so that women legislate laws and I am sure, you see the American Parliament or Congress makes a thousand laws per year, and the Kenya one only makes ten laws, why? But I am sure women will be more persistent and they will work harder, and they will produce more laws than when we have men only in chamber.

**Com. Maranga:** On a lighter note, why are you so supportive of women?

**Tim Isenye:** Because I have only daughters. (laughter)

**John Maviala:** Commissioners pamoja na wananchi watukufu, hamjambo? (audience: hatujambo) Kwa majina ni John Maviala na nina mapendekezo machache na ningependa kughusia kwa ufupi. Pendekezo la kwanza ni kile kifungu cha Rais kutawala kwa vipindi vilivili kwa miaka mitano kwa kipindi na hicho kipindi kitiliwe mkazo kwa sababu unafika wakati watu wanaanza kukichezea. Kwa hivyo ningependa Rais atawale tu miaka tano kwa kila kipindi na atangaze mshindi baada ya wiki mbili, baada ya hiyo kura. Sio kwa kupata asilimia 25 kwa mikoa mitano.

La pili, makamu wa Rais, achaguliwe na wananchi. Makamu wa Rais aruhusiwe kusimama kwa kiti ya Rais akiwa amehudumu kama makamu wa Rais vipindi viwili ya miaka mitano.

Ya tatu, umri ya wale wanaogombea kiti cha Rais, ingefaa iwe kati ya miaka arobaine hadi sitini, na kiwango cha elimu kiwe elimu ya secondary, awe amepita mtihani vizuri yaani kuanzia grade C kuenda juu.

La tano ningependa kuwe na kifungu katika Katiba yatu ya kulinda uteuzi ya wizala ili tusiwe na wizala nyingi na mawaziri wengi kuleta gharama kubwa kwa serikali. Kama serikali yetu ningependa iwe na mawaziri, kumi na tano tu. Yaani wizara kumi

na tano na mawaziri kumi na tano. Halafu tuwe na manaibu tena kumi na watano tusiwe na wengi wanaleta mzigo kwa wananchi bule.

La mwisho ni Mbunge maalum asiteuliwe kuwa waziri. Mbunge yeyote ambaye amechaguliwa kuwa nominated Member of Parliament asipewe wathifa wa kuwa Waziri. Ni hayo tu. Asante.

**Com. Maranga:** Asante nakuomba uweke sahihi na utupatie memorandum, Kaitano Sanyula. Atafuatiwa na Hezron Maina. Where is Hezron? Ok you will be the next.

**Kaitano Sanyula:** Commissioners na wananchi watukufu wale kwa maoni yetu kwa Katiba, ningependa kuwasalimu asubuhi ya leo. Hamjamboni? Mimi mwenyewe naitwa Kaitano Sanyula Sovoro kutoka Khayega Location. Ningependa kusema hivi, kuhusu mashamba yetu tunayo, tunaachiwa mashamba na wazazi wetu na wale wanaachia sisi kama wanakufa sasa wakati sisi tunataka kupata hiyo shamba, tunaambiwa uende uchukue pesa, ukastaki kaburi. Na kushtaki kaburi ni kama elfu ishirini, elfu thelathini. Halafu sisi tunaonelea kwa Katiba yetu ya leo hiyo ni kama wizi hadharani. Sisi tunaonelea hiyo kitu iondolewe.

Ya pili kuhusu ofisi yetu ya President. President ana kazi nyingi sana. Huyo mtu mmoja unapata ni Chief Commander wa majeshi, Chancellor Mkuu wa Chuo kikuu, Mkuu wa State, na watu wako wengi wala hawana kazi. Mimi ningependa mtu kama Rais awe na kazi moja au mbile pekee yake.

Kuna utamaduni wetu, hii utamaduni wetu serikali yetu imesahau. Serikali yetu imesahau utamaduni, utamaduni wetu unaweza kuwa huko nyumbani, kutengeneza hii pombe ya kienyeji. Hiyo pombe ya kienyenji serikali inaruhusu wale watu kama polisi wanakuja na nguvu mpaka wanakuambia kwa sababu hii utamaduni wetu sasa unarudishwa nyuma. Wanatunyima sisi haki yetu ya utamaduni na ningependa kuzungumza hapo ningesema wale ambao wanahusika na hii utamaduni wetu wapee sisi ruhusa ya kutengeneza hiyo pombe yetu ya kienyenji kwa factory. Iwe kwa factory sio nyumbani kwa sababu huko nyumbani polisi wanakuja unafikiri ni hiyo kumbe wanakuja na njia ya wizi vitu yote inaimbiwa. Ni hayo tu machache nilikuwa nayo.

**Com. Maranga:** Asante, nashukuru eeh Maina, utafuatiwa na Clement Matasia ako? Uwe tayari mzee.

**Hezron Maina:** Commissioners, and my fellow Kenyans, (interjection)

**Com. Maranga:** Ongea kwa mic, hata mtu alifanya mic kuface hapa alifanya vizuri wewe kama unataka kupigania kiti too bad. (laughter)

**Hezron Maina:** I have something to represent to our new Constitution that will come before you th Commissioners. My names are Hezron Maina Liquiru, I come from this Kyahega Location. Commissioners you will agree with me that we cannot

build this country by forming thousands and thousands of political parties. And I would like technically to put some checks on formation of political parties in our new Constitution.

It will be my view that as the new Constitution will allow the formation of political parties, but any political party that fail to secure a parliamentary seat, then that party should be deregistered. Because the purpose for which it was formed has not been fulfilled. We have been told that some Kenyans form political parties with a hidden agenda of presenting them for safe. So if he fails to secure a parliamentary seat then such one will not be there. Any political party that has had parliamentary seat, and fails to secure two consecutive elections, that one should also be deregistered. Because it will mean it has reached what we call political bankruptcy. And by so doing we shall find that we have manageable political parties. Any political party that has more than ten parliamentary seats, then the state should finance it to run its secretariat to run to its offices and so on.

I would also like political party to proceed one procedural candidate for election, which it has done on its primaries; say a political party can think about 10 candidates who will go through primary and after that the nominee will be there to run for presidency. A nominee elect of political party should pick a running mate and this running mate will help him campaign all over the country and in the same note I would also like to propose that, a political party that has one President should be given time to run the whole term.

Should the office of the presidency, remain or become vacant because of death or impeachment, then the running mate who is the Vice President should be given chance to run the whole term without any interruption before Kenyans are subjected to another election. So that is all about political parties and I would also want to propose that the officials of political parties should not be allowed to run for parliamentary. They should remain managers of parties and nominate Kenyans who are inclined to their philosophies and Kenyans of integrity to run for presidency and parliamentary seats.

Parliamentarians should never be part of cabinet I would propose that parliamentarian should remain custodians of our offices and fomulators of our laws all the time. President elect should pick on Kenyans of integrity to help him run the government ans such should not be an official of a political party. Because once you have been given this contract to run them, the country or the govt. when your term expires then you are in a very good position to go back home instead of the hanging around on your political seat.

**Com. Baraza:** What according to you is manageable number of political parties?

**Hezron Maina:** If my proposal can be accepted it will in a very short time come around 10,5 and it may eventually be two.

**Com. Baraza:** Give me a specific number which is in your wisdom?

**Hezron Maina:** Below ten.

**Com. Maranga:** Now I have a political party has been doing very well may be because it has been using public funds and state funds, all over a sudden it loses all its membership of parliament, for example may be the party has 200 seats, in parliament or may be a hundred, the next election which follows loses all of them, it has none, should it be deregistered? I give a case, Ford Asili did very well, in one of the elections I don't know whether it was in 1992 all over a sudden it has only one MP so what happens?

**Hezron Maina:** So that is why I was saying you give them two consecutive elections, if they fail in securing a parliamentary seat, in two consecutive elections, a party that has had parliamentarians then it means that it is bankrupt.

**Com. Maranga:** How about if it is rigged out?

**Hezron Maina:** No we are not talking about rigging here...

**Com. Maranga:** No, no I am just saying if the elections are not fair and free?

**Hezron Maina:** Then if rigging has been there then that is the case of court to see to it...

**Com. Baraza:** You are saying in our new Constitution there should be no rigging?

**Hezron Maina:** There should be no rigging. Infact what I was going to say is that a Constitution without implementing **End of Tape1 side A**

**Com. Maranga:** Atafutiwa na Gerishon Machanja is he the District Coordinator? Ok yeye hawezi akaongea huyu ni mfanyi kazi wa Commission so anachukua nafasi ya wengine Clement?

**Clement Matasia:** Commissioners, watu ambayo wamekuja kusikiza hii Katiba, mimi naanza na upande wa korti.

**Com. Maranga:** Jina kwanza.

**Clement Matasia:** Clement Matasia Imisi Sitogi sub-location, Ishugha West. Upande wa korti, ningependa Katiba hii ituruhusu tukienda kwa korti, ukiulizwa ulifanya hii na ukisema hapana, upewe nafasi ya kutoa maoni yako kwa sababu ya kusema hapana. Kwa sababu ukienda kwa korti sasa ukiulizwa, uliimba? Halafu useme hukuimba unaambiwa enda remand. Na huko remand unakaa mwezi mzima. Ukirudi tena, unaulizwa, uliimba? Hapana, enda remand hata mara tano na mara sita.

Kwa hivyo naomba hii Katiba yetu ituruhusu ukisema umeimba hapana, ueleze maelezo yako kwa sababu unasema hapana. Maelezo ya kusema hapana ueleze kama zamani hapo kwa African Court ulikuwa ukiulizwa ukisema hapana unaeleza halafu wazee wenyewe wanaona, maelezo yako ni kweli ama ni uongo. Kwa sababu hapa kwetu njiani polisi akikupata njiani anakushika anaenda kuandika kesi anasema ulifanya hii ukisema hapana unaenda remand. Hiyo ndiyo nilikuwa nataka nafasi niweze kuzungumza. Hiyo ni upande wa korti.

Sasa nakuja upande wa wazee. Sisi hapa Waluhya na tukisema kama mwingine alitaja mambo ya pombe kueleza kama ingefaa, pombe hii yetu ya zamani mimi nilipata baba akinywa. Hata mimi mwenyewe nimekunywa. Na nilikuwa mwalimu kwa miaka arobaine hivi, mbele huko miaka arobaine wazee wetu wazazi wa watoto walikuwa wakipata pesa kwa pombe yetu ya kienyeji. Anatengeneza pombe, anapewa school fees, mtoto anasoma. Anatengeneza pombe, anaenda kulima kwa shamba anapata chakula. Kama mtoto wake anaolewa na bwana alikuwa akitumia pombe kwa wageni wake huku kwetu. Sikuona kama ni haramu. Ninasikia siku hizi ni halamu. Haramu hii ilitoka wapi? Hivyo naruka hapo.

**Com. Maranga:** Kwa hivyo pombe ya kienyeji iwekwe kwa sheria kuwa ikubaliwe?

**Clement Matasia:** Ndiyo. Kama nikuzungumza upande wangu wa waalimu, upande wa waalimu zamani kama alikuwa akiitwa inspector sio DEO, inspector of schools. Alikuwa anatoa amri kwa school, yeye anaandika circular, Headmaster anapewa anaangalia ndani ya circular. Sasa hakuna circular or directive. Directive haikuwekwa kwa sheria hata wa leo nasikia President akisema watoto wasome bure. Ukienda hakuna hiyo. Mwalimu anakuambia wapi circular uone na hii Katiba yetu hatuitaki. Hii sio mzuri kwa Katiba yetu na tena upande tena wa watoto hao, watoto walikuwa wanasoma zamani tulikuwa tunatoa school fees ya shilingi ishirini, arobaini na tulikuwa tunasoma. School fees ilipotoka watoto wasome bure, wakazoea kusoma bure, sasa waliposema cost sharing, ilifukuza watoto wengi kwa shule. Skuli zilikuwa zinabaki bure. Baba hana pesa hana mtu wakumsaidia watoto wake ndiyo hao wengi chokora.

**Com. Maranga:** Sasa unapendekeza nini?

**Clement Matasia:** Napendekeza cost sharing iondolewe kwa Katiba yetu.

**Com. Baraza:** Masomo iwe free?

**Clement Matasia:** Masomo iwe free na hata hospitali. La mwisho, nafikiri inatosha.

**Com. Maranga:** Iko swali, Com. Nancy Baraza.

**Com. Baraza:** Mambo ya korti, umesema kwamba ukichukuliwa kortini ukikanusha mashtaka wanakurudisha rumande?

Huwa hawapatii bond?

**Clement Matasia:** Hata ukipewa bond mpaka ukubali ndiyo na wewe ulisema zamani sikufanya mpaka ukubali.

**Com. Baraza:** Unajua mimi ni mwanasheria najua hivi vitu. Ukisema hapana halafu wanakupatia bond, kama hauna bond ndiyo unafungwa, ndiyo unarudishwa remand? Hawakupatii bond labda useme huwezi afford bond wanakufunga tu hakuna mambo ya bond?

**Clement Matasia:** Ikiwa unapewa bond na mtu akusimamie kama yuko

**Nancy Baraza:** Hiyo hakuna?

**Clement Matasia:** Hakuna hiyo.

**Nancy Baraza:** Hakuna mtu wakukusimamia ni ngumu?

**Clement Matasia:** Unaambiwa ulete title deed iwe ya bond. Sasa wewe huna title deed mpaka kwa rumande. Mpaka ukubali ndiyo.

**Com. Maranga:** Sasa wewe ungetaka aje? Ungetaka Serikali iwe inapatia watu surety? Unataka Serikali iwe inawasimamia?

**Clement Matasia:** Kusimamia nini?

**Com. Maranga:** Yaani kwa njia ya kupewa free bond ama personal bond.

**Clement Matasia:** Mimi nataka hapa korti itupe ruhusa ya kuzungumza na kusema nimekataa kwa sababu ya hii na hii na hii.

**Com. Maranga:** Lakini saa hiyo korti bado kuanza kusikiza kesi yako.

**Clement Matasia:** Hii nasema ndani ya korti.

**Com. Maranga:** Ok. Asante kitu cha mwisho wewe enda uweke sahihi hapo asante kwa maoni yako. Joseph Masicha. Na wewe unainua mkono wa nini? Kama unataka kuongea na Commission unapitia kwa hii karatasi kwa hivyo sitakutambua. Haya ongea.

**Joseph Masicha:** Commissioners na wenzangu hamjambo nyote? Mimi kwa majina naitwa Joseph Masicha Ambei. Natoka kwa Sichogi Sublocation, West Ishogha Location, division. Mimi nataka kuongea maneno kuhusu elimu. Elimu ya zamani ilikuwa nzuri sana. Mtu alikuwa kusoma kufika darasa la mne akafanya CEE hata hapo ulikuwa unapewa kazi. Ukisoma kumaliza std. 8 palikuwa panaitwa KAPE na mtu akifanya KAPE alikuwa anapewa kazi. Saa hii kuna watu wa form 4 wengi hakuna kazi. Tulikuwa tunataka Serikali itusaidie hawa watu wenye kufika form 4 wapate pahali kidogo kidogo pa kujisaidia.

Ya pili nataka wakitengeneza haya maneno awatafsiri kwa lugha mbili, Kiswahili na Kizungu au hata ikiwezekana itengenezwe kwa lugha mtu anaweza kuelewa. Kwa maana kama ni sheria ujue hata ukienda kortini ulikosa makosa fulani, kwa maana ukienda kortini unafungwa na wewe hujui ni makosa gani ulikuwa unafanya.

Ya tatu nataka Serikali itupunguzie school fees, kuna watoto wengi wamekwama. Kama saa hizi mtu ako na uwezo ndiye anapeleka mtoto wake. Lakini watoto wa zamani kama nilikuwa nasoma hapo shule ya zamani walikuwa wakisoma hapo shule ya Mukumu walikuwa wanachukua watu wawili kila mwaka tena wanasomeshwa bure na Serikali. Halafu wakimaliza wanarudisha hizo pesa inampa kazi halafu anarudisha hizo pesa. Saa hizi hata ni ngumu mtu kukusaidia ni ngumu kabisa. Kwa hivyo nataka mpunguze pesa ziwe chini kila mtu apate anaweza kujiweza kidogo kidogo. Ni haya tu mimi naweza kumueleza juu ya hiyo.

**Com. Maranga:** Asante weka sahihi. Nenda hapo uweke sahihi kitabu chetu rasmi. Benedict Mukagwa, atafuatiwa na Lawrence Anyanda uwe tayari. Mama karibu. Na fanya adjustment ya Mike wapi Makomere? Ufanye hiyo adjustment. Mama wa Tume wamekuja Ok Thank you.

**Benedict:** Kwa kikao cha leo na wananchi wenzangu, namsalimu kwa jina la Yesu Kristo, hamjambo? Siku hii ya leo nataka kutoa maoni yangu (interjection)

**Com. Maranga:** Anza na majina yako mama.

**Benedict:** Majina yangu ni Benedict Shirazo Mukagwa. Maoni yangu ni upande wa education. Nataka Serikali yetu ya leo au Serikali ambayo itakuja isiguze education vile iliguswa mwanzo miaka ishirini na nne iliyopita. Kwa maoni yangu naonelea Serikali ambayo tunayo leo imejaribu kuweka hawa watoto ambao wanasoma kuwa kwa level moja. Hakuna tofauti. Kwa maana yale masomo ya kwanza NPR ya sabini yalikuwa masomo yenye faida, kwa maana watoto walikuwa wakisoma wanafika kiwango fulani, wanafanya mtihani, hapo wenye kufaulu wanaendelea. Na hao hawakufaidika kabisa wanaenda kwa course fulani fulani. Na hilo lilikuwa jambo nzuri kwa maana wale ambao wamehitimu wanaendelea. Tena wanafika kiwango wanafanya mtihani, wenye kuendelea vizuri wanaenda form 5 na form 6 na hawa wanabaki tena wanaingia kwa vikosi vingine muhimu ndani. Hapo ilikuwa sawa. Form 6 halafu wenye kufanya mtihani wa form 6 wale wamefaulu vizuri wanaendelea mpaka university. Na hawa wengine wanaingia kwa kosi ndogo ndogo ambazo zinaweza kuwasaidia.

Siku hizi watoto wanafika form 4 na wanarundikana hii miaka ishirini na nne, Kenya mzima kuna watoto wengi ambao wanaranda randa hawana chochote cha kufanya.

La pili, naingilia upande wa serikali. Naonelea ni heri tukiwa na President awe na muda. Na hiyo iwe na mkazo. Ni heri President awe na muda wa kutawala si eti aendele. Kwa maana akiendelea hajui kweli anatenda mema au saa zingine anaenda pande zingine. Kwa maana sisi ni binadamu tunaweza kosa. Ni hayo tu.

**Com. Maranga:** Asante mama weka sahihi. Lawrence Anyanda. Karibu. Wapi Anyanda? You are the one? Then we have Kilimu Likono uwe tayari.

**Lawrence Anyanda:** Commissioners, I only want to highlight a few areas where (interjection)

**Com. Maranga:** Your name.

**Lawrence Anyanda:** My names are Lawrence Anyanda. I am in a group of 24 members who discussed over these issues representing this parish. I belong to the Peace and Development C/J/C – Mukumu Parish. We looked at the Constitution of Kenya and we felt this Constitution is not actually belonging to us. We would like to have a Constitution belonging to us. It should be ours. In this case we feel the separation of powers should actually be determined in our coming future Constitution. The powers of the Executive, Legislature and Judiciary with separation of powers should actually be acknowledged by this new Constitution. We need to have the Government of the people, by the people, and for the people.

Now the areas we looked at, we looked at the term of the President of 5 years: it should be determined as it is. In case he does well it should be increased to two terms, and that should be final. Commissioners, the Vice President should be elected by the Parliament. This is our feeling. In section 17 sub-section 1, in the cabinet, we felt there should be a cabinet consisting of the President and a Vice President elected by the Parliament, and other Ministers who shall be subjected to approval by Parliament, and not an individual to pick the Vice President and the Ministers.

In Section 59, prorogation and dissolution of Parliament: they should only be empowered to prorogve and dissolve Parliament only at the idea of President, proroging and dissolving Parliament should be done by the Speaker, and he has to make calender years which should be acceptable to all parliamentarians, and it has to be followed strictly. Just as term dates in schools are done.

Appointment of the Judge of the High Court: we felt this shoud be done by the Judicial Service Commission and not by an individual.

TheAttorney General: the Attorney General should be appointed by the Judicial Service Commission and not by an individual.

Right to Life: we felt that in Kenya the Constitution should ensure that every citizen has a right to life ensuring that he or she has the basic needs met. Commissioners, we feel that no citizen in Kenya should be killed unless proved guilty by a court of law. The idea of Kangaroo courts should be stopped. Police harassment must be stopped. The Bill of Rights should be spelt out to the common mwananchi to know what is happening everywhere because even the Constitution we are using right now, even those learned people in Kenya have not even seen it, and yet we are making changes that we even don't know what has been going on in the past.

Detention without trial should be abolished as well. If not found guilty the state should defend such a person because sometimes when he is left he goes unattended to. And we also felt all traditional beers or brews should be legalized in Kenya like other countries have their own brews. Uganda has its own – Uganda Warangi, Tanzania has Konyagi.

Commissioners, the last bit I would like to mention is about nomination of Members of Parliament. These Members of Parliament should be nominated by the National Assembly. Any candidate who fails during the election, should not be nominated and any nominated Member of Parliament should not be appointed Minister.

So in this case when we come to the inheritance of property, my dear Commissioners, especially on the side of the lady. A married lady should not claim her fathers land unless her brothers are not there. That is one area.

The second area, a divorced lady who comes back to her father's land should be accommodated by her father or brothers, until she dies or goes back to husband, or she remarries. So the rest you will have to get from the...

**Com. Maranga:** I want to ask you one question, Mr. Anyanda you are talking of a married lady should not claim the estate of her father. Now I am asking if you yourself are a rich man, you have estates in Kakamega, Nairobi, Bungoma, and she was married by a very poor young man, you think she cannot inherit something?

**Lawrence Anyanda:** Thank you very much Mr. Commissioner, you are talking of a rich man what about a poor man?

**Com. Maranga:** No, a poor man might not be having anything so there is nothing to inherit but here we are talking of where somebody is inheriting something.

**Lawrence Anyanda:** So that one depends, it depends, yes,

**Com. Maranga:** There is another question.

**Lawrence Anyanda:** Please, welcome.

**Com. Baraza:** I didn't get you clearly, you talked about upholding peoples' rights to life and then you also said that nobody shouldn't be killed unless found guilty. I don't know whether you are proposing abolition of death penalty, I didn't get you?

**Lawrence Anyanda:** What I mean is currently, you will find a policeman shooting someone (interjection)

**Com. Baraza:** Now that is ok. I just want your thought of whether you uphold the principle of death penalty or we do away with it?

**Lawrence Anyanda:** The death penalty should be there if proved guilty.

**Com. Maranga:** Thank you very much sign up and give us your memorandum. Likono Kilimu, karibu. Utafuatiwa na Sebastian Lisanda. Wapi Lisanda, you will be next? Anza kwa majina yako.

**Milimo Likono:** *Inzi nagwa Milimo Likono.*

**Translator:** Kwa majina anaitwa Milimo Likono

**Milimo Likono:** *Shindu shia ndola mushibala muno shinyalisanga bandu, ni shindu mbu i-basary.*

**Translator:** Kile kitu anaona sana kinasumbua watu wa Kenya sana hapa ni kitu kile kinahusiana na bursary ile ya kusaidia watoto kusoma.

**Milimo Likono:** *Nimbenza ibasary iyo, bandu basomianga tsishilingi tsie ibasary ni batajiri, shibali bandu bamanani ta.*

**Translator:** Akiangalia wale watu wanaosaidika sana na mambo kuhusiana na bursary ni wale wanajiweza sio wale wasio jiweza.

**Milimo Likono:** *Ya pili,*

**Com. Maranga:** Wewe unatakaje?

**Translator:** *Wenya urina?wenya kabe karie?*

**Milimo Likono:** *Shindolakhu iofisi ya nyala khutsia khuripotamo, kalibao, Ibasery isominyongwe irina nende batajiri ta.*

**Translator:** Haoni ni ofisi gani ambayo ataenda kuripoti vile pesa za bursary zinatumika na aweze kusaidiwa.

**Milimo Likono:** *Sasa, khumaoni kanje, shindola wa nyala khutsia ta. Sasa lilondakho, lia khabiri, ni shindu mbu ‘ asoya.’ Khali notsia muofisi sasairi, nukhahanimu asoya, shunyala khunyola shindu shia wenya ta.*

**Translator:** Shida nyingine ni kile kitu kinaitwa kitu kidogo. Hata ukienda kwa ofisi gani mbila kupeana hicho kitu kidogo hautapata usaidizi ule unahitaji.

**Milimo Likono:** *Khu, nukhali nende tsisendi, ubuli khuchenda?*

**Translator:** Sasa kama huna pesa utatembea aje?

**Milimo Likono:** *Basi, kanje katushi yao.*

**Translator:** Basi yake imefika hapo.

**Com. Maranga:** Asante weka sahihi. Anaefuata ni Lisanda, atafuatiwana Lawrence Magoye. Magoye ako? Ok you will be next after him.

**Sebastian Lisanda:** Commissioners, my names are Sebastian Lisanda. I have a few points to put across. Now the first point is affecting the common mwananchi who has never seen the Constitution of this country. There is a clause in the Constitution which states that at the age of 18 years, you can acquire an ID. But I don't know if it is spelt out that after getting that ID you should move around with it, because we have never been told by the police whether it was wrong even if you were found outside your compound just outside your compound, and you are found without an ID you are arrested. So I don't know if that clause is there that when you get the ID you should move around with it. If it is not there, then I would like it included - so that the wananchi are told, ukipata kitambulisho na utembe na kitambulisho, kuliko kushikwa kwa sababu umepatikana mbila kitambulisho hata karibu na nyumbani kwako.

Number two, when you are in court and you seek the advice of the advocate, this advocate did not see what happened, hakuweko, he is operating on what he has been told and you find because I have money, I am rich, I am able to hire an advocate. What about that poor man whom I am having a court case with (interjection)

**Com. Maranga:** Na hao unataka wapewe advocate? What are you recommending?

**Sebastian Lisanda:** I am recommending that an advocate should dialogue in court with an advocate, so that each understands the law. There is no way a poor man will be told I have an advocate, he starts trembling, infact he does not even concentrate on whatever.

**Com. Baraza:** ...(inaudible)

**Sebastian Lisanda:** The Government should give but do they know? No they don't know. Yes you tell the Government they should avail an advocate for the poor man and let the poor man know they can also help.

**Com. Maranga:** Your last point?

**Sebastian Lisanda:** The last point is this, I would like the Government to spell out what free education is because when we are told that education is free we do not understand because we pay more than people used to pay.

**Com. Maranga:** To spell out or to make sure that there is free education.

**Sebastian Lisanda:** I am saying it is spell out because we do not know what it means when it says there is free education.

**Com. Maranga:** But I am saying if the Government was saying there was free education and it makes it free is that what you want?

**Sebastian Lisanda:** Yes it will be ok.

**Com. Maranga:** Yeah that is what we are saying. Why did you say spell out?

**Sebastian Lisanda:** Spell out it means there are some things which the free education is dealing with which is not also the case.

**Com. Maranga:** If it is free education it will be free education. Isn't it?

**Sebastian Lisanda:** Yes, so I mean the Government should make the education free.

**Com. Maranga:** Ok. Thank you sign up and give us your memorandum. Lawrence Magoye atafuatiwa na Hannington Chweya. Ok you next.

**Lawrence Magoye:** Commissioners, my fellow members who have come to listen to the Commission, hamjambo? My name is Lawrence Magoye, I am from Shinyalu Division. I will only give views from where my last fellow Lawrence Anyanda had reached because he had left few areas. So I am starting with section 14 of the Constitution impeachment should be applied. Then I go to section 74: protection from in human treatment, ulinzi kutokana na ukatili. This sections should be implented right from the grassroot to the national level. If found guilty one should be imprisoned for 5 months without the fine option.

I come to Kenyan currency. The Kenyan currency symbols we need a permanent currency in Kenya because we are trying to say the currencies we have today should never be changed. We should make currency with permanent symbols like our founding father of this nation, and Mt. Kenya, National attires and agricultural crops which will remain permanent forever.

Then I go to NSSF. NSSF we have contributors/members who have been contributing to NSSF from July 1966 and these people contributed to the assets that NSSF is owning today, and onces they are paid their lumpsum that is the end of their life. We need this NSSF to be amended in a way that these people should be paid pension because the assets they contributed towards are earning some money towards it.

Then I come to pension for non-workers. We need a non-worker Kenyan to be given salary from the state every month to reduce burglary.

Last and not the least, our headmen in the villages, 'makuru' these people should be paid by the county council. They do a lot of work on behalf of the provincial administration where they should be given some money or an honorary allowances by the county councils.

**Com. Maranga:** Thank you very much and I request you to sign up and hand over the memorandum. Hannington Chweya. I also want to take this opportunity to recognize the presence of students, I am going to give you an opportunity in the next few minutes, I am just waiting for your list for those who want to speak so that I can release you to go back to school. Otherwise, thank you for coming.

**Chweya Hannington:** Commissioners, my names are Chweya Hannington from Bidii Men and Women Groups. On the Executive we propose impeachment laws to be enacted.

On the supremacy of the Constitution, we suggest that clauses that form core of the Constitution should undergo elaborate public debate before being passed, and we still suggest that 65% be retained by the Parliament. A referendum to be conducted for the following laws: Bill of Rights, Presidential terms, transition of governance, political systems, citizenship, electoral and

removal of the President.

On citizenship, we propose automatic citizenship to a child born of any Kenyan parent, dual citizenship because of intermarriages, Kenyan women should be able to confer citizenship to their foreign husbands, passports to be issued as a right.

On political parties, we propose parties that garner less than 5 seats in general elections cease to be recognised as official parties in the next general election. We also propose that parties to field at least 35% of women as candidates of the elections. We propose fundings for political parties, from the national budget. We also propose a maximum expenditure per candidate and per party during campaigns. We also propose candidates to declare their wealth publicly and we propose equal access to the media for all political parties.

On governance, we propose, women participation in the management of public affairs and resources. We also propose participation of all vulnerable groups whom we refer to as people with special abilities. We also propose that KACA should be empowered to investigate and prosecute corruption cases in court. We also propose Judiciary members should be held accountable for their decisions and responsibilities.

For Legislature, we propose the affirmative action to be implemented by 35% of the parliamentary seats being reserved for the women. We propose a Member of Parliament to be a full time job. We also propose a public debate to be gazetted for when a Bill is passed to become a law.

On Judiciary: we propose establishment of a Supreme Court with at least 9 judges that seat together and it shall be the highest court in the land. We also propose appointment of judges to be subject to parliamentary approval where gender equity will be taken into account. We also propose legal aid to be a right to access to persons unable to afford services of a lawyer, in capital offences and other serious offences. We also propose criminal and civil cases to be dismissed with, within 6 months from the time of being taken to court.

On electoral system and processes: we propose voter registration to be a continuous exercise, we also propose the use of passports and driving licenses as the documents for voting. We also propose electoral police force to prosecute election related offences. And we also propose issuance of identity cards to be made as fast as within two weeks from the date of lodging a request.

On social and cultural economic rights, we propose any person who infects HIV/AIDS to the other person, to be construed as an abuse to the right of life. We also propose that early and forced marriages, should be construed as a denial to the right of education or freedom of choice. We also propose sexual harassment should be construed as a denial to the right of employment for providing for ones livelihood. We propose attachment of a gender Commission. We also propose a *loci standi*

to be amended for allowing sensitive parties to bring action on behalf of vulnerable groups. We also propose the enacting of laws like FGM, widow inheritance, and early marriages. **End of tape 1B**

## **Tape 2**

On land and poverty rights: we propose a spouse's a proval regarding any dismissal, acquisition, or mortgaging should be mandatory and included in the Constitution. And on international relations, we propose that Kenyans to debate on the convention before its ratification and the parliament should approve ratified convention. The period between ratification and approval a law should be enacted and should not be more than 90 days.

Finally we propose a Constitution office for Ombudsman to be established whereby he will check on the abuse of power and corruption and other malpractices by public and private officers.

**Com. Maranga:** Thank you very much for your summary I have a question. You said that you want to set up an electoral police force, who will be in charge of that electoral police force and how big do you want to have that police force? Because if you are going to consider that the electoral police force will cover the entire country what happens to that electoral police force after elections?

**Chweya Hannington:** Now the electoral force we propose it should be under the Electoral Commission of Kenya. It will have a sizable number not as the general police force. It will have general duties after elections have been conducted. Another question?

**Com. Baraza:** On international treaties I didn't get you well, did you say after 90 days of ratification it should be documentated or what did you say?

**Chweya Hannington:** Yes it should be documentated through the Parliament. The period between when the public has ratified the approval it should be 90 days. It should not have more than 90 days.

**Com. Baraza:** What is the time lapse between the ratification at the international level and ratification at the local level what time do they have?

**Chweya Hannington:** I have given the time between when this convections are being ratified and when they will be taken for approval by the parliament

**Com. Baraza:** Yes, what I want to know from you is for example the Beijing platform for action was ratified when I was there in 1995, we haven't domesticated. So I want to understand from you between the time of ratifying at the international level what

time lapse should there be for local ratification?

**Chweya Hannington:** 60 days.

**Com. Maranga:** Thank you and now I want to call the following students and teachers to be ready in that order. Walter Makori, Michael Farou, Ominidi M Moses then we have Jared Maragia and Odhiambo Amos. So can we have those students coming in front so that we can be able to present one after the other, please all those names I have called. Mje kwa haraka kabisa kuna nafasi hapa, mketi halafu, wote mimi namtaka hapa mbele. I don't want anybody staying there because we want to save time So I want you to tell us who you are, your name, your school and form. Thank you and then you proceed to give your views.

**Walter Mkori:** My names are Walter Makori, I am from St. Charles Lwanga Sec. Sch. I am in form 4. Now my grievances to the Constitution Review of Kenya one is about retrenchment. I see instead of retrenchment I would prefer that more people, the people who are working should be divided some to work in some hours and others in some hours because there are so many people who are educated in Kenya.

The Government resources: my grievance I see that instead of the Government wasting money on that Presidential escort, whereby we see that there are so many vehicles which are escorting the President, I feel they should not waste that money they should save that one on economic grounds. (Clapping)

The third point is about the contention of the lay people in the society. This is where you find there are some rich people, those who are in the Government, those who don't take into consideration of other people in the society. So I think that one the Govt. should look into that.

Another grievance I have to present is corruption. I think that is the greatest problem in this country so the Government will have to look on that and see how it can help us.

**Com. Maranga:** Thank you very much. You said that you don't want people to be retrenched you want people to work within 24 hours in shifts or whatever, what did you suggest?

**Walter Mkori:** I meant this, because in Kenya we have so many people who are learned, so instead we should not have that retrenchment, people should be employed so that they can be divided in terms of hours.

**Com. Maranga:** Shifts? The working shifts?

**Walter Mkori:** Yeah, instead of them working all the time some people to be employed so that they can be divided in terms of hours.

**Com. Maranga:** Ok thank you go and register. Next is Michael Fara. Your full names and form and school.

**Michael Fara:** My names are Michael Fara and I am from St. Charles Lwanga I am in Form 3. On my side, I want to talk on the side of Presidential nominations. Recently we have heard of the issue of our President Moi nominating (interjection)

**Com. Maranga:** Excuse me please, maybe let me repeat this, you do not mention names you mention an office, like now if somebody mentioned you like Michael Fara and you are not there to defend yourself, assuming that somebody is mentioning you in Bungoma, do you see any chance of defending yourself?

**Michael Fara:** No.

**Com. Maranga:** So we are now saying you don't mention names, you mention offices. Like if you are talking of the office of the President you are talking of DC and so on even if you are talking about your own Principal you don't mention the name of your own Principal, you talk about the office of the Principal. So please no names. Even if it is a MP you don't mention names. Now you can proceed.

**Michael Fara:** Thank you. I was talking on the issue of nomination of Ministers and officers On my side I can say that this issue is not good because you see Kenya is a democratic country so the issue doesn't work so well, because there is need for people to participate in the issue of election. So the issue of the president's office on the nomination ministers and officers is not well on my side

**Com. Maranga:** Whom do you want to nominate if not the office of the President? Can you give us a suggestion, a way forward?

**Michael Fara:** According to my suggestion I can say the members of the party or the officers to sit down and decide on the person to come out in the final election. Then this issue should go to all the members who will probably be informed and then they elect one person in formal election but not nomination. The second issue I was talking about is that the Govt's responsibility on the retirement President. On that point I can talk on the risen information on our daily newspaper about the retired, our President . The issues of for example 80% of the salary, limosines and personal vehicles and then the security of about ten members, on my side I can say that issues is not well to fellow Kenyans because the salaries of these people at the end of each month is a good amount to say to help other people more than an individual. So on my side I can say that issue of say security men should be reduced but the President should be honoured by the security and on the side of private cars and escort cars, I suppose that the govt. should look into that issue and reduce the number vehicles to escort the President. Because the honour should be given to the President and he should be given enough resources and not so much as the limousines and private cars.

**Com. Maranga:** Last point?

My last point I can say is money circulation in our country Kenya and the salaries. On the the side of the money circulation I can say, yes of course our country Kenya has money to circulate and feed its people but now the problem is that the circulation of money is within the people with authority, this is an aspect which has been seen to affect other people in our country Kenya.

**Com. Maranga:** Thank you Mr. Fara I now request you to go and sign and leave your memorandum. Omwidi M Moses.

**Moses:** My name is Omwidi Moses from St. Charles Lwanga. On Constitution review actually we have seen we have got a very big problem. Actually it was my proposal that in Kenya we should have one man one job. This is simply because as you can see people in authority one man is holding even more than 3 jobs. This is to cause the plight of wananchi in Kenya.

Then another point is on AIDS. According to me, in Kenya they should set a rule that those foreigners coming in Kenya they should be tested before and also those people having AIDS in Kenya the govt. should carry out another test. They should test and if they are found with AIDS let them be taken to a particular place in order to reduce this AIDS. That is the thing.

**Com. Maranga:** Thank you, just a minute.

**Com. Baraza:** (inaudible)

**Moses:** The Govt. should build some houses to keep those people and feed them until they may be...

**Com. Maranga:** What we are asking, is this is going to be a big camp, we have about maybe over 2 million? Maybe over 2 and 5 million suffering from HIV/AIDS at different stages. You want them to be put in a camp?

**Moses:** Not necessarily one camp they should hold it at provincial level you can see that even if they live like that you can see we are really affected.

**Com. Maranga:** what we are asking, why do you want the AIDS sufferers to be put aside, why are you not seeing it as a normal disease like Malaria and any other disease?

**Com. Baraza:** If I may follow up on that, are you suggesting to isolate them so that the Govt looks after them or because you don't want to be with them? What is the motivation?

**Moses:** Is not that I don't want to be with them but this is only to avoid the rapid spread of the disease.

**Com. Maranga:** So what you are saying, you want them quarantined so that they are not moving out anywhere and nobody gets access to them?

**Moses:** Yeah, but...

**Com. Maranga:** And who will serve them in those their camps?

**Moses:** They should be served with everything they need but should be kept at least...

**Com. Maranga:** So those who are going to serve them should be also AIDS sufferers? (laughter)

**Moses:** No not that way. They should do like other nations.

**Com. Maranga:** Which nations. Give me an example where they have done it?

**Moses:** You can compare our country here especially and other countries abroad you can see AIDS is spreading widely in Kenya.

**Com. Maranga:** You are also infringing on the freedom of association, expression ,

**Com. Baraza:** It is not spreading because you are living with them. If I am living with my brother who has AIDS why should I get AIDS? You know how AIDS is spread..... (inaudible) (laughter)

**Moses:** No, no, I understand your point but not everybody is like me. There are other people outside who have AIDS, and in their minds they say, "I will not die alone let me also infect other people". Those are the people I am talking about.

**Com. Maranga:** But these other people are .... Anyway I don't know. You are discharged go and sign our official register. The next person is Danson Hasiani, and you are who? Jared. Ok Jared first. And I had said you just come to the mic yourself.

**Jared Maragia:** I think my names are Jared Maragia

**Com. Maranga:** You think our you know? (laughter)

**Jared Maragia:** I know. And I have two points to pass across.

**Com. Maranga:** You are in form?

**Jared Maragia:** Form 4. So I have 3 points and I want to stress on a point that has already been talked about and that is one man one job. I think in Kenya there is, for example I want to stress about the posts of the President. And you see for example if the President has many posts for example the Commander in Chief, Chancellor of all universities, honour of honours I don't know others but (laughter) the money or the amount of money wasted in those things example I think all those posts being paid for so I think the powers of the President should be reduced.

We should have the Constitution, an example for me I have never seen the Constitution of Kenya so I don't see the need of having a Constitution which you don't know about. So what I am saying is that the Constitution should be printed and supplied to the citizens of Kenya. That is all I have to say.

**Danson Hasiani:** My names are Danson Hasiani. I come from St. Charles Lwanga Secondary School, Form 4. My first point is about elections, I don't understand because you see that maybe the Electoral Commission is chosen by the President so as I can say there is something behind it. So what I can suggest is that maybe the Electoral Commission should be elected by the MPs so that at least there is that balancing in their work.

Then the second point, we people who stay in Western Province I can say that we are under privileged because when we watch our TVs we only see the KBC, it's the main channel we watch, so I think the KBC they should be at least fair so that they at least talk on balanced matters. If they want to talk about the President they say the President and then they talk about other areas, other provinces so that we have that balancing. But if we take the first 25 minutes to talk about the President, and the Ministers, now where will our views go? So I think it should be balanced.

Another point is about corruption. In Kenya there is high corruption so I think something must be done because we hear that there is the Kenya anti-corruption authority. When we move to the roads we see that even the policemen are just taking bribes even when we are seeing. So I don't know whether that thing is working or not. So they should tell us whether it is working so that we know because there is nothing to hide. If you go to the road now, you just see them taking the bribe. I think that is what I have.

**Com. Maranga:** Thank you very much you sign I want to leave the students a bit. There is somebody Odhiambo Amos but that one will come after I have called Dr. Majanja Migabo. Come and represent. Najua nimewapatia nafasi kubwa wanafunzi kidogo lakini nitawapatia ndiyo muende. Just hold on and listen to other peoples' views. Thank you.

**Dr. Majanja:** The Commissioners, and those who have come to bring their views, I will be very brief. I would like to make few points, the first one is State and Government. It is my views that we should have President as the Head of State, with a Vice President who should be his running mate and his deputy, because at the moment the Vice President seems to have no power.

The other office which I am suggesting should be formed, is that one of the Prime Minister. The system which I think should be adopted and I recommend should be the French type of procedural Constitution whereby we have the President and the Prime Minister almost equally sharing powers. In addition to that the Prime Minister should be the Head of the Govt. whereas the President is the Head of State. The Prime Minister should run day to day business of the Govt. as compared to what is going on. The Prime Minister should be elected by Parliament while the President will be elected by the whole nation.

I am also recommending that we have a first deputy of Prime Minister who should be incharge of finance and economic affairs. I am stressing that because as you have heard and as you know and probably you have received more information, the level of poverty in this country is beyond imagination and therefore we intend that the next Govt. should have a particular first Prime Minister to deal with the affairs of the economy and finance.

I also recommend that we should have the second deputy Prime Minister who will be incharge of foreign affairs and foreign trade. You are aware at the moment that our foreign affair is not clear. The Americans are saying they want to bombard Iraq and Kenya has not said whether it supports that or it doesn't. So it means our policy is not clear. So we would like the 1<sup>st</sup> Prime Minister to be incharge of foreign affairs and foreign trade. Why foreign trade? Foreign trade should include even tourism. We are talking about foreign trade because the economy can also improve when we have flourishing foreign trade which at the moment we are aware that little attention is being paid to that.

Now I will also recommend that we shall have 16 ministers, not more than 16 ministers and these ministers should be ordinary educated professionals who should head the ministries. The MPs should concentrate on the issues of making law. It is not possible for a person to be an MP, be a minister, run his own business, so I recommend strongly that we should have 16 ministers and I further recommended we also have 16 deputy ministers. These deputy ministers will be real deputy ministers. What I am talking about the deputy Minister will deputize for the minister on all matters including attending the cabinet. Because at the moment if you are heading a ministry, and you are on leave or have gone out of the country you get another minister to come and act on your position not your assistant minister. So that is my recommendation.

Recommendation two, (interjection)

**Com. Maranga:** And I want you to summarize Migabo.

**Dr. Majanja Migabo:** I am now summarizing and I will be very brief. We also have recommendation on that we should have a federal state. A federal state on the model of Germany. This will allow us to deal with local issues which the central Govt cannot deal with. The other issue I cannot explain the decentralization of power because I think you have heard more on that , is about harambee. The origin of corruption in this country is harambee. So I am strongly recommending that harambee be abolished. You have heard a certain Presidential candidate saying that he would like to use 40 billion to become the President of this country. The question is this, where could somebody have accumulated 40 billions not millions. You have also heard of that in a day people can collect 20 million just as we are sitting here, we say just collect harambee and then you collect 20 million. Where should this 20 million come from?

So Commissioners to help the country because you have heard some of the submissions of my people who have spoken, I don't know you have heard the students saying even on the road you have police collecting money which is corruption. You have heard that we have abolished school fees, yet when you take your child to school he is sent away you must bring in money this is part of corruption based on harambee. Yet we are aware there is no country in the history of the world which is built on the basis of harambee. And we should stop thinking that we should build this country on harambee. I just want to summarize..

**Com. Maranga:** No you are not going to summarize now we are going to ask you questions.

**Com. Baraza:** Daktari I have a question for you are suggesting that we create an office of the Prime Minister with shared powers with the President, based on the French model. I am not saying it is a bad proposal I like your proposal, but I think that was the arrangement in Congo you remember the saga of Kasavuku and the Lumumba. We also had a French expert, he talked to us and said that is a very unstable co-habitation even in their own country. I don't know how you will guard advice us against instability in that kind of arrangement.

**Dr. Maganja:** My views are that it is not proper to have a ceremonial President. We must have a President who is doing something because as we have agreed we want people to work. Even I have talked about the 1<sup>st</sup> deputy Prime Minister and so forth. So that is a bit that should be looked into. I don't have an answer but I believe it should be looked into so that we moderate our own local basis, but if it is something we can work on that one.

**Com. Maranga:** You say the country is poor and yet you are suggesting the creation of more positions, like you are creating the position of the 1<sup>st</sup> deputy Prime Minister, position of second deputy Prime Minister, and you also have a VP who is a running mate, and infact you suggested even a deputy VP are you really saving, are you really talking of a poor country or a rich country?

**Dr. Majanja:** What is happening in Kenya is that the government is not working and the people are not responsible. What I am saying is that you create positions infact I have submission unfortunately I have not explained: because what we would like is

a person given the 1<sup>st</sup> deputy Prime Minister incharge of economic affairs he should be able to bring his blue print in Parliament.

If I am going to run the ministry in the next a hundred days and he will be given 360 days within which he should implement his blue print to say I am going to create jobs and so on. So what I am saying is that although you think I am creating more jobs it is not. Because at the moment you have more ministers than what I am suggesting. I am saying within that we should have about 16 ministers including the 1<sup>st</sup> deputy and the 2<sup>nd</sup>. All I am saying I am apportioning certain responsibilities to certain people.

**Com. Maranga:** Thank you very much and please wind up. Give us your memorandum, we will read. Daktari let me assure you we are going to read every single sentence there.

**Dr. Majanja:** But Madam had agreed

**Com. Maranga:** Madam is not chairing, I am the boss you hand over the memorandum.

**Dr. Majanja:** Just one. Truth Commission, I would request that in the new Constitution we form a truth Commission. That is all I am saying.

**Com. Maranga:** Thank you very much. Now do we have some pupils from the primary school? Where are they? Can they come forward please? I don't know your names come and tell us and which school you are coming from. And your names first and you tell us which class.

**Brenda Obure:** I am Brenda Obure from Mukumu Girls in class 8 and I will just go straight to my points. The quota system in the selection of form one or secondary students should be done away with so that the education system can reflect a national image and promote cohesion and unity.

The ban on female genital mutilation should be passed on law and the Govt. given the Constitutional powers to punish people carrying it out, not just punishment but severe punishment. That's all I have.

**Com. Maranga:** Let me ask a question what about in communities who are practising that do you also want to punish them?

**Brenda:** No, but you see it should be kept aside because you know the children are suffering and I am sure all the children don't want to have the same problem.

**Com. Maranga:** Ok Thank you, sign up and give us your memorandum. Next. Say your name and class.

**Winnie Bonyo:** My name is Winnie Bonyo, I am from Mukumu Girl's in class 8. My point, the Govt should look into the plight of street children and come up with ways of doing away with this social problem. They should offer education opportunities to the street children by building schools for them. You can see that in the streets most of the suffering students, the street children some of them normally have a lot of knowledge in them but because of the problems they normally have in their homes they can't concentrate in their school work and therefore, their parents don't want even to pay for them the school fees that is why they drop. That is why the Govt. should go, collect the children, and build schools for them so tht they can have education opportunities.

They can also establish industrial training institutions for example, the village polytechnic in order to create self employment. They should also absorb them in the Jua Kali sector and they should also offer free education to all children. Like the Govt. promised in the beginning of this year, that about school fees should be abolished and they never kept their promise. We see that most schools pay a lot of school fees and we don't know where they normally take the school fees but the govt. should really look into it.

Another thing I have to say is, most of the times teachers go on strike. What's the reason? The reason is that the Govt doesn't want to increase the salary of teachers that's why the teachers go about the street loitering.

We also hear that every year when they announce the budget the Ministers are being added money. Why is that money taken to the ministers and we see that most of the work is being done by the teachers, because the teachers are the ones who make the ministers to be there. So that money instead of taking it to the ministers they should give it to the teachers. (clapping)

My last point is this, the Govt should cut down on the unnecessary expenditure by cutting down on the number of holidays by merging Moi day and Kenyatta Day inorder to it to raise funds for the improvement of a lot of children in Kenya. Instead of wasting all those funds, we see Moi, the President he goes to places to celebrate and all those kinds of things instead of Raising funds they just go there and celebrate, and then go back to their places. Now that's what we are saying insead of holding those functions of celebrations every now and then, they should instead raise funds for the children in order to improve our education because we are the future leaders. That is all I have. (clapping)

**Com. Maranga:** Thank you very much sign up now the next person I want to call is Odhiambo Amos. I think you are a teacher, ok, be very brief so that we can release you.

**Odhiambo Amos:** Asante sana Bw. Commissioner. I am Amos Odhiambo from St. Charles Lwanga. Thank you very much Commissioners and all those who are gathered here today for this session. My will be a few points to carry across what has been said here and I am sure we shall just be emphasising what previous speakers have said. First of all I shall talk about justice. Justice in Kenya is very expensive for the poor and as somebody said we should look into modalities of having some

measures put in place so that the state can hire lawyers for those who cannot afford.

Then the Presidential v/s Prime Ministerial systems of government. Recently we had a public debate about creating the positions of the Prime Minister and deputy Prime Minister and so on. We are sure there are individuals in mind who want to occupy those positions and that will be increasing Govt. expenditure. The Presidential system of Govt. in my view has worked everywhere like in the US, so there is no need to introduce the Prime Ministerial positions we are trying to fight for. Any minister in Kenya should be autonomous such that they are given powers to be in charge and be the CEOs of their ministries. We should not have a case like the President coming to open a show like in Kakamega. Those are very regional and very junior things. The minister for agriculture should be in charge and do such missions.

Then the President should pick a running mate as the Vice President. I believe it is wrong to say that the Vice President should be appointed by Parliament. The President needs somebody they can confide in even the Ministers, he should be allowed to pick Ministers and these Ministers should be technocrats as somebody has said. So for him to build confidence among the cabinet members, he should be allowed to choose a running mate so that Kenyans vote for him and they vote for him, so that they kind of have the security of tenure when they are still in the house.

Then political parties should be funded by the exchequer. But I would suggest that they should be limited in number. Maybe we should consider the number of registered members should maybe be two millions and finally we might just have 5 political parties: because at present suppose we have 10 million people who are registered voters divide by 2 million we can only have 5 political parties which will be a very good number

**Com. Maranga:** The last point.

**Odiambo Amos:** The Constitution should provide for a given portion of population to be employed. That I mean we have so many graduates leaving our colleges and even in the school without securing employment. The number of ministries should also be reduced as somebody has said, measures should be put in place to minimise chances of ..... **End of side 2A Cont... 2B**

Lastly I would suggest that the office of an Ombudsman which I believe you have and the office of it should be created. You could just allow me to touch something small about our Legislature, MPs. The people who voted these MPs in should have the final power to say who their MP is, because supposing in the previous election somebody was number two and in the event of the death of the current MP then the number 2 in that election should assume power and become the current MP of that Constituency.

Then the many Commissions that the President is forming should submit their reports to the Parliament and they be acted upon. You have heard so many Commissions being formed and yet their recommendations are not adopted by the Parliament.

**Com. Maranga:** Thank you very much mwalimu we wish you well, hand over your memorandum. Thank you for your presentation and appearing before the Commission. Thank you very much. Let me call upon James Shiali.

**James Shiali:** Mimi hapa Mzee, naishi Shinyalu, jina langu ni James Shiali (interjection: inaudible) Miaka yangu? Mimi nilizaliwa mwaka wa 1907. Sisi watu wa Shinyalu tuna taabu namna hii. Taabu hii misaada inakuja Kenya ya aina nyingi, sisi hatupati watu wa Shinyalu. Watu wa Shinyalu maji ikuje upande mwingine na sisi hatukupata maji iko maji chafu sana.

Na kitu kingine watoto wa shule tulisikia mlisema watasoma bure, fees ya shule ya secondary school ni nyingi sana tafadhali mtusaidie. Kitu kingine sisi tunazaa, tuna watoto wavulana na wasichana wanazaa watoto wanaachia mimi mzee. Sasa mimi nafanya nini? Sisi tuko na mashamba. Mimi niko na ruhusa kugawia mtoto wangu na watu wengine wanasema leta pesa ndiyo tuje tukugawie na shamba ni yako. (clapping) Unaweza kuwa na msichana na yeye anaweza kosa mahali anakaa. Huyu anaweza kuja kwangu, atakaa. Na yule alipata kwake anaweza kukaa huko na watoto wake.

Kitu kingine watu wa kuiba ni wengi. Wezi hawa sisi tuna Serikali nyingi, wezi wengi hawa wanatoka wapi na Serikali haiwezi kujua. Hiyo tunataka ijue namna gani. Sisi hapa tuko katika Shinyalu, hakuna njia katika mtaa sisi tuna taabu. Katika Shinyalu, sijui nchi nyingine maji machafu sisi hatuna maji. Sisi hapa (interjection)

**Com. Maranga:** Mzee maliza point yako ya mwisho.

**James Shiali:** Point yangu ya mwisho watu wasiulizwe kitambulisho, leta kitambulisho. Ni hiyo tu inatosha.

**Com. Maranga:** Asante Mzee nashukuru wewe na tunasema asante kwa kufika mbele ya Tume ya kurekebisha Katiba lakini kabla hujaondoka mwenzangu ana swali kwako.

**Com. Baraza:** Mzee asante kwa maoni na umesema watoto wasichana sasa wanawaachia watoto, wanapata watoto na hawajaolewa na wanawaachia nyinyi. Sasa unataka kama sheria tufanye nini ndio usaidike hapo, unataka tufanye nini?

**James Shiali:** Nataka huyu anakosa mahali ya kukaa mimi nitakaa naye na huyu mwingine akae kwake.

**Com. Baraza:** Hapana, ulisema siku hizi watoto wasichana wanapata watoto, wanapata mimba na wanatuachia sisi tunazeeka tunaachiwa watoto sasa unataka tufanye nini ili wewe usibebe ule mzigo wa kuangalia hao watoto?

**James Shiali:** Sasa nataka mtusaidie mwenye watoto awe na watoto wake na mzee wake awe akichukua mwanamke wake na kukaa na watoto wake. Na kama yeye hapana chukua, kortini. (laughter)

**Com. Maranga:** Asante mzee wangu enda uweke sahihi hapo. Fredrick Vigazi, it's your turn utafuatia na Lusule Ambrose ako? Hayuko, then we have Kizito Ahinduha Ok you will be next. Lusule Ambrose memorandum hand it over. Wapi Fredrick hutaki kuongea? Kuja basi unaanza kwa majina.

**Fredrick Vigazi:** Asanteni sana Commissioners, na wenzangu walio hapa. Kwa majina naitwa Fredrick Vigazi natoka Khayega Location. Jambo langu la kwanza ni kuhusu kiti cha President. Kiti cha President achaguliwe yule ana umri wa miaka arobaine na kuenda juu si chini ya hapo, na kiwe kipindi cha miaka mitano, anaweza kufanya mara mbili pekee yake. Vice President achaguliwe na Parliament, kwa watu ambao wameshaa ingia parliament wakati ule wakiketi mara ya kwanza jinsi wanavyofanyia Speaker wa Bunge wafanye hivyo wakati huo kumchagua Vice President.

Powers za President ni nyingi sana zirudishwe chini kidogo. Kwa mfano unaweza ona kwa ofisi ya President kuna ministries nyingi, anaweza ministries nyingi ama departments nyingi na ni yake kama ya polisi kama ya nini. Hizi zipewe ministers badala ya yeye kuwa na nyingi sana. Ministers ni wengi kwamba unaona its diplication of work. For example you will see, we have a minister for public health and then we have ministers for medical services. This is just duplication of work. Kwa hivyo hivi vitu vipunguzwe ministers wawe wachache. I suggest wakiwa kumi na watano ni sawa kuliko kuwa zaidi ya ishirini jinsi walivyo kwa wataki huu. President akichagua ministers, ni vizuri wawe approved na Parliament kusema: "ndiyo, huyo amechaguliwa ni sawa lakini huyo President, enda ufikirie tena, si huyu, iwe hivyo". Hapana tu yule President kila mtu anakubali tu, sio huyo, hapana.

Constitution ya Kenya ni wengi wameongea juu yake, tangu hii Commission mlianza kila mtu anasema hajui Constitution ilioko inazungumza juu yake. Constitution ambayo mnatengeneza wakati huu, iwe available kwa wananchi ikiwezekana vijijini everywhere from grassroot kila mtu awe na copy ya Constitution kujua ni nini kinaendelea katika nchi yake na sheria gani ziko. Kwa maana wakati huu watu wengi wananyanyaswa kwa sababu hawajui hata Constitution ni nini. Palikuwa na kitu kingine waliita IPPG or something like, that a parliamentary group ambacho, walisema mapolisi wasisumbue tu watu vijijini wapate barua kutoka kwa magistrate ndiyo waingilie vijiji lakini haikufanyika kitu chochote mbali wanatembea tu vile walikuwa wakitembea hata kabla ya hiyo.

Jambo lingine President akichagua commission to look into something, a certain problem somewhere, it should be made available kwa wananchi kusema the results of that commission was this and that. Kwa mfano palikuwa na commission to look into devil worshipping in this country, we never know where it ended. It just disappeared. There was a commission to look into other things, too crucial and political so leave them.

My last point, President akichagua ministers lazima awape ministries ambazo wako versed in, hapana chagua minister for health na unachagua tu mtu ambaye kwa maana unampenda hata hajui ministry of health, hata hajui aspirin inakaa namna gani.

(laughter/clapping) Wawe wakichagua ministries iwe President akichagua, Minister for Education ajue anachagua mtu ambaye yuko versed katika education. Alikuwa university lecturer, alikuwa mwalimu high school, alikuwa nini. Kitu kama hicho si kukuja tu kwa mtu yeyote na kusema wewe ni Minister of Education. Wewe ni Minister of health, hapana. Wachague mtu kulingana na vile inawezekana, yuko versed katika hiyo ministry.

**Com. Maranga:** Asante mzee, Thank you very much tunakuomba uweke sahihi. Thank you very much. The next one is Kizito.

**Kizito:** Thank you Mr. Commissioner, I represent a youth group from Khayega and we are a good number, for that matter I will expect you to give me more time, because all of them are not coming to present.

**Com. Maranga:** There are so many people representing a bigger groups say CJPC it is Catholic Peace and Justice Commission, how many Catholics are in Kenya? Yeah, so you don't have more time, the time is that any group, any person who appears before us the maximum we are giving you is 3 minutes. Thank you. You have yourself 3 minutes and start with your full names.

**Kizito Ahinduha:** My names are Ahinduha Kizito, I come from Khayega location. Our Constitution doesn't have an introduction, a Preamble. I believe our new Constitution will have an introduction. Coming to Constitutional supremacy, my group discussed and agreed that the Constitution should unite and bind us. So the President should rule the Parliament should rule by the Constitution, they should go by the Constitution and any amendments should be done by the people themselves, citizens.

The Constitution should allow coalition govt. Citizens should be allowed dual citizenship. All forces should be established by the Constitution and their duties well defined in the Constitution not having youth wingers running after old wazees in the villages. The security of all Kenyans should be upheld by all the forces.

Mr. Commissioner the chiefs act is still being used even after the IPPG committee. Please the Constitution should look into that. The President should scrap it completely. The President should not be the commander in chief of the armed forces but a reknown command officer appointed by the public service Commission and approved by the Parliament. We need a unitary type of Govt. not majimbo.

On legislative, the members of parliament once elected should take up full time occupation, should not divide their time with other things. Parliament should operate on a time table drawn by the speaker. We should not have nominated MPs. They have no job President, Members of Parliament, Councillors should should retire at 55 years.

Any elective post like the President, MPs, councillors be contested for only twice. If you have failed twice you don't go for any seat again you are wasting peoples time, you have proved unpopular (clapping)

Constitution should set other qualifications for the President , for the MPs and the the councillors other than language test alone because they are going to discuss a wide range of issues with different types of people. MPs and councillors should not depend or discuss on matters or issues that pertain to them alone. Other people should discuss them. On the Executive, the Constitution should specify the qualification for the Presidential candidate. He should not be above the law. The President and the vice President should be elected directly by the people. The President should have a running mate.

Presidential duties and functions should be defined in the Constitution so he should rule by the Constitution. The Parliament should ascent a law and not one person the President. The Constitution should establish the election date.

The Judiciary: the Chief Justice should be appointed by the Judicial Service Commission and any other Judges. (clapping)

The Constitution should allow the creation of other courts like the Constitutional court, the corruption court and land court. Not land Commissions alone, they are not executive.

**Com. Baraza:** (inaudible)

**Kizito Ahinduha:**Corruption courts, and land courts. On local Govt. mayors, concillors and council chairmen should be elected directly by the people for two terms of five years. The councillors and Members of Parliament education qualifications should be specified or defined in the Constitution.

**Kizito Ahinduha:** Electoral process should ensure increase in the participation of women in the Parliament and in the local authority. There should be a minimum percentage set by the Constitution or number of votes, to award a Constituency and Presidential candidates, what they are supposed to attain inorder to be declared as the winners that is 65%.

**Com. Maranga:** Thank you very much. That is your last point (voice: give him more time)

**Kizito Ahinduha:** Although I had more points. Please give more time.

**Com. Maranga:** You see the point here is you will cause disorder if you say give him more time if you don't want to speak, who said more time let me see, who is that one, you know I will give you his chance to you. That is what I will do then if you accept I have no problem. I can give him to speak on behalf of all of you.

**Speaker:** Give him my time.

**Com. Maranga:** What is your name?

**Speaker:** Tusu

**Com. Maranga:** Ok I add you 3 more minutes. (clapping)

**Kizito Ahinduha:** Thank you very much. Thank you mzee for your time. I have said there should be a minimum percentage of votea somebody should attain in order to be declared a winner - 65%. Some people go to Parliament with 30 percent. Any candidate who fails to take nomination in any one party should not be allowed to switch over to another party to take nomination from there. And if one crosses, that party should give him 5 years time to take nomination from that party.

25% in 5 provinces for Presidential election should be retained. We need only 16 electoral Commissioners, to be appointed by Parliament two from each province.

Rights of vulnerable groups they should be represented in the Parliament, and the Constitution should cater for their interest and these are: women, persons with disability, the youth, and even children.

On land issues both males and females have a right to own or get a share of their fathers land, both girls and boys. Landless Kenyans should be given land by the Govt. who should in turn use it in a productive way and to repay the Govt.

Civil society organizations should be instituted in the Consitution. The Speaker to be incharge of Executive powers during Presidential election not somebody who is campaigning for presidency to be in the office. We don't need the position of the Attorney General, but we need a Minister for Justice.

On education, education should be compulsory to all Kenyans and free in primary. We need civic education to be taught in all schools. Constitution should be sent to all schools libraries, everyone should be enlightened in the matters of the consitution, not that you go to court you are charged under certain section which you don't understand. Ignorance today should have defence.

The President should not be the Chancellor of public universities we need an educator. (clapping) The citizens have a duty to their state to pay taxes and inturn the Govt should give them jobs. If the Govt. fails, it should pay each citizen of 18 years and above a salary for sustainenance (clapping) Youths trying to be self-reliant should not be asked to pay taxes should be given jobs freely. Sports facilities are lacking in all the villages in this country. As for the law it should not be done by the President but the parliament. That is all I have.

**Com. Maranga:** Thank you very much for that detailed memorandum, the only question I have is about the 65% declaration

of a winner. What about if there is no one attaining that percentage?

**Kizito Ahinduha:** Because I was very fast I forgot that issue, anybody with – we should take two people with above 40 and below 65% to go back for run off.

**Com. Baraza:** You said that you want the new Constitution to ensure increase of participation of women. I don't know what kind of system you had in mind to ensure that kind of participation.

**Kizito Ahinduha:** After elections we should look at the number of women in the Parliament and we should at least give a proportion of some – kutenga viti karibu vitano for women or other vulnerable groups for their participation in the Parliament.

**Com. Maranga:** Thank you very much hand in your memorandum we will read and sign our official register. Bernard Ligago, come and then you will be followed by Moses Musalimwa you will be next.

**Bernard Ligago:** Asante sana Commissioner, mimi jina Bernard Ligago Likhana kutoka Mukonjo Sublocation, Eregi location. Maoni yangu ya Kwanza ni tunataka Kenya yetu ituwekee wakati au mwaka au siku ya uchaguzi, tusiwe tunangojea eti ni lini au itakuwa lini kwa watu fulani au kwa mtu fulani. Iwe tu ni wananchi wanajua tutakuwa na wakati fulani wa uchaguzi. Ya pili, Mayor na assistant chiefs na chiefs, wawe elected an wananchi, wasiwe elected na ofisi au idara fulani hiyo itafanya hawa wawe na heshima na wananchi. Ya tatu wananchi wawe na haki ya kumregesha mbunge ikiwa yale maneno ambayo walimtuma aende huko hafanyi wawe na uwezo wa kumregesha nyumbani, au wawe na uwezo wa kumrudisha bungeni

Kuhusu mishahara ya wabunge na wa madiwani tafadhali tunataka tuwe na mipango au ofisi fulani ya kutengeneza mishahara ya hawa watu, kwa sababu hatutaki wawe wakikaa tu wenyewe wanasema tunataka tupate elfu mia tano mwingine anasema tupate elfu mia mbili. Hiyo hatutaki. Tunataka Rais au waziri fulani awe na mamlaka ya kuvuja Bunge. Bunge iwe na utaratibu fulani wa kuvujwa, vile ministry ya education iko na utaratibu wa waalimu kufunga shule. Tuna mhula wa kwanza, tuna mhula ya pili na wa tatu. Tunataka iwe hivyo hapana mtu fulani aseme nimefunga Bunge. Tena kwa upande wa waziri, tunataka asiwe na amri ya kuvunja baraza, tuwe na utaratibu fulani wa kuvuja baraza kwa sababu unaweza kusikia tu waziri fulani amevuja baraza. Uwezo huyo amepata wapi?

Rais asiwe na mamlaka, yaani awe na uwezo fulani wa kuongoza watu, asiwe tu ni kusema mimi nataka hii mimi nataka hii nataka hii. Halafu tuwe na kwa upande wa mahakama tuwe na kipindi au mahakama itapewa ya kufanya kazi zao, kwa sababu unaweza enda kwa mahakama tuseme unaingia asubuhi na unaona Judge au Magistrate anaingia saa tano au saa sita, na anasoma file moja au mbili na anaenda. Kuridi saa nane – au saa nyingine anasoma file 4 kwa siku na anaenda, unaona files zimejaa huko. Na inatajikana tuandike majudge wengine. Kumbe hawa hawafanyi kazi sawa sawa. Tuwe na kipindi au mpango wa kuwafanyisha kazi. Nafikiri hayo ndiyo nilikuwa nayo. Asante.

**Com. Maranga:** Asante Mzee wangu. Thank you very much Sign halafu utupatie hiyo whatever. Oscar Shiverenje uanze kwa majina.

**Oscar Shiverenje:** My name is Oscar Shiverenje I come from Khayega location. I have about two points to put across. The first one is on land. Under land the subheading is inheritance. I would propose that when a child reaches 18 years, the parent who is a trustee of land should give this person the right to work on that land independently. Then after 25 years, this child should be given a title deed. If we do that we will increase production, because most of the land lies fallow, the father has all the authority on land, children cannot work on it, then we talk about getting food from outside. If we legislate that then we can easily curb that.

Then I will also propose that land tenure; if somebody has land and cannot work on this land for two years, the Govt. should have the right to deny that person that land and give it to somebody who can work on it. (clapping)

**Com. Maranga:** Order, Order please, hayo ni maoni yake endelea.

**Oscar Shiverenje:** Those are my views everybody has a right to his or her views. Then I also suggest that the Agricultural Act should incorporate natural resources like forest. Forest should not be put under municipal land. People who are living around the forest should be given right to use that forest so there should be co-existence for people around the forest and that natural resource.

The second point is on Members of Parliament. I want to suggest that if people elect an MP they should have a right of managing this Member of Parliament. How do they do this? They should be given one year to put in motion all those aspirations he/she told the electorate. If they don't, then the electorate should have sweeping powers, that is a simple majority to pass a vote of no confidence in their Member of Parliament. (clapping) Then we will not even go for a by-election. The person who was number two should assume that office immediately. Then members should also create offices in Constituency headquarters like they have acquired offices in Nairobi. I elected an MP not from Nairobi but from Shinyalu, why should I travel to Nairobi to get my MP? Their offices should be decentralized to the constituency level. I think those are the few points I wanted to put across.

**Com. Maranga:** There is a question from Commissioner Baraza.

**Com. Baraza:** Oscar, you say people should have a right of recall of their MPs. I don't know if you can advice us on how we can guard against the (inaudible) and arbitraryment of people like you, the electors, what shall we do to guard against (inaudible)

**Oscar Shiverenje:** What happens is that once you have been elected people will actually see what you are actually doing for them. I am talking about you involving yourself in areas like education, health and general development of the Constituency as their leader. You have to lead them. If this does not happen, everybody will see clearly that you are actually dormant.

**Com. Baraza:** (inaudible) what is the process like?

**Oscar Shiverenje:** That is why I asked for a simple majority because some people when they vote, the constituents, when you vote they go out so you cannot get a majority of 65%.

**Com. Maranga:** Thank you very much Oscar, sign the next person is John Shigoli.

**John Shigoli:** Beloved Commissioners, ladies and gentlemen. My names are John Shigoli Ambei coming from Khayega Location. First of all to have a document of the people, by the people, for the people, the document should have a Preamble. This should bring across the aspirations of the people and the national identity.

The second item is on the youth. In the past decade the term youth has been mistaken we have seen people of over 17 years claiming to be youth. We need the document you are preparing now to identify or to give limits of who a youth is, that is by defining who a youth is and giving the responsibilities of a youth, and what he can do towards the National development. You will excuse me for my sore throat.

**Com. Maranga:** Please define it for us we really want to know whom a youth is.

**John Shigoli:** Basing on my own definition a youth is somebody between 16 and 35 years not above that. Because you had somebody over 37 or 60 years claiming to be a youth. Ideologies such as viongozi wa kesho should be put out of the minds of the people. We as the youth am representing some of them, we think that being a youth is somebody responsible, somebody who is ready to know what maturity means and what he can do. The state or the Govt. should assist the youth in developing themselves such that if they have some projects there should be a Constitutional provision which can assist these youth to uplift their living standards. We have had some finance which has been misused in the past such funds like the National Development Youth Fund. We need at least a clear cut policy on the use of such funds to benefit the common youth on the ground.

On governance and administration, for proper leadership and governance of the govt. one man should have one job. To reduce corruption, every leader has to declare his wealth.

On economic development: for stable economy local based income earning crops should be protected. We have had a case

of sugar, tea, being marginalised by importation of such other commodities. Micro enterprises, or industries, locally based, should be assisted very much to increase job opportunities. Strong laws should be put in place to curb corruption and any cases that arise, the anti-corruption unit has to be strengthened. **End 2B**

### **Cont... Tape 3A**

Resource distribution, for national unity to be achieved the resources of our Government should be distributed equitably. All areas of the state have to be developed equally. Amenities such as transport, communication, health and other institutions have to be catered for equally. On leadership of Kenya we have at least 42 tribes, and each has to have a time to have its chance in leadership or if there is any kind of allocation of leadership, such should be taken into consideration.

**Com. Maranga:** last point.

**John Shigoli:** I have got 2 last points, the public lawyer we have to call that Ombudsman an office. The AG cannot be trusted to defend the public since he is an employee of the Government. On amendments of rules and laws, the Parliament should be the last body to amend in consultation with other arms of the government. The Presidential decrees should not be taken seriously, because some of them have affected the laws and in case they have to be taken seriously, then there has to be a provision in the Constitution.

Appointment of senior officers: should be vetted by the Parliament, that is officers of the parastatals and other civil officers.

**Com. Maranga:** Thank you very much for your presentation, hand over your memorandum. Alphonse Namsende. Utafuatiwa na Simion Shingenje. Ok then you will be next.

**Alphonse Namsende:** Asante sana Commissioners ambao wamekuja kututembelea leo. Mimi kwa majina ni Alphonse Litala Namsende. Natoka Khayega location nikiwa katika Shinyalu Constituency. Yangu yatakuwa machache sana. Ya kwanza ni kuhusu elimu. Mimi naunga mkono wale walisema elimu iwe ya bure. Na ikiwa ya bure iwe ni kuazia nursery mpaka university. Kwa sababu sisi wengine hatuna uwezo wa kusomesha watoto na watoto wetu wanafanya vizuri kwa mitihani. Na tunakosa kuendelea kwa sababu ya ukosefu wa pesa. Ikiwa kuna matajiri wenye watasema karo ilipwe iwe ya kujenga hizo shule wapeleke watoto wao. Lakini sisi maskini tuwe na elimu ya bure.

Jambo la pili, nashidwa kujua tofauti gani ya tajiri na maskini. Kwa sababu tukienda kwa duka bei ni ile ile ya tajiri na maskini. Ningeomba sheria iweko matajiri wawekwe kado na sisi maskini tuwe na bei yetu. (laughter)

Ya tatu nitaongea kuhusu utawala: ningetaka hawa watu wakitaka kuchaguliwa kama assistant chiefs, chief, DO wapigiwe mlolongo ndiyo raia wenyewe wawachague. Tusiwekewe utawala na alikuwa polisi huku anakuja kutatiza kipolisi. Tunataka

sisi wenyewe tumchague mtu wetu. Hapo tena nawaomba, ikiwa ni sheria inawatuma kuja kuongea matanga ni Chief na DO, hayo sheria itolewe. Matanga iwe ni ya Catholic ikiwa ni ya Catholic, iwe ya Protestant akiwa ni Protestant, hayo mambo ya kuja kuuliza kuku na shilingi mia mbili na hapeani bahasha hiyo sheria iondolewe. (discussions)

**Com Baraza:** Wanakuja kwa matanga?

**Alphonse:** Wanauliza shilingi mia mbili halafu wanauliza kuku na unga ya ugali watengenezewe. (laughter/ murmuring)

**Com. Maranga:** Mpatie nafasi aongee. Order, order,

**Alphonse:** Jambo lingine ni kibali cha shamba – title deed. Title deed sisi tunapanda miti ya makaratasi hapa hapa Kenya. Kuna kiwanda cha makaratasi hapa hapa Kenya, karatasi tunapeleka nchi za nje, sasa bona gharama ya karatasi ya title deed inakuwa juu hivyo na sisi wengine hatuwezi hata gharama ya shilingi mia mbili. Na ukienda kuuliza title deed ni lazima uwe na elfu kumi na makaratasi ni hapa hapa. Mbona hawawezi kupunguza iwe free. Naomba hivyo commissioners.

Jambo la mwisho sisi watu wa huku tuna biashara na biashara yenyewe ni ya pombe. Pombe sioni kama kuna mtu mmoja anaweza kutengeneza drum moja akunywe, ama kibuyu kimoja akunywe. Anatengeneza apate pesa. Ningependa hii pombe itengenezwe iwe ya biashara ipewe kibali tuwe tukitengeneza pombe, tutengeneze mafactory. Iende ichunguzwe tuone kama ni kitu cha kunyua iwe sealed, kwa machupa ama kwa mapaketi ipewe kibali, niende niuze America chang'aa yangu. (laughter) Tunataabika kwa sababu nao watawala wametengeneza biashara kwa sababu wakitushika hawatupeleki kortini, wanatoa kwetu pesa. Nataka hii pombe iruhusiwe tuwe na factory tafadhali. Ni hayo machache.

**Com. Maranga:** Asante kwa maoni yako weka sahihi. Simeoni? Anza kwa majina yako.

**Simeon:** I am Simeon Chindalitalu, I come from Khayega location of Shinyalu Division.

I would like to ask the Commission to address the Govt. on the issues of some cases in the court. For example you might find a complainant who has lodged a case in court making the case to flow very well, while the Govt. will take the first priority on that case by prosecuting that person for a number of years while the complainant will be the second person to benefit. So he/she uses a lot of time to follow this case to make sure that it flows very well. But you will find that the Government first prosecutes that person and now leaves the complainant to take the second option whereby he is not assisted by the Government to gain anything, especially for the poor people it becomes impossible.

Secondly, on our prison cells I think they should remain a place of discipline than the advocacy of human rights Commission that the people being in prison should be involved in community working basis while they have committed some previous harm to others and they are not good people in the society. I am saying thank you for hearing my views.

**Com. Maranga:** Now we have Martin Musonye hayuko? Ni wewe? Ok halafu atafuatiwa na Gabriel Muhanda. Yuko? Uwe tayari mzee.

**Martin Musonye:** Kwa majina naitwa Martin Musonye, mimi ni chairman shinyalu Constituency Constitutional committee. I had submitted my memorandum some time back but I have few comments which I feel I need to highlight that I had not done so in the previous forum.

One is the Constitution of the anti-corruption unit. I feel the anti-corruption unit should be composed of police officers, supplies officers, accountants and other officers of other disciplines because anti-corruption is almost in all these disciplines. We have a revenue collecting unit KRA. Kenya Revenue Authority is a main source of revenue collection for the Government. It is disheartening to find that there are two payrolls in KRA. These two pay rolls I propose should be done away with instead they should be harmonised and they come up with one payroll. Simply because those who are put on the lower payroll they are encouraged to compromise on revenue collection.

I also wish to mention something on Judiciary in the cases. There are cases which take too long in judiciary or in court. This is because of some corruption which goes on in judiciary department I propose first of all judiciary department should be made autonomous and those officers working within the judiciary should be vetted. There should be a code of conduct in judiciary dept, whereby discipline should override all other things. Like officers who are found drunk like is the case in most of the courts, should be dealt with immediately, and if possible be interdicted, because as for now you go to most of these courts and you find drunk officers or clerks.

Another point I want to talk of is missing files in judicial department, it goes down to corruption. We need to get executive officers who are really out to serve the entire country, and should be well versed with the movement of court files. We have land cases in judicial department, I propose land cases should be removed from the court and be dealt with by wazees at home. We also have corruption on infrastructural issues like roads. I get disheartened when I find that time and again roads are being repaired. Like today is what I experienced when I was coming and the officers working on these roads are doing a really shoddy job.

**Com. Maranga:** Last point.

**Martin Musonye:** The last point Bw. Com. I want to suggest that the Kenya School Equipment Scheme should be re-introduced.

**Com. Maranga:** Thank you very much and hand in your memorandum. Gabriel? Utafuatiwa na Isaac Nyongesa. Anza kwa

majina mzee.

**Gabriel Mahande:** Jina langu naitwa Gabriel Mahande. Maneno yale niko nayo ni karibu nne. Ya kwanza hapa tuna shida sana kwa sababu mimi mwenyewe naona hawa Waluhya wenzangu hawaongei kwa njia hiyo. Ni mmoja ameonga nusu. Haya mashamba yanatusumbua sana. Baba yako anaweza kufa ukitaka hiyo shamba mfanye nini mkaone kama nyinyi watoto sita mpaka muende kushtaki na hiyo pesa ni nyingi sana. Hata mwananchi wa kawaida inakushida mpaka unakaa kama Eskimo tu. Sasa hiyo ndiyo nataka Serikali yetu iangalie.

Jambo lingine la pili, hapa Kenya upande wetu wa Luhya hii tumezaana sana kama Serikali inaweza kutupatia sisi forest kidogo, yule mtu mwenye shamba ndogo awe anaenda huko.

Neno lingine Serikali yetu ya Kenya naomba, hii lugha ya Kizungu hawa watu wanapenda kuongea sana na sisi Waafrika hatupendi lugha yetu. Sisi lugha yetu inatakikana iwe Kiswahili ndiyo iwe lugha yetu, kwa maana Uganda ukienda wanaongea Kiganda, Tanzania wanaongea Kiswahili. Sasa hiyo lugha inatakikana Kiswahili kiwe mbele, Kizungu nyuma.

Neno lingine barabara, mnaweza kuwa mnakaa na mtu kwa shamba na iko barabara ya Serikali. Mtu anasongesha anasongesha karibu hiyo njia kufungwa. Ukienda kumwambia chief ama sub-chief anamwambia achana na barabara, hiyo barabara ni ya Serikali hapana shamba yako. Haya anashongeza mpaka anacha pahali padogo. Sasa hapo mimi na shidwa wakati Serikali itakuja kupima barabara wakati mwingine itasongeza upande wako ama itaangalia mahali wameweka map? Hayo yangu yako namna hiyo. Na yako mengi mengine lakini siwezi kuongea mimi nasema asante. (laughter)

**Com. Maranga:** Kwa nini huwezi ongea mzee? Asante lakini, kuja uweke sahihi, mzee wangu weka sahihi umefika mbele ya tume. Tuwe na Henry Shikondi.

**Henry Shikondi:** Commission, kwa majina naitwa Henry Musava Shikondi from around. Kitu cha kwanza nataka kuchangia ni hiki: Presidential candidate. Huyu mtu naona lazima awe na degree katika mambo ya Accounts. Naona hiyo iwe elimu ya mwisho kwa mtu kuwa President. Hii ni njia moja ya kusafeguard pesa za nchi hii, minister wa finance akiongea lugha huyu mtu ataelewa.

Kitu cha pili, tukija upande wa lands, lands department, mwanamke ana haki ya ku-own land. Kama anapesa zake amenunua shamba lake apatiwe title deed, lakini title deed is very expensive. Tumekuwa maskini kwa sababu title deed inaenda mpaka ten thousand and yet ukiwa na title deed unaweza kuenda kuomba ka-loan mahali na uanzishe project. Na tungelikuwa na hiyo project employment ingelikuwaako. Kwa hivyo naomba mambo ya lands irudi chini kidogo.

Na kitu cha mwisho ni mambo ya assistant chief na chief. Wewe huwezi kutoka Murang'a uje uniambie huko Shirelwa you

know the best boy. Watu wenyewe ndiyo wanajua mtoto wa fulani anastahili kiti hiki. Thank you very much.

**Com. Baraza:** You say women have a right to own land, and you also say that if they buy their own land they should have their title deed, what about women inheriting from their parents, do you believe that they should get a share? Not many of them have money to buy land so let me understand what you are talking about.

**Shikondi:** Personally, we Luhya people or mimi Roger boy, if my sister has tried to look for someone to marry and she has failed

**Com. Baraza:** And these days men are so few.

**Shikondi:** Hmmh, we talk we come from the same blood we talk nimpatie ka-piece kidogo ya, but not equally.

**Com. Maranga:** Asante Bw. Shikondi, weka sahihi, thank you. Anayefuata sasa ni Amkanga Michael.

**Amkanga Michael:** Thank you. I am Amkanga Michael. My first point, members of a constituency should be given a chance to pass a vote of no confidence to their undelivering MP.

The second point is about Members of Parliament should not discuss matters affecting them for example salary, their security or their vehicles. These should be done by the people or a set Commission. Because they will fix higher salaries and yet there are other Kenyans who are suffering back at home.

The Foreigners: the foreigners who are doing wrong, for example crime in this country should not be given the bail but should remain in remand until their cases are heard. Because if they are given a bail they may ran out of this country and it will not be easy for you to get them.

Vote of no confidence in the President: or you may have a President who is kind of a dictator, who is humiliating these other people, so a vote of no confidence should be passed against him. This should be done from the grassroot, even the people, and even the MPs

About Police: the police the way they arrest the people is not the right. The police should serve a person who is to be arrested with an arrest warrant and give him time to present himself to the police. Because a person may have other family matters or other matters towards construction of the nation, and if you come to arrest him you may find that these matters are not done, thereby something will remain stagnant somewhere.

Then people holding Government offices should declare their HIV status. Why do I say this? People like the President we have heard they should be given limousines and very big allowances. Somebody will be HIV positive and hold an office and after sometime he will die. You will see his family or his people benefiting from these limousines yet he was HIV when he was being elected. So if he is HIV positive he should not be given that post somebody who is healthy should be given that post.

**Com. Baraza:** Are you telling us that we discriminate against people?

**Amkanga Michael:** Not discriminating.

**Com. Baraza:** That they shouldn't get jobs is that what you are saying?

**Amkanga Michael:** I am not saying that you know that somebody will know he is popular he will be taken as a President, and he knows very well after 2 years he will be nowhere. And he will go to that office, knowing very well that he will get these limousines and such like things. His intention in being in that office is not working for the people but for his own benefit.

**Com. Maranga:** I want to ask you, if we are electing somebody and he is very sickly, or he is very sick can't you see he is sick?

**Amkanga Michael:** Yeah you can see he is sick

**Com. Maranga:** So somebody can be HIV positive but he can live even for 20 years.

**Amkanga Michael:** What about those who are sick and they will die tomorrow? What about those who are sick and they will not live for 20 years, the AIDS is not being seen with naked eyes?

**Com. Maranga: (interruption)** Now you are out of order. So your last point.

**Amkanga Michael:** People having large numbers or hectares of land maybe 2000 hectares, should be given a limit may be 100 hectares and this other land be given to other people.

Government doctors should not own private clinics or do any other private work at home.

The form of governance: I think in Kenya we should have a President who will be the Head of the State, a Prime Minister, with assistants, who will be the head of the Govt. Thank you

**Com. Maranga:** Thank you very much. You have a question?

**Com. Baraza:** I still want to pursue this thing of HIV status. Those facilities are being given to the President, to the retiring President not even to his extended family if that is your fear.

**Amkanga Michael:** Ok are you sure that the instruments will be used by the President? Why can't you give him one instead of giving him two?

**Com. Baraza:** That is ok we would like those views also.

**Amkanga Michael:** And what about if he dies, will the Government take back the vehicle, or it will be taken by the people?

**Com. Baraza:** Yeah you can tell us that we return it to the Government. But you should not go against people with HIV just because you fear they will ride in the limousines.

**Amkanga Michael:** What should he be given in the first place if he knows he is going to die?

**Com. Maranga:** Thank you very much sign up the register. Obed Luchetu Karibu, utafuatiwa na Stephen Lipea ako? You will be the next.

**Shimwati Luchetu:** Commissioners, my names are Obed Shimwati Luchetu. I come from Khayega location and I have 5 points to present to you as my views. The first one has been touched on about land. And with an independent country I don't want to say that we have squatters in Kenya while the Government has land to provide to people. So I would urge you if you can consider my suggestion, the Government's land to be provided to those who have no land or are landless. In that case we have people who have more land in this country and there should be a minimum acreage to possess. My view is that one should not exceed 500 hectares. So that the landless can have a chance to own land.

My second view is let us have the system of one man one job as it has been said here earlier. Those holding more than one job, there are some people who are having no jobs, unemployed people, they should have those jobs. Meanwhile, those who retire they should not be called back for jobs, so that one should be considered.

Third is about education. As per education I want us to have free education from ECD level to form 4. Why do I say this? Our people very many of them are poor and we have children. As the policy says that there should be free education for primary schools for now there is no free education. We want if there is free education it means free for these parents to have a chance and decide on other things because very many are (inaudible).

The fourth is health. You know an independent country should have healthy people and when we go to the medical charges it is hard for one to be treated. You will find that even panadol a person cannot afford. The Govt. should consider if we can have free treatment in our hospitals.

The last point is freedom of worship. Freedom of worship has been left open that is why it causes devil worshippers, cults and occults. We want the Constitution to be amended any sect to be started should be considered with its umbrella so that if I am a Christians we have a Christian union leading the Christian in Kenya. That sect to go through that union to approve that with its faith it is a Christian faith not devil worshipper or cult or occult. So that is what I have. Thank you.

**Com. Maranga:** Thank you very much and sign up. Steven Lipea karibu utafuatiwa na Clement Tendwa. Ok uwe tayari mzee.

**Steven Lipea:** My names are Steven Lipea, I work with the Ministry of Water Development, Department of Civil Engineering. I would wish that the Constitution in the Preamble we have the interests of all actors expressed so that we don't have overlapping issues. That is the leadership versus the public service provision. We have a problem where it comes to the leadership - that is the political leadership, the provincial leadership and the public service leadership, there is some kind of collusion. So I would wish that this is in the Preamble, it is expressed clearly so that each and every public service actor has the roles and responsibilities clearly stated. Us in the civil service we have a code of regulation and we know our boundaries, but when it comes to the field when we are implementing projects especially from the other side of the political end, we normally have a problem and at the end it is very frustrating for us. So that one should be expressed clearly so that when we are out there each and every body knows his or her boundary. There is no conflict of interest.

Another thing I would say is the issue of harambee and cost sharing. These two have amounted to corruption. In any office you go even in the civil service, we have had to meet the cost of the flashing cards and proformas. Whereby you are told if you want this to be done me I have a proforma here, I have a card. It is even very ashaming nowadays that when you are walking or you are meeting in places a friend will just come rushing, "you are so lost I have a card here". I think we must device a new way of assisting ourselves other than going for these issue of cards, because it is even sometimes bringing shame to us. When we are with our foreign friends, you see a friend coming and wants you together with a foreign friend to assist. Now once he or she has left you find that foreign friend is asking you, what is happening? Is this the way you have formalised your way of begging in the public and I think this one actually, cost sharing and harambees. So harambee used to have a meaning sometimes back in the beginning but right now it has lost it's sense.

There is cultural and ethnic diversity. I think we are proud of our culture, the ethnicity, and I think we should respect the culture and the ethnicity of each and every tribe of Kenya so that we are not infringing the rights of other people. I mean to say that, if

people are circumscising their daughters and they are happy about it or if people are circumscising their sons and they are happy about it, whom am I to go to that community and tell them to stop doing that? I will be infringing on the rights of those people. So let us live by respecting the rights of each other as we continue living.

**Com. Baraza:** What is your last point?

**Steven Lipea:** My last point is that in education I would revisit the old system whereby it used to bring up people maturely. That is from 7-4-2-3 and there must be free education for primary and free education for college level. Thank you.

**Com. Baraza:** Please sign there. Clement Tendwa?

**Clement:** Commissioners, ladies and gentlemen my dear brothers of the two locations that is Khayega and Iresi, my true three names are Clement Tendwa Maina. I come from Khayega location. First I thank you for this opportunity to allow me to air my short words. I want to start with land affairs. I would like this Commission to change or to empower land Commissioner to be prosecuting directly those people who trespass on private land. Because this thing is really causing problems in our community here and also the survey should be surveying land with reduced fees and also to prosecute those who remove boundaries.

Now, where the complaint has been lounged they want you to go there with a lot of money which is really harming us, I being one. I am still on the land affairs who assess the fees, in land matters because they are always raised. When you go to the land you want to file what we call succession case, you want to file succession case there you find that you pay a lot of money in the court. Most of these people do not obtain their land succession because of the money that is being asked for. To obtain land title fees, to be reduced if a friend of mine like him gives me a gift of a land free of charge, land people want me to obtain transfer with a lot of money. Why? It is bad. You find it is a problem sale of lands should not be between two people. Should be between the community and the seller before a foreign buyer comes in because these foreign buyers have caused a lot of problems and fightings.

**Com. Baraza:** Your last point.

**Clement:** Sister, I am finishing (laughter). Now transfer of chiefs and assistant chiefs because these people are all civil servants. Why should an officer of the judicial department be transferred, why should an officer of education office be transferred whereas these two cannot be transferred. We want to learn people, I mean we want to learn development from other people.

Now there is this thing the retired officers to be considered whenever there's salary increment, because most of them have

retired and nothing is done to them. If one retired with 400 shillings he will die with that. Lastly, there are these retiring officers unless you go to Nairobi you cannot be served within your district, why? If you go to Nairobi, you are told file yako hatuioni, file yako haionekani mzee, mzee toa kitu then you spend days and days in Nairobi for no reason. Now the thing is this (interjection: inaudible) NSSF should be reducing their age of retiring because people are dying of HIV and leave their money uncollected. This should be considered. Thank you.

**Com. Baraza:** Thank you very much. John Abdi. Kama hayuko Jeremiah Shivachi.

**Cllr. J. Shivachi:** Commissioners, my names are Cllr. Jeremiah Shivachi Navaku. If I come to the main points, ningeliomba Commission wakati tunaenda election tuwe na siku moja ya civil, Parliamentary and Presidential to avoid wizi wa kura.

Point two, tunataka free education ingawa wengine wamesema iende mpaka kwa university, kwa sababu saa hizi tuna watoto wameenda university lakini huwezi lipa hundred thousand only one semester. Tunataka irudi chini hata iwe 7 thousands kama zamani.

Now nyinyi Constitutional Commission we want it to be maintained. Kwa sababu mtamaliza halafu ifungwe na wakati tunataka future reference hatutaenda pahali popote tupate makaratasi.

Councillors na parliamentary people walipwe kutoka consolidated fund, kwa sababu kwa wakati huu parliamentarians hawa MPs wanalipwa mshahara mwingi na councillors bado wanalipwa elfu tano, why na sisi wote tunakuwa elected?

Medicine tunataka iwe free kwa sababu watu wanakufa sana. Wizi tunataka mtu akiimba kama vile wanaimba na kutumia mabavu wanakuwa under stroke 2. Hapa tuna wezi wa ng'ombe tunataka pia wawe under stroke 2. Kwa sababu wakiiba ng'ombe waende hapa Kakamega kwa police station wanafuatwa na wengine, wanapeana pesa huyo mtu anatoka, anaendelea kuimba. So we want it to be under stroke 2, asitoke huko. (interjection inaudible) Yaani ni kama auwawe, kama atapatikana hivyo na makosa atauwawa. Yaani he will be hanged. Or hanging Act.

Commissioner, we have corrupt leaders in the country in the system, kama minister hata tunaweza kwenda tunaongea kwa President for that matter, tunataka mtu kama huyu akipatikana aambiwe a-resign. Kama sio hivyo hawezi kusimamisha corruption.

**Com. Baraza:** The last point.

**Cllr. J. Shivachi:** Ah ah bado mama. Succession of land hiyo imezungumzwa **End of 3A**

**Cont... side B** Tangu zamani baba yangu aliweko alikuwa anakunywa busaa lakini kwa wakatu huu busaa imekubaliwa some

areas, na watu wetu hapa wamekatazwa, lakini corruption ambayo iko kwa busaa system iko high. Tunataka Serikali ire-introduce licences za busaa clubs kusudi watoe pesa lakini pombe iweko kidogo na bado kufurahia.

**Com. Baraza:** Your last point.

**Cllr. J. Shivachi:** We want one man one job. Nikimaliza nikienda nasema Serikali ichunge wale watu ambao ni maskini kwa sababu tuko na maskini Kenya na watu wako matajiri sana – the difference is so big why? Thank you very much.

**Com. Baraza:** Cllr. Clement Ahasanala.

**Clement:** Ni asante sana kwa kuja kuona kitabu yetu tunaona. Yangu mlikuwa mnaandika kwa kitabu eti (interjection)

**Com. Baraza:** (inaudible)

**Clement:** Yangu ninaona kwa kitabu vile mayor, mayor anaweza kufanya miaka miwili kama yeye anafanya kazi yake vizuri. Na kitu ambaye mimi naona kwa mayor, nataka awe mayor wa kuleta usafi kwa town. Town yetu ni chafu sana. Hata ukienda kwa soko, hata mtu akitaka kuenda haja kubwa ama ndogo hakuna mahali ya kuenda kujisaidia hata kidogo na mimi nasema ukweli.

Number mbili hospitali. Hospitali wakati wazungu walikuwako walitufundisha njia ingine ya kulala kwa kitanda mtu moja mgonjwa. Na siku hizi watu wanalala kwa kitanda watu wawili. Ule ugonjwa ambao ulitoka nao nyumbani unakuja kupatia mwingine anatoka hapo na huu ugonjwa ulikuwa wa mwenzake. Hiyo maneno hatupendi hata kidogo. Yangu ni hayo tu sikuwa na maneno mengi. Naitwa Clement Ahanala.

**Com. Baraza:** Thank you those are good views. Nenda usign hapo. Alphonse Hajavura. Simeon Mloli

**Simeon Mloli:** Kwa majina ni Simon Mloli natoka Ishugha, Khayega Location na kwa Tume ya kurekebisha Katiba nina maneno machache. Jambo la kwanza nitazungumzia upande wa utawala. Utawala wa President ningepomba Katiba yetu impunguzie madaraka amekuwa nayo zaidi. Nitasema kwa ufupi ili niwaachie wenzangu nafasi ya kuzungumza. Jinsi alivyo yeye alivyoshika upande wa utawala, tena yeye ni mlinzi, upande wa education ana husika ah ah. Vyeo vingine mtoe.

Jambo la pili utawala kuhusu mkoa. Ningependelea mkuu wa mkoa ateuliwa na wananchii kusudi huyu ajue shida katika mkoa wake.

Jambo la tatu ni kuhusu malipo ya land. Ile fees imekuwa ni nyingi sana. Hata watu wengi wamekuwa na masquatter katika

mashamba ya mababu ya baba. Kwa hivyo Katiba yetu irekebishe hayo malipo, wapunguze.

Kuhusu elimu. Kuna elimu ya secondary, kuna elimu ya primary , na kuna school committee au board. Ningeonelea Katiba yetu ichange iweke education board iwe moja tu kwa district. Mambo ya board inatakwanyika, kila watu wanafanya vyao, wanaumiza wananchi.

Kuhusu uhuru wa kuabundu. Uhuru wa kuabundu ningeonelea Katiba yetu wafanye marekebisho itoke. Ule mtu anayetaka kuandikisha kanisa lake, achunguzwe kwa maakini kwani wametuletea madhara katika upande wa kuabundu.

Upande wa mtu moja kazi moja ni heli mtu asiwe ni civil servant au akiwa yeye ni mfanyi kazi wa kampuni kubwa asifanye kazi ingine au biashara, au mkulima aachane na hiyo kusudi. Tupate watu wengine wafanye biashara na yeye aendelee na kazi ya ofisi. Nafikiri Madam ni hayo tu asante.

**Com. Baraza:** Alphonse Muhaki.

**Alphonse Muhaki:** Asante sana Commissioner kwa kututembelea upande wa Shinyalu na upande wa Khayega location. Mimi nina maneno machache sana. Kwanza, Commissioner sisi tunataka kujua kazi ya PC katika Western Province ni kazi gani? La pili DC kazi yake ni gani? D.O. ana kazi gani katika Division?

**Com. Baraza:** Tell us what you want?

**Alphonse Muhaki:** What we want, we want this thing to be quashed.

**Com. Baraza:** (inaudible)

**Alphonse Muhaki:** Yes, kwa sababu hawana kazi hapa hata polisi, hata AP katika .. maPC hawana kazi wanafanya. Ya pili, watu wamepewa mashamba katika schemes, na hii mashamba ilikuwa ya wazungu (inaudible) mpaka wakati huu watu bado wananyanyaswa kulipa loan. Sisi tunataka hii loan itolewe. Hakuna haja na wamelipwa na kazi ya Kenya.

Ya tatu, sheria kiwako wapindue mambo ya polisi kwa sababu saa hii ukienda polisi wananyanyasa sana watu wa biashara, wa magari, na nyumbani wale watu walitengeneza pombe. Madam, pombe hii ilikuwako hata wakati babu yangu hakuwa. Tunataka serikali ikubali watu wafanye kazi yao kama ya pombe watengeneze na wapewe factory ya kupeleka. Yangu ni hayo machache. Asante.

**Com. Baraza:** Please sign the register. Charles Nabwayi atafuatiwa na Kaitano original.

**Charles Nabwayi:** Thank you Commissioners, for giving me this chance. Mine I wish to talk about Industrial development. The Govt has thought of industrializing under given dates but nothing much has been done to encourage development. My suggestion is, if it is not easy for the common mwananchi to get the necessary funds, the Government should start by establishing the basic industries for example you cannot set up a car industry unless you have found (inaudible). So when it comes to the basics we need the Govt. to step in and establish those industries which will later on be sold as shares to wananchi.

We have seen that importing the simplest item attests to this, so while the Government should set up the basic industries it should also control on importing of goods. We have the mitumba business, if we don't have the mitumbas being imported we shall have our clothe industry functioning. The price of clothes might be higher than at the moment compared to the mitumba but we shall have more people working and as a result they will be able to cater for dependants.

The industrial estates idea was a good one but people have not been given a chance and necessary encouragement. It should be the Government's duty to advice on the industries to be set up. For example they should see we expect such an industry instead of duplicating the work, let there be uniformity in developing the entire country. It is up to the Government to ensure that there is uniformity in such development. When we come to Kakamega I am sorry to say we have only Webuye Pan-Paper Mills and the struggling Mumias sugar industry but our wish would be even in Kakamega we have industries.

Loans for development have been given to people that are not serious with industrial development You find a minister coming up, he is given a loan to start an industry but you find it is just a channel for importing goods then we end up having goods damped in this country.

Research should be given priority. We have seen the Nyayo car project which sounded great but my assessment indicates that it was a failure. It was a failure because in Kenya we have not given the small industries priority. A car will require seats, it will require wheels, it will require glasses and so forth. If you frustrate those small industries where do you get that car?

Professionals should be recognized. It is sad that when we had the District Focus for Rural Development, professionals had to report to the DCs who were in most cases ignorant of what the professionals required. Administration should give professionals to proof their work. The President should not be the one saying, "hiyo barabara kutoka huko mpaka huko itengenezwe mara moja". That is tax payers money and it should be accounted for properly. Thank you.

**Com. Baraza:** Please sign there and give us your memorandum. Kaitano Ligina?

**Kaitano Ligina:** Asante sana Commissioner, Mimi ni Kaitano Ligina Safan. Niko na neno moja tu kuhusu area yetu ya Abaluhya. Maneno ya zamani imesahauliwa, na kitu cha kwanza kama mtu amekosa wanawacha tu, na kosa lenyewe ni

kubwa kabisa. Naomba mpaka Serikali iruhusu mila yetu ya Kiluhya irudishwe na inapewa inaitwa muma. Kama amefanya makosa, aende apewe muda muma. Yaani kulishwa dawa fulani kama amekosa kosa baya na amekataa nataka serikali iruhusu hiyo.

**Com. Baraza:** Enda hapo usign. Lawrence Maavia.

**Lawrence Maavia:** Asante sana, Madam Commissioner na wenzangu. Wakati wakoloni waliingia nchi hii walikuwa wakitegemea polisi kuwa mali yao. Polisi walifanya kazi yao badala ya kusaidia wananchi. Na kila kifungu ambacho polisi walipewa na wazungu kingali kiko katika ndani ya Kenya huru. Kwa mfano mtu akipata accident halafu afe, polisi anakuja kuchukua wanapeleka huko Kakamega halafu wanasema wenyewe warudishe nyumbani. Hiyo ni colonial. Tunapenda kama kuna accident polisi anakuja kuchuka mtu ambaye amenyonga ama nini warudishe kutoka mortuary, nyumbani kwao. Wasiwaambie wananchi eti waende kuleta kwa sababu yeye ni mali yetu, polisi ni mali yetu.

Pia tunataka polisi isaidie wafanyi biashara wasingilie wafanyi biashara. Serikali iwe na Commission fulani ya kuingilia wafanyi biashara. Kwa mfano kuna vitu kama makaa ya tiger inaingia nchi hii. Wakubwa wa najua inaingia lakini wananchi wadogo ndiyo wanasubuliwa kwa kushikwa na polisi halafu wanaumizwa, na yule mtu aliyeko juu wanajua anapitisha hii makaa hafanywi kitu. Kwa hivyo polisi watoke kwa kazi hii halafu hao wanaouzia hii makaa wasaidie serikali waseme walitoa kwa nani mpaka kwa mkubwa ambaye anafungua hivi vitu kutoka nje.

Pia decentralize polisi. Polisi wanasaidia town kabisa kikoloni, hawaji hapa kusaidia sisi kazi ya usiku an kitu gani. Tungalipenda kila location iwe na mapolisi hamsini ili wasaidie kufanya kazi usiku. Hapana polisi mbili pekee yake na kuna karibu elfu tano hapa Kakamega wanakaa tu tumbo kubwa sana.

Tena tunataka inspectorate departments zote katika Kenya zichunguzwe. Kwa sababu unapata mtu wa clinic hapa ana dawa anashikwa lakini hawezi uliza alitoa kwa nani, alipewa na nani mpaka huko juu wale watu ambayo wanauzia madawa wanaachwa lakini wanasumbua huyu mwananchi ambaye alinunua kwa hao wakubwa badala ya kumfanya kuwa sahidi. Tunataka afanywe shahidi ulitoa wapi mpaka kwa huyo mkubwa. Kwa hivyo ningelipenda inspectorate zote zichunguzwe.

Hii Katiba itengenezwe katika simple English ile lugha inaoweza kueleweka. Msiende kuandika hii Constitution kwa lugha ngumu ambayo itakuja hapa reserve sisi tukisoma Kizungu, kinakuwa Kizungu kikubwa kabisa. Tunataka iandikwe kwa Kizungu rahisi ile ambyo inajulikana kwa kila mtu.

**Com. Baraza:** Ya mwisho sasa.

**Lawrence:** Hii land succession serikali imekuwa conmen inatunyang'anya pesa bure kwa sababu wanasema sisi tunashitaki

baba. Mimi nataka baba yangu aende kortini nimshtaki, kwa sababu huwezi kushtaki mtu ambaye hayuko. Hii ni njia tu ambayo Serikai inatafuta sisi kunyang'anya pesa yetu hatuitaki (laughter) Asanteni sana.

**Com. Baraza:** Enda ujiandikishe hapo Francis Ashibaga, kama hayuko Elvis Anguva, are you coming?

**Elvis Anguva:** Thank you very much all the Commissioners, and those who have come for this event. First I have a few suggestions to put across. (interjection)

**Com. Baraza:** Start with your name.

**Elvis Anguva:** My names are Elvis Anguva Arusa. Youth in this country have suffered from negligence and abandonment and we see that most youth are lying there idle they are just walking aimlessly in the streets. My suggestion is that we should have some youth centres or camps where youth can have time to develop their talents and various skills. We have youths in this country who have talents in sports, writing, music etc. So to be more productive I suggest that the Government should set a youth affairs ministry to deal with such problems. This will also curb anti social behaviours eg prostitution and crime.

My second point will deal with justice in Kenya. We see that in our midst we get things like list of shame but little is done on that We should say that any person who has a corrupt record should not hold a public office even a private one.

The third point I will talk about education and employment. For any Kenyan who can find employment anywhere not in Kenya and even studies abroad, there should be a way that, govt. should accept to legalize things like visa, passport for that person to get employment in other countries. We should not be just lying in Kenya with widespread unemployment.

My last point should go to MPs, our legislators. We should have a special session in Parliament may be twice in a year where by MPs should account for the various development activities they are doing in their constituencies. They should speak on what development projects they have completed, they are doing and various things. That is all that I have.

**Com. Baraza:** Please go and sign there. Mulindi John kama hauko Solomon Muchira Are you the one.

**Solomon Muchira:** I am Solomon Muchira Changelangu from Khayega location Lokot Sublocation. I have few points in my memorandum here.

1. The President should be below the law.
2. The President should be elected by people in all places in Kenya.
3. Vice President should be elected by the cabinet ministers and the cabinet ministers should be elected by Members of Parliament and assistant ministers.

4. The President should serve for 5 years.

I go to judiciary. Cases should not be delayed in court. If one is jailed for one month to 3 years he should not be sent to custody he should be reporting to provincial officer.

Land: if your father dies, and leaves land you should get it freely not to go to court in order to get for it.

Education: subjects should be reduced in schools and Board of Governors should be abolished and PTA to take over.

Provincial Administration: police should identify themselves when on duty. This means they should wear their uniforms to identify themselves. They should have a search warrant from their officer in charge. They should be armed on special duties and not to take the work of the assistant chiefs

Local brew: long time ago we had our local brews. The last Constitution which was there did not recommend this special brew but now we want to have this brew, have a permit and to have special places to make this brew and special time for drinking it.

Unemployment: unemployed people should at least get something from a certain fund so that they can take their children to school. I end there.

**Com. Baraza:** Thank you very much., Please sign there. Jacob Atavachi, Peter Livasu, Auma, Tom Makomere, please come over

**Tom Makomere:** Thank you the Commissioners, my names are Tom Makomere, I am a Kenyan by birth. I have several issues to put across but most of them have been discussed. It is only to emphasise. The first one is on education. I think a good Government should guarantee its citizens education. There should be free education in primary schools that is from early childhood upto standard 8. And also in our education Act we should specify when a child is supposed to start schooling, because nowadays you even get children of 2 years they are going to school. So we should specify at what age are we supposed to be in class one or class two or class 8.

2. About ministers: I think the current cabinet is too big for the taxpayers money we should reduce the ministers and it should be spelled in the Constitution. So that we can have at most 23. Because some ministries are just created by a person not by Parliament.

3. About Presidential powers my opinion I feel that the President has got a lot of power which should be reduced. He

should live as any other normal Kenyan.

4. Employment. we should have a good structure for employment such that the Constitution should spell out. If you are a diploma holder, what is supposed to be your salary wherever you are working, whether in Government or private sector. If you are a degree holder what is your salary.
5. Corruption. I think this is something we have to address seriously in our Constitution. People should declare their wealth because today somebody is given a big post, and after two months he/she has got several limousines. Where does he get money in a very short time? So people should declare their wealth may be after 2 months or after one year, you declare your statement of account.
6. Also I will not spare the police harassment. We are Kenyans and we are free to move anywhere. So this issue of police harassing us at night, that you produce an identity card, I think that one should only occur when you are in a problem. But when you are just moving on the road, going home and somebody is stopping you to ask you to identify yourself, that one should be checked also.
7. Qualifications of elected MPs or councillors should be spelt in our Constitution what the qualifications of an MP not just being able to read and write.

**Com. Baraza:** Tell us what. (inaudible)

**Makomere:** Like minimum qualification should be Form 4 level education even to councillors. Then the freedom of worship is being abused. Every time nowadays in KBC is just full of those crusade meeting. Those people are just after money if you are serious and keen after them. At least they are abusing that freedom of worship. We should spell out religions which one is supposed to be religious, not so many ministries which are coming up in the funny worship

Then agricultural sector: Kenya as a country its backbone is on agriculture nothing else we don't have minerals, we only have arable land with a lot of rain. So we should at least protect our farmers, the tea farmers, the sugar cane farmers. If they may need to import any sugar that for example the Kenya Sugar Board, somebody importing sugar should go through Kenya sugar board to be given permit to import sugar. That is just an example.

Then our touts, the so called manamba, they are harassing us very much. Those people have to be checked, it is just a gang of thieves, they are not good citizens. So there we should have a strict law on touts on our towns.

Then the social morals, I think we are abusing our social and cultural believes of Africans. We are very much concentrating on

copying the western life and forgetting our own life. Like for example especially there are women who abuse this obligations they have. We should spell out in our Constitution. A woman should not put on a dress which is not above the knees. They have got difficulties in sitting in public places. I can see that you are very comfortable because the dresses you are putting on are very comfortable (laughter) (interjection inaudible) that is what I am saying now if you have them go and burn them. I am suggesting that we should not copy the western life so in the Constitution I don't if we can put it that a woman should not put on a dress which is below the knees and it should not be tight fitting. Even men are putting on earrings, they are curlkitting their hairs, they want to look like women and men want to look like men. So we should check it.

Then lastly on provincial administration. There should be a criterial of creating districts based on population. May be a million people can form a district not to give district because of tribal lines. Districts are being created on tribal line. So we should have a minimum number of people who can form a district and it should go through the parliament to approve the creation of a new district.

Very last, social gathering: we are Luhyas by birth and creation. Long ago even before us even as I am standing before you it is the busaa which took us to school. It was the chang'aa which took us to school. So I think we should have a good way of going about our cultural beliefs and with good checks may be we can say that from Friday 5 pm people can socialize because so many people cannot afford Tusker. So give them time also to socialize. Thank you very much.

**Com. Baraza:** Or there is a question for you. Morris Mulinda

**Com. Maranga:** I was going to ask you a question that you have talked about earrings you have talked about the curlkit and so on. You know that the Maasai culture actually does that. They have beads all over they do it, they put earrings they do everything so may be people are aping the Maasai culture so what do you say about that?

**Coom. Baraza:** Inaudible

**Makorome:** If it is done the African way there is no problem but because you are aping Tyson it is not good.

**Morris Mulinda:** Mabibi na mabwana jina langu ni Morris Mulinda. Nitazungumza machache kuhusu upande wa agriculture, Ministry ya Agriculture. Mimi nimeonelea kwamba katika hii ministry ya agriculture, kuna show ambayo inafanywa katika kila mkoa. Maoni yangu ningeonelea kuwa hivi, huu mpango wa show iwe ikifunguliwa na Minister ambaye ana shikilia upande wa kilimo badala ya President kuja kufungua katika Kenya mzima.

Ya pili, nitaongea upande wa councillors; hawa macouncillors ambao tuko nao, wengine ukiwatafuta hutawapata. Ningependelea ya kwamba hawa macouncillors wawe na ofisi katika location yao ambayo wanayowakilisha. Maanake tukitaka kuongea habari ya maendeleo saa zingine unatafuta na unashidwa yeye ameenda wapi.

Ya tatu ambayo naongeza ni hii. Katika Serikali yetu kuna Kenya Army, kuna Polisi, kuna General Service Unit (GSU) mimi ningependelea kwamba upande wa GSU hawa watu wanapata mshahara bure hakuna kazi wanafanya. Ni heri watolewe polisi iendelee na hiyo kazi.

Lingine ni kuhusu upande wa uchaguzi wa Members of Parliament ambao wanaingia kwa Parliament. Ningependelea kama ingewezekana, Commission ambayo iko hapa, kila party iko na kiongozi wake na hii Kenya ni democracy. Ningependelea ya kwamba .... **End of Tape 3**

**Cont.. Tape 4** nominationa ya hawa watu ambao wanataka kusimamia viti vya ubunge wawe wakichaguliwa na madelegates ambao wanatoka kwa branch wawe wenye kusimama. Hayo ni maoni yangu. That is my opinion.

**Com. Baraza:** That was the last one. Ok Robert Opora utafuatiwa na Clement

**Robert Opora:** Well, commissioners, ladies and gentlemen, I want to say a few things about the Constitution review. My names are Robert Opora I am teacher by profession at Mukumu Girl's Boarding Primary. I have a few things to share with you. First I want to talk about provincial administration. Somebody might have said this but we have to say it repeatedly, so that you can act. We feel that the chiefs, the assistant chiefs should be elected by people.

Point two, I want to talk about salaries of Government workers, the so called civil servants. Let us have a Constitution which states that when there is an outcry about salary increment of Government workers, in a particular ministry, let the Commission be set up to look at the salaries of all Government workers as a team not in an independent ministry. They divide Kenyans according to their income, because if you pay doctors a lot of money then you come and pay teachers dose salaries, peanuts, you are dividing these people where they stay and they stay in one nation.

Point three, somebody might have talked about the issue of nominated MPs. An MP who aspires to go to Parliament and fails to go there, is defeated in the general election, like we are hoping for one in future, that person if he does not make it let him not be nominated to the Parliament. He is a reject. A total reject, people feel he cannot go there.

Finally, there is this thing of allocation of Government land. Ladies and gentlemen in front of us, if you ask these old wazees and mamas, what is Government land. Government land is land that is set aside by the Government for development of institution like schools, health centres, not land that is set aside to reward a senior provincial officer, or a PC who has retired after doing nothing to this Government is given a hundred acres for being a PC for 10 years when Yash Pal Ghai will not be given even half an acre and he is writing a Constitution that will serve Kenyans, for so many years. (interjection)

**Com. Baraza:** (inaudible)

**Robert Opora:** Yeah, we do not know when another Constitution will be written. What we are writing is not 9 months that enables a woman to deliver. We are writing something that will assist us for the rest of our years. So allocation of Government land should not that the President is given a lot of powers just to take a hundred acres and give a retired DC, who is of course coming from his clan, a retired police officer, worst of all a traffic police officer, who has been waiting to collect money on the road and serious government officers are dying. We never even rewarded the people who went to second world war. Why should we reward a DC who has retired, and he is earning, he is pensionable that one should stop.

The post of the Vice President. I want to say something about the Vice President we want a Constitution that gives the Vice President so that he can correct the person who is ahead of him who is the President, if the President behaves in a manner likely to put a country in a problem. The Vice President should be given powers that he can summon the President, my dear friend, my learned friend you are going wrong. The world outside, the mode looks like it is going to behaves like what is in Rwanda, or Sudan come down listen to me. Not a Vice President who is closed in a room for two hours when the President is talking about him. Not a Vice President who can be slapped by a President. We want a Vice President who has the powers and let Kenyans elect that Vice President so that he is not a royalist to his boss.

Finally ladies and gentlemen I want to talk about this thing of immorality. It has been learned that in Kenya, when a teacher or a police officer happens to have a love affair with a girl below certain age it is raised in all the dailies in this country. But here is an Assistant Minister, or a Minister, or a senior Government officer who has an affair with an underage in his office in the carpet. Many things are just played on the ground. Ladies and gentlemen we are not fair to these people. Let us take law and treat all people with the law that is there equally regardless of their positions, or their financial positions. Thank you very much ladies for coming close to me.

**Com. Maranga:** I have a question you have talked we should recognize the people who went to 2<sup>nd</sup> world war. I don't know what benefit that second world war was to Kenya.

**Robert:** Well I may not teach you but my brother wants to share with you that, these people went there and they learned a few techniques which they have taught people in the forces, we never knew how to shoot may be, we never knew there is a machine that can shoot a hundred meters.

**(Interjection).**

**Com. Maranga:** Don't avoid the question, what benefit did those people bring after second world war, to the war they were fighting was it a Kenyan war or whose war was it?

**Robert:** Well we can say they were hired by Europeans, (interjections)

**Com. Maranga:** So they were masonaries..

**Robert:** We can say they were hired but they came back to us

**Com. Maranga:** What is I am trying to say that war was not for Kenya, that war was a Mzungu war but they were just put in that war to fight, and it was not a war as such. So I don't see why we should pay. You should tell us that those people should be compensated by Wazungus, because they were fighting a Mzungu war. Thank you sir.

**Com. Baraza:** Clement Kujuru, if Clement is not there George Shitanya.

**George Shitanya:** Ningependa kuwashukuru, maCommissioners wote na wale wamekuja hapa kutusikiliza. Maoni yangu ni machache sana. Ya kwanza ningependa kutoa maoni kuhusu utawala ambapo kuna wazee wa mitaa, na kuna wakati hawa wazee wa mitaa wanafanya kazi mzuri na wamefika kiasi ambapo tunaweza kuwapa cheo. Ningependekeza ya kwamba mzee wa mtaa apandishwe cheo kuwa chief sababu wakati huu ni wakati wa youth. Hata sasa youth tungependa kuwa wazee wa mitaa. Na kuwa mzee wa mitaa inatakikana upandishwe cheo uwe chief, uwe assistant chief ama uwe DO.

Ya pili ni ya kwamba ni swala la kazi moja mtu moja. Katika Serikali yetu, kuna watu ambao wamefanya kazi kufikisha miaka hamsini, hamsini na tano, sitini, sabini na hao watu wangali wako serikalini, wanafanya kazi zingine. Yule ambaye alisema mtu akifikisha miaka hamsini asifanye kazi zingine ni makosa lakini ningependekeza ya kwamba, mtu anafika miaka sabini, sitini anjege industry isaidie sisi. Na yule ako youth ashike nafasi yake. Hiyo iwe sheria. Youth washike nafasi za wazee na wazee washikilie hizi kazi za kulima, kujenga mafactories watuandike sisi. Nikiwa kwa sub-chief na nini – utawala yaani, sub-chief katika area hii kuna sub-chief moja ameapu-liftiwa kuwa chief moja tu na sijui ni Mulama sijui wanamuita Mulama nani, yeye pekee yake. Ningependekeza ya kwamba sub-chief ateuliwe kuwa chief kwa sababu hapa kwetu unakuta tu chief huko Khayega, na huyo chief anatoka Nairobi, hatumjui hata sisi. Sasa ningependekeza ya kwamba, sub-chief wachunguzwe kama wanafaa sisi ateuliwe kuwa chief wetu.

Mwisho ni swala la uongozi, ningependekeza ya kwamba kura za Rais zifanyike kwanza halafu zile za ubunge zifuatie ili kunjenga nchi na kuleta umoja. Sababu Rais akiwa Mkikuyu atateuliwa kuwa Mkikuyu hivyo na sisi tutamuunga mkono lakini sasa akiwa Rais amekuwa Mjaluo ama Mluhya sisi tunakatalia tunakatalia. Nataka Tume iangalie hapo tuwe na Rais, kura za Rais zifanyike, Rais akiteuliwa hawa watu wengine wamfuate ili tuwe Kenya ya umoja. Asanteni. Jina langu ni George Shitanya.

**Com. Baraza:** *Orio muno.* Andika huko, Peter Lilungu, Ngaira Henry, Henry Ngaira. *Henry, Ngaira oli ali shina?*

**Henry Ngaira:** Kwa Tume hii, niko na machache tu kitu ya kwanza kuhudumu vizuri nchi ya Kenya. Majina yangu naitwa Ngaira wa Ngaira Henry. Mimi napendekeza kwa Tume hii kwanza Kenya tukitaka kufanya kazi mzuri tuwe na independent Tume ya kuajiri na kufuta watu, na iwe na watu ambao wana all qualifications and calibres of finding out wale wanataka kazi.

Kitu cha pili tunataka mawaziri akitaka kazi aweke application na aweke application kwa ministry ambayo ako na qualifications.

Hiyo application itapita katika hii tume, iangalie ndiyo ipitishwe Wabunge. Tunataka katika Katiba yetu tutoe watu ambao wanachaguliwa na njia ya nomination. Naona watu wa nomination hawana chochote wanachotufanyia kwa sababu they don't represent anybody in the Government and they become the great spoilers of our economy.

Naomba Tume hii tuweke katika Katiba yetu, yule mtu ameshafika miaka sitini cannot aspire for any parliamentary or councillorship kwa sababu amefika age imepita kufikiria.

Naomba katika Tume hii, tuna wanaume waalimu, kuna watoto washule wamependelea kuweka wasichana wa shule mimba. Tuseme katika Katiba hii iwe automatic akifanya hivyo ajue huyo ni bibi yake because he has accepted doing.

Tumeongea mambo ya mashamba, nataka land board ambaye inakuwa katika division itolewe sababu watu ambao wanaka katika land on division hawajui shamba ile iko ndani ya sublocation. Sublocation iwe na tume yake ya land board ya kuchunguza mambo ya mashamba na kupitisha na mtu kupata title deed mbila malipo.

Tunataka uchaguzi wa nchi yetu uwe katika calendar ili President asiwe na uwezo wa kufikiria ni wapi bado hawajafikilia nini anaitisha uchaguzi. Hiyo ni njia moja ya kunyanyasa sisi kam Wakenya.

Tunataka tufikirie elimu yetu turudishe ile ilikuwa ya kwanza. Mtu afanye mtihani wa CCE, afanye mtihani wa KAPA wa KJSE, wa school certificate, wa form 6, wa University ili mahali ambayo utafikiwa uwe na kibali ya kuonyesha ulisoma kufika mahali fulani na hiyo itakuwa njia mzuri ya kutoa watu na elimu inayofaa. Hiyo system ya 8-4-4 ambayo inasaidia watu wengine kupromote watu wao na kutumia njia zao na zile parallel hizo ni za university ambao wale drop outs wanaenda kufanya parallel university unapata wanapata kazi.

In Kenya to survive well we must have one man one job. This one will reduce the gap between the poor and the rich. Kama sio hivyo matajiri wataendelea kuwa hapo. Mpango wa project ya harambee katika Kenyan government must be abolished. It has become a project for the rich and not the poor. Yule ambaye hajiwezi hakuna wakati atafaidika. Mimi kama hivi nikiitisha harambee nani atakuja? Kwa nini ucheke? Utakuwa unaharibu kama unacheka.

Basi ya mwisho yangu nikusema Constituency tukichagua mjumbe katika Constituency na tufanye sisi voters hafanyi kazi yetu,

tupatiwe uwezo ya kutoa yeye katika Bunge hata kabla muda wake haujaisha. Pia councillor awe hivyo. Hiyo itakuwa njia mzuri ya wale tulituma kwenda kutufanyia kazi kwa njia mzuri. Asante.

**Com. Baraza:** Sign there, Danson Muhovi? Mr. Muhovi.

**Danson Muhovi:** Thank you Commissioners, my names are Danson Mtesi Muhovi. I feel much honoured to stand before this Commission to submit my views. I hope this is not an activity in facility, just as a formality because even the time you are remaining and you promised us a new document I think I have my justified reservations. Anyway that does not prevent me from submitting my views. Being a youth I would say something about the youths. You will all agree with me that, the youth is like a very amorphous group in this country. People who are not even identified that is why we cannot really say who is a youth and who is not. So I would like the new Constitution who this special group of people are and in the same vain, you will all agree with me that this are the people who form a bulk of unemployment in this country. I am therefore, suggesting that this new document should at least have ways of alleviating poverty that is belabouring most of the youth. My suggestion is that we should have a national fund that is decentralized district and even to the Constituency levels which has budgetary allocations for youths, to seek for funds such as loans so as to engage in income generating projects.

On environment, you will all agree with me that without sustainable environmental use development anywhere is undermined. I am therefore suggesting that our environment should be used sustainably. So this Constitution should have stern measures to curb cases of land grabbing, deforestation and such other activities that have negative impact on our environment.

I am also suggesting something on our nominated MPs. I would suggest that sincerely, we don't need this group of people but if at all we should have them, then I would suggest that we preserve 6 seats for such nominated members, and they should be strictly for vulnerable groups in the society. Examples are people like children, disabled, widows HIV/AIDS victims and so on.

These special groups of people must apply to the parliament for this posts and then the parliament will approve the special groups that deserve to be given a nominated position in the parliament. Now, people who have contested in the normal election should never ever be nominated as MP rather we should go for people who have interest in these special groups.

My fourth point is also on MPs, I view the election as a contract between the MP and the Constituency or the electorates, therefore we elect an MP because of policies or the promises he makes to us. We find them appealing and, therefore, we elect him. So election is like sealing the contract. I am therefore, suggesting that in case an MP betrays us that is he goes against what he promised us then we should treat that as contract and therefore, the voters have the mandate, they should be empowered to move a vote of no confidence in such an MP. I am also suggesting that we should be reviewing the performance of an MP after his term and if necessary such a person should be taken to court.

My fifth and last point is about the right to life. In our Constitution there is a provision of right to life yet in the same Constitution

we have death penalty. Now, I find this quite ironical. I am therefore, suggesting that we should do away with death penalty because the right to life perceives death penalty. In place of death penalty we should have life imprisonment. But in the same vain, prisoners who are imprisoned for life, should have access to their wives and children and also they should be free to enjoy marital life like any other person, because if you deny me as a prisoner access to my wife in a way you are denying me access to procreation, and that translates by extension to denying me my right to life, because no one would like to die without having somebody named after him. Thank you very much.

**Com. Baraza:** Sign there. David Mlama. Utafuatiwa na Peter Machisu

**David Mlama:** Kwa majina ni David Mlama. Ninazungumzia kuhusu cost sharing katika hospitali. Cost sharing unaweza kupeleka mgonjwa wako kama Kakamega General Hospital. Mgonjwa ni mgonjwa sana amelazwa kitandani lakini utaambiwa enda ukanunue madawa. Halafu daktari atauliza utaweza cost sharing hii? Wewe unamwambia nitaweza ile naweza. Kube anakwambia uende ununue vile vifaa ambavyo mgonjwa wako havihitaji kutumia. For example mgonjwa ni mwamume hana haja ya kutumia groves hizi tunatumia kwa mikono maana yeye labda ni mgonjwa wa kifua au ugonjwa mwingine. Unaambiwa kununua hata hii maji wa kuweka drip na mgonjwa sio mtu wa kuwekewa hiyo. Hiyo tunaonelea hiyo mambo ya cost sharing tunalipia kodi ya Serikali itugharamie hospitalini badala ya kutoa hiyo mambo ya cost sharing.

2. Ni hawa polisi. Polisi na chiefs naonelea ikiwezekana wasilipwe mshahara kwa sababu wanajua mshahara yao iko humo polini. Ukienda utakuta polisi ana bunduki njiani au pistol kitu anatafuta ni chang'aa. Kwa hivyo hata ikiwezekana ningependa hii chang'aa iwekwe peupe ili watu wawe wakileta mahali iweze kuwa Uganda. Huko Uganda tuna Uganda waragi wanaleta na inalipiwa kodi.

3. Files, zile files za court. Unaweza kwenda kortini umeshtaki mtu ama mtu amekushtaki. Utaambiwa files hakuna, kumbe zile files wamezificha. Unaweza kurudi hapo ukiambiwa rudi siku fulani an files zimefichwa. Yule anaficha zile files anastahili kuachishwa kazi wachukue mtu mwingine badala ya kuficha ficha files na kesi ikiumiza watu.

4. Starehe Boys Centre ilikuwa imeletewa watu maskini kama sisi na wengine wasiojiweza. Ukienda huko utakuta Ministers wamepeleka watoto wao huko. Na sisis wale waliokusudiwa kuwa wenye hiyo shule hatupewi nafasi ya kupeleka watoto wetu huko. Kitu kama mambo ya graduation. Kuna Minister ambaye amechaguliwa kwa upande wa polisi, upande wa army, upande wa agriculture, upande wa vityu vingine. Kama kuna graduation day yeye ndiye anastahili kuenda kufungua kuteua wale wanafunzi kuwapa certificate. Sababu gani ni President tu hata akiwa ng'ambo mpaka tumngojee aje ndiyo aende afanye kazi hiyo. Tunataka hiyo kazi aachie Ministers.

1. Kitu kingine ni mambo ya AIDS. AIDS ni ugonjwa mbaya sana. Mimi ninajua nina huyo ugonjwa na mimi naposa msichana fulani nimuoe. Nafunga harusi na yeye kumbe nampelekea mtoto wangu aende kaburini, badala ya kuwa aishi

anapelekwa kaburini baada ya miaka miwili ama mmoja. Mimi nimeonelea ya kwamba kama ukiambukiza mtoto wangu AIDS ni heri alipe mahari yote siku hiyo na hata akifa nijue ameenda. (laughter)

2. My last point ni hii, kuna sisi Abaluhya hapa kuna mtindo mwingine, mimi naweza kuwa nimelala usiku, na niingiliwe na wezi nyumbani kwangu. Bahati mzuri ama baya nitaatoka na panga au chochote ninacho cha kunisaidia halafu nitamkata kidogo tu au zaidi halafu yule afe, yule nimemkata afe na wengine watoloke. Kuamka asubuhi utakuta yeye ni jirani yako. Yule jirani yako ndiye umemuua. Na wewe unaambiwa uame kwa sababu umemuua jirani yako. Hayo mambo sio mazuri. Yeye jirani ndiye angetakiwa aame ndiyo wizi ukomeshwe. Asanteni. Nimekoma hapo.

**Com. Baraza:** Silvanus Khayumbi, yuko? Wewe ni nani?

**Silvanus Khayumbi:** Commissioners, pamoja na wananchi wenzangu hamjambo? Mimi maoni yangu sio mengi sana. Kwa majina naitwa Silvanus Khayumbi kutoka Mgoje sublocation Kiruti location. Kwa upande wa mahakama ningelipenda mahakama iharakishe kesi za za washtakiwa kwa vile mshtakiwa anaweza kaa huko zaidi ya miaka miwili kama bado hajafanyiwa kesi yake.

Upande wa Serikali za mitaa. Ningelipenda chief, pamoja na assistant chiefs wachaguliwe moja kwa moja na wananchi na muda wao wa kufanya kazi uwe miaka mitano, na kisha baadaye wanastahili pia wapate transfer kwa sababu anaweza akafanya makosa mengi na jinsi ya kuwatoa hapo ni ngumu.

Upande wa ardhi sasa, mashamba. Serikali inanyanyasa sana raia. Unaweza ukapata mtu hajiwezi kufanya lolote lakini ushuru wenye watamtosha kusudi apate title deed ni mengi zaidi hata inatosha kununua shamba lingine na huyu anafanya hiyo unapata naye anajiweza. Halafu, ningelipenda Serikali iangalie wale watu ambao wana mashamba kwa mfano acre 800, 900 mtu moja. Serikali izuie mtu asizidi acre ishirini sababu wengine pia wanahitaji. Na wengine wanahitaji mambo mengi pia.

Kwa upande wa kiafya sasa. Upande wa hospitali kwanza mimi mwenyewe nashangaa sana sijui ni kitu gani ambacho serikali inatusaidia hata kimoja. Kwa sababu ukienda huko kitu ya kwanza kazi yenye unalipa haupati hata ni kazi ni karatasi exercise book wanaku-charge shilingi hamsini. Sasa badala ningekwambia uende ununue exercise book uandike then hawataki hiyo. Halafu kwa kitanda kulala watu watatu sio vizuri kamwe.

Lingine ningelipenda ofisi ya DC pamoja na PC itolewe juu itengenezewe chini kwa vile kazi yao ni ya kuhudumia wananchi kwa wingi. Sasa ni vigumu sana vile walemavu ama wazee kupanda hiyo ngorofa mpaka uende kwa ofisi number saa ingine ishirini, no.5 hizo zote zinakuwa ni ngumu. Kwa hivyo kama wangekua na ofisi yao chini ingelikuwa sawa. Halafu tena upande wa kazi. Sisi walemavu tumeonewa sana, hatuchukuliwi kuwa sawa na wengine. Hata kazi ya kufunga mlango tu kama hivi hauwezi ukapewa na ni ile kazi tu unasukuma mkono hivi unafunga na kiti kiko hapo. Unapata kuna ubaguzi mkubwa hapo sana.

Halafu Serikali inapata misaada kupitia kutuharibia jina. Kwa mfano wanaweza kuitisha huko msaada kutoka ulaya, wanataka kusaidia walemavu, na zikija kwa ofisi zao kubwa wanazilalia wanafanya maendeleo yao nyumbani. Hiyo ndiyo shida tunayoiona pia. Ni hayo tu Mungu awabariki.

**Com. Baraza:** Magisu, utafuatiwa na Ayub Mhanji. Ayub yuko?

**Peter Magisu:** Hamjambo wote. Mimi naitwa Peter Magisu natoka kwa Sub location ya Magoje location ya Iresi. Yangu maoni naona kama yafuatao lakini sijui itakuwa aje. Yangu ya kwanza nataka Chief, na Assistant Chief wachaguliwe na raia. Ya pili nataka wazee wa mtaa wanafanya kazi mingi sana hata kushida subchief wapate mshahara. Na mtu kama PC tumeona hakuna kazi afadhali awachie DC ajulikane ana kazi. PC aondolewe hapo.

Ya pili ni watu wa land wanasubua sana. Mimi baba yangu hakuuzia mimi shamba na kufika kwa land naaza kununua shamba kwa sababu ile pesa natoa inaonekana mimi na nunua shamba kwa land. Tunaona vibaya sana. Watu wa land wote watolewe. Hakuna kazi huko. Yangu naona ilikuwa tu machache namna hiyo imetosha.

**Com. Baraza:** Asante. Nenda ujiandikishe hapo. Ayub Mhanji. Utafutiawa na Alphose Havochi, Alphonse are you there?

**Ayub Mhanji:** First of all I would say thanks to the Commission committee and all who have come to attend to this committee of review. My names are Ayub Mhanji and my first view will be about the seat of the presidency after retirement. I would like to say that after the President has left the seat, that is after he retires, they should have no that privilege of the Government paying salary for their workers as they have already been paying salaries and allowances.

Secondly I will talk of abortion. Abortion in Kenya should be legalized whether it is induced or syontenous. That is to say you will find school children or pupils students due to poor background of African culture they have no knowledge on matters concerning sex then they end up having pregnancy. They should be liberalized to to abort the kid and continue with their education to have a better future.

Then third I will talk of euthanasia that is mercy killing. I would like euthanasia to be legalized in Kenya. That is to say you find that Kenyans who are suffering in hospitals they have no time to undergo all that pain and also using the medicine that will have been used to in other Kenyans and the government does not allow doctors to mercy kill them, so that should be legalised.

Then lastly it is my last point I will talk of the building to churches in the Kenyan land. We should have at least 5 churches in every location, that is to mean we are expanding every now and then the last thing is being misused by people building small churches here and there. We should just have a very big hall of which will just help this people worship God, having a lot of

churches. Thanks.

**Com. Baraza:** Sign our register. Alphonse Kaboeki utafuatiwa na Gabriel Ashiono.

**Alphonse Kaboeki:** Asante sana maofficer kwa kuja hapa kusikiza maneno ya watu. Mimi ni Alphonse Kaboeki na mimi niko na machache kwa maoni yangu kufuatana na zile sheria zetu za kungoja nchi yetu. Mimi naonelea tutengeneze sheria ambayo mtu sawa sawa ni mtu wa kutengeneza neno ama President akitangaza kitu na hicho kitu kionekana kiko kwa sheria kinafanya kazi kwa wananchi, si kutangaza halafu hicho kitu isumbue wananchi. Hata kama ni elimu inatengenezwa elimu ni ya bure na kumbe ilikuwa inasemwa bure. Hiyo inafinya wananchi kabisa inatakiwa itengenezwe, ikitamkwa kiwe kitu kama sheria kifanye kazi.

Neno la pili mambo ya mashule yetu, mashule yetu tunajenga na tukijenga inatumiza kwa sababu, mjengo inafanywa kila mwaka lakini nyumba zenyewe hazionekani. Tunataka hicho kitu kifanywe kwa sheria kama watu wanapewa pesa ionekane hiyo inafanya kazi.

Neno langu la tatu ni mambo ya makuru – Serikali ya mitaa. Serikali ya makuru maoni yangu hao makuru ndiyo wanafanya kazi kubwa, wanakaa na wananchi wanafaa sheria iweko makuru wapate mshahara kwa sababu hao ndiyo wanajua kila pembe ya wananchi.

Neno la nne ni mambo ya kuona watu maskini. Watu maskini iko misaada inakuja kwa watu maskini. Sijui inakwisha huko Nairobi; haifiki huku mahali tunazaliwa hapa. Hatuoni hicho kitu, misaada yote ya maskini. Wasichana wetu wanazalia kwa nyumba, lakini watoto wao tunataka sheria, Serikali iweko watoto wale wanazaliwa waangaliwe na Serikali kwa masomo.

Na neno langu la tano sisi tunaumia kwa mambo ya Serikali yetu ya parade. Polisi wanatengeneza.... **End of Side 4A**

**Cont... side B** ..... yeye ako hapo anakaa hapo, lakini akifikiria chang'aa anaweka bunduki hapa anaenda mara moja na hao polisi wanasubua wakina mama hawa hawa sana kwa maneno ya chang'aa. Serikali inandanganya watu eti sisi tunakataa mambo ya upinzani na hao kwa nini wanaangalia chang'aa halafu wanapata pesa wanaacha chang'aa hiyo. Si ufisadi? Kwa nini mtu wa polisi anawacha huyo mtu wa chang'aa hiyo hawezi achishwa kazi kwa sababu sheria inasema ukipata kitu kinakatazwa shika hiyo kitu na kuenda kortini. Kwa nini upate pesa halafu uwache hiyo kitu? Ama upate hicho kitu chang'aa ni mbaya, usichukue hapo tena polisi imechukua unaenda kuuza. Yangu yanakwisha ndiyo hayo. Maoni yangu ni hiyo.

**Com. Baraza:** Asante Bw. Kaboeki enda hapo usign jina hapo. Gabriel Ashiono utafuatiwa na John Ibachula kaa karibu.

**Com. Maranga:** Gabriel hukufika mbele yetu upande ule mwingine wa Shinyalu kwa kanisa?

**Gabriel Ashiono:** No.

**Com. Maranga:** That was another Gabriel?

**Gabriel Ashiono:** Yeah. Commissioners, my dear brothers and sisters who are present today I have got a few amendments here on our Constitution today. My names first, I am Gabriel Ashiono one of the CHBC Mukumu Parish.

First, amendments to the Constitution. Any amendment or change of the Constitution should be made by the wananchi through referendum as we are doing now.

2. Resignation as an MP/defection to another political party

- (a) No MP should defect to another political party before his or her term of 5 years elapses
- (b) Whoever resigns as an MP should not be allowed to seek re-election through a new political party he or she has joined and therefore criticize your party from within.
- (c) A vote of no confidence should be passed if an MP or councillor or civil servant is not productive in his area.

3. Natural resources/ Human resources. Every Kenyan citizen is entitled to the National resources for example Kenya International Airport, Moi International Airport, National Assembly, the National Parks of Kenya, Forests of Kenya, Kenyatta National Hospital, donations, and Kenyatta International Conference Centre.

4. National Holidays: our national holidays should not interfere with state finances. Economically we lose a lot during those functions.

5. Recruitment for jobs. During recruitment for jobs in Kenya, there should be no tribalism, nepotism, favouritism and corruption. Justice should be seen to be done.

6. Lastly on Provincial Administration. Chiefs, Assistant chiefs, should be transferrable within the province. They should not remain stagnant in one area because they are civil servants and they should also be transferable like other civil servants in Kenya. Thank you.

**Com. Baraza:** Thank you very much. Kindly leave for us that memorandum. The next person was John Ibachula utafuatiwa na Julius Imbali. Julius yuko? *Ali alishi?*

**John Ibachula:** Asante sina maneno mengi nina maneno machache tu. Kufuatana kwa Katiba yetu watu wanaofanya kazi

kubwa sana kwa mitaa

(interjection)

**John:** Jina langu ni John Ibachula Lureti kutoka sub-location ya Shitochi, Khayega. Kitu moja naona yenye kufanya halifu mwingi kinakuwa ndani ya kila location, ukikuta wale watoto wanafanya kazi mbovu halafu upeleke ng'ambo Kakamega kwa approved school, afungwe, unaambiwa huko toa kitu kidogo ndiyo mtoto aende. Unashidwa nipate wapi kitu kidogo ndiyo mtoto achukuliwe.

Ingingine ya kufuata ya pili, mtu kama nina mtoto wangu amefanya makosa kubwa, vile mababa zetu walikuwa wanafanya hii kitu inaitwa pombe, mtoto wangu anaweza kuta mama yake afanya akuwe mwanamke. Na vile zamani sisi tuko tunachukua pombe kidogo ndani ya mtungi, halafu tunachukua dawa tunaweka juu yake. Mtu analala na mtoto na mtoto ndiye anatengenezwa ndiyo kitu inaitwa muma iondoke. Ndiyo sababu tunapendelea nyinyi mnatoa mashini hospital ndiyo iko. Na hii machine yetu ya zamani ndiyo tulikuwa tunatengeneza vitu, tufanye namna gani? Ndiyo ukikutwa umetengeneza pombe ndogo ya kutengeneza dawa unaambiwa umeshatengeneza pombe. Unapelekea nayo unaenda kutoa tu fine ya bure.

**Com. Baraza:** Unataka aje?

**John Ibachula:** Nataka busaa ikuweco ikiwa tunataka kuchukua dawa yetu ya zamani tutengenezea mtoto juu yake. (inaudible) ya hii chang'aa hii mtokaa ukikaa kwa njia hapa utakuta motor car yenye kubeba kitu kinaitwa molasses. Sisi hapa Shinyalu hatuna ng'ombe yenye kukula molases. Ukikuta hiyo molases bwana DC ndiye atakuja kuuliza mlishika lini? Mlishika molases yangu. Hakuna watu wadogo wale wanaweza kushika molases wakuje. Hii molases yote yenye kuuzwa inauzwa na wakubwa na nyuma yake ndiyo sisi tunakuja kusumbuliwa na reserve na kitu kubwa hawa watoto wetu mnasema ukimwi, ukimwi. Zamani watu walikuwa wanaugua ugonjwa kama ya ukimwi mtu anakuwa mdogo anapelekwa nje anazunguzwa nje halafu anakaa chini. Wanatengeneza dawa yao wanapma mtu mpaka anapona. Katiba yetu ichukue maneno yetu ya zamani tuwe tunaponyesha watoto wetu. Sisi tukikufa hawa watoto hawajui hiyo dawa watakufa wote wakisema ni ukimwi. Yangu ni hiyo tu.

**Com. Baraza:** Asante sana. Julius Imbali utafuatiwa na Peter Imemena

**Julius Imbali Iseme:** *Mulembe bosi.* Mimi naitwa Julius Iseme Imbali ingawa mimi ni mzaliwa wa Isukha na maoni yangu ndiyo haya. Sisi tuko na shida na tunaenda kama wale watu hawana mchungaji. Sisi hatuna Serikali. Kama mimi naweza kuwa mgonjwa unangoja wakati malaria inaua mimi ndiyo mtoe dawa ya bure. Hii dawa siku zingine inakuwa wapi? Unaweza ngojea mtoto wako akufe kwanza ndiyo utibu yeye ama unataka kutibu yeye kabla hajakufa? Tunataka Serikali ile inaweza kuangalia watu wake na kuangalia watu wako lazima ujue afya na mambo ya masomo.

Kitu cha pili, assistant chiefs wanatakikana wachaguliwe na watu na chiefs Sheria yenye iko saa hii inasemekana kwamba Serikali ingonjea mtu na mali yake. Na tuko na ng'ombe saa hizi ng'ombe za watu zinaenda na serikali hailipi. Nani anatakikana alipe hii kitu? Kama Serikali inasema inaweza ilinde wewe na mali yako na hiki mali tayari imeimbiwa imeenda na hawajakurudishia nani anatakikana alipe? Inatakika Serikali ilipe kama haiwezi kupata hiyo mali, ikipata inatakikana irudishiwe mwenyewe.

Kitu cha tatu wale watu ambao tunafanya kazi tunaumia sana. Na tunatumia kwa sababu ya kutokuwa na viongozi. Tuko na watu wale wanaitwa. Hiyo bima hakuna. Wakati ambapo hiyo bima hakuna, wewe ni mgonjwa, utakufa nyumbani, wewe unalipa bima hiyo bima, itakusaidia na nini? Kama unaweza kungonjea tu wakatia ambapo ulazwe uende kwa kitanda ndiyo uitike wewe na wewe ndiyo mtu wa kutoa hiyo.

Kitu cha nne Serikali imewekea sisi mzigo mkubwa sana ya ushuru. Tunafanya kazi wewe unalipa pesa hii inatwa VAT, mara unalipa pesa ya pay as you earn, mara unalipa ingine ya municiple mara unalipa ingine .... Yaani unaweza pata mshahara wako hauwezi kutosha hata kusomesha watoto wako. Serikali kama haiwezi kukusaidia watu wake inataka hawa watu wasaidiwe na nani? Mnasema umasikini tutapunguza namna gani kama Serikali haiwezi kusaidia hawa wamaskini na umaskini kuusaidia ni kusaidia hawa watu wapate hivi vitu.

Kitu cha tano, ni mamlaka ya kuanzia juu. President na Vice President lazima wachaguliwe na watu kwa sababu inaweza kuwa kama sasa vile ilivyo unasikia kwamba ati alikuwa rafiki. Unaweza kuchukua rafiki yako umpatie kazi? Halafu kesho umpe rafiki mwingine? Kama huyu mtu angepewa mamlaka na wananchi hata yeye angekuwa saa hizi anaweza kujitetea. Kwa hivyo ofisi ya President na Vice President inatakikana ichaguliwe na watu. Hizi ofisi zingine za public kwa sababu kudumisha hii mambo ya corruption itoke. Mimi nafikiria ni hayo yangu machache. Asante.

**Com. Baraza:** Peter Ammenena.

**Peter:** Commissioners, mimi kwa majina ni Peter Amenena Tizama natoka Itoti sub location, Isukha location; Khayega. Mimi nitakuwa na machache, ya kwanza ni kuhusu kushikwa kwa mtu nyumbani kwake. Kwa sababu sisi tunataka Serikali ambayo inakuja iwe Katiba inazuia polisi kuingia tu kwa mji wa mtu na kumshika bila order kutoka kwa korti au sheria.

Ya pili tunaupande wa korti, kortini, kuna mtu anaweza kupelekwa kortini ameshtakiwa na anachukua muda mrefu ikiwa tu anakuja kuitika, kuitika mpaka anachukua karibu miaka miwili. Tunataka Serikali ijayo iwe na Katiba mtu akishikwa akiwa na makosa akipelekwa kortini ashtakiwe na atatuliwe makosa yake na kesi yake imalizike kwa sababu sisi tunataka Serikali ya uhuru.

Kisha tunataka Serikali, (pause) kuna kitu ingine nataka kuzungumza juu ya AP. AP ni askari ambao wameletwa location na division na ni watu wanalipwa mshahara na Serikali. Tunataka Serikali ijayo iwe ni ya wananchi iwe na mamlaka ya wananchi. AP wamechukua wanalipwa mshahara na huku wananyanyasa raia katika reserve. Na hii itakuwa ni makosa kwa raia kusumbuliwa na hali hawa watu wanalipwa mshahara wanakusanya pesa kutoka kwa raia, kwa akina mama na kila mtu. Na hali ukiwa huko polisi huko kuna mtu amekukosea ukipewa barua kupelekea AP aende ashike huyo mtu alete hapo polisi wanakuambia lete pesa bwana. Sisi tunataka serikali ijayo, mambo kama hayo mtu ambaye analipwa na anahitaji pesa alipwe kwanza ndiyo afanye kazi afutwe.

Tena tunataka Serikali ijayo, mtu moja awe na kazi moja au mbili. Kwa sababu katika Kenya watuni wengi hawana kazi na utakuta mtu mmoja ana kazi karibu sita au nane. Na hii ni makosa. Wananchi wengine wanaumia, hawana kazi nahuku mtu mmoja anachukua kazi nyingi na kila kazi analipwa pesa. Kila kazi analipwa pesa. Na huku wananchi tunaumia. Sisi tunataka kazi ipunguzwe kwa mtu moja apewe kazi. Ndiyo unaona sisi tunashida kwa sababu watu wakubwa wamenyakua kazi zote na mshahara yote wamenyakua sasa raia wadogo ndiyo wanaumia zaidi.

Ya mwisho yangu, sisi raia tunataka tufuate Katiba ya wazee wetu wa zamani wale walikuwa wakichagua chief na assistant chief. Walikuwa wakitaka kitu kikitokea kama hicho kinakuja kwa wazee wa mji. Wenyewe wanachagua katika ile majina imeletwa na wazee na wale watu ambao wanataka kazi wanachagua wanaagalia. Huyu mtoto wa fulani anastahili? Anafaa kulinda watu? Ndiyo wanachagua mtu moja kwa wale watu wameleta majina. Sio hii kazi ya sasa nyinyi mnafikiria fulani anafaa na huku mtu anachaguliwa Nairobi. Akija huku hata hawezi kusikiza sauti za raia ambao anawakilisha. Tunataka sisi wenyewe tuchague sub-chief na chief. Asante.

**Com. Baraza:** Sign hapo. Peter Mkabwa?

**Peter Mkabwa:** Mimi sitaongea zaidi. Yangu ni moja tu. Yangu ni kuhusu chiefs na assistant chiefs. Chiefs na assistant chiefs ni wafanyi kazi wa Serikali kama wengine. Na sioni faida ya assistant chief kukaa kwa area yake mpaka astaafu au chief. Akiwa sio mtu wa maendeleo sublocation au location itakwama. Na pendelea ya kwamba kama yeye ni mfanyi kazi wa Serikali kama wengine apewe uhamisho, aende province nyingine na mwingine aje hapa, akiwa kama hana maendeleo, ana maendeleo, wengine wamuone huko. Kwa hivyo pendekezo langu ni kwamba chiefs na assistant chiefs wapate kuhamishwa.

La mwisho Serikali ambayo tunayo, si Serikali ya army, ni Serikali ya raia lakini sisi tunatawaliwa na Serikali wa AP na bunduki. Mbila kosa unaona askari na bunduki wanatisha mtu kukubali yale ambayo hangekubali kwa sababu anaogopa atauwawa na askari. Kwa hivyo ningependekeza askari watoke kwa centre na bunduki ikiwa watu wameuwawa au kosa kubwa.

**Com. Baraza:** Cllr Nashon Aindu.

**Nashon:** The Commissioners who are here today this afternoon, good afternoon? Mine is a memorandum about

(Interjection)

**Com. Baraza:** Your name?

**Nashon:** I am Nashon Wangula Ahinduha but I am presenting the area councillor in this ward.

**Com. Baraza:** You are not the area Councillor?

**Nashon:** No, I am not the councillor. On citizenship that is what I may start with, point number one, one born of his parents who are Kenyans should be regarded as an automatic citizen of Kenya.

2. Spouses of Kenya citizen regardless of gender should be entitled to automatic citizenship. An identification card should be carried by Kenyans as evidence of their citizenship.

Defence and national security. The discipline forces of military and paramilitary police, prison and so on, should be established and be guided by the Constitution.

2.. The law which will be put in place by the Constituion should be used to discipline the army forces.

3. The President should be the army commander of armed forces in order to be sure of the security of the citizens of Kenya. The Executive should consult other leaders before declaring the war.

The Constitution should not permit use of extraordinary powers in emergency situations such as war, national disasters, insurrection and a breakdown of public order.

The last point, Parliament to invoke emergency powers on political parties. Political parties should mind the welfare of citizens Kenya other than mobilization. The Constitution should regulate, the formation, management and conduct of political parties.

The number of political parties should be limited and we should have only two political parties, so that one should check the effectiveness of the other. More than this number it will just be a waste of resources..

The last one, then these two political parties should be financed by the Government in power.

Structures and systems of Government: in order to have manageable and controllable governance the present Presidential system should be retained.

The legislature: Appointment such as the Attorney General, Parastatal posts, Envoys, Ministerial posts, Provincial Director of

Education, Police Commissioners, Judiciary e.g. Chief Justice, Commissioner of prisons should be vetted by Parliament. Parliament should have unlimited powers to control all these procedural rules standing orders. Being a member of Parliament should be a full time occupation. The present age requirement for voting and contesting parliamentary seats, or the presidency should be maintained.

The language requirement test for parliamentary election is sufficient. Moral and ethical qualifications should not be introduced for parliamentary candidates. (interjection)

**Com Baraza:** Don't read word for word, you should be winding up.

**Nashon:** Ok. People should have a right to recall their MP if they are dissatisfied with his or her performance and the procedure should be through a by-election. MPs should act on their Constituency and not parties. A committee set by MPs should be set to determine salaries and benefits of MPs. Nomination of MPs should be abolished and instead increase the number of constituencies so that an MP can be elected by people in order to serve them well. Nomination of MPs is a waste of public funds. The President should not have the powers to vet legislation passed by the parliament since he is part of the parliamentary (inaudible). The President should not have the power to dissolve the Parliament instead Parliament should be deliberately before dissolving the same.

The Executive: the Constitution should specify qualifications for Presidential candidate. A person to vie for a Presidential post should have a minimum qualification of university graduate in matters relating to law in order for him to govern the country properly and electively. The President should serve only two terms of 5 years each. The Constitution should set limit of Presidential powers by taking away powers by appointing Attorney General, Parastatal chiefs anybody with Ministerial posts (interjection)

**Com. Baraza:** Give us your last point. Yes, you have a memorandum, just give us the memorandum

**Nashon:** I am almost.

**Com. Baraza:** How many are remaining?

**Nashon:** Only two.

**Com. Baraza:** Now don't read word for word tell us what you are proposing. Your time is up.

**Nashon:** Let me just read for you.

**Com. Baraza:** What was the last point?

**Nashon:** The Executive

**Com. Baraza:** You have said something about the Executive?

**Nashon:** The Executive, yeah I have said something about it. Ok fine. The local Government, electoral systems, and process. The local Government – just one point only mayor and councils chairman should serve terms equivalent to that of MPs and councillors and not 2 years term.

The electoral system and process: the demarcation of constituencies and wards should be checked and have an equal number of people (inaudible) some areas have more than the others. Land and property rights: the local Commission should have ultimate ownership of land. That is all.

**Com. Baraza:** Please leave us with your memorandum we shall read it. Onyando (inaudible) if you are not there Nickson Kamathi, if you are not there Fabian Luseka.

**Fabian:** Commissioner, na wenzangu wote ambao tuko hapa nina matumaini ya kwamba yale tunasema hapa yatafanyika. Mengi tumesema na kwa hivyo nitasema point yangu moja. Tumekuwa tukisikia wimbo huu kila mara wimbo huo ni uchumi au economy. It is a very big contradiction in some stages, when there is a problem in the economy and we have got a Ministry of Planning, to run Ministry of Agriculture when agriculture is also the backbone of this country's economy. It is a real contradiction. Therefore I come to this answer, if we do not waste a lot of money or Government funds on this problem of beer, local beer, there is a lot of money being wasted instead of making economy build up, watu wananyanyaswa for no reason at all. Hao watu ni wananchi and they have got their own rights. Infact we don't have any recreation in this country because local beer is not allowed. And then another thing is they allow another beer and it is in an expensive place, the beer in the bars. I wonder and I really mean it if the government is not going to do something about this legalizing the pombe which I have been hearing of since I was born and now I am nearing the...

(Interjection)

**Com. Baraza:** You have made your point over... (Inaudible)

**Fabian:** Another point I am finishing, I said many have been said very good points. In agriculture we have got people who are able but I do not think that govt. is coordinating and that is why the economy is failing. I would like the trained people in agriculture to be recognised and can be utilized. Thank you.

**Com. Baraza:** Please sign your name there. Rogers Sameo?

**Rogers Sameo:** Asante sana Commissioner kwa change ya Katiba. Yangu ni moja tu. Nitaongea juu ya mila ya zamani irudishiwe nyumbani. Nitapeana mfano moja. Zamani kama wewe unaenda kuimba ng'ombe ya mtu, ama wewe ni mchawi wa kuruka ruka kwa mtu saa ile amelala wazee walikuwa wanakaa wanakuchukua kama suspect unafanyiwa mila ya zamani. Na kama wewe umehusika na hiyo on the spot unakufa Kwa hivyo mimi naomba mila hiyo irudishiwe wazee wa zamani. Jina ni Rogers Sameo. Asanteni.

**Com. Baraza:** Ok sign your name there. Antony Nyagoni

**Antony:** Honourables, thank you very much, I won't say much (interjection: inaudible) My only two words, only few words I would say is that we are suffering, western region, we are forgotten. And why we are forgotten, there are so many people who have got children they are learning some are in university. We are forgotten and in Western we don't have anything to take care of ourselves. We are retired people and we are having a lot of problems. And one thing I thank missionaries very much because without missionaries we people we could be no where. Missionaries have helped us very much especially Mukumu here in this area, now we need more people we can keep with and give a bit of hand to the poor people in Western. But we are not poor people in Western where more countries are no more important than we are. The western is not a poor country, Eldoret, Nakuru, Kitale, so many but why are we forgotten. Please get somebody who can help us in western. Thank you.

**Com. Baraza:** Please sign your name there. Rev. Joseph Andugu.

**Rev. Joseph Andugu:** Thank you Commissioners for providing this opportunity for wananchi to speak their mind.

1. Abortion should not be legalized in Kenya. Men do not know the pain a woman goes through.
2. Presidential powers should be limited.
3. Specific date for parliament, parliamentary elections should be included in the Constitution.
4. There should be specific free elementary education.
5. There should be specific laws guarding the natural resources which are being misused today.
6. Any defecting Member of Parliament should be deemed from representing the people and should go back and have fresh election if you want to join a new party.
7. Provincial posts should be deleted.

**Com. Baraza:** Deleted?

**Rev. Joseph Andugu:** That's right.

**Com. Baraza:** To be scrapped?

**Rev. Joseph Andugu:** Scrapped.

8. There should be a clear demarcation between what the DC does and the county council. What is the role of the county council and the DC? One of them should be scrapped and I would suggest county council. (interjection: inaudible)
9. Service charge should be discontinued.
10. Presidential elections should be separated from general election. A separate date should be set.
11. Tribunal courts should be given back to wananchi and especially in Shinyalu and Ikolomani we used to have tribunal court at Ikolomani. I want to advocate for that to come back.

**Com. Baraza:** Your last point?

**Rev. Joseph Andugu:** I have 5 more.

**Com. Baraza:** Just run through.

**Rev. Joseph Andugu:** I am just running through.

12. The appointment of senior employees, or senior Ambassadors, Attorney General, and Commissioners, should be the duty of the Parliament.
13. Disabled should be given specific seats in Parliament.
14. Women should be given specific seats in Parliament.
15. Last but not least, ministries should be legalised how many ministries we need in this country. The Parliament should be given time to discuss.

**Com. Baraza:** How many (inaudible)

**Rev. Joseph Andugu:** In my opinion ten ministries would be enough. The next point which is the last one the Parliament should be given time to nominate members not the President. There is that section that gives the President to nominate 12 members of Parliament. I am suggesting that the Parliament should be given the mandate.

**Com. Baraza:** Please go there and sign. David Ligale

**David Ligale:** To the Commissioners who are present here, mine are views in a memorandum from the Kakamega Branch of Kenya National Union of Teachers.

While the current Constitution guarantees freedom of worship there is a major anomaly from the Preamble in the sense that it

does not exist in the first place, and we advocate for its inclusion in the Constitution that is being reviewed. So we need a Preamble there and issues we would suggest to be included there one, is Godliness because this is a country that cherishes freedom of worship. We must see an expression and a commitment of Godliness in a vision for the nation.

Secondly, there are common experiences of poverty, education having been compromised, security, HIV/AIDS, justice and respect for human rights. We would want a situation where there is a resolution to have these experiences and so on. **End of**

**Tape 4.**

**Tape 5**

There is a resolution to have these experiences as sole as serious commitment to the Government. Last on that part of the Preamble is we actually need clear expression of a change of heart in the governance of this country so that it does not promote rebellion but patriotism in the way we manage our affairs.

Next directive principles of state policy. The revised Constitution should state clear modalities to the separation of powers among the Executive, Judiciary, and the Legislature. Respect for the rule of law is (inaudible) Then we want a situation where the Constitution has to be simplified in English and Kiswahili, not the kind of heavy language that is applicable to the Commissioners here. We also want to have that Constitution accessed to all the citizens of this country for free.

Constitutional supremacy: there is need for a standing committee of reviewing the Constitution in a permanent office, not unheard of arrangements like this one we are seeing here. So that one is our wish as teachers of this country.

The public should also be involved in amending the Constitution of this country through referendum. It should not be a preserve of Parliament alone.

Political parties: we recommend only 3 political parties of a truly national outlook. The parties be funded by the Government subject to a minimum number of elected Members of Parliament. Defecting MPs should be locked out of Parliament for 2 years, and that by-election be called up to fill the void. Any political party insinuating civil disobedience amounting to loss of life and property should just as a matter of essence be proscribed.

The Executive: we recommend the office of the President to be Constitutional and the holder should have a running mate in elections. This one will be a resolution to the present situation where a Vice President is told in the face that you were appointed as a friend not because you deserved it. Powers of the President be redefined to be commensurate with duties of Legislature and the Judiciary and with adequate checks and balances. The functions of the Head of State must be defined in the Constitution. Let us know when it is a baraza to give a policy issue for the country. When it is a policy to be delivered to the nation. Not just anyhow in a jua kali way. A Head of State should not hold a Constituency portfolio.

Administration Police be deleted from the office of the President and be enjoined in the Kenya Police. The rights of vulnerable groups we recommend that any agreement made between the Government, its agencies, and the workers, be implemented in total. Any violation on the part of the Government should be logical enough to warrant resignation.

Street people be rehabilitated and be employed by the Government

On land and property rights we recommend proper land tenure systems and policies shall be put in place to accommodate the needs and recommendations of all categories of citizens - be they women, disabled or orphans. The Government should reservedly retain the power to compulsorily acquire land privately owned, though with compensation where there is merit. Land that is turned into a security or health risk be forcibly confiscated.

On succession and transfer of power, we recommend that the Constitutionally elected President be installed and takes the oath of office administered by the Chief Justice within 24 hours from being declared the winner. The handing over ceremony be public and within 3 months being sworn in. The Constitution should make provision for a retired Head of State to be entitled to pension, security, and immunity from legal process although not the kind of pension that will amount to owning the whole country and leaving the public miserable. Thank you.

**Com. Maranga:** Thank you very much. The next speaker is Adriano Mahaji and he will be followed by Enock Shivereje. I think we will have Sister Lioshi Harman. You start with your full names Adriano.

**Adriano Mahaji:** Commissioners, kwa jina ni Adriano Luseka Mahaji. Na nina maneno mawili tu ambayo ningependa kuongea nafikiri mambo mengi ningeongea watu wengi wameongea juu yake. Kwa hivyo yangu ya kwanza ni kama baba amekufa na amecha watoto wake na alikuwa hajagawa hiyo shamba yake, na tunaona iko ngumu kwa sababu inatakiwa kama baba amekufa lazima aende akashtaki kaburi baadaye nije ndiyo apate survey wakuje kugawanya hiyo shamba. Tunaona hiyo ni ngumu kwa sababu watu wengi ni maskini na hiyo gharama iko kwa kushtaki marehemu na kufanya sub-division ya hiyo shamba ni pesa nyingi.

Ya pili, tungeomba kama hawa askari wa administration wameandikwa na Serikali tungeomba kama wanaweza kumaliza mahali siku, miezi kadhaa wapate transfer waende sehemu zingine. Na wale wa huko warudi kufanya kazi huko. Ni hayo tu nitaongea.

**Com. Maranga:** Asante Mzee wangu weka sahihi. Thank you very much. Enock?

**Enock:** Kwa majina mimi naitwa Enock Shiveraja natoka location ya Iresi. Maoni yangu ni kuhusu vile administration inaenda

from Presidential level mpaka kwa grassroot Niko tu na maneno matatu kuhusu upande wa Presidential level. Mimi naona ya kwamba nguvu za President zafaa zipunguzwe mahali fulani ambapo nitapeana mfano. Attorney General, legal adviser wa serikali, ama to the Head of State and at the same time the Head of State ndiye anachagua Attorney General sasa hii vitu zimengongana. Tungetafuta solution fulani kama kuunda Commission fulani ya kuchagua Attorney General. Sasa hata Attorney General akifanya kazi yake huya anafanya under fear ya kwamba nisipofanya namna hivi President atanifuta kazi. Hiyo ni one.

2. Ikiwa mtu atakuwa amesimama kwa Constituency kama hapa Shinyalu na aanguke mtihani wake, wakutaka kuwa MP, hafai kuchaguliwa tena na Head of State. Akishachaguliwa tena namna hivyo na anapatiwa kitu kikubwa.
3. Na ndiyo ya mwisho, Head of State, hatajikani kuwa Commander in Chief of the Armed Forces because he is not conversant with that job. Commander in Chief of the armed forces inatajikana yule mtu ambaye ame-train anajua GPMG ni nini, ama general purpose machine gun ni nini, ama AK47 ni nini. Lakini sasa tukichagua mtu ambaye hajui vita si vizuri Asanteni.

**Com. Maranga:** Nani anatajikana kutangaza vita?

**Enock:** Hakuna vita hapo ni maoni ya kwamba

**Com. Maranga:** Ah ah ni nauliza tu sasa kama wakati unaona tunavurugana na nchi zetu kama Uganda, Tanzania nani atatangaza vita?

**Enock:** And that is why this kind of Constitution is supposed to be nullified. It has to be nullified...

**Com. Maranga:** Enock nakuuliza unipe mwelekeo, nani anatajikana kutangaza vita kati ya nchi yetu na nchi nyingine?

**Enock:** Hakuna vita tumetangaza lakini mimi nasema ya kwamba ...I am not getting your question my learned friend?

**Com. Maranga:** (laughter) Ok wewe enda. Sister karibu. Sasa huyu anatajikana atupatie mwelekeo na hataki kutupatia. Sister you start with your full names. Your first name is a bit difficult.

**Str. Lioshi:** Lioshi

**Com. Maranga:** oh Lioshi.

**Str. Lioshi:** Good afternoon to you.

**Com. Maranga:** Good afternoon, start with your full names.

**Str Lioshi:** Sister Lioshi E. Harman. I am presenting memorandum to the Constitution of Kenya Review Commission, presented by the Eliaro Lia Noah cultural women group in conjunction with the association of sisterhood in Kenya Kakamega District unit and Christian Partnership Development.

**Com. Maranga:** Thank you I hope sister you are going to give us a summary of that memorandum.

**Str. Lioshi:** No, I will only pick out something little for the audience to hear the little we have presented.

**Com. Maranga:** Thank you very much.

**Str. Lioshi:** The Eliaro Lia Noah cultural women group (inaudible) Christian Partnership Development is to help the women know their rights plus, the religious women I have mentioned. And this group is feeling that women participated in the struggle for freedom and independence in Kenya, bore great suffering during colonialism and constitute more than 52% of the Kenyan population. Therefore, the less number than the one we have mentioned is only 1%, the (inaudible) and 3.9% nominated political leaders in Kenya. The Eliaro Lia of Noah suggests and I quote “principle of democracy where all citizens are equal and able to participate in governance, economic, political enhancement of women in Kenya, promotion of gender sensitive and non-violent society”.

Executive powers: the women feel the ultimate power is with the citizen who can bring about change collectively; all citizens are equal before the law. The Constitution is supreme. No obstacle to free and fair election. Political parties be given chance in all so that the equal membership of structure for women is reflected. Example 45% of women to be nominated but for the field at least 35% of women as a candidate for election when the elections are taking place during this time of election in Kenya.

Governance: we will ensure women participation in management of political affairs and resources. (I am only giving you outline because my memorandum will be handed to you). The private sector to provide services and goods that were previously provided by the said agencies. (It is out of many please).

Legislature: The Eliaro Lia of Noah Cultural Women Group calls for affirmative action that is 35% of the parliamentary seats be reserved, please for women. A Member of Parliament to be a full time job, he should not hold two jobs. A public debate to be conducted before a Bill is passed to become a law.

Judiciary: Eliaro Lia of Noah Cultural group proposes that establishment of supreme court with at least 9 judges, that seat together and it can be the highest court of the land. Legal aid should be a person’s right to afford services of lawyers in capital

offences and other serious offences.

Electoral system and process: making it mandatory for parties to field 35% of women candidates for election, reserving 35% of seat in Parliament for women, others for vulnerable groups such as disabled, children, younger people to have representation in parliament and local government. Voters registration to be a continuous exercise. Issuance of identity cards to be made faster, for example within two weeks from the date of launching a request.

Social and economic rights: the fair treatment of all citizens be looked into. No interference with one's body, premises or private life. Infection of HIV should be construed as abuse of right to life. Early or forced marriages be denied and be not within our limits. Right to education or freedom be our choice.

Land and Property Rights: women have greatly suffered on the basis of gender regarding ownership of land and inheritance. Land tenure is still a preserve of men in Kenya, succession act is rendered (inaudible) by section 82 4B of the Constitution. As a result section 82-4B should be deleted. The right to own and inherit land and other movable and immovable property by women should be included as a right in the Constitution. Land tenure should focus on gender equity. A spouse's approval regarding any disposal, acquisition, not engaging act should be mandatory and included in the Constitution.

International relationship: we at Eliaro Lia Noah feel Kenyans debating on the extinction before being ratified, Parliament approving the ratified convention the period between ratification and approval enactment of the law should not be more than 90 days.

Constitutional Commission and Offices: establishment of an office for an Ombudsman who would check on the abuse of power, corruption and other practices by public and private officers be created.

Supremacy of the Constitution: the Bill of Rights, Presidential term, transmission of governance, political systems, citizenship, electing and removal of the President. (You will read the summary it is well stipulated).

Citizenship: the current Constitution does not give provision for women to confer citizenship to children born abroad of non-Kenyan father or confer citizenship to their spouses, The Eliaro of Noah suggest automatic citizenship to a child born of a Kenyan parent to be given dual citizenship because of intermarriages, Kenyan women should be able to confer citizenship to foreign husbands whom they have come in contact with. A passport should be issued as a right because they belong to Kenya.

Freedom and Security: women are more vulnerable to violence. This should be construed as torture, inhuman, cruelty, of mistreatment, as such it is recommended that freedom of movement to be accorded to all citizens where a passport is a right. Access to the right information and knowledge should be put in the Constitution.

Children's rights: a child should be defined as a girl or boy below 18 years. Provision to free and compulsory primary education. An office for children's ombudsmen to be established.

Alternative relationship programme. Eliaro Lia of Noah suggest, operate through organizations, grassroots, seminars and consultative village meetings open to all regardless of gender and social economic or political will help the mentioned groups.

Children code of ethics and conduct: this should be established. A Constitutional office should be created to set aspiring candidates, offenders should be fired from operating election, holding an influential meeting office etc Director, Manager, etc. Although this would affect the process we make this recommendation because many Kenyans of suspect character are appointed into the Government parastatals where they are criticised for promoting graft. Our present society also seems to laud those who seem to successfully steal from Govt. public offices.

**Com. Maranga:** Sister I give you your last point.

**Str. Loishi:** The last point is pension scheme for elders, the retired persons. Many of our aged persons are left to suffer without their pension paid at the right time. Hospital bills have become too high our people are dying because they cannot meet the hospital treatment. Thank you for listening.

**Com. Maranga:** Thank you very much Sister and hand over your memorandum and thanks for appearing before the Commission. Thank you very much. Moses Musalimu? Huyuko? Retired Capt. Henry Merenya, he is not there? Charles Shitambazi? Karibu

**Charles Shitambazi:** Mimi nawashukuru sana kuja hapa ili tupeane maoni yetu.

**Com. Maranga:** Anza kwa majina. Una dakika tatu

**Charles Shitambazi:** Jina langu ni Charles Shitambazi. Sasa mimi nataka niongee kuhusu President. Ningeomba kile kitu kwa Constitution kinasema every President awe akipata 25% hiyo rule iendelee tu. Halafu nataka niwaombe kama farmers wasaidiwe sana kama kutakuwa na incentives, kama mazao yao haitafanya vizuri iwasaidie ili iwa-encourage waendelee kulima.

Halafu local authorities nataka ziwe na say kubwa sana ku-control revenue zao na tena kama ingewezekana fund iwe set kusaidia vijana ili wajiendeshe. Ni hayo tu asanteni.

**Com. Maranga:** Thank you very much. Kuna yeyote hapa ambaye hajaongea? Kuja mbele jitambulisha na uongee. Sasa mimi nataka kufunga sasa wewe unapata dakika mbili kwa sababu umekuja tu saa hizi.

**Alphonse Mushiery:** My names are Alphonse Mushiery. I propose the current Constitution to amend on rural and urban life, because when you look at life in Nairobi and an area like this one here you cannot concentrate on much on urban areas than rural areas. So mimi naonelea kwamba the Government should concentrate mostly on rural areas.

Halafu land inheritance. In fact this one should be on both boys and girls. If I have daughters, my daughters should benefit from me as the father and they should be given the right to take over the property from the parent.

Education should be on both girls and boys and not our African type of life, which was on boys alone. And the public trustee should be on assistant chiefs and chiefs only not DOs. Thank you very much.

**Com. Maranga:** Thank you. Anybody who wants to speak kuja hapa mbele. Nyinyi ni watu wa dakika moja moja mmekuja saa hizi kuja hapa mtoe maoni. Hapana keti hapo kwa bench hiyo ya mbele ndiyo niwaone.

**Nickson Hamasi:** My names are Nickson Acheba Hamasi.

**Com. Maranga:** You just summarize the main points because you have a detailed memorandum. Eti who?

**Nickson Hamasi:** Nickson Acheba Hamasi. I have been the CCC Secretary Shinyalu

**Com. Maranga:** Give us your points.

**Nickson Hamasi:** Yeah, on the Preamble, the Kenyan Constitution should have an introduction which defines Kenya in terms of traditional aspects and values, who the people of Kenya are, it should also specify boundaries, and the boundaries of Kenya with the neighbouring countries. It should specify acreage and land covered by Kenyan state. It should also specify national philosophies e.g. Peace, Love, Unity and relevant slogans e.g. harambee, nyayo and etc.

It should tell Constitutional supremacy and strength; it should also explain the freedom of Kenya - that is the independence of Kenya. Some other important issue I would like to specify is the issue of natural and national resources. We would like the Constitution of Kenya the new one, which we are hopeful it will be there, to specify on equal distribution of natural resources whereby it is not based on a one's political power or background, but those natural resources should be equally distributed. And more so an important issue on that is that when it comes to areas where we have some resources, for example in Western Kenya have sugar, we have tea, we want such boards like Kenya Sugar Boards, to be situated where these cash crops are planted. Like the cereal board we want the cereal board to be put where cereals are found. This will improve production in those areas and some other development.

On natural resources we would like the Constitution to include and identify the natural resources we have in different communities or boundaries of provinces these are soil, water, forest, mining sites, lakes and oceans. They should be as well included in the Constitution. And when it comes to managing of these natural resources, we would like the community around those natural resources to directly benefit from those natural resources. e.g. here in Kakamega we have Kakamega forest, we want the people of Shinyalu, the forest is within Shinyalu, so we want the people of Shinyalu to benefit directly from this natural resources i.e we would like the funds that the forests brings to remain locally at this level for development of infrastructure and other development. Some other important issues come on councils. The taxes that those councils gather we want those taxes remain and to be managed locally without the interference from the central Government. We want that to develop infrastructure and other important issues.. Otherwise those are the important issues I would like to speak orally but I hand over my memorandum Thanks so much.

**Com. Maranga:** Thank you very much hand over your memorandum. Next. Na useme jina lako. Umekuja tu saa hizi. Unaitwa nani?

**Baraza:** Asante sana waheshimiwa. Langu ni kwamba nina -represent kanisa la Seventh Day Adventist na langu ni kwamba tunahitaji kuweza kupata uhuru wa kuabundu. Tunapata ya kwamba sisi washirika wa Seventh Day mara nyingi tunapata ya kwamba tunapata masomo huko na elimu sio rahisi kuenda kuandikwa katika makampuni, sababu ni kwamba italazimika uende ufanye kazi hata siku ya jumamosi ambayo kwa bibilia haituruhusu.

Kitu kingine tunaona ya kwamba hata watoto wetu wenyewe hawaruhusiwi, sisi kulingana na maoni yetu haikubali ya kwamba kusoma kwa hiyo siku. Lakini unaona ya kwamba tunahangaishwa sana hata watoto wetu wanafukuzwa kiasi ya kwamba ingewezekana waweze kutulia na kulingana na imani yetu tunaona ya kwamba ni ngumu. Isitoshe tunaona ya kwamba katika mikutano mingine kuna mikutano tunaweza kuhitajika sisi tuweze ku-attend lakini kutokana na vile inawekwa katika masiku tunaenda kanisani tunaona ni vigumu washirika wa seventh day kuweza, kuhudhuria kwa sababu siku hatupati nafasi ndiyo tunaenda kufanya ibada. Yangu ni hiyo.

**Com. Maranga:** Asante weka sahihi hapa. Kuja weka sahihi. Next. Wewe mwenye koti, wewe, you, si uje? Usisome. Give me the main points. State your name.

**John Kayalo:** I am John Kayalo. First, President should not be above law as it is in the present Constitution, and should hold one post that is one job one man.

Legibility: should be 40 to 45 years of age.

Retirement: of age at least 75 years as judges do. To be elected President candidates must not always score the highest number of votes but must also receive at least 25% of the votes cast in all 8 provinces, not as is in present Constitution whereby he has to receive at least 25% in at least 5 provinces. By that percentage in all 8 provinces it will show that he is liked

in all 8 provinces of the republic. President should not have powers to appoint Vice President. This is because friendship might fall in. The Vice President must be appointed by the Members of Parliament by either crossing of the floor or by votes cast. Public offices e.g the Attorney General, the Controller and Auditor General, Electoral Commissioners, and judges are very important officers to be appointed by an individual or rather one person as it is in present Constitution. This officers should be appointed either by Commissioners or Parliament. This is to avoid friendship sort of appointment e.g. Government money is not properly utilized.

**Com. Maranga:** Last point.

**John Kayalo:** Last point, the President should not be of any education so long as he or she can be able to read and write well in English and Kiswahili.

**Com. Maranga:** Thank you very much hand over your memorandum. Now who else is remaining? Nani anabaki kwa sababu nataka kufunga. Haya Mzee unataka kusimama ama uketi. Ok wacha asimame na useme jina lako. Unaitwa nani?

**Henry Shiraveka:** Naitwa Henry Shiraveka. Maoni yangu ni kusema wakati mwingine sisi watu

(Interjection)

**Com. Maranga:** Ongea kwa mic.

**Henry Shiraveka:** Wakati mwingine sisi watu wale kilema na vipofu tuliandikishwa kwa kusema Serikali inaweza kutusaidia kwa kitu kidogo. Halafu wakaleta form tukijaza Hatukuona chochote kutoka wakati huo.

(Interjection)

**Com. Maranga:** Sasa unataka aje?

**Henry Shiraveka:** Tuko na miaka miwili.

**Com. Marangu:** Unataka aje?

**Henry Shiraveka:** Sasa naomba Serikali au ikiwa inapeana na sisi hatuoni, sisi hatujui. Sasa ikiweka bidii halafu ifanye vile mnafanya hivi muone mtu na macho hivi na mmsaidie namna hiyo kwa maana haifiki.

Jambo lingine kwa Serikali yetu tunaomba tena kwa kuhurumia watu kama wale wa rungu nyinyi mnawapa watu rungu kwa kusema mfanye kazi ya watchman, na watu wanatoka huko na bunduki na muambiwe lala chini. Wanachukua mali ng'ombe na kuchoma wanaenda nayo. Na wewe unalala na bunduki sasa mwenye mali anakuambia wewe ulikuja kulinda mali yangu hapa wewe unafanya nini hapa? Iko wapi mali yangu? Utamfanya namna gani? Halafu wewe unashikwa na kwenda 'kadiroom' kufungiwa.

Jambo lingine, sisi watu wengine kama sisi vile mimi niko hivi sina hata kuku, lakini nikipata malaria saa hii sina mahali ya kuenda, kwa maana mahali yote natakiwa pesa na sina vile naweza kujisaidia.

**Com. Maranga:** Kwa hivyo unapendekeza nini?

**Henry Shiraveka:** Kwa hivyo naona masikini hata wakifaa nyinyi mkiwa huko juu Serikali hamwezi makajua ni wangapi?

**Com. Maranga:** Henry unapendekeza nini? Unataka tufanye nini tusaidie maskini?

**Henry Shiraveka:** Mtusaidie vile tunaweza kutibiwa tukiwa wagonjwa. Asante.

**Com. Maranga:** Hiyo ndiyo ya mwisho? Asante. Kwenda weka sahihi huko.

**Henry Shiraveka:** Na mimi sijui kuandika.

**Com. Maranga:** Ah ah wewe enda huko utaweka kidole. Wewe unaongea vizuri unasema hujui kuandika? Haya karibu. 3 minutes. Give us the main points. Your full names.

**Peter Shivachi:** My names are Peter Shivachi, I am representing Iresi location for 3Cs. I have something to add on what was being said here. The first thing is about what the gentleman has just said if we could include in our Constitution a primary doctor who could be able to handle the cases of poor people who cannot pay the fee for cost sharing in the hospitals, and this would call upon the Government that time to look for funds which can help pay fees for that doctor. Just as we had discussed the legal representation to be free to certain people.

The other one is about the old age people of about 70 years and above, some of them have a problem of caring for themselves, if we could create homes for them this could also help to bring up something to do with the welfare of those fellows.

Employment avenues for the youth. I have an opinion the system that happens in other countries in where we share the time of working such that we have a job where by somebody can easily do, we share the 24 hours in such a way that somebody can

get a job within that 24 hours. That will also reduce unemployment in this country.

The other bit is about the rehabilitation centres or institutions like the prisons. I have a feeling that the purpose of prisons is to rehabilitate fellows but it should be human enough in our Constitution, so that they are treated equally as if they were at home.

This one has been touched the one I am now finishing up with now – media coverage. Since the common mwananchi pays for the taxes of coverage I would feel in our Constitution we should include that these coverage should be given to everybody in case of parties, if it is KANU for the time being it should also be given to other parties which are participating and running the country.

Lastly, I would suggest something interesting: the duties of a PC as people have been saying here seem to be overlapping those of a DC. If we could have only two arms of administration helping mwananchi in our Constitution like the DC and chief, these two people have more of the problems of the ground a PC and a DO. The chief does the work of a DO he can even do the work of a DC.

Lastly the poor. I had the opinion the Constitution should consider also making homes for the poor. Thank you very much.

**Com. Maranga:** Thank you very much Next. Very brief because you are the last people.

**Onyando Koki:** Bw. Commissioners, Ladies and Gentlemen I am Onyando Koki. I would like to be very brief because what I am going to say could be in a nutshell of what you have been hearing, and then some different pieces. May be the challenge I would have for my Government is that it should stop obsessing itself with reinstalling international confidence at the expense the local confidence. Actually we are very quickly (or I personally) running out of patience when it comes to having confidence with my Government because so many things promised are not forth coming.

Now how do I intend the Government to reinstall this confidence? I am more important than whoever thinks is out there. It should serve me first because I am a Kenyan by birth. After we evaded the first manifesto the Government had a responsibility to make sure I go to school, I eat, I am protected and I am accessible to most of what I needed. But today, this is not forthcoming, instead there so many cultures that have been introduced in Kenya. The Govt. is importing so many things from abroad at the expense of we the locals. That is culture has to be replaced by another culture.

When it comes to health sector for example, there are so many preachings about AIDS, AIDS, stop promiscuity stop this and that. This promiscuity if it was a culture before the Government should not look at such things as they have come recently. It has been here with us for so long. What is should do is to campaign stop this and that and then fails to. It is creating employment to non-governmental organizations who are taking advantage or our demise in the society to make money and

then go back with it. The Government has a responsibility to make sure that there are many ways many other channels that can be followed so that this scourge can be catered for or you know can be warded.

Now how about in education sector. If it is true that this Constitution is very important we are not supposed to be having at the 11<sup>th</sup> hour, because suppose this thing was so important that you take it, it is important that it is incorporated within the syllabus of the schools so that as I grow up I at least have the skeleton outline of the Constitution. Not that at the 11<sup>th</sup> hour people are busy in offices this is the time now the Constitutional review Commission is going around. I have been tired up I was in the list .... it would also help to cut down on crime rate in the country because I will be doing this thing in law I didn't know but it has no defence before the law.

Now the culture of we being more consumers than producers. It is the Government encouraging this thing. It is importing more .... We are the dumping ground. We the farmers have not been given a chance to produce and when you produce so many taxes in form of sales you know, name it. And then no market at all. So at the end of the day my child has to go to school, I need health services, and need what and what. So when you find me tomorrow picking (inaudible) somewhere else the police is with me taking me to the court.

**Com. Maranga:** Thank you very much.

**Koki:** Thank you Sir.

**Com. Maranga:** One thing I must tell you is that I think the Kenyans are not serious with themselves. Even when things are being done, they take it for granted until they start affecting them. Thank you. Dakika moja moja. Kuja hapa. Just come quickly. I said I was winding up. Na huyu mzee ndiye wa mwisho sasa. Mzee songa hapa. Wewe ndiyo utakuwa wa mwisho. Uwe very brief.

**Vincent Itebete:** Asante sana. Thank you very much Commissioners, I would like to (interjection)

**Com. Maranga:** Jina?

**Vincent Itebete:** Vincent Itebete is my name. I would like to talk about retirement age for public servants or civil servants for that matter and especially so with the chiefs. I would recommend that the chiefs are given retirement age up to 60 years just like the judges the magistrates would do, because they are playing a very crucial role in the society.

(Interjection)

**Com. Maranga:** Judges don't retire at 60, they retire at 74.

**Vincent Itebete:** I know yes. I was giving that as...

**Com. Maranga:** But you said judges and magistrates?

**Vincent Itebete:** Well I want to put chiefs at 60.

**Com. Maranga:** If you want to change it now let us know.

**Vincent Itebete:** I am putting it at 60. Because wanafanya kazi ambayo inatakikana watu wana wisdom May be the entry age could be 35.

2. I want to talk about freedom of worship. There are very many religious sects in the country and the sects are confusing the masses. We would like the Government to kind of waone kwamba mambo ya dini watu wasiwe na dini nyingi kwa sababu nyingi zimekuja mambo ya biashara n.k.

3. Too much interference, political interference, in professional matters. Kwa mfano tunaweza kuwa na industry mahali fulani because of what is found in that locality. Lakini siasa inaingia wanapata industry hiyo imepelekea mahali for political reasons. Hiyo ina defeat feasibility studies ambazo zimefanywa by professionals so that the industries are there, and you find them being taken elsewhere for political reasons. That is what I mean by political interference. Asante sana.

**Com. Maranga:** Thank you very much. Sign. Mzee. Very brief sema majina.

**Mzee:** I am Ronald Adugu?? Sorry to come back...

(interjection)

**Com. Maranga:** Umeongea tena?

**Mzee:** Yes.

**Com. Maranga:** Kama ni mara ya pili hapana. No, No, Thank you very much. Sasa kwa niaba ya Tume ya kurekebisha Katiba, mimi ningetaka kusema asante sana. Sisi tumesema asanteni kwa watu wa Shinyalu, hiki ndicho kikao cha mwisho kwa hii Constituency ya Shinyalu. Kwa hivyo yale pengine ambayo mmeyasema mtayosoma kwa report yenu ambayo itakuwa

